

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



Licensing Sub- Committee Hearing

Agenda

Tuesday, 7th March, 2023
at 10.00 am

in the

**Assembly Room, Town Hall, Saturday
Market Place, King's Lynn and available to
view on you Tube.**



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

Friday 24 February 2023

Dear Member

Licensing Committee

You are invited to attend a meeting of the above-mentioned Sub Committee which will be held on **Tuesday, 7th March, 2023 at 10.00 am** in the **Assembly Room, Town Hall, Saturday Market Place, King's Lynn PE30 5DQ** 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 a Premises Licence for The Pear Tree Cafe, 58 London Road, King's Lynn

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

To:

Licensing Committee: Councillors E Nockolds (Chair), C J Crofts and C Sampson.

Officers:

Marie Malt – Senior Licensing Officer

Taiwo Temilade – Legal Advisor

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: 7th March 2023

Application for the grant of a new Premises Licence

The Pear Tree Café, 58 London Road, King's Lynn, Norfolk, PE30 5QH

Applicant - The Pear Tree Café 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. The Pear Tree Café Ltd has made an application under Section 17 of the Act for the licensable activities of 'sale of alcohol by retail'. A copy of the application is attached at Appendix 1 and if granted would allow the premises to operate as follows:

<u>Licensable Activity</u>	<u>Days</u>	<u>Times</u>
Sale of Alcohol by Retail Off the premises	Mondays to Thursdays	*8am until 9pm
	Fridays	*8am until 10pm
	Saturdays	*8am until 11pm
	Sundays	8:30am until 7pm
Sale of Alcohol by Retail On the premises	Mondays to Thursdays	*11am until 9pm
	Fridays	*11am until 10pm
	Saturdays	*11am until 11pm
	Sundays	*11am until 7pm

*Note that the applicant has subsequently changed the start times stated on the application form.

Mandatory Conditions

3. The Act provides for the following seven mandatory conditions to be attached to all premises licences authorising the sale of alcohol for consumption on 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. 'Value added tax' means value added tax charged in accordance with the Value Added Tax Act 1994.

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

Conditions Consistent with the Operating Schedule (Proposed Conditions)

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

Conditions agreed between the applicant and Community Safety & Neighbourhood Nuisance Team

- (a) The outdoor courtyard area shall be closed to patrons from 9pm onwards every day.

- (b) Alcohol on-sales cannot commence until 11am on any day.

Conditions identified from the operating schedule

- (a) A Personal Licence holder must be on the premises at all times when the sale of alcohol takes place.
- (b) All staff must be trained in the challenge 25 age verification scheme and Challenge 25 signage must be displayed at prominent positions within the premises.
- (c) Signs shall be displayed in prominent positions requesting that customers show due consideration of neighbours when leaving the premises.
- (d) A 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 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. CCTV cameras will be positioned to cover the doorway and till areas and be capable of facial recognition of all persons both entering and exiting the store.
- (e) Doors and windows must remain closed from 5pm onwards every day, except for normal entrance and egress to/from the premises.
- (f) Children must be supervised by an appropriate adult whilst in the outside licensed area and must not enter the internal kitchen area at any time.

Representation from Responsible Authorities

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

5. 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.

6. There are 7 representations from ‘other persons’ to consider. Copies of these representations are attached to this report at Appendix 2.

Notices

7. The applicant is responsible for advertising the application by way of a notice in a specified form at the premises for not less than 28 consecutive days and in a local newspaper on at least one occasion. The Public Notice appeared in Your Local Paper on Friday 27th January 2023 and should have been displayed on the premises up to and including the 17th February 2023.

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

Plans

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

Premises Licence

10. Members may wish to be aware that there is a current premises licence in place at 58 London Road authorising alcohol off sales from 8am until 11pm Monday to Sunday. The premises licence is held by C & L Newsagents Ltd and was granted in April 2017 but later suspended in June 2021. At the time of writing this report the premises licence remains suspended.

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 14th January 2021. 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.

1.2 Nothing in this ‘Statement of Policy’ will:

- 3.2.1 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;

3.2.2 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 “Cumulative Impact” is where the number, type or density of licensed premises in a defined area has a demonstrable and significant adverse effect on the licensing objectives. The cumulative impact of licensed premises on the promotion of the licensing objectives is a proper matter for a Licensing Authority to consider in developing its Statement of Licensing Policy.

4.2 The Licensing Authority can only adopt a cumulative impact policy where there is an evidential basis to do so. Local Community Safety Partnerships and responsible authorities, such as the police and the environmental health authority, may hold relevant information which would inform licensing authorities when establishing the evidence base for considering whether a cumulative impact policy is appropriate and necessary to promote the licensing objectives.

4.3 At the time of publishing this policy the Licensing Authority, having regard to the evidence available, considers that there is no particular part of the district causing a cumulative impact which undermines the licensing objectives.

4.4 Once away from the licensed premises, a minority of consumers will behave badly and unlawfully. To enable the general public to appreciate the breadth of the strategy for addressing these problems, the Borough Council

encourages the use of other mechanisms both within and outside the licensing regime that are available for addressing such issues. Such as:

- planning control;
- CCTV;
- powers of local authorities to designate parts of the local authority area as places where alcohol may not be consumed publicly;
- the confiscation of alcohol from adults and children in designated areas;
- police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices;
- prosecution for the offence of selling alcohol to a person who is drunk (or allowing such a sale);
- police powers to close down instantly for up to 24 hours (extendable to 48 hours) any licensed premises in respect of which a TEN has effect on grounds of disorder, the likelihood of disorder, or noise emanating from the premises causing a nuisance; and
- the power of the police, other responsible authorities or other persons to seek a review of a licence or certificate.

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.

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 December 2022 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;
- 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.

Public Safety

- 2.7 Licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the 2003 Act. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning. Conditions relating to public safety may also promote the crime and disorder objective as noted above. There will of course be occasions when a public safety condition could incidentally benefit a person's health more generally, but it should not be the purpose of the condition as this would be outside the licensing authority's powers (be ultra vires) under the 2003 Act. Conditions should not be imposed on a premises licence or club premises certificate which relate to cleanliness or hygiene.
- 2.8 A number of matters should be considered in relation to public safety. These may include:
- Fire safety;
 - Ensuring appropriate access for emergency services such as ambulances;
 - Good communication with local authorities and emergency services, for example communications networks with the police and signing up for local incident alerts;
 - Ensuring the presence of trained first aiders on the premises and appropriate first aid kits;
 - Ensuring the safety of people when leaving the premises (for example, through the provision of information on late-night transportation);
 - Ensuring appropriate and frequent waste disposal, particularly of glass bottles;
 - Ensuring appropriate limits on the maximum capacity of the premises and

- Considering the use of CCTV in and around the premises.
- 2.9 The measures that are appropriate to promote public safety will vary between premises and the matters listed above may not apply in all cases. Applicants should consider when making their application which steps it is appropriate to take to promote the public safety objective and demonstrate how they achieve that.

Ensuring safe departure of those using the premises

- 2.10 Licence holders should make provision to ensure that premises users safely leave their premises. Measures that may assist include:
- Providing information on the premises of local taxi companies who can provide safe transportation home; and
 - Ensuring adequate lighting outside the premises, particularly on paths leading to and from the premises and in car parks.

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.

Disclosure of personal details of persons making representations

- 9.26 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

- 9.37 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 some cases no additional conditions will be 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

Marie Malt

Senior Licensing Officer
Legal Services & Licensing
23rd February 2023

Appendixes:

1. Copy of Application
2. Copies of letters of Representations from ‘other persons’
3. Premises Plan of Layout
4. Location Map

Background Papers:

1. The Licensing Act 2003
2. Borough Council's Statement of Licensing Policy (14th January 2021)
3. Guidance issued under Section 182 of the Licensing Act 2003 (Dec 2022)

Your ref no: Form ref:
SMZPGFBP

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

Appendix 1 to
Report to Licensing Sub-Committee
Re: The Pear Tree Cafe
Dated: 23rd Feb 2023

Page: Coversheet

This form was started at:	12/01/2023 07:42:32
This form was completed at:	13/01/2023 12:32:40
Internal form classification:	N / A
Openprocess state:	

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.

Are you completing this form on behalf of the applicant?	No - I am the applicant
In what capacity is the applicant applying for a premises licence?	As a limited company
Please confirm the following:	The applicant is carrying on or proposing to carry on a business which involves the use of the premises for licensable activities

Page: Tell us about the other applicants

If you are a limited company, the address provided must match the record on [Companies House](#)

Name	Cristina Pereira
Address line 1	58 London Road
Address line 2	King's Lynn
Address line 3	
Address line 4	
Postcode	PE30 5QH
Daytime telephone number	<input type="text"/>
Email address	<input type="text"/>
Registered number, if applicable	

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 The Pear Tree Cafe Limited

Address line 1 58 London Road

Address line 2 King's Lynn

Address line 3

Address line 4

Postcode PE30 5QH

Telephone number at the premises

Please give a brief description of the premises

The Pear Tree Cafe is a coffee shop which will sell a multitude of products and goods to customers, such as cakes, snacks, soft drinks, hot food, hot drinks, meals, desserts as well as groceries like frozen foods, breads, cereals etc and we also aim to sell alcohol to the customers for them to consume both in the premises, outside in the outdoor seating area and to takeaway with them off of the premises. This also will be done with both the hot and cold food/drinks too. As you enter the premises from the main road entrance, there is the seating area with multiple tables/chairs where customers can sit to eat/drink and watch TV (such as sports etc) and to the right is the shopping area where there are shelves (fixated to the wall for safety) which will hold the groceries such as canned foods, cereals, rice etc as well as bottled juices and water, and a small amount of wines/alcohols for retail (i.e. a small amount will be on display whereas the rest of stock will be secured in the storage cupboard). Overall, we will be providing alcohol for customers to consume both in and out side the property and for them to take it away.

When do you want the premises licence to start?
(dd/mm/yyyy) 11/02/2023

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

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? Applicant's address

Page: Tell us which licensable activities

Will you be providing plays at the premises?	No
Will you be providing films at the premises?	No
Will you be providing indoor sporting events at the premises?	No
Will you be providing boxing or wrestling entertainment at the premises?	No
Will you be providing live music at the premises?	No
Will you be providing recorded music at the premises?	No
Will you be providing performances of dance at the premises?	No
Will you be providing anything of a similar description to live music, recorded music or performances of dance at the premises?	No
Will you be providing late night refreshment at the premises?	No
Will you be selling or supplying alcohol at the premises?	Yes

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

Start time 06:30

End time 21:00

Section: Tuesday

Start time 06:30

End time 21:00

Section: Wednesday

Start time 06:30

End time 21:00

Section: Thursday

Start time 06:30

End time 21:00

Section: Friday

Start time 06:30

End time 22:00

Section: Saturday

Start 07:30

End time 23:00

Section: Sunday

Start time 08:30

End time 19:00

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

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:

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

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

Section: Please tell us more about yourself

Please tell us your date of birth (dd/mm/yyyy)	<input type="text"/>
Please tell us your nationality	
Do you currently hold a personal licence?	No

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

Start time
End time

Section: Tuesday

Start time
End time

Section: Wednesday

Start time
End time

Section: Thursday

Start time
End time

Section: Friday

Start time
End time

Section: Saturday

Start time
End time

Section: Sunday

Start time
End time

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

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

The Pear Tree will include 1 to 2 fruit machines however these will be supervised at all times to ensure only those aged 18+ who have shown ID are using them.

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

General - List here the steps you will take to promote all four of the licensing objectives

There will be a personal license holder on the premises at all times and in regards to the sale of alcohol a designated premises supervisor has been nominated who will oversee the sale of all alcohol. In addition to this staff will be regularly trained so that they are up to date with procedures and rules and regulations etc. In regards to the safety of staff and customers, a security system has been installed and signs will be placed asking customers to respect neighbouring properties.

The prevention of crime and disorder

We will be requesting photographic ID for the sale of alcohol and if someone underage attempts to purchase alcohol or provides a fake ID then they will be banned from the business - this is to control underage drinking. Additionally, a CCTV security system has been put in place for the safety of both staff and customers for if anything were to ever occur such as theft etc.

Public safety

As the kitchen area has a gas cooker an annual gas safety check will occur along with electrical checks every 2 to 3 years. I have also now completed a health and hygiene level 2 course as i will be handling the food/drinks of the general public and due to this first aid training will also take place in case of anything that happens within the premises. There will also be sufficient lighting both internal and external along with public liability insurance being put into place. Additionally, fire equipment will be placed into the property such as fire extinguishers which will be serviced and fire exit signage, as well as fire detection equipment. A designated smoking area has been put in place for the outdoor seating area with sufficient bins for cigarette waste, and signs inside the property stating that no smoking is allowed inside.

The prevention of public nuisance

As we will be closing in the late hours of the evening, especially on weekends, and due to selling alcohol this means that noise will occur however to prevent this from becoming a nuisance doors and windows will remain shut in the evening onwards and we will also restrict customers who are drunk from using the outdoors seating area if they are likely to cause commotion - and if this were to occur they will be asked to leave the premises. Signage will also be put in place asking customers to leave quietly to be considerate of the neighbours. We will also be making sound checks inside and out of the property to be aware.

The protection of children from harm

Children are allowed on the premises - however when outdoors they are to be supervised by their parents/guardians etc at all times especially as we are next to a main road. If this does not occur they will be restricted from the outdoor area. Children will not be allowed to play with the fruit machines and they will also not be allowed into the kitchen area. Additionally, it is preferred that younger children are supervised when going to the toilet on the premises as it is next to the rear exit.

Page: Documents checklist - applying for a premises licence

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

Checklist

- ✓ 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
- ✓ I understand that if I do not comply with the above requirements my application may be rejected
- ✓ I will send a copy of the advert once it has appeared in the newspaper - do not advertise until accepted
- ✓ 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

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*

[The Pear Tree floor plan..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_consent_form_october_2018.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.

How many share codes do you need to tell us about? 1

Share code for first applicant:

Any further information

Your ref no: Form ref:
SMZPGFBP

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

Page: Payment summary

Application fee for RV 4301 to 33000	£190.00
Total	£190.00

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.

From:
Sent: Thursday, January 26, 2023 5:00:05 PM (UTC+00:00) Dublin, Edinburgh, Lisbon, London
To: EH Licensing <EHlicensing@West-Norfolk.gov.uk>
Subject: New Premises Licence Application 23/00061/LA_PRE

[External Email]
[Think before you click on links]

Hi there, I am writing regarding the above numbered application for The Pear Tree, 58 London Road, King's Lynn, Norfolk PE30 5QH.

I understand that the application, if approved will allow the licence holder to sell alcohol for the consumption in the courtyard area of the premises. I would like to object to the granting of the licence on the grounds that it may create a public nuisance.

The courtyard backs is adjacent Guanock Terrace and my concern is that if it is allowed it will cause a noise and anti social behaviour problem for the residents on Guanock Terrace, of which I am one (at) , particularly in the evening/night.

I would request that if granted the terms of the licence be varied to one which permits alcohol only to be consumed on the premises or sold as a takeaway.

Kind Regards.

From: [redacted]

Sent: Thursday, January 26, 2023 10:08:37 PM (UTC+00:00) Dublin, Edinburgh, Lisbon, London

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

Subject: Objection to plans 58 London Road - The Pear Tree

[External Email]

[Think before you click on links]

Dear you

I would like to express my strong views as to why 58 London Road should not be approved to have an outdoor seating area serving alcohol at any time of day especially 11pm

In my view, being a resident and homeowner on Guanock Terrace, I would prefer no sale of alcohol at all but my strongest view is in regards to an outdoor area as I know this will create a lot of noise and affect quality of life for Guanock Terrace residents as the yard is on Guanock Terrace, not London Road. I work for the local NHS service and this causes me a lot of concern in regards to noise and anti social behaviour affecting my rest time

The option for customers to enjoy alcohol is across the Road (London Porterhouse) indoors or at the already existing Lord Napier at the other end of Guanock Terrace which has an outdoor option.

I believe adding what may as well be classed as a third pub will bring anti social behaviour and is surplus to requirements for this area which currently remains reasonably quiet.

Lastly, I think it offers no enhancement to this area and will degrade and cheapen the feel of this very important, historic conservation area, a quote from The Friars Conservation Area - Character Statement:

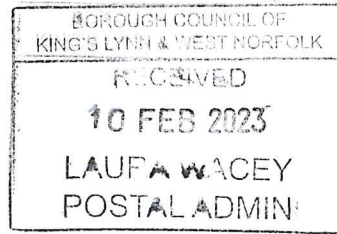
*A Conservation Area - "An area of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance".
The conservation of the historic environment is part of our quality of life, helping to foster economic prosperity and providing an attractive environment in which to live or work. The Borough Council is committed to the protection and enhancement of West Norfolk's historic built environment and significant parts of it are designated as conservation areas.*

Kindest Regards

[redacted]

Guanock Terrace resident

Legal Services & Licencing
Borough Council of King's Lynn & West Norfolk
King's Court
Chapel Street
King's Lynn
PE30 1EX



7th February 2023

Application for a New Premises Licence

Applicant: Mrs. Cristina Pereira
Premises: The Pear Tree, 58 London Road, King's Lynn, Norfolk, PE30 5QH

OBJECTION TO THE ABOVE APPLICATION

I would like to raise an objection to the above application for the following reasons:

1. The area surrounding the premises on London Road is already subject to restrictions in terms of alcohol usage in the vicinity and the granting of a licence to serve alcohol will only cause more issues in this respect.
2. The area surrounding the premises has existing serious issues with regards to anti-social behaviour, much of it related to substance misuse and dependency (alcohol and drugs), which is a blight on the area and, as a result, is unsafe throughout the day, and is especially so during the evening and late night. The granting of this licence will only create more issues in respect of anti-social behaviour and place an increased burden on the public and emergency services who have to manage these problems.
3. The required licencing hours under this application – a minimum weekday daily amount of 15 hours, increasing to a maximum of 17 hours on Saturday - are considerably in excess of those already granted to The London Porterhouse, a public house within a hundred yards from the premises under application. They already have restrictions placed upon them in terms of customers drinking outside of their premises and limited hours to reflect the fact that the premises is located in a largely residential area under wider alcohol usage in public restrictions, as noted in point 1 above.
4. The premises is in a residential area. It is also located on a major arterial route into the centre of King's Lynn (London Road). The prospect of customers drinking in the premises and being in and around the area under the influence of alcohol from as early as 8am to 11pm at its latest is only likely to cause a significant disturbance for residents of the area along with heightened risks of accidents involving the scale of constant traffic flowing in and out of King's Lynn.

I am more than happy to appear at a hearing if required to do so under these processes.



Councillor Lesley Bambridge
Borough Councillor for St Margarets with St Nicholas Ward
52 Pilot Street
King's Lynn
Norfolk
PE30 1QL

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



Phone:

Email: cllr.lesley.bambridge@west-norfolk.gov.uk

The Licensing Officer
BCKLWN
King's Court
Chapel Street
King's Lynn
PE30 1EX



10th February, 2023

Dear Mrs Malt

Licence Application The Pear Tree 58 London Road. 23/00061/LA_PRE

I am aware that residents have concerns about an application for a new licence as above. Their concerns, and mine, are mostly about the start time for serving alcohol and the plans for serving off the premises, on the street. This area is always a top priority for local policing particularly because of street drinking and antisocial behaviour that has occurred especially around the Frederick Savage statue. I have a regular monthly email from the local sergeant to check what complaints I may have had and he is always quick to respond if I have to contact him. There is a hostel for homeless people very close by, whose residents use local shops to purchase alcohol to satisfy their addiction. They often make a nuisance of themselves in this location, until the hostel reopens.

Has the applicant provided a plan to show where the outside drinking is to take place? Are they going to take any additional measures to keep a control of excessive noise and any antisocial behaviour? I am aware it is a busy area, but it is also residential, particularly neighbouring the premises on London Road and along Guanock Terrace and Guanock Place.

I have to say I am surprised that the licence applied for includes sales from 8am (8.30am on a Sunday). The sign above the premises, for which I don't recall seeing a planning application, says "The Pear Tree Coffee Shop". I don't understand the need to sell alcohol in a coffee shop at those times in the morning. I could expect that alcohol may be served with meals on the premises but is it necessary to do so with breakfast or coffee?

I hope my objections and those of residents will be brought to the attention of the Panel.

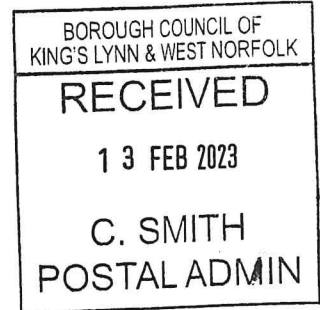
St Margaret's with St Nicholas Ward

Email




9 February 2023

Legal Services & Licensing
Borough Council of King's Lynn & West Norfolk
King's Court
Chapel Street
King's Lyn PE30 1EX



Licensing Application ref 23/00061/LA_PRE

We live at  58 London Road. We note the current application for the sale of alcohol for consumption both on and off these premises over extensive hours and ask the Committee to consider our concerns as immediate local residents.

The area is historically and currently associated with alcohol-related disturbance, with several premises in London Road, including one very nearby at 53 London Road, currently licensed for off-sales of alcohol, often at cut-price. As residents we are very aware of, and troubled by, drinkers frequently using the high rear wall of the Pear Tree (directly opposite our house) as cover. This wider area has become a popular haunt for street drinkers, resulting in some noise nuisance and a plethora of empty drinks cans and bottles discarded in our residential street, in the enclosure containing the statue of Mayor Frederick Savage, and, often, in our front gardens, to the overall detriment of this conservation area of Grade II listed buildings at a prime entry point to the town.

We therefore strongly object to yet another alcohol off-sales licence being granted in the immediate area, especially for long hours beginning as early as 8am which will surely mostly attract problem drinkers and anti-social behaviour.

If the Pear Tree does intend to provide sit-down meals, we would have no objection to the sale of alcohol for consumption with meals on the premises. However we would like to see the permitted hours to be more in accord with usual meal times, for example from noon onwards; and for a **condition to be attached to the licence restricting alcohol to be served only ancillary to the provision of a meal** (as per the previous licence for these premises, 15/00792/LAPCOD). Presumably the usual conditions relating to noise, street drinking and consideration of neighbours would also apply.

We ask the Council not to permit these premises to become, by intention or default, primarily or largely a drinking establishment; and to take into consideration the likely adverse effects of such an establishment on the quiet residential streets in our immediate vicinity.

Yours faithfully,



RECEIVED

13 FEB 2023

9 - FEB - 23

C. SMITH
POSTAL ADMIN

YOUR REF

23/000061/HA_PRE

Dear Sir / Madame

In respect of the application for an alcohol license for the CAFE PEAR TREE, I find it hard to believe that you would even consider granting a license for alcohol to be consumed at 0800 hrs in the morning on any day, let alone a Sunday. That end of London Road has a high percentage of properties with tenants who are unemployed, on benefits, on drugs and social miscreants. The cafe is at the foot of the statue of Frederick Savage, a former justice of the peace for Kings Lynn, I am

sure he would have taken a dim
view of the proposal. There is
more than likely to be a real
increase in, drunkenness, noise
to neighbours, bad language and
behaviours arising from a late
night license to drink outdoors.
Yours sincerely



POST OFFICE OF
WEST WIMBORNE

RECEIVED

15 FEB 2023

TARA COOK

POSTAL ADMIN

12.2.2023.

58 London Rd, ref no 23/00061/
LAPRE

Dear madam.

Thank you for your Email, I would
like to put my objections to a
licence being granted to the above
premises in writing as requested.

There is already a problem along
London Rd with shops selling
alcohol at all times of the day
and night and the type of
customer that can attract and it
is quite daunting to try and
get past these groups of people.

often stumbling, smelling of drugs and spitting on the pavement as you are trying to walk past. However they soon disperse back to their homes or up to the park to drink their wages but at least they are out of the way!

Surely having somewhere that they don't have to leave and can stay in or outside the premises indefinitely will cause more problems for the likes of myself or older people who frequent that part of Lynn who are going about their business of going to the shops or like my mum to the Post Office, at 87 I do not think she should be subjected to this or anyone else for that matter; it's worrying for them

I hope you will take into
consideration what I and I
know other concerned people
have written.

Thank you



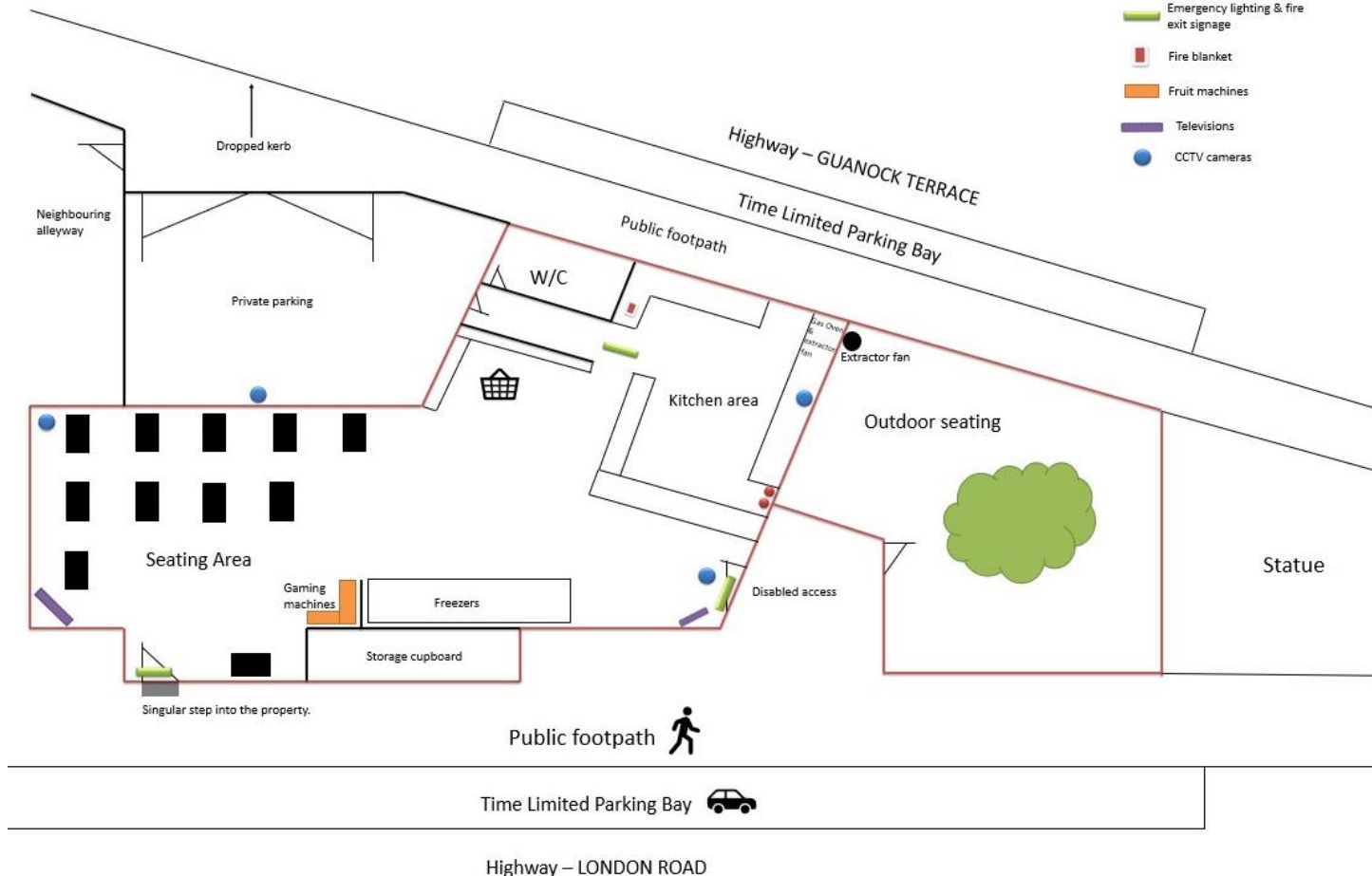


THE PEAR TREE CAFÉ – 58 LONDON ROAD, KING'S LYNN NORFOLK PE30 5QH

**Not to perfect scale

KEY:

- Fire extinguishers & signage.
- Emergency lighting & fire exit signage
- Fire blanket
- Fruit machines
- Televisions
- CCTV cameras



Location Plan of 58 London Road, King's Lynn, Norfolk, PE30 5QH

Objectors List

No.	Address
1	<input type="checkbox"/> Guanock Terrace, King's Lynn, Norfolk, PE30 5QT
2	Guanock Terrace Resident
3	<input type="checkbox"/> Archdale Close, West Winch, King's Lynn, Norfolk, PE30 0LE (NOT MARKED)
4	<input type="checkbox"/> Pilot Street, King's Lynn, Norfolk, PE30 1QL (NOT MARKED)
5	<input type="checkbox"/> Guanock Place, King's Lynn, Norfolk PE30 5QJ
6	<input type="checkbox"/> Smallholdings Road, Clenchwarton, King's Lynn, Norfolk, PE34 4DZ (NOT MARKED)
7	<input type="checkbox"/> Thomas Street, King's Lynn, Norfolk, PE30 5QH

