

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



# **Licensing Committee**

## **Agenda**

**Tuesday, 4th August, 2020  
at 10.00 am**

Meeting to be held on Zoom and available for the public to view on WestNorfolkBC on You Tube



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

Monday, 27 July 2020

Dear Member

**Licensing Committee**

You are invited to attend a meeting of the above-mentioned Sub Committee which will be held on **Tuesday, 4th August, 2020 at 10.00 am** in the **Remote Meeting on Zoom and available for the public to view on WestNorfolkBC on You Tube - Zoom and You Tube** 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 Chair 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 an application for What a Hoot, King's Lynn**

- a) **Procedure which will be followed at the Hearing (Pages 4 - 6)**

b) **Report of the Licensing Officer** (Pages 7 - 97)

To:

**Licensing Committee:**Councillors S Sandell (Chair), D Tyler and D Whitby

**Officers:**

Marie Malt – Senior Licensing Officer  
Hema Patel – Legal Advisor

Agenda Item 4a  
**Procedure for Determining Licensing Act 2003 Cases**

*The hearing will be held in public. However, the Borough Council may exclude the public from all or part of a hearing where it considers that the public interest in so doing outweighs the public interest in the hearing, or that part of the hearing, taking place in public. The hearing is not adversarial but an examination of the facts by the Members of the Committee. All participants must be courteous at all times. All parties will be given equal maximum time which is normally 15 minutes each, in total. Any person may apply for longer time if they immediately notify the Borough Council upon receipt of the Notice of the Hearing and in exceptional circumstances, the Borough Council may extend the maximum time allowed to all parties if the complexity of the application demands. In the event that there are a large number of objections to a particular application, the Borough Council may ask an appropriate number of representatives or a single representative to put forward their views.*

### **Introductions**

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

**This Sub-Committee is sitting to consider matters under the Licensing Act 2003.**

2. The **Chairman** will introduce himself and the Members of the Committee.
3. The **Chairman** will then introduce and explain the respective roles of
  - (i) the Democratic Services Officer
  - (ii) the Licensing Officer
  - (iii) the Legal Advisor to the Committee
4. The **Chairman** should invite all those present to introduce themselves and ask them to indicate if they wish to speak during the hearing. (Only those persons who have made representations may address the Sub-Committee)
5. Each party will be asked by the **Chairman** whether 15 minutes is sufficient for the presentation of his/her/body's case. (Agreement on the length of time given for each speaker is at the discretion on the Chairman).
6. Please note at any time during the hearing the Legal Advisor or the Licensing Officer may be asked or may offer advice to the Sub-Committee/other parties or ask questions of any party.

### **The Application for a Premises License**

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

### **The Applicant's Case**

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

## **Questions**

11. Once the Applicant has presented their case, the **Chairman** invites questions to the Applicant or his representative from

- (i) The Licensing Officer
- (ii) The Responsible Authorities (or their representative)
- (iii) Other persons (or their representatives)
- (iv) Members of the Committee.

12. The **Chairman** will invite questions to the witnesses (if present) from the

- (i) The Licensing Officer
- (ii) The Responsible Authorities (or their representative)
- (iii) Other persons (or their representative)
- (iv) Members of the Committee

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

## **The Responsible Authorities Case**

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

## **Questions**

14. Once the Responsible Authorities has presented their case, the **Chairman** invites questions to the Responsible Authorities (or their representative) from the

- (i) The Licensing Officer
- (ii) The applicant (or their representative)
- (iii) Other persons (or their representatives)
- (iv) Members of the Committee.

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

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

## **Other Persons Case(s)**

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

This will operate as follows:

- each party will present his/her/body's case
- each party's witnesses (if any) will give evidence in support of the party's case

- firstly, each party and, secondly, their witnesses may be questioned by other parties, prior to questioning by Members of the Committee.
17. The Licensing Officer, 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 Officer to sum up his case.
19. The **Chairman** then invites the Responsible Authorities and other parties (or their representative) to sum up their case.
20. The **Chairman** then invites the applicant (or their representative) to sum up their case.

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

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

### **NOTE**

A decision may be deferred to:-

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

# Borough Council of King's Lynn & West Norfolk

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

**Date of Hearing: 4<sup>th</sup> August 2020**

### **Application for Grant of a Premises Licence**

- WhataHoot, 7A King Street, King's Lynn, Norfolk, PE30 1ET
- Applicant – WhataHoot 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. WhataHoot Limited has made an application under Section 17 of the Act for the licensable activities of 'sale of alcohol by retail' and 'recorded music'. A copy of the application is attached at Appendix 1 and if granted with the additional conditions agreed by the applicant, would allow the premises to operate as follows:

<u>Licensable Activity</u>	<u>Days</u>	<u>Times</u>
<b>Sale of Alcohol by Retail</b> On the premises	Monday to Saturday  Sundays & Bank/Public Holidays	9am – 10pm  10am – 7pm
<b>Sale of Alcohol by Retail</b> Off the premises	Monday to Saturday  Sundays & Bank/Public Holidays	9am – 11pm  10am – 10pm
The premises must not be open to, nor offer the sale of alcohol to any persons present other than those with pre-booked gin or cocktail experiences, distillery tours or masterclasses.	Monday to Saturday  Sundays & Bank/Public Holidays	5.30pm – 11pm  4pm – 8pm

## **Mandatory Conditions**

4. The Act provides for the following seven mandatory conditions to be attached to all premises licences authorising the sale of alcohol for consumption on and off the premises:-

- (a) 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.
- (b) Under Section 19(3) of the Licensing Act 2003 every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
- (c) 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:
  - I. 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);
  - II. 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;
  - III. 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;
  - IV. 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;
  - V. 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).
- (d) The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

- (e) 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.
- (f) 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:
- I. beer or cider: ½ pint;
  - II. gin, rum, vodka or whisky: 25ml or 35ml; and
  - III. 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.

- (g) 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. 'Valued 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.

#### **Conditions Consistent with the Operating Schedule (Proposed Conditions)**

5. The following conditions have been identified from the operating schedule (paragraph 'M' on the application) or agreed/offered following consultation with the applicant.

- (a) Within 28 days from the start date of the licence, a detailed noise management plan shall be submitted to and agreed by the Community Safety and Neighbourhood Nuisance Team at the Borough Council of King's Lynn and West Norfolk and shall be implemented as approved thereafter. This must include details of how you intend to monitor and control noise emanating from the premises, including regular outdoor checks, staff training, use of CCTV, the closing of windows and doors where necessary and any other measures needed to limit the impact of noise for neighbouring premises.
- (b) Within 28 days from the start date of the licence, a detailed noise management plan shall be submitted to and agreed by the Community Safety and Neighbourhood Nuisance Team at the Borough Council of King's Lynn and West Norfolk and shall be implemented as approved thereafter. This must include details of how you intend to monitor and control noise emanating from the premises, including regular outdoor checks, staff training, use of CCTV, the closing of windows and doors where necessary and any other measures needed to limit the impact of noise for neighbouring premises.
- (c) The licensee shall take appropriate steps to ensure that the customers entering and leaving the premises do so in a quiet and orderly manner.
- (d) All windows on the first floor south façade shall be closed during any period in which the first floor of the premises is open to or being used by members of the public (non staff) for the sale of alcohol on and off the premises.
- (e) No recorded or live music performances at any time other than the playing of background music ancillary to the primary function of the premises (e.g. retail and gin/cocktail experiences).
- (f) The first floor of the premises shall have a limited capacity of 24 customers at any one time (non-staff).
- (g) The sale of alcohol for consumption on the premises shall be limited to the following times:

Monday to Saturday 09:00 to 22:00  
Sundays and Bank/Public Holidays 10:00 to 19:00

- (h) The sale of alcohol for consumption off the premises shall be limited to the following times:

Monday to Saturday 09:00 to 23:00  
Sundays and Bank/Public Holidays 10:00 to 20:00

(Note that the extra hour relates to the sale of alcohol for patrons attending experience/workshops only and the retail opening hours are

still bound by the times given as part of the planning permission. These timings should also allow for online sales from the premises).

- (i) The premises must not be open to, nor offer the sale of alcohol to any persons present other than those with pre-booked gin or cocktail experiences, distillery tours and masterclasses between the hours of:
  - 17:30 to 23:00 Monday to Saturday
  - 16:00 to 20:00 Sundays and Bank/Public Holidays
- (j) No refuse or glass collections relating to the sale of alcohol shall be made at the premises before 8.00hrs or after 18.00hrs Monday to Sunday.
- (k) The retail sale of alcohol must be made in sealed containers only.
- (l) Alcohol sale and consumption is restricted to the internal area of the building only.
- (m) Customers will be discouraged from gathering outside of the building at all times.
- (n) The premises licence holder must ensure that the access road is kept clear of any obstructions that are present in connection to their business at all times.
- (o) No new ventilation or extract terminals must pass through the wall that abuts onto the garden of 5 King Street, or through the slope of the roof that faces the same garden.
- (p) Whilst at the premises, children must be assisted by an appropriate adult at all times.
- (q) A digital CCTV system shall be maintained at the premises covering all public areas 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.
- (r) The licence holder shall maintain records of all refusals of the sale of alcohol and other incidents that may occur at the premises in a book that will be kept for that purpose. The refusals / incident book will be produced for inspection upon reasonable request from representatives of the Police or the Licensing Authority.

## **Representation from Responsible Authorities**

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

6. There are no representations from any of the ‘responsible authority’ to consider. Namely:

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

## **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.*

7. There are thirty seven representations from ‘other persons’ to consider. Of those representations, twenty one are objections to the application and sixteen are supporting the application. Copies of these representations are attached to this report at Appendix 2.

## **Notices**

8. 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 ‘Your Local’ on Friday the 3<sup>rd</sup> July 2020 and should have been displayed on the premises up to and including the 23<sup>rd</sup> July 2020.

9. 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**

10. A plan showing the layout of the premises is attached at Appendix 3 and a location plan is attached at Appendix 4 showing the approximate location of the nearby objectors in relation to the premises.

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

11. The current Statement of Licensing Policy under the Act was approved by full Council on the 26<sup>th</sup> November 2015. The following extracts may be relevant to this application and assist the 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.

#### **4.0 Cumulative Impact**

- 4.1 There can be confusion about the difference between “need” and the “cumulative impact” of premises on the licensing objectives, for example, on crime and disorder. “Need” concerns the commercial demand for another pub or restaurant or hotel. This is not a matter for the licensing authority in discharging its licensing functions or for its statement of licensing policy. “Need” is a matter for the market.
- 4.2 “Cumulative impact” is not mentioned in the 2003 Act. The guidance issued under Section 182 describes it as the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area. For instance, the potential impact on

crime and disorder or public nuisance in a town centre of a large concentration of licensed premises in that area.

#### **5.0 Licensing Hours**

- 5.1 With regard to licensing hours, due consideration 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.

#### **10.0 Prevention of Public Nuisance**

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

#### **14.0 Planning & Building Control**

- 14.1 Planning, Building Control and licensing are separated and consider different (albeit related) matters. For instance, licensing considers public nuisance whereas planning considers amenity. As such licensing applications will not be a re-run of the planning application and will not cut across decisions taken by the planning committee or following appeals against decisions taken by that committee. Licensing Committees are not bound by decisions made by a planning committee, and vice versa.
- 14.2 Applications for premises licences should normally be from businesses with planning consent for the property concerned. However, applications for licences may be made before any relevant planning permission is sought or granted by the planning authority.
- 14.3 The granting by the licensing committee of any variation of a licence which involves a material alteration to a building would not relieve the applicant of the need to apply for planning permission or building control where appropriate.
- 14.4 There may be circumstances when as a condition of planning permission a terminal hour has been set for the use of premises for commercial purposes. Where these hours are different to licensing hours, the applicant must observe the earlier closing time. Premises operating in breach of their planning permission could be liable to enforcement action under planning laws.

## **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 April 2017 and offers advice to Licensing authorities on the discharge of their functions under the Act.*

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

### **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**

2.15 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.

- 2.16 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.
- 2.17 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.
- 2.18 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.
- 2.19 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 Measures to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.

2.21 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.

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

9.4 A representation is "relevant" if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. For example, a representation from a local businessperson about the commercial damage caused by competition from new licensed premises would not be relevant. On the other hand, a representation by a businessperson that nuisance caused by new premises would deter customers from entering the local area, and the steps proposed by the applicant to prevent that nuisance were inadequate, would be relevant. In other words, representations should relate to the impact of licensable activities carried on from premises on the objectives. For representations in relation to variations to be relevant, they should be confined to the subject matter of the variation. There is no requirement for a responsible authority or other person to produce a recorded history of problems at premises to support their representations, and in fact this would not be possible for new premises.

- 9.5 It is for the licensing authority to determine whether a representation (other than a representation from responsible authority) is frivolous or vexatious on the basis of what might ordinarily be considered to be vexatious or frivolous. A representation may be considered to be vexatious if it appears to be intended to cause aggravation or annoyance, whether to a competitor or other person, without reasonable cause or justification. Vexatious circumstances may arise because of disputes between rival businesses and local knowledge will therefore be invaluable in considering such matters. Licensing authorities can consider the main effect of the representation, and whether any inconvenience or expense caused by it could reasonably be considered to be proportionate.
- 9.6 Frivolous representations would be essentially categorised by a lack of seriousness. Frivolous representations would concern issues which, at most, are minor and in relation to which no remedial steps would be warranted or proportionate.
- 9.7 Any person who is aggrieved by a rejection of their representations on either of these grounds may lodge a complaint through the local authority's corporate complaints procedure. A person may also challenge the authority's decision by way of judicial review.
- 9.8 Licensing authorities should not take decisions about whether representations are frivolous, vexatious or relevant to the licensing objectives on the basis of any political judgement. This may be difficult for councillors who receive complaints from residents within their own wards. If consideration is not to be delegated, contrary to the recommendation in this Guidance, an assessment should be prepared by officials for consideration by the sub-committee before any decision is taken that necessitates a hearing. Any councillor who considers that their own interests are such that they are unable to consider the matter independently should disqualify themselves.
- 9.9 It is recommended that, in borderline cases, the benefit of the doubt about any aspect of a representation should be given to the person making that representation. The subsequent hearing would then provide an opportunity for the person or body making the representation to amplify and clarify it.
- 9.26 Disclosure of personal details of persons making representations**
- Where a notice of a hearing is given to an applicant, the licensing authority is required under the Licensing Act 2003 (Hearings) Regulations 2005 to provide the applicant with copies of the relevant representations that have been made.

### **Hearings**

- 9.33 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.

- 9.37 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.
- 9.38 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.
- 9.39 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.
- 9.40 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**

- 9.42 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.

- 9.43 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.
- 9.44 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

#### **Proposed conditions**

- 10.4 The conditions that are appropriate for the promotion of the licensing objectives should emerge initially from the risk assessment carried out by a prospective licence or certificate holder, which they should carry out before making their application for a premises licence or club premises certificate. This would be translated into the steps recorded in the operating schedule or club operating schedule, which must also set out the proposed hours during which licensable activities will be conducted and any other hours during which the premises will be open to the public.
- 10.5 It is not acceptable for licensing authorities to simply replicate the wording from an applicant's operating schedule. A condition should be interpreted in accordance with the applicant's intention.

#### **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.

#### **The need for licensed premises**

14.19 There can be confusion about the difference between the “need” for premises and the “cumulative impact” of premises on the licensing objectives, for example, on crime and disorder. “Need” concerns the commercial demand for another pub or restaurant or hotel and is a matter for the planning authority and for the market. This is not a matter for a licensing authority in discharging its licensing functions or for its statement of licensing policy.

### **Determination**

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

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

14. The Sub-Committee are reminded that full reasons for 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.

### **Marie Malt**

Senior Licensing Officer  
Environment & Planning  
25<sup>th</sup> July 2020

#### **Appendices:**

1. Copy of Application
2. Copies of letters of Representations from ‘other persons’

3. Premises Plan
4. 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 (April 2018)

**Your ref no: Form ref:**  
JTWVDHZD

**Page:** Coversheet

**Form title:** Apply for a new premises licence or a full variation  
Appendix 1 to  
Report to Licensing Sub-Committee  
Re: WhataHoot, 7A King Street  
Dated 25th July 2020

<b>This form was started at:</b>	25/06/2020 17:32:11
<b>This form was completed at:</b>	25/06/2020 18:09:41
<b>Internal form classification:</b>	N / A
<b>Openprocess state:</b>	

**Your ref no: Form ref:**  
JTWVDHZD

**Form title:** Apply for a new premises licence or a full variation

**Page:** Tell us who you are

**You can only vary a premises licence if you are the premises licence holder, solicitor or other duly authorised agent.**

<b>Are you completing this form on behalf of the applicant?</b>	No - I am the applicant
<b>In what capacity is the applicant applying for a premises licence?</b>	As a limited company
<b>Please confirm the following:</b>	The applicant is making the application pursuant to a statutory function

**Your ref no: Form ref:**  
JTWVDHZD

**Form title:** Apply for a new premises licence or a full variation

**Page:** Tell us about the other applicants

**If you are a limited company, the address provided must match the record on Companies House**

<b>Name</b>	WhataHoot Ltd
<b>Address line 1</b>	St Ann's House
<b>Address line 2</b>	18 St. Ann's Street
<b>Address line 3</b>	King's Lynn
<b>Address line 4</b>	Norfolk
<b>Postcode</b>	PE30 1LT
<b>Daytime telephone number</b>	
<b>Email address</b>	
<b>Registered number, if applicable</b>	

**Page:** Tell us about the premises

**A licence is not required between 08.00 and 23.00 on any day, with no limit on audience size for:**

- any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
- any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
- any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
- any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

What are you applying for?	apply for a new premises licence
----------------------------	----------------------------------

**Section: Apply for a new premises licence**

Name of premises or business	WhataHoot Ltd
Address line 1	7a King Street
Address line 2	Kings Lynn
Address line 3	Norfolk
Address line 4	
Postcode	PE30 1ET

Telephone number at the premises

Please give a brief description of the premises

When do you want the premises licence to start?  
(dd/mm/yyyy)

13/07/2020

If you wish the licence to be valid only for a limited period, when do you want it to end? (dd/mm/yyyy)

What is the non-domestic rateable value (NDRV) of the premises?	£4,301 - £33,000
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If you're unsure of the non-domestic rateable value you can double check this on the [GOV.UK](#) website. If the premises hasn't been set a non-domestic rateable value by the valuation office, then please select the lowest band.

How many people are expected to attend the premises at any one time?	4,999 or less
--	---------------

If you have 30,000 or more people attending at any one time, you will need to contact us.

## What you will need to pay

The application fee for a non-rateable value between £4,301 - £33,000 is:

**£190.00**

## Annual payments

**Each premises licence we grant will need to pay an annual fee. We will invoice you annually on the date when the first licence was issued.**

Where do you want your annual invoice sent to? Premises address

**Page:** Tell us which licensable activities

<b>Will you be providing plays at the premises?</b>	No
<b>Will you be providing films at the premises?</b>	No
<b>Will you be providing indoor sporting events at the premises?</b>	No
<b>Will you be providing boxing or wrestling entertainment at the premises?</b>	No
<b>Will you be providing live music at the premises?</b>	No
<b>Will you be providing recorded music at the premises?</b>	Yes

**A licence is not required for:**

- any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
- any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
- any playing of recorded music between 08.00 and 23.00 on any day, at the nonresidential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

<b>Will you be providing performances of dance at the premises?</b>	No
<b>Will you be providing anything of a similar description to live music, recorded music or performances of dance at the premises?</b>	No
<b>Will you be providing late night refreshment at the premises?</b>	Yes

**Late night refreshment is only licensable between the hours of 11pm and 5am.**

<b>Will you be selling or supplying alcohol at the premises?</b>	Yes
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**Your ref no: Form ref:**  
JTWVDHZD

**Form title:** Apply for a new premises licence or a full variation

**Page:** Provision of recorded music

Please make sure you provide the timings in a 24 hour clock, for example, 16:00 and only provide details for the days of the week when you intend the premises to be used for the activity.

**Section: Monday**

<b>Start time</b>	09:00
<b>End time</b>	23:00

**Section: Tuesday**

<b>Start time</b>	09:00
<b>End time</b>	23:00

**Section: Wednesday**

<b>Start time</b>	09:00
<b>End time</b>	23:00

**Section: Thursday**

<b>Start time</b>	09:00
<b>End time</b>	23:00

**Section: Friday**

<b>Start time</b>	09:00
<b>End time</b>	23:00

**Section: Saturday**

<b>Start time</b>	09:00
<b>End time</b>	23:00

**Section: Sunday**

<b>Start time</b>	10:00
<b>End time</b>	16:00

**Will the provision of the recorded music take place indoors, outdoors or both?**

Indoors

**Please provide further details here**

Background music to be played upstairs and in the shop/production areas

**Please state any seasonal variations for the provision of recorded music**

**Where you intend to use the premises for the provision of recorded music at different times to**

No

**those listed above, please specify below:**

**Your ref no: Form ref:**  
JTWVDHZD

**Form title:** Apply for a new premises licence or a full variation

**Page:** Provision of late night refreshment

**Please make sure you provide the timings in a 24 hour clock, for example, 16:00 and only provide details for the days of the week when you intend the premises to be used for the activity.**

**Section: Monday**

<b>Start time</b>	18:00
<b>End time</b>	23:00

**Section: Tuesday**

<b>Start time</b>	18:00
<b>End time</b>	23:00

**Section: Wednesday**

<b>Start time</b>	18:00
<b>End time</b>	23:00

**Section: Thursday**

<b>Start time</b>	18:00
<b>End time</b>	23:00

**Section: Friday**

<b>Start time</b>	18:00
<b>End time</b>	23:00

**Section: Saturday**

<b>Start time</b>	18:00
<b>End time</b>	23:00

**Section: Sunday**

<b>Start time</b>	18:00
<b>End time</b>	23:00

**Will the provision of late night refreshments take place indoors, outdoors or both?**

Indoors

**Please provide further details here**

Serving of alcoholic beverages during experience workshops

**Please state any seasonal variations for the provision of late night refreshment**

**Where you intend to use the premises for the provision of late night refreshment at different times to those listed above, please specify below:**



**Your ref no: Form ref:**  
JTWVDHZD

**Form title:** Apply for a new premises licence or a full variation

**Page:** Provision of alcohol

Please make sure you provide the timings in a 24 hour clock, for example, 16:00 and only provide details for the days of the week when you intend the premises to be used for the activity.

**Section: Monday**

<b>Start time</b>	09:00
<b>End time</b>	23:00

**Section: Tuesday**

<b>Start time</b>	09:00
<b>End time</b>	23:00

**Section: Wednesday**

<b>Start time</b>	09:00
<b>End time</b>	23:00

**Section: Thursday**

<b>Start time</b>	09:00
<b>End time</b>	23:00

**Section: Friday**

<b>Start time</b>	09:00
<b>End time</b>	23:00

**Section: Saturday**

<b>Start</b>	09:00
<b>End time</b>	23:00

**Section: Sunday**

<b>Start time</b>	10:00
<b>End time</b>	23:00

**Will the provision of alcohol take place on the premises, off the premises or both?**

on the premises

**Please state any seasonal variations for the provision of alcohol**

**Where you intend to use the premises for the provision of alcohol at different times to those listed above, please specify below:**

**Your ref no: Form ref:**  
JTWVDHZD

**Form title:** Apply for a new premises licence or a full variation

**Page:** Tell us about the Designated Premises Supervisor (DPS)

<b>Is this an application for a commercial premises licence requiring a DPS for alcohol sales?</b>	Yes
<b>Are you the proposed Designated Premises Supervisor (DPS)?</b>	Yes

**Section:** Please tell us more about yourself

**Please tell us your date of birth (dd/mm/yyyy)**

**Please tell us your nationality**

**Do you currently hold a personal licence?**

**Personal licence number**

**Personal licence issuing authority**

--	--

**Page:** Tell us the premises opening hours

**Please tell us the hours the premises are open to the public. Please make sure you provide the timings in a 24 hour clock, for example, 16:00 and only provide details for the days of the week when you intend the premises to be used for the activities.**

Where the 'on sale of alcohol' is present, you may wish to consider drinking up time, for example, alcohol sales end at 23:00, premises open until 23:30.

**Section: Monday**

<b>Start time</b>	09:00
<b>End time</b>	23:00

**Section: Tuesday**

<b>Start time</b>	09:00
<b>End time</b>	23:00

**Section: Wednesday**

<b>Start time</b>	09:00
<b>End time</b>	23:00

**Section: Thursday**

<b>Start time</b>	09:00
<b>End time</b>	23:00

**Section: Friday**

<b>Start time</b>	09:00
<b>End time</b>	23:00

**Section: Saturday**

<b>Start time</b>	09:00
<b>End time</b>	23:00

**Section: Sunday**

<b>Start time</b>	10:00
<b>End time</b>	23:00

**Please tell us about any seasonal variations**

**Please tell us where you intend to use the premises at different times to those listed above, please specify below:**

**Page:** Tell us about the operating schedule

<b>Please highlight any services, activities, entertainment or matters ancillary to the use of the premises that may give rise to concern in respect to children</b>	There will be a retail shop selling alcoholic beverages
--	---

**Please describe the steps you intend to take to promote the four licensing objectives:**

<b>General - List here the steps you will take to promote all four of the licensing objectives</b>	Security display cabinets will house the main spirit products - no one will be able to take spirit drinks from any shelf without asking. There will be someone present in the shop whenever the door chime is sounded, indicating entrance.
<b>The prevention of crime and disorder</b>	Display units will have biometric access to prevent opening spirit display cupboards. CCTV has been installed in the shop
<b>Public safety</b>	A health and safety company has been appointed to ensure the public are safe. Doors into the production areas will be locked or accessible via biometric access. CCTV has been installed in all rooms. No one will be left unattended.
<b>The prevention of public nuisance</b>	Signs will be placed inside the exit door, requesting the public to be quiet upon leaving the building. Background music will be played quietly.
<b>The protection of children from harm</b>	Doors into production areas will be locked. Relevant health and safety signs will be installed warning of hot surfaces (especially around the distilling equipment). No children will be allowed in the premises without an adult.

**Your ref no: Form ref:**  
JTWVDHZD

**Form title:** Apply for a new premises licence or a full variation

**Page:** Documents checklist - applying for a premises licence

**You must tick the following statements to confirm you've understood them:**

Checklist	
	<ul style="list-style-type: none"><li><input checked="" type="checkbox"/> I understand that I must advertise the application both in the newspaper (within 10 working days) and on the premises (the day after the application is accepted). The Borough Council will send the notice once the application is accepted</li><li><input checked="" type="checkbox"/> I will send a copy of the advert once it has appeared in the newspaper - do not advertise until accepted</li><li><input checked="" type="checkbox"/> I understand that if I do not comply with the above requirements my application may be rejected</li><li><input checked="" type="checkbox"/> The DPS named in this application is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate</li></ul>

**As part of this application, you need to provide the following information:**

You can use the following upload facility to provide a copy of the set to **scale plans** for the premises:

**Uploaded files\***

[7a King Street - Distillery Layout.pdf](#)

\* If empty, no files were uploaded

You can use the following upload facility to provide a **DPS consent form** completed by the proposed premises supervisor:

**Uploaded files\***

[Dps\\_25062020180544.PDF](#)

\* If empty, no files were uploaded

You can use the following upload facility to provide documents demonstrating your **right to work** in the UK:

**Uploaded files\***

\* If empty, no files were uploaded

**Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), you'll need to provide the 9-digit 'share code' provided to the applicant for that service.**

<b>How many share codes do you need to tell us about?</b>	
	<b>Any further information</b>

**Your ref no: Form ref:**  
JTWVDHZD

**Form title:** Apply for a new premises licence or a full variation

**Page:** Payment summary

Application fee for RV 4301 to 33000	<b>£190.00</b>
Total	<b>£190.00</b>

**Page:** Declaration and payment

## Review your answers

Before clicking 'submit' you must review all of the answers you've provided. **Once your form has been submitted, you cannot make any changes.** If you need to make any amendments to this form, then click 'previous' (you will need to click the declaration box first). Please click on the following link to double check your answers.

[Open a read only view of the answers you have given \(this will open in a new window\)](#)

## Privacy notice

The Council has a duty to process and store your personal information safely and securely in line with data protection legislation, which here means the General Data Protection Regulations (Regulation (EC) 2016/679 which is in force from 25 May 2018) (GDPR) and any national implementing laws, regulations and secondary legislation, as amended or updated from time to time, in the UK and then any successor legislation to the GDPR.

The Borough Council of King's Lynn and West Norfolk (the Council), of Kings Court, Chapel Street, King's Lynn, Norfolk, PE30 1EX is the data controller for the purposes of the GDPR and associated domestic law.

We will use your personal information for the purposes of the provision of the licensing services. The processing of this information is necessary for the Council to undertake a public task, i.e. the processing is necessary for the Council to perform a task in the public interest or for its official functions, and the task or function has a clear basis in law, in this case the Licensing Act 2003, as amended.

Your data may be shared between Council departments and other agencies where there is lawful authority to do so.

Your information will be kept strictly confidential. It will be stored separately from other information in a secure, password-protected database on the Council's computer system.

Your personal information will be kept for as long as you require a licence and for a period after the service is terminated. You can find more information about our retention policy on the [privacy notice](#) page. We will only use your data within the terms of data protection laws, will delete your data securely and only keep it for as long as necessary. We will review dates for keeping personal data in the future and if necessary update these privacy notices.

You may see copies of the data held about you and ask for it to be corrected or deleted.

You can find more information about Data Protection and the Council's Data Protection Officer, on our [Data Protection](#) page.

If you are unhappy with the way your personal information is being handled you can contact the [Independent Information Commissioner](#).

## Declaration

Please read this declaration carefully before you press submit.

- I certify to the best of my knowledge and belief, the information supplied by me on this form is accurate
- I understand that it is an offence under section 158 of the Licensing Act 2003 to make a false statement in or in connection with this application. Those who make a false statement may be liable on summary conviction to a fine of any amount
- I understand that it is an offence under section 24B of the Immigration Act 1971 for a person to work when they know, or have reasonable cause to believe, that they are disqualified from doing so by reason of their immigration status. Those

who employ an adult without leave or who is subject to conditions as to employment will be liable to a civil penalty under Section 15 of the Immigration, Asylum and Nationality Act 2006 and pursuant to Section 21 of the same Act, will be committing an offence where they do so in the knowledge, or with reasonable cause believe, that the employee is disqualified

- I understand the personal information collected on this form will be used by the Borough Council of King's Lynn and West Norfolk to process my request, and deliver the service
- I understand the personal information will only be disclosed to the Norfolk Constabulary Licensing Team and the Home Office in connection with delivering this service
- I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work related to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK

You can find out more detailed information about our Privacy Policy, on our [privacy notice page](#).

**I confirm that all of the details I have provided are correct and I understand that the information provided on this form is subject to the provisions of the above privacy notice.**

**Once you've completed the declaration, please 'submit' your form. You will then be passed to a secure site to make your payment.**

**Whatahoot, 7A King Street – Other Persons**

**Objections**

No.	Name/s	Address
1	Sonia Garner	
2	Mr Paul Hoskins	
3	Rosemary Goodenough & Michael Waller-Bridge	
4	Mr David Cousins	
5	Lynda Parker	
6	Mr John Marsters	
7	Mr Robert Waters	
8	Dr MJ Brindle	
9	Mr Marcus Curran	
10	Mr Keith Chapman	
11	Mr David Mansfield Thomas	
12	Cllr Francis Bone	
13	Ms Beverley Hazell	
14	Mr & Mrs Bryan Williamson	
15	Avril Large	
16	Sally McIrvine	
17	R.J.S Tilson and Rosemary A Tilson	
18	John and Margaret Sutcliffe	
19	Alison Gifford and Paul Richards	
20	Dr R.G.W. Anderson	
21	Mr Julian Litten, Chairman of St Margarets with St Nicholas Ward Forum	

**In support of the application**

No.	Name/s	Address
1	Mr Jeremy Allen	
2	Cllr Paul Kunes	
3	Cllr Brian Long	
4	Mr Michael Baldwin	
5	Mr Alan Taylor	
6	Ms Clare Biggs	
7	Mr Nick Daubney	
8	Mr Dale Newson	
9	Mr Neil Attwell	
10	Mr Martin Noble	
11	Joanne Mace	
12	Tracey Warren	
13	Alice Stratton	
14	Cllr Graham Middleton	
15	Mark Juniper	
16	Wayne Skipper	

[REDACTED]  
**Sent:** 15 July 2020 10:02  
**To:** Marie Malt <[Marie.malt@west-norfolk.gov.uk](mailto:Marie.malt@west-norfolk.gov.uk)>  
**Subject:** Re: Licensing application for Whatahoot

Good morning Marie,

[REDACTED]

In regards to your question, I really don't know if it's wise to serve alcohol at all, as customers could be drinking from very early in the morning all through the day, therefore it could pose a danger of damage to our properties should things get out of hand. As I said, our properties back straight onto their premises and parking area, so it could also become very loud and disruptive.

Kind regards

Sonia Garner

---

**From:** Marie Malt <[Marie.malt@west-norfolk.gov.uk](mailto:Marie.malt@west-norfolk.gov.uk)>  
**Sent:** 15 July 2020 06:21  
[REDACTED] EH Licensing <[EHlicensing@West-Norfolk.gov.uk](mailto:EHlicensing@West-Norfolk.gov.uk)>  
**Cc:** EH Licensing <[EHlicensing@West-Norfolk.gov.uk](mailto:EHlicensing@West-Norfolk.gov.uk)>  
**Subject:** RE: Licensing application for Whatahoot

Dear Sonia,

Re: Application for the Grant of a Premises Licence under the Licensing Act 2003  
- Whatahoot, 7A King King Street, King's Lynn, Norfolk

Receipt of your email objecting to the above application is acknowledged as received.

The Executive Director, Environment & Planning has delegated authority to determine uncontested licence applications. However, on the occasion when objections are received, applications are referred to the Licensing Sub-Committee for consideration unless all parties (applicant, objector(s) and Council) agree that a hearing is unnecessary.

Should a hearing take place, you will be invited to attend when you will be given an opportunity to present your case or, if you prefer, you can nominate a representative to speak on your behalf. You should be aware that your email of objection will form part of the report which will be given to the members of the Sub-Committee and applicant prior to the hearing. Please provide your address to enable proper consideration of your concerns.

I attach a copy of the 'Guidance Notes for 'Other Parties' Making Representations' which you may find useful. In order for your representation to be considered as relevant it must relate to the likely effect on the grant of the licence on at least one of the four licensing objectives. These four licensing objectives are:

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

The applicant has applied to sell alcohol from 9am until 11pm Monday to Saturdays and 10am until 11pm on Sundays. As you feel that the licensing objectives would be undermined should this licence be granted as applied for, please consider what times you feel alcohol could be sold at the premises and get back to me before 23<sup>rd</sup> July 2020.

Kind regards, Marie

**Marie Malt**

Senior Licensing Officer Cert HELL, MiOL  
Borough Council of King's Lynn & West Norfolk  
Tel: 01553 616200  
E-mail: [marie.malt@west-norfolk.gov.uk](mailto:marie.malt@west-norfolk.gov.uk)

 Please do not print this e-mail unless absolutely necessary - SAVE PAPER!

[REDACTED]

**Sent:** 14 July 2020 21:43  
**To:** EH Licensing <[EHlicensing@West-Norfolk.gov.uk](mailto:EHlicensing@West-Norfolk.gov.uk)>  
**Subject:** Licensing application for Whatahoot

I refer to the above licensing application for Whatahoot Ltd, 7a King Street, King's Lynn.

I would like to express my concerns and put in an objection for the license to serve alcohol.

Our house backs onto their premises and parking, and it concerns me and some of the neighbours that they will be serving until 11pm each day. We are concerned about the noise level and disturbance from their customers.

We were under the impression it was going to be a shop where Gin making classes would be held. We were not informed about the licence to serve alcohol until a neighbour of ours informed us.

Therefore we would like to put in an objection for this licence.

Kind regards

Sonia Garner



Tuesday, July 14th 2020

Environment and Planning - Licensing  
Borough Council of King's Lynn & West Norfolk  
King's Court  
Chapel Street  
King's Lynn  
PE30 1EX

Ref: 20/00902/LA\_PRE

Dear Sir / Madam

I am writing to object to the application for a licence for the sale of alcohol by retail at 7a King Street (ref. 20/00902/LA\_PRE). It is difficult to imagine a more inappropriate setting given the property sits in the heart of a very enclosed, largely residential area and given the multitude of vacant, characterful properties available in nearby commercial zones with much greater footfall. As such it would seem a perverse location, both environmentally and commercially, for licensed premises. For those who are not familiar with the site, it is set well back from King Street down a narrow medieval alley lined with multiple, interconnected properties that are mostly residential.

We would also question the wisdom of allowing the unrestricted consumption of alcohol at a manufacturing site handling hazardous substances governed by UK DSEAR 2002 Regulations. The Health & Safety and Conservation implications must be considerable given the distillery sits in such a built-up residential area and adjoins multiple historically significant (Grade II\* listed), highly combustible buildings. One of the listed buildings immediately adjoining 7a King Street is timber-framed, and as such highly vulnerable. We wish WhataHoot Ltd every success in their endeavours — they are lovely people and their entrepreneurialism is truly admirable — but this is not the place for licensed premises.

To be clear, we are not opposed to having small businesses operating in the area. Indeed, we have been very supportive of the applicants to date. We made no objection to their recent planning application for change of use from a very quiet tax office to a distillery, shop and spirit workshop. We readily allowed their scaffolders and builders onto our property to carry out work. We also permitted their builders to use our scaffolding (now removed) to access the gable end of their building. We have been nothing but supportive.

We gave our support despite certain reservations. Planning permission was granted on the basis that "the proposed use is unlikely to generate activity greater than existing" but the reality is that a gin distillery open to the public late into the evening; offering "gin experiences"; and with a shop attached was always likely to generate considerably more activity than the tax advisory firm previously operating out of the property during normal office hours! As such, those living in surrounding properties can reasonably expect much more disruption than previously, even without the awarding of an alcohol licence. We also had concerns about the wisdom of installing a distillery in the heart of a historic, densely

populated residential area given the well-known fire and explosion risks posed by distilleries.

Until now we have set these concerns to one side, on the basis that we are happy to see business investing in our neighbourhood. We also trust that the council has done suitable health and safety assessments in relation to the increased risk of fire and explosion and insisted on the relevant, mandatory mitigation measures. We are also realists who expect a reasonable amount of buzz and bustle having chosen to live in the town centre.

The latest application for a licence to sell alcohol both on and off premises, without any

[REDACTED]

More broadly, the property in question sits in the heart of a historic, residential enclave in the centre of King's Lynn. Given that many of the other neighbouring streets and lanes are predominantly commercial; and given the abundance of vacant commercial property nearby, it would seem perverse to award an alcohol license to this particular property. The premises are barely 10 metres away from the multiple residents of Trenowath Place; people accessing the property will be walking directly in front of the windows of 7 and 9 King Street; and two other homes (Ouse House and another on Purfleet Quay) are directly to the west of the property. In short, 7a King Street is largely encircled by homes, many of which are in very close proximity or adjoining it. It is difficult to imagine a less appropriate location for a licensed premises.

From a conservation perspective, the property is also sandwiched between three of the most historically important (Grade II\* listed) buildings in King's Lynn in the form of Musgrave House at 5 King Street and the Medieval Merchant's House at 7 and 9 King Street. Number 9 is currently in a state of very poor repair and struggling to find a buyer. The opening of a licensed premises on its doorstep is likely to act as a major deterrent to any future buyers of what is a 6-bedroom home, which must further imperil a truly stunning building of real historic importance. People are unlikely to buy a large family home adjacent to premises with a full alcohol licence that entitles them to open seven days a week until 11 pm and to stage live music events.

I should say at this juncture that we are aware that WhataHoot Ltd requires the license for relatively limited purposes. It wants to be able to sell bottles of gin to people who visit the distillery and to do gin tastings with those participating in one of their gin experiences. We understand they have told neighbours they do not intend to play music and that they think it's unlikely they will open late every night. The problem is that the licence currently has no restrictions attached, meaning local residents are completely unprotected. The business will inevitably evolve in unexpected directions as all businesses do and, as things stand, there would be nothing to prevent them operating a full bar or marketing themselves as a pub, or a gin palace in the future. Early on in the process we received verbal reassurances from WhataHoot Ltd that they intended to install a small still for visitors to distil their own gin and yet it appears they have now relocated all their commercial distilling activities to 7a King Street. They also reassured us early on that they would be offering gin-making experiences and now it seems they want to be able to offer gin-tastings too. As I say, people's plans change despite all the best intentions and in looking after our own interests

we must assume that their plans may change too. If the demand is there, it is difficult to imagine that they would not make the most of the licence to run a full bar and operate late into the evening seven days a week. In addition, the council informs me the license could be transferred to a future owner of the premises for £23.00. At this point all well-meaning verbal reassurances given to us about how they intend to use the licence would become completely worthless.

**We therefore feel compelled to oppose the application on the basis that it will cause unwarranted disruption to local residents who live in very close proximity; threatens to further compromise a nearby historic building that is already at risk (9 King Street); poses an increased fire risk to adjoining historic buildings; will make excessive demands on a private road whose maintenance and use is shared; and raises considerable privacy issues, particularly for the garden at 5 King Street and any future residents of 9 King Street. We also oppose it on Health & Safety Grounds given the potential for drunkenness in a functioning distillery (a place of work that falls under UK DSEAR 2002 Regulations governing Dangerous Substances and Explosive Atmospheres). Furthermore, we oppose it on commercial grounds: very limited footfall makes it an inappropriate location for a licensed premises. We would also point out that a full on- and off-license is simply not necessary for WhataHoot to be able to carry out the business activities outlined in the planning consent awarded as recently as November 2019. A conditional off-licence, limited purely to the sale of WhataHoot gin for consumption off the premises would, for example, still allow them to run the distillery, shop and workshop envisaged in last year's planning application. Gin-making experiences could also still be conducted, although the proprietors would presumably have to accept that tastings could not be part of the experience. In any case, we are not persuaded that the consumption of gin is an essential part of a gin-making experience. These multiple considerations must outweigh any economic benefits from the issuing of a licence, particularly given there are so many other safer, much more suitable locations for licensed premises in the vicinity where residents would not face the risk of continuous, daily disruption late into the evening.**

In the event a license is awarded, we would ask for the following conditions to be attached:

- 1) The licence is awarded solely for the consumption and sale of gin distilled on the premises
- 2) Consumption on the premises is limited to gin tastings as part of ticketed "Gin Experiences" (alcohol not to be sold directly to consumers for on-premises consumption)
- 3) The sale of alcohol for consumption off premises is limited to closed bottles of gin
- 3) No music (live or recorded) is to be played on the premises
- 4) Windows to the premises are to remain closed during opening hours
- 5) External doors to the premises are not to be left / held open during opening hours
- 6) Windows in party walls (such as those looking directly into the garden of 5 King Street) to be fitted with sound-insulating glass. In keeping with the existing ground-floor window, the glass should also be frosted / obscure. This is important to maintain privacy given there will be public areas on both floors. The windows should also be sealed shut so they cannot be opened by members of the public and to minimise noise.
- 7) Off-licence sales only to take place between the hours of 0900 and 1730 on weekdays and Saturdays and 1000 and 1600 on Sundays and Public / Bank Holidays (in line with the planning permission granted in November 2019)
- 8) On-licence consumption (Gin Experiences) to only take place between the hours of 0900 and 2200 on weekdays and Saturdays and between 1000 and 1900 hours on

Sundays and Public / Bank Holidays (also in line with the planning permission awarded in November 2019)

- 9) All alcohol consumed on the premises should be consumed inside the building and customers should be discouraged from gathering outside the building. Repeated incidences of customers gathering outside will be considered a breach of the licence.
- 10) The lane on which 7a King Street sits is a single track, private road needed for access to other properties. It is to be kept clear at all times. Repeated obstructions by customers or delivery vehicles will be considered a breach of the licence.
- 11) No more than 15 customers to be on site at any one time (this should be sufficient to run the envisaged Gin Experiences)
- 12) No ventilation extract terminals should pass through the wall that abuts onto the garden of 5 King Street or through the slope of the roof that faces said garden.
- 13) Sound insulation and fire-proofing should be installed in the party wall abutting 5 King Street and appropriate steps should be taken to ensure no vibrations from any installed equipment can be registered in the adjoining property. The owners of 7b King Street (a vulnerable timber-framed building) may want to make similar provisions as it also abuts 7a King Street and we understand that the two properties have connecting doors.
- 14) All reasonable steps should be taken to mitigate the increased risk of fire and explosion, and in particular the spread of fire to adjoining historic buildings following any ethanol explosion (distilleries are required by law to have explosion protection and isolation measures in place - see UK DSEAR 2002 Regulations)

We appreciate that this is a long list but given we all live in such close proximity on these narrow medieval alleys it is essential that residents have some protection in the event of a licence being awarded. They should also be able to sleep easy knowing there is no risk of unsafe behaviour in a manufacturing facility that falls under Dangerous Substances and Explosive Atmospheres Regulations. Allowing members of the public to drink alcohol in a distillery that's set in a densely populated residential area where the buildings are historically significant and highly combustible seems like a recipe for disaster. A fully-licensed premises containing large volumes of highly-flammable substances is a very, very different proposition to the tax advisory firm that previously occupied this building. Our strong objection should not therefore come as too much of a surprise and I would urge members of the licensing team to visit neighbouring properties so that they can appreciate the full extent of the potential hazards and disruption.

Yours sincerely

Paul Hoskins

To Whom It May Concern

Re: Whatahoot Ltd., 7A King Street, Kings Lynn, Norfolk, PE30 1ET License Application for The Sale of Alcohol by Retail License Number 20/00902/LA\_PRE

strongest possible terms to the granting of an unrestricted License to Whatahoot Ltd. which would enable them to sell alcohol on and off the premises Monday to Saturday 09.00 - 23.00 and Sunday 10.00 - 23.00 as this is a residential area and the disruption to residents could well prove to be considerable.

We have no objection to a Shop being granted a license to sell alcohol in sealed bottles (not therefore measures in glasses) from the premises( but NOT a License to serve any alcohol at all to be drunk either inside or outside the premises) between the hours of 9.30am and 5.30pm Monday to Saturday and on a Sunday from 11.30am to 2.30pm. Certainly no License should be granted for Live Music Events this is a residential area and that would have a major impact.

It is not an appropriate location for fully licensed premises and very stringent conditions should be attached limiting the scope of the license as there is also a very strong Health and Safety issue with regard to the public consumption of alcohol and the risk of fires and explosions at a distillery as a distillery produces highly flammable material and there is no way to prevent smoking outside the premises.

We should have the right to enjoy our home with a reasonable expectation of peace which is already impacted pretty severely by Wetherspoons - there never seems to be any police presence on King Street to deal with very rowdy behaviour after closing time and to have the strong possibility of like behaviour from the other end of King Street too is pretty awful. This is a largely residential area and should be treated as such. The noise from empty bottles being disposed of after closing time weekly or even daily is absolutely appalling and would be terrible for their near neighbours particularly those in Trenowath Place and it could affect us too depending upon the quantity and wind direction.

We had no idea that this application was in process as the Notice is not on King Street but discreetly tucked away in the alley to number 7A!

Whatahoot Ltd may claim they will not be playing live music or even opening to the full extent the License would allow however there would be nothing to stop them doing so in the future and indeed selling it on to someone who wished to make it a full bar which would only cost £23.

Our other concern is Signage - we are not at all enthused by the idea of a Sign on King Street to a Bar.

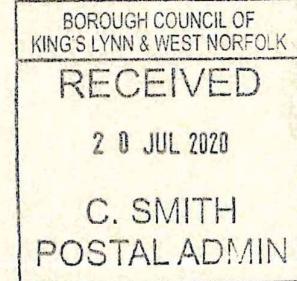
We spoke yesterday morning Tracy (I hope I have spelled your name correctly) and I should be most grateful if you were able to let me know if there have been many objections to the possibility of the License being granted and the scope of the objections.

Many thanks and with best wishes,

Rosemary Goodenough and Michael Waller-Bridge

y  
17<sup>th</sup>. July 2020.

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



Dear Sirs,

Licensing Application Ref - 20/00902/LA.

I was made aware of the above License application yesterday, by one of my neighbours. I must express my deepest concern regarding it.

The whole development is in a building, that back onto a row of cottages in Trenowath Place. Having studied the plans, I note that there appears to be seven openings on the first floor that directly look out onto the rear bedrooms of these cottages only a few metres away.

This development is in "a very quiet area", almost totally residential.

[REDACTED] Trenowath Place, which is an attractive site with 24 residential properties plus 3 further residential properties that have access to its roadway. There are a "very high" number of retired & generally old people amongst its 35 residents, plus, there are a further 6 in the adjoining premises. Among our working residents we have nurses, carers & shift workers, who all appreciate the current quite atmosphere of our site.

**It is inappropriate that a premises, that manufactures alcohol, is allowed to run bars from early in the morning until late at night, throughout the week.**

The amount of noise that this venture will create is not acceptable. How will the clients of business get there? There is almost no parking. My own site is constantly being subjected to "illegal" drivers trying to park their cars, so they can access town, without paying any parking charges.

**I object to the granting of this license in the strongest terms. PLEASE DO NOT ALLOW IT!**

Yours faithfully





RE: NEW PREMISES LICENCE APPLICATION  
WHITWORTON LTD, 7A, KING STREET,  
KING'S LYNN. PE30 1ET

I write to express concern regarding this application. Whilst wishing to support local businesses the original application was for a distillery, shop and workshop. I did have some misgivings about this, from a safety point of view but I assumed more strict regulations to be adhered to as this is primarily a residential area.

52

The news that what ever have applied for a licence to sell the alcohol both on and off the premises rings alarm bells as it is situated in the middle an enclosed area of mostly residential homes.

Pro.

The licence would allow them to sell the alcohol 7 days a week and would also allow them to stage live music events! We who live nearby and in the surrounding area are very concerned about the disruption this could cause and I urge you to consider the residents in this matter please.

If a licence is granted, could it have firm restrictions to prevent misuse now and in the future — solely to offer gin tastings in the shop and sales during daytime hours.

Thank you for taking the time to read my concerns.

Yours

Lynna Parker.

BOROUGH COUNCIL OF  
KING'S LYNN & WEST NORFOLK

RECEIVED

20 JUL 2020

C. SMITH  
POSTAL ADMIN

Tony Mateszter

17 Tony 2020

REF: NEW PREMISES LICENCE  
APPLICATION IN RESPECT OF  
WHATAHOO LTD : 7A KING STREET  
KING'S LYNN, NORFOLK PE30 1ET  
REF No: 20/00902/H-A-PKE.  
Dear Sir/Madam

I am writing my concerns  
about the licence application  
for the WHATAHOO LTD business  
I live at Trenouth Place  
which is very close to premises  
so I do have concerns about the

possible noise level when  
customers leave the premises  
at night

If the licence is granted it  
allows the sale of alcohol until  
23.00 but customers could still  
be leaving around 23.30 as  
happens with other licensed  
premises.

I have spoken to the owner of  
WHATWOOD and he has told  
me there will be no live music  
at the premises, but I am  
concerned this may change in  
the future.

Another concern I have is if  
the business changes or is sold  
or changed into a bar

society, this existing license  
they might change the way  
they run the business  
this could mean myself and my  
neighbours having concerns which  
would need addressing again.  
I urge you please to give the  
nearest residents due consideration.

Yours sincerely



Licencing Department  
Borough Council of King's Lynn and West Norfolk  
Kings Court  
Chapel Street  
King's Lynn  
Norfolk  
PE30 1EX

By email

21 July 2020

Ref: 20/00902/LA\_PRE

Dear Sir,

20/00902/LA\_PRE|New Premises Licence Application|7A King Street King's Lynn Norfolk PE30 1ET

I refer to the above application and wish to confirm my objection.

I understand that, whilst the current operators have outlined limited operations and hours of opening, the Licence application is for extended opening hours – up to 2300 each night. I also understand that the request is for the premises to be licenced for 50 people. This is a residential area, and the premises are small, without the capacity to accommodate 50 people, leading inevitably to drinking in the street.

There is no provision for parking, putting additional pressure on the limited parking on King Street.

In summary;

1. Noise and disruption in residential are unacceptable.
2. Hours of operation allowed by licence unacceptable.
3. No Parking provision.

Finally, should this Licence be granted, there will be nothing to stop the current, or subsequent owners, from operating the Licence to its fullest extent.

Please bring this letter to the attention of the Licensing Committee.

Yours faithfully



Copy by email to;

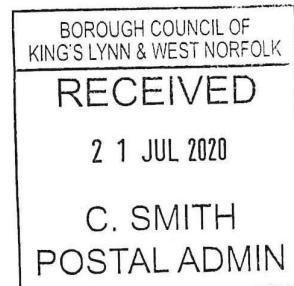
Councillor Bone [cllr.francis.bone@west-norfolk.gov.uk](mailto:cllr.francis.bone@west-norfolk.gov.uk)

Councillor Bambridge [cllr.lesley.bambridge@west-norfolk.gov.uk](mailto:cllr.lesley.bambridge@west-norfolk.gov.uk)

Marie Malt [Marie.malt@west-norfolk.gov.uk](mailto:Marie.malt@west-norfolk.gov.uk)

t:

Environment & Planning – Licensing  
Borough Council of King's Lynn and West Norfolk  
King's Court  
Chapel Street  
King's Lynn PE30 1EX



Dear Sirs,

Licensing Application: WhataHoot Ltd. 7a King Street

Reference 20/00902/LA\_PRE

I am writing to object to the Sale of Alcohol by retail at the above premises. **My grounds for objection are in the interest of prevention of public nuisance.** I understand that the premises are to be used as a distillery, educational experiences, distillery tours, masterclasses, and a retail shop, all of which if responsibly managed within normal retail hours, are perfectly reasonable activities.

Alarm bells start ringing for me when I see WhataHoot Ltd's business plan includes "Venue Hire", which undoubtedly on occasion will entail music, singing and dancing.

I live close by and my garage is on the far side of these premises from my home, necessitating any late arrival home passing the yard where 7A King Street is located. I am fearful that users of 7A , when leaving the premises, will be inclined to cause a public nuisance, disturbance, even vandalism and general antisocial behaviour. This was certainly my experience when I parked my car off Norfolk Street until three years ago.

And what is the impact on the reputation of the town? King Street is a predominantly residential area with some professional and business users. The grant of a license to sell alcohol for 14 hours a day Monday to Saturday and 13 hours on Sundays is incompatible with the neighbourhood.

To quote from **Vision King's Lynn** Summary public consultation, the reason so many people choose to live in the Town Centre is that the historic King's Lynn is '**an attractive place to live, work and visit**', and the Borough Council professes an ambition to '**improve town centre living**'. However the public perception reveals concern..... there appears to be a gap in the eating and drinking offer and especially the night-time economy..... '**this economy shouldn't be purely alcohol-based**'.

And so, the ambition of the Council and wishes of the population are thwarted by the growing number of new licences for the sale of alcohol being granted. And this state of affairs is apparently unstoppable until such time as the conditions of the license are breached. How many licensees are prosecuted for offences under the Licensing Act 2003?

Professor David Nutt, FRCPsych from Imperial College reminds us that up to half the inpatients in orthopaedic wards have an alcohol-related injury; A&E departments are full of people who have been drinking and their treatment delays that needed for other emergencies not caused by self-harm yet their staff are regularly assaulted by drunks. Alcohol is the biggest cause of death for men between 16 and 54 and women are catching up.

I feel I have to make these points, even if the objection is futile. If no one objects, does that make the situation acceptable?

Yours faithfully,



Dr MJ Brindle



Tuesday, July 21st 2020

Environment and Planning - Licensing  
Borough Council of King's Lynn & West Norfolk  
King's Court  
Chapel Street  
King's Lynn  
PE30 1EX

Ref: 20/00902/LA\_PRE

Dear Sir / Madam

I am writing to object to the application for a licence for the sale of alcohol by retail at 7a King Street (ref. 20/00902/LA\_PRE). I would be grateful if you could read this letter in conjunction with, and in addition to, that sent by Paul Hoskins on July 14th. I attach it to the bottom of this correspondence as a sign of my support.



**South wall of 7a  
King Street,  
inset with three  
windows  
(applicant)**



Based on the planning application submitted by WhatAHoot last year, one of the three windows in this photograph sits in their "Gin Experience Area" (presumably where most on-premises alcohol consumption would take place); one of the windows is in the production area (which judging by their application will be open to the public); and the third will be in what is designated as a "meeting room" but could presumably be used for other purposes and need not necessarily

Given the considerable nuisance likely in the event of a licence being awarded, you will understand that we would have to seriously reconsider our commitment to King's Lynn and to investing significant sums of money in restoring this historically important house. We only moved here a year ago and have so far had no reason to do anything other than celebrate our decision. We love it here and see 5 King Street as our forever home.

[REDACTED] It is a historically important Grade II\* listed house in need considerable investment over the next few years. We've already done a huge amount of work restoring and smartening the property's North face but there's a very long way to go. If we must live with a licensed property that is not only on our doorstep, but practically in our laps, we may have to cut our losses and move on. It is also difficult to imagine anybody else

[REDACTED] Few of the original merchant's houses on King Street are complete. Most are offices or have been subdivided into flats. It would be such a shame to imperil one of the few remaining houses that are intact, particularly at a time when few people are likely to be creating new office space either. **As such, I object to the application on public nuisance grounds and on the basis that it poses a threat to the character and heritage of this historically important area. I also object on the grounds of public safety given the awarding of a licence would enable the consumption of alcohol in the explosive atmosphere of a distillery attached to combustible historic buildings.**

We took a big leap of faith when we let the original planning application for 7A's change of use from a tax office to a distillery go through unopposed. Longer opening hours and the lure of alcohol meant greater disruption was inevitable but we had just arrived in King's Lynn and did not want to make a fuss. We also did not want to be nimbies. However, this proposal to turn it into licensed premises is very distressing and more than we can reasonably bear.

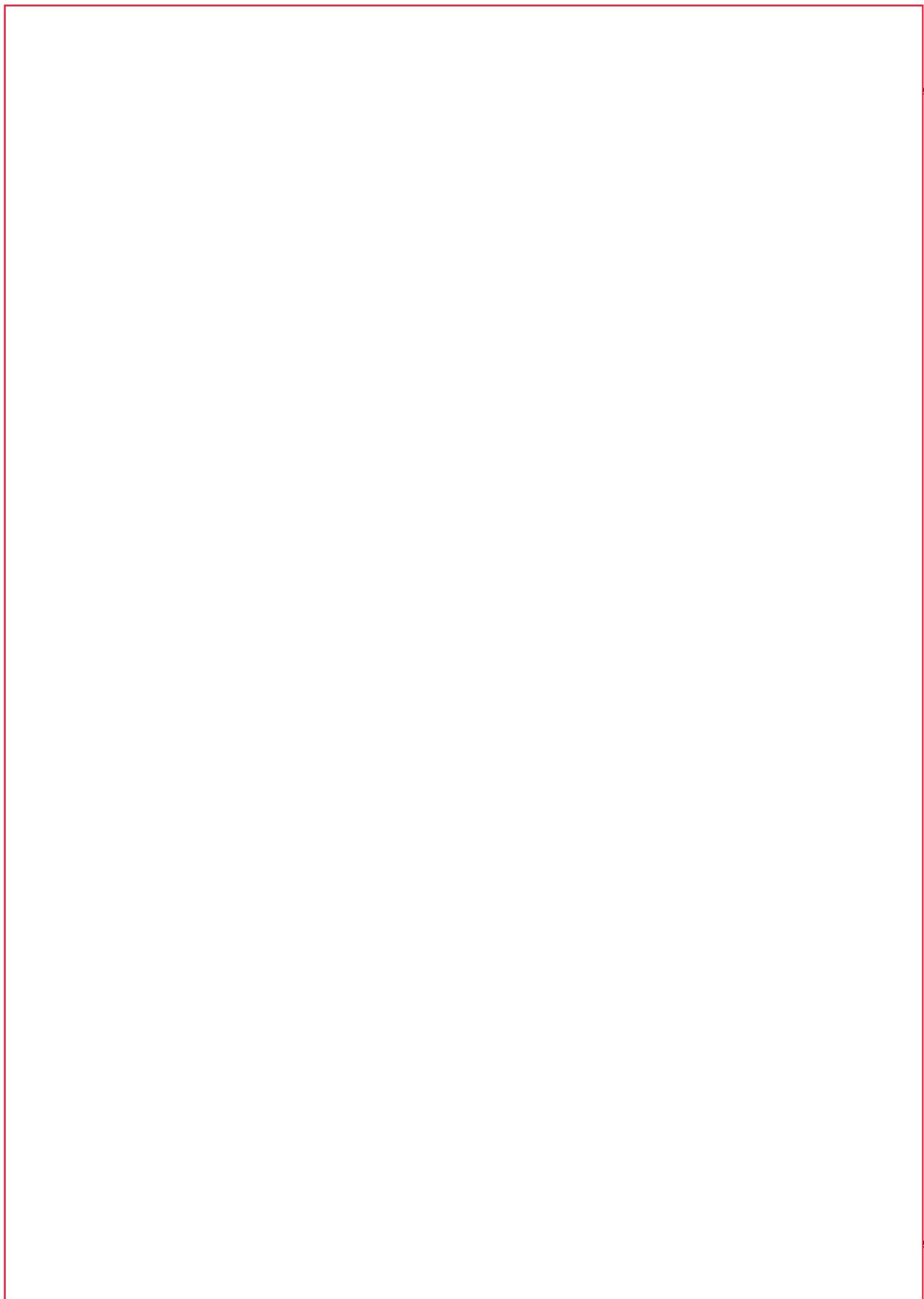
I have had a number of conversations with neighbours. Some oppose the award of any license at all but there does seem to be some consensus that we could support the award of an off-licence with conditions attached (reasonable opening hours for what is a residential area and only for the sale of WhataHoot's own products for example). There seems to be near-unanimous opposition to the granting of an on-licence. The feeling is that a standalone off-licence would be sufficient to allow WhataHoot to fulfil their original planning application to run a distillery, workshop and shop. They could still run the envisaged gin-making experiences too. Presumably there would be nothing to prevent them applying for TENs on an ad-hoc basis when they want to hold tasting or evening events. This seems a reasonable compromise given 7a is in the town centre but encircled by residential properties.

If any councillors or members of the licensing team would like to visit [REDACTED] to get a better sense of the potential for public nuisance, they would be welcome.

Yours sincerely

Marcus Curran









To Whom It may Concern;



New Premises Licence Application Reference: 20/00902/LA\_PRE

Whatahoot Ltd 7A King Street King's Lynn Norfolk PE30 1ET

I wish to object to the application for a premises licence.

The basis for this opposition is that granting a licence for these premises will not promote the licensing objectives.

(a) 7a King Street lies within a mainly residential and high end business area. The area has many historic buildings and is a tourism hotspot. The original application for planning was for a distillery and sales counter, with experience days and educational purposes. Not as a public house or entertainment venue with opportunities to hire. The requested times are not consistent with the intended purpose originally outlined.

(b) The Licensing Objectives.

(i) The prevention of crime and disorder:

In this heavily residential area, I am very concerned at the potential for disorderly behaviour if large numbers of people congregate on in and around the entrance. It should be remembered that the main exit is on to a private roadway/cul de sac with only one exit to King street.

(ii) Public safety: The same concerns apply to this objective as for objective (i)

(iii) The prevention of public nuisance:

The premises face outwards towards residential properties and also back onto residential properties. There must be a real concern that residents will be caused a serious noise nuisance in the later hours of the night from within the buildings and from guests leaving in the late hours.

(iv) The protection of children from harm

This is a particular concern in a residential area. Families for all ages live here and many have young children or visitors such as grandchildren who need to have established sleep patterns, uninterrupted by noise in the small hours, regardless of days of the week, not just school days.

(c) In summary, this application is inappropriate in an essentially residential area where family life is important and in a premises that planning was originally granted on different aims and objectives.

To grant these applications would affront the Licensing Objectives and for this reason I oppose them.

Yours faithfully,

Keith Chapman

[Redacted]  
**Sent:** 22 July 2020 22:12

**To:** EH Licensing <EHlicensing@West-Norfolk.gov.uk>

**Subject:** 20/00902/LA New Premises Licence Application at 7A King St, King's Lynn

Dear Sir/Madam,

We wish to make crystal clear that we applaud & wish to help Whatahoot Gin Distillery.

We regret we are obliged to object to the application for changing the existing retail sale of alcohol license to very considerably extended hours within this very predominantly residential area.

Inevitably, longer & later hours bring more customers, more late night traffic via extremely difficult access through a narrow domestic covered way & inevitably alcohol consumption generates disruption, antisocial behaviour, noise & encourages inconsiderate conduct.

Operating alcohol retail sales - closing at 23.00 hours could not avoid disruption to all private residents - both retired & families with children in this historic quiet oasis, so helpfully close to the heart of King's Lynn.

Distillery use of 7A this fine medieval merchant's warehouse is compatible, as are the aims of more tourists into the town, but this application, which appears to be a 'blanket licence' for extensively more opening hours to sell alcohol, would allow a bar for fifty plus people or a full public house. This significant extension should not be granted at the expense of a residential area, please.

Yours sincerely

David Mansfield Thomas

Trustee Mansfield Thomas Family Trust, owners of 9, 9A & 7B King St, King's Lynn

**From:** Cllr Francis Bone

**Subject:** Re: Whatahoot Ltd., 7A King Street, Kings Lynn, Norfolk, PE30 1ET License Application for The Sale of Alcohol by Retail License Number 20/00902/LA\_P

Dear Paige,

I would like to voice my concerns and those of the residents of King Street with regards to the proposed Gin Distillery at 7A King Street. King's Lynn.

I have had a number of residents raise their concerns that I share with them about this proposal and I would like to object to it's licence being granted, and would like to call it into so I have the opportunity to further raise my objections to the panel. I am all for supporting new businesses but this is completely the wrong location for such a venture. It would be better suited to a town centre location such as Norfolk Street or the High Street that already has existing night time economy venders.

I would like to object to this licence being granted on the grounds of,

1. The premises is to small for a licence for 50 people, which may encourage people into the street. Unacceptable in a residential area.
2. Risk of drinking and anti social behaviour in a residential area.
3. Hours of operation is unacceptable for such a business in a residential area.
4. Noise and disruption in a residential area.
5. Health and safety issues relating to alcohol distillery in a residential area.
6. Possible environmental impacts to a residential area.

I look forward to your response and opportunity to raise the concerns of the residents of King Street. Many thanks.

Kind Regards

Cllr Francis Bone  
St Margaret's with St Nicholas  
07961995705  
07542228997

**From:** Cllr Francis Bone  
**Sent:** 23 July 2020 18:24  
**To:** Marie Malt <Marie.malt@west-norfolk.gov.uk>  
**Subject:** Re, Whatahoot, 7A King Street, King's Lynn, 19/01887/LB

Dear Marie,

I write with reference with the above licence application which I previously raised concerns about and objected to the licence.

I have visited the premises, today and spoke with the owners and my concerns do not relate to whatahoots business model, but to the licence itself being misinterpreted should the premises come under new ownership in this the future. I would like to see amendments or conditions put onto the licence that will safeguard this should be the case.

I am confident that should such amendments could be made to the licence it would go well to ease the concerns of the residents of King Street, and Trenowaths Place. The licence application presents the business as a bar or off licence which is not the case and if it was I would fully object to it.

So more informed I feel that I can support this business model with a licence that relates more to its operation but would like to see the extra conditions that safe guards the community. Many thanks.

Kind regards  
Francis

Cllr Francis Bone  
St Margaret's with St Nicholas  
07961995705  
07542228997



RECEIVED

22 JUL 2020

A. ENGLISH  
POSTAL ADMIN

Re: What a Hoot Ltd TA Knaust  
over 1000

PES/LES

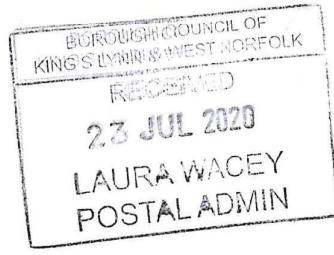
I am sorry but I do object to the  
Licensing for What a Hoot Ltd.  
It will increase noise, is in wrong  
Positioning.  
Apologies.

70

In support of:

Hillside Animal Sanctuary  
Hill Top Farm, Hall Lane, Frettenham, Norwich NR12 7LT  
Tel: 01603 736200 [www.hillside.org.uk](http://www.hillside.org.uk)





[Redacted]  
Environment and Planning – Licencing  
Borough Council of King's Lynn and West Norfolk  
King's Court  
Chapel Street  
King's Lynn  
Norfolk PE30 1EX

21 July 2020  
Your ref: 20/00902/LA-PRE

Dear Sir/Madam

[Redacted] we strongly object to the granting of a new premises licence to Whatahoot Limited, authorising the retail sale of alcohol for consumption on or off the premises at 7a King's Street, King's Lynn from 9am until 11pm six days a week and 10am until 11pm on Sundays.

In the evening the customers will not leave the premises until 11.30 - 12 midnight and this is wholly unacceptable in a very peaceful residential area that is extremely quiet during the evening and at night.

My wife and I are elderly and we retire to bed around 9.30pm most nights and we like our windows to be open. The potential of up to 50 people entering and then leaving the distillery after drinking gin would be a constant nuisance, and would undoubtedly result in enough noise seriously to disturb the peace of our residential area.

We enjoy using our courtyard garden accessed by patio doors as it is a quiet and calm area for us to be able to sit outside when the weather is nice. We consider an all day and into the night licence for both Saturday and Sunday is just too much and would be very anti-social in a closed and 'echoey' residential setting. It will certainly have an adverse affect on the enjoyment of our home and surroundings.

Furthermore, the access for parking is very restricted and to hear cars constantly coming and going (and turning on the gravel as they will have to, in order to exit in a forward direction) will create yet more disturbance.

Surrounded by beautiful mediaeval buildings we are very worried about serving alcohol at night to large groups of people in a distillery which produces highly flammable material.

Whilst we have reservations, we do not wholly object to gin being available to taste in order to purchase during normal shop hours, but we certainly do most strongly object to the hours and permissions of the licence being sought. Seven days a week into the late evening in an established and entirely residential area of this town is wholly unacceptable to us.

Yours faithfully

[Redacted]  
Mr & Mrs Bryan Williamson

Environment & Planning – Licensing  
Borough Council of Kings Lynn & West Norfolk  
Kings Court  
Chapel Street  
Kings Lynn  
PE30 1EX

21/07/2020



REF: 20/00902/LA\_PRE

LICENSING APPLICATION

Application in respect of WhataHoot Ltd, 7A King Street, Kings Lynn, Norfolk, PE30 1ET

Dear Sirs,

[Redacted] I am writing to express my concerns about the proposed application to open a distillery and bar in close proximity to my property. The distillery is within 30m of my home which is currently occupied by my elderly parents who are both 89 years old. I note that the License Applied for is for 50 persons and to allow private parties on a seven day week basis until 11 pm at night. There is no doubt that noise will be an issue with people coming and going having consumed strong alcohol resulting in excessive disruption to a quiet residential area.

As well as Trenowath Place (20 Residents) other residential properties are all within 30m also 2 offices within 10 metres of the subject property are being converted to residential.

The property is situated in an enclosed courtyard which accentuates any noise within the close confines of the buildings. Cars and people coming and going will be a major issue.

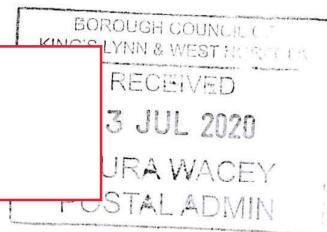
There are other risks to consider, possible pollution and an enhanced fire risk with volatile high-octane equipment in use on a daily basis

The proposal is totally out of keeping with the quiet residential area and it should be situated with other similar facilities away from residential areas and close to ample parking.

I hope that this matter can be given serious consideration and that the application is refused on this basis

Yours sincerely

[Redacted]



Environment and Planning – Licensing  
Borough Council of King's Lynn and West Norfolk  
King's Court  
Chapel Street  
King's Lynn  
Norfolk PE30 1EX

21 July 2020  
Your ref: 20/00902/LA-PRE

Dear Sir/Madam

I am very concerned about the above application regarding a new premises licence to Whatahoot Limited, authorising the retail sale of alcohol for consumption on or off the premises at 7a King's Street, King's Lynn from 9am until 11pm six days a week and 10am until 11pm on Sundays.

[Redacted] a row of terraced cottages, theirs being some 15 metres from the premises of 7a King's Street. My mother's bedroom is at the rear and overlooks the parking/turning area of Whatahoot's premises. The layout and type of the buildings in this area is such that the noise of up to 50 people entering and leaving the premises having been drinking gin will echo and be amplified. Also, those attending who wish to smoke will have to do so outside, so the smell of smoking will affect the home and inevitably waft in through an open window. These disturbances potentially happening every day and evening of the week will be offensive and unacceptable in this quiet and calm residential enclave.

My parents enjoy a small enclosed courtyard garden at the back of their cottage, almost adjacent to Whatahoot's premises. This is accessed by French windows and during the warmer months they enjoy tending their plants and sitting in the peace and quiet it offers. The change of use of 7a King's Street from an office to a licenced premises significantly compromises this peaceful setting within an exclusively residential area and will certainly affect the enjoyment of their home.

I am very worried about large organised groups attending the proposed tastings. For instance, Hen and Stag parties by definition are inherently high spirited and would simply be incapable of leaving without excessive noise, however much the proprietors instruct them to respect the residents. Whilst the tasting of gin in order to purchase a bottle is reasonable; a bar selling gin and cocktails is not. My parents received no notice of this Licence application or the Temporary Licence application that has been granted currently for up to 50 people from 8am until 12 noon.

The granting of a licence to Whatahoot Limited to sell alcohol during the hours applied for will irreparably impact the lives of my parents. They moved to No. 4 Trenowath place for their latter years because of the quiet surroundings and residential ambience. The granting of this licence has the potential entirely to negate this and it is for this reason that I most strongly object to the granting of this application.

Yours f [Redacted]

Mrs Sa [Redacted]

[Redacted]

[Redacted]

20<sup>th</sup> July 2020

Environment and Planning – Licensing,  
Borough Council of Kings Lynn and W.Norfolk,  
King's Court,  
Chapel Street,  
Kings Lynn PE30 1EX

Dear Sirs,



**Application 20/00902/LA-PRE**

We wish to object to the granting of the above licence on the grounds of noise and environment.

The premises are in a very confined residential area, several properties have windows (including bedrooms) overlooking the small car park and property.

Noise is a major concern as this application extends the scope and hours of the original plans which were for a Distillery, Shop and Spirit Workshop. Latest amended plans show a large area which could accommodate 40 plus people. **Venue Hire** from the 1<sup>st</sup> August is now being advertised by the company on its website and in the local press.

This Venue Hire will attract celebration and similar parties, 7 days a week, with the potential for loud music impossible for the owners to control. Certainly people spilling out into the small area outside would cause considerable noise in this very confined space. There will also be significant disturbance at arrival and leaving times.

Deliveries, collection of waste etc. will also cause nuisance

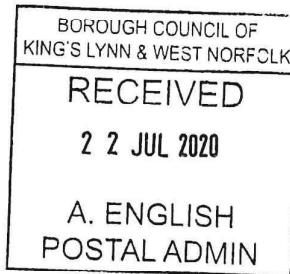
All of this will be happening in a residential area where adjoining businesses are closed after office hours.

A visit to the site is necessary to appreciate the confined space and the proximity of adjoining residential properties.. This will also reveal the presence of a large walnut tree in the centre of the area (denied in the Planning Application Form).

Yours faithfully,

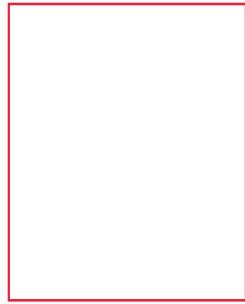
R.J.S. Tilson

Rosemary A Tilson



Licensing Manager,  
King's Lynn & West Norfolk Borough Council  
Licensing and Planning Department,  
King's Court,  
Chapel Street,  
King's Lynn  
PE30 1EX

21<sup>st</sup> July 2020



Dear Sirs,

**Re: Licensing Application: 20/00902/LA\_PRE  
7a King Street, PE30 1ET**

We understand that an alcohol licence application has been submitted for the above property.

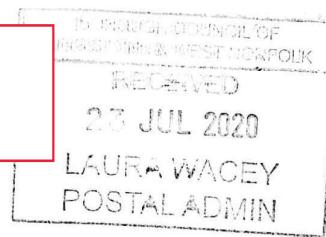
We own No. 2 Trenowath Place, PE30 1EN which adjoins the property under the application.

We oppose the application on the grounds that the proposed use is not appropriate in, what is fundamentally, a residential area. In our opinion there are many vacant commercial properties in King's Lynn in areas more suitable for a licence.

Yours faithfully



John & Margaret Sutcliffe



## Licence application (20/00902/L PRE) Whatahoot

Dear Sir

Please register our objection to the above application for an alcohol licence at 7a King Street, King's Lynn, Whatahoot distillery, as the application has no conditions attached which would protect neighbours from possible disturbance and noise.

We encourage local enterprise and wish this business to thrive but granting an alcohol licence which will allow these or future owners to serve customers 7 days a week until 11pm at night will be detrimental to the welfare of residents nearby. It may not be their intention to do so but without conditions attached it will be legal for "Whatahoot" and their successors so to do.

We suggest the following conditions are attached to the licence which would allow the business to trade but protect the wellbeing of local neighbours in nearby houses.

1. The licence is awarded for the consumption of gin distilled on the premises.
2. Consumption on the premises is limited to tastings as part of "ticketed gin experiences" on the premises.
3. The sale of alcohol for consumption off the premises is limited to closed bottles of gin
4. No music to be played on the premises
5. Off licence sales to take place between 9am and 5.30pm on weekdays and Saturdays and 10am to 4pm on Sundays and bank holidays which were the times originally asked for in the planning permission granted in November 2019.
6. On premises sales and consumption (Gin Experiences) to take place only between the hours if 9am and 10pm during the week and Saturdays and between 10am and 7pm on Sundays and bank-holidays (ditto as above).
7. Customers must not gather outside the building.

We hope with the above conditions attached to the alcohol licence the business will prosper and the local neighbours will be able to continue to enjoy living in the historic centre of King's Lynn.

Yours sincerely

Alison Gifford

Paul Richards  
21<sup>st</sup> July 2020

-----Original Message-----

Sent: 23 July 2020 15:37

To: EH Licensing <EHlicensing@West-Norfolk.gov.uk>

Cc: Cllr Francis Bone <cllr.francis.bone@west-norfolk.gov.uk>; cllr.leslie.bambridge@West-Norfolk.gov.uk; Marie Malt <Marie.malt@west-norfolk.gov.uk>

Subject: Comment on Application for a Premises License

Dear Licensing Authority,

I wish to comment on application 19/01887/LB for a license relating to change of use, 7a King Street, King's Lynn PE30 1ET, submitted by Whatahoot.

I wish to object to the above planning application. My comments are based on (1) causing disturbance, (2) being out of character, and (3) causing an issue to highway safety.

(1) Properties with licences to sell (and provide alcohol for drinking on the premises) almost inevitably cause disturbance to residential areas of towns. They are better concentrated in clusters, such as (near here) Tuesday Market, which has two licensed hotels, a public house and a restaurant which serves drinks. One might think this sufficient, being so close to 7a King Street. Additionally there are shops which retail alcohol (Marks and Spencer, Sainsbury), so there is plenty of choice where alcoholic beverages can be purchased, without encroaching on to residential streets.

(2) This is my major complaint. King Street is an exceptional residential street. It is true that there are now commercial companies: solicitors, estate agents, etc, who have taken over residential properties, but the limit has surely been reached, and they are not so much public places of access as are licensed premises. The character of King Street (John Betjeman said it was one of the country's "finest walks") is endangered by further commercial developments, especially of the kind proposed.

(3) King Street is already regarded as a race-track by some drivers who speed along it at (in my estimation) well in excess of 30mph. The commercialisation of the street (lorries will presumably be needed for stocking purposes) and the desperation to find parking space for those who do want to stop, will have repercussions on safety for pedestrians and cyclists. I already find it quite difficult to cross the road at times. The centre of towns need fewer rather than more cars and commercial vehicles

Please take these objections into account at any hearing which results from the application.

Yours faithfully,

Dr Robert G W Anderson

# ST MARGARET'S WITH ST NICHOLAS WARD FORUM

A local amenity society working with the Borough Council of King's Lynn & West Norfolk towards a better, safer King's Lynn

Please reply to Sally Turff, secretary, 15 Queen St, King's Lynn, PE30 1HT  
Tel: 01553 764422 E: [twosaintsKL@gmail.com](mailto:twosaintsKL@gmail.com)

Environment and Planning – Licensing  
Borough Council King's Lynn and West Norfolk,  
Chapel Street,  
King's Lynn,  
PE30 1EX

July 22, 2020

Dear Sir,

Re: Licensing application, Whatahoot Ltd, King Street. Ref 20/00902/LA PRE

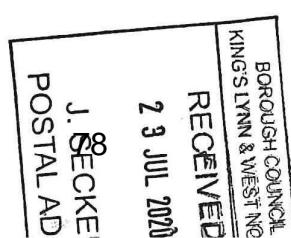
The St Margaret's with St Nicholas Ward Forum represents residents and businesses located within the ward in which 7a King St is also located. It is with great concern that we learn of the application to sell alcohol for consumption on and off the premises, especially as, it would appear, there are no conditions proposed.

The property is one of the many fine period buildings in King Street, and initially we were delighted to see the applicants' plans to restore it to its former glory – indeed, we understand that work has already begun and appears to be being executed in an exemplary manner. We are therefore dismayed to learn of the extensive hours for the sale of alcohol, which is proposed. King Street is a mainly residential area and the commercial premises situated there are of a professional nature, therefore once the daily bustle of traffic has ceased, it is quiet and pleasant with none of 'night-time economy' elements which distinguish, for example, Norfolk Street.

We are therefore opposed to such an extensive licensing period and strongly request that sales are limited to standard licensing hours.

We must stress that we are not opposed to the use of 7A as a distillery, though we do question whether it is appropriate for such a building in such a locality – a narrow medieval alley of interconnecting properties many of which are listed. At present the majority of the properties are residential and occupants, who are used to a degree of serenity, do not relish the prospect of the sale of alcohol over such long periods. Inevitably this must entail a fair degree of coming and going with the inevitable disruption; however well-run there must be potential for noise and worse, anti-social behaviour. We are further concerned that the applicants' business plan includes 'venue hire', which will mean yet more activity.

We appreciate that the parameters of the licensing act are such that the licensing authority is unable to do much to ameliorate a possible nuisance at the application stage and before any



CONTD/ Licensing application, Whatahoot Ltd, King Street. Ref 20/00902/LA\_PRE/2

nuisance has taken place, but it can place some limits upon the hours of activity and we urge you to do so.

The borough council is intent upon '**improving town centre living**', to quote from **Vision King's Lynn**, and the attractive nature of streets such King Street and its network of alleyways, is certainly drawing people to relocate in the vicinity. However if the number of drinking establishments continues to increase without any proper controls, this intention will not/is unlikely to succeed.

Yours faithfully,

  
Julian S. Litten,

Chairman

CC Cllrs Lesley Bambridge, Francis Bone. Steven King, Conservation Officer.

**Sent:** Tuesday, July 21, 2020 11:01:54 AM (UTC+00:00) Dublin, Edinburgh, Lisbon, London

**To:** EH Licensing

**Subject:** Re: 7A King Street- Application No. 20/00902/LA\_PRE- WhataHoot

Dear Sirs,

I would like to put my name and Team forward to fully support this Business.

We are almost directly opposite their arch/ entrance and have no concerns about the proposed Licence Application.

We are keen to support local business and the development of the area.

I feel this Licence and use would only enhance the area and breathe life into this wonderful part of town.

I feel it is important to support business- and these kind of changes would give the flexibility and opportunity that are important to WhataHoot.

I do not understand that the building would become a 'bar'- It is more that they want to be able to sell their products and offer their making and tasting experiences.

In my opinion, this will enhance this area of town and make use of this building in a very appropriate manner and bring a service to locals and tourists alike.

With kind regards,

Jeremy & Team



If you know someone or a business that would benefit from a discreet, no obligation discussion – please give them my contact details or vice versa

---

If you wish to view the St. James's Place Partnership email disclaimer, please access the link below

<https://www.sjp.co.uk/site-services/site-disclaimer/sjpp-email-disclaimer>

[Redacted]  
**Sent:** 23 July 2020 09:43  
**To:** Marie Malt <Marie.malt@west-norfolk.gov.uk>  
**Subject:** Whatahoot Ltd.

To whom it may concern.  
I would like to offer my support for the licence application:

RE: Whatahoot Ltd., [7A King Street, Kings Lynn, Norfolk, PE30 1ET](#) License Application for The Sale of Alcohol by Retail License Number 20/00902/LA\_P

I have known the applicant Mr Jason Crown, for many years, and believe him to be of impeccable character. I am sure he would not allow unruly or noisy behaviour of any kind at this establishment.

Kind regards.  
Paul Kunes

**Councillor Brian Long**  
Leader of the Borough Council of King's Lynn and West Norfolk  
Borough Council of King's Lynn and West Norfolk  
King's Court  
Chapel Street  
King's Lynn  
Norfolk  
PE30 1EX  
Tel: 01553 616741  
Email: [cllr.brian.long@west-norfolk.gov.uk](mailto:cllr.brian.long@west-norfolk.gov.uk)

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



Licensing Department  
FAO: Marie Malt  
Borough Council of King's Lynn & West Norfolk

Via Email

23 July 2020

Dear Marie

**Re: What a Hoot / License application No: 20/00902/LA\_P**

I wish to write in support of the application that is submitted under the above reference.

New business of this type will provide an attractive tourist offer for King's Lynn and is desperately needed to help invigorate the town centre post-Covid. The applicants' business has been expanding over the last two years and this facility will give both a retail outlet for their product and a much needed visitor experience, hopefully bringing many new visitors to the town.

I don't believe that any of the concerns that would normally be associated with a licence premises will be relevant to what is in effect a quality tourist attraction.

Yours sincerely

A handwritten signature in black ink, appearing to read "Cllr Brian Long".

**Cllr Brian Long**  
**Leader of the Council**

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

**Sent:** Thursday, July 23, 2020 11:01:32 AM (UTC+00:00) Dublin, Edinburgh, Lisbon, London  
**To:** EH Licensing  
**Subject:** What a Hoot Application

To Whom it may concern,

I would like this email to be considered as an endorsement of what a hoot distillery that they are hoping to open on kings street . I feel this is will be an asset to the town centre as a whole as it will bring a strong local brand into the centre, it will create jobs in the future as it grows. I believe that the Crowns are only going to act in good faith towards there neighbours and will not cause any late night noise or disturbance. I hope that they wil thrive in a town centre in need of new life and be a great addition to the local economy.

Yours sincerely

Michael Bishop-Walker  
Resident No2 kings staith square  
Managing Director south quay hotels T/A Bank  
Owner of The Wens Chop ad Ale House



King's Staith Square, King's Lynn, Norfolk, PE30 1RD

t 01553 660492  
e Michael.Baldwin@thebankhouse.co.uk  
w www.thebankhouse.co.uk



**Sent:** 23 July 2020 11:46

**To:** EH Licensing <EHlicensing@West-Norfolk.gov.uk>

**Subject:** Re: 7A King Street- Application No. 20/00902/LA\_PRE- WhataHoot

Dear Sirs,

As a business owner on King Street, I am in full support of the application submitted by WhataHoot Ltd.

The application I am assured is to sell the products they produce on site and support a small number of other local businesses in their retail shop and also to be able to run experiences to a group of people into the evening which will be pre-booked.

7a King Street will be great for tourism for West Norfolk and bring much needed people into the town centre and hopefully these people will also go and support other businesses in the area once they have left their experience at WhataHoot.

Just to clarify I am in full Support of this application and I believe the local community should get behind and back a great local company.

It must be remembered this is not a license for a public house, it is purely a license request to enable a local business to sell a product that they produce onsite, the nature of their business! It would be ridiculous to make Gin for example, including on their Gin making experiences that then it could not be purchased on site.

WhataHoot have invested thousands of pounds in their business and premises and chose to be in King's Lynn and this in my opinion should be celebrated.

Please consider my points when reviewing their application.

Yours faithfully,

Alan

**Alan Taylor**

**Managing Director**

**Your Local Paper**

*M. 07765 248152*

*DDI. 01553 611234*

*E. [alan@yourlocalpaper.co.uk](mailto:alan@yourlocalpaper.co.uk)*

*W. [www.yourlocalpaper.co.uk](http://www.yourlocalpaper.co.uk)*

[Redacted]

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**Sent:** Thursday, July 23, 2020 12:31:05 PM (UTC+00:00) Dublin, Edinburgh, Lisbon, London  
**To:** EH Licensing  
**Subject:** Whatahoot application

20/0092/LA\_PRE  
7a King's Street

Hi

I would just like to offer my support for the above licence application. I have had the pleasure of working with the team at Whatahoot for the last couple of years, and I have always found them to be a hard working and professional set up.

The introduction of a distillery into the town will I'm sure be a real draw for locals and tourists alike. They are certainly bucking the trend by moving their business into the town while others are choosing out of town locations. They will be creating jobs and revenue for the local economy and in the current climate this should be applauded.

Please feel free to contact me with any questions or comments you may have

Kindest regards

Clare

Nip and Growler Ale House

**Sent:** 23 July 2020 13:08

**To:** EH Licensing <EHlicensing@West-Norfolk.gov.uk>

**Subject:** Fw: 7A King Street 20/00902LA\_PRE

I wish to stress the importance of this application .

A "quiet " tourism offer is a good opportunity for King's Lynn . This is a distilling business of good reputation . They supply prestige customers including Sandringham .

They are wishing to grow the business to meet more demand and create tourist interest .

This is not pub or similar - it is a highly regarded well run business and we in Lynn are fortunate to attract their interest

Nick Daubney

[REDACTED]

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**Sent:** Thursday, July 23, 2020 1:40:36 PM (UTC+00:00) Dublin, Edinburgh, Lisbon, London  
**To:** EH Licensing  
**Subject:** 20/00902/LA\_PRE - 7A King Street

Good afternoon,

I am writing in regards to the application on the above address.

I feel this new addition to the Street and Town can only benefit tourism and make a good use of the property. Many properties are unfortunately sitting empty and in the current climate I feel to use the property for this purpose would be great.

I personally have a property in Trenowath Place, King Street and own a business on King Street itself, therefore this directly effect myself, however I see this as a positive impact.

Kind regards

Dale Newson

**Sent:** 23 July 2020 13:58  
**To:** EH Licensing <EHlicensing@West-Norfolk.gov.uk>  
**Subject:** 20/00902/ LA\_PRE - Whatahoot Kings Lynn

Good Afternoon,

I am writing to provide support for the Licencing of Whatahoot Ltd to be able to trade as a licenced establishment from 7a High Street Kings Lynn.

The addition of a Gin school long with distillery will be a gain for the town of King Lynn and will provide much needed additional foot fall to the town centre.

I strongly support the granting of this licence and the benefits the Whatahoot company will bring to Kings Lynn.

Many thanks.

<p><b>Neil Attwell</b> Managing Director</p> <p>Advanced Water Treatment UK Ltd Roy's Barns, Winch Road Gayton, Kings Lynn PE32 1QP</p> <p>Office Tel : +44 (0) 1553 636532 Mobile : +44 (0) 7775 512546</p>	 <p><i>Experts In Water Treatment</i></p>
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[REDACTED]

**Sent:** 23 July 2020 14:11  
**To:** EH Licensing <EHlicensing@West-Norfolk.gov.uk>  
**Subject:** Re- Application 20/00902/LA\_PRE

To whom it may concern,

I am led to believe there have been a number of objections against this application. It is astounding that anyone could, in the current climate, object to a local business trying hard to improve itself in order to enhance the town and bring pleasure to people after all these depressing days.

King's Lynn is in need of enterprise like this to entice people to come into town to assist our economy to get back on its feet.

I am wholeheartedly behind this project and any other local entrepreneur willing to do the hard work and taking on the financial risks in an effort to improve our town.

Regards  
Mr M Noble ESQ.

**Sent:** 23 July 2020 15:41  
**To:** EH Licensing <EHlicensing@West-Norfolk.gov.uk>  
**Subject:** Application 20/00902/LA\_PRE (7a King Street)

Good Afternoon,

I am writing as i would like to support the above application from whatahoot ltd to be able to trade as a licensed establishment at the 7a King Street site.

New and different businesses in King's Lynn are very much needed and so a distillery and gin school would only be a positive addition.

Thank you for taking the time to read my comments.

kind Regards

Joanne Mace



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-----Original Message-----

Sent: 23 July 2020 16:42  
To: EH Licensing <EHlicensing@West-Norfolk.gov.uk>  
Subject: Application number 20/00902/ LA\_PRE 7a king street.

Hello,

I just wanted to write to say how exciting I think this application is, and how much I believe it will help the town, especially in the current climate.

I own a business in Middleton and can only see benefit from a business of this caliber having a premises within the town.

I very much hope that they are successful and that the town and visitors can enjoy this experience.

Kind regards

Tracey Warren  
Managing Director  
KVT Business Care Ltd

Sent from my iPhone

Sent: Thursday, July 23, 2020 7:01:14 PM (UTC+00:00) Dublin, Edinburgh, Lisbon, London

To: EH Licensing

Subject: Application number 20/00902/ LA\_PRE 7a king street.

Good Afternoon,

I am writing in reference to the Licensing of Whatahoot Ltd In Kings Lynn town centre and to provide my support of this being able to trade as a licenced establishment from 7a High Street Kings Lynn.

I believe that having a distillery and Gin school will be a fantastic asset to the town centre and something that will obtain a lot of business.

I strongly support the granting of this licence and the benefits the Whatahoot company will bring to Kings Lynn.

Many thanks

Alice Stratton

**From:** Cllr Graham Middleton  
**Sent:** 23 July 2020 22:50  
**To:** Marie Malt <Marie.malt@west-norfolk.gov.uk>  
**Subject:** Whatahoot license application

Dear Marie

Please could you lodge the following approval for the licence application for whatahoot of 7a kings street kings lynn

I am very much in a approval of the above company to receive a license to permit the sale and consumption of alcohol at 7a kings street. Following approval from the planning committee in 2019 I believe whatahoot will provide a valuable asset to our town in terms of tourism, business and residents alike.

It is important to note that whatahoot do not wish or want to be an open to the public bar. the sale of gin is through their retail business with small amounts consumed through their gin school/gin experience days. I have no concerns that the business will be aiming at attracting the general public to its premises, as this will not be the case. The objections currently in place do not reflect the nature of what the business which to achieve.

The council wish to promote business that offer experience in kings lynn, a place of destination in order to increase tourism and attraction. I very much look forward to whatahoot being a part of this wider ambition.

I understand whatahoot are to put in place a list of restrictions on, what is perceived to be, a full alcohol license in order to mitigate concerns from those living nearby.

I do hope the licensing team can approve this application and wish whatahoot all the success in the future. I look forward to them playing a big part in the future of kings lynns heritage.

Yours

Cllr Graham Middleton  
Cabinet Member for Business Development

Member for The Woottons ward

Kings Lynn and West Norfolk Borough Council

-----Original Message-----

Sent: 23 July 2020 23:16  
To: EH Licensing <EHlicensing@West-Norfolk.gov.uk>  
Subject: 20/00902/La pre 7a King Street

To whom it may concern- in respect of the licence for the What a hoot distillery in Kings Lynn- I understand that there have been few concerns.

I am involved in a few local businesses myself and know What a hoot well. As far as I am concerned I believe this to be a fantastic offering for the town, which should assist with the creating both jobs and boosting our tourism offering greatly. There is nothing like this attraction in our local area and I know What a hoot have been working really hard with local hotels, other businesses and the like to come up with various packages to bring in more tourism to the already dying town centre trade, which of course COVID has further added to.

I have had some involvement in and around the local town deal where Kings Lynn is hoping to attract these millions of pounds which it then intends to put to greater use within the local area. One of the initial points raised was how do we attract people to not simply drive around the hardwick roundabout, then directly to the coast etc. We need to give people something to come to Kings Lynn for, and the distillery would be such an attraction.

All the people that I have spoken to locally seem to have no issues with it coming to Kings Lynn town centre.

All I can ask I suppose is that you listen to the majority and not the minority, to truly see this is progress for the town which you should not stand in the way of.

Regards  
Mark Juniper  
Business Development Manager - Ascot Lloyd Sent from my iPhone

**Sent:** 23 July 2020 23:41

**To:** EH Licensing <EHlicensing@West-Norfolk.gov.uk>

**Subject:** 20/00902/LA\_PRE - 7A King Street, King's Lynn

Dear Sir/Madam

I am writing to support the Licensing Application reference 20/00905/LA\_PRE for 7A King Street, King's Lynn.

We have been heavily involved with the planning application and interior design of the project.

This is an opportunity for King's Lynn to benefit from a new unique gin making experience for small groups of people and is an essential component for the Whatahoot distillery to offer a varied range of services, whilst making the new business venture viable.

Sincerely,  
Wayne Skipper



e. info@strataarchitecture.com  
w. www.strataarchitecture.com  
a. 3 Emma's Court | Burnham Market  
Norfolk | PE31 8HD  
t. 01328 738239

Report to Licensing Sub-Committee  
Re: WhataHoot, 7A King Street  
Dated 25th July 2020

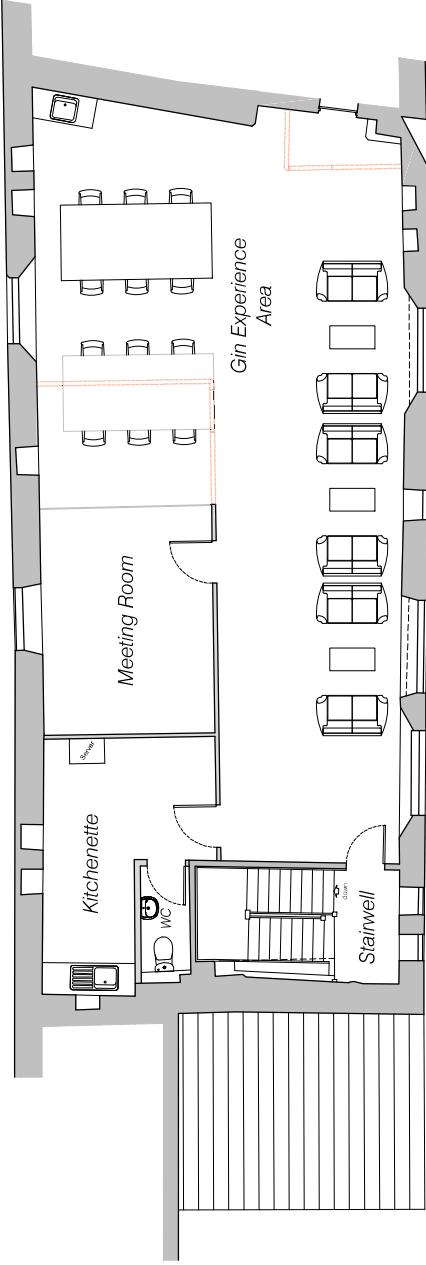


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King's Lynn  
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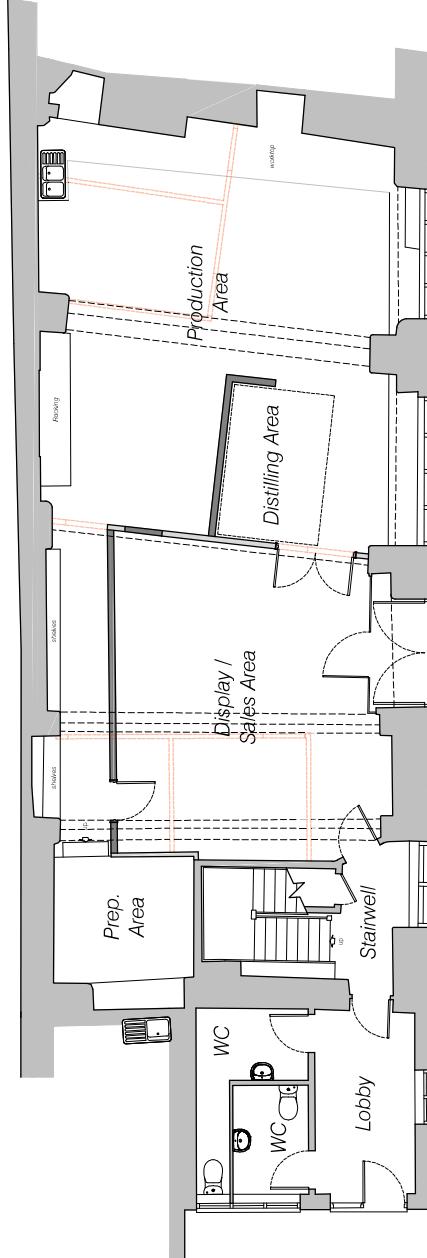
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Existing First Floor Layout  
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Existing Ground Floor Layout  
Scale 1:100

**WhataHoot, 7A King Street, King's Lynn, Norfolk**

Appendix 4 to  
Report to Licensing Sub-Committee  
Re: WhataHoot, 7A King Street  
Dated 25<sup>th</sup> July 2020

