

BOROUGH COUNCIL OF KING'S LYNN & WEST NORFOLK**LICENSING COMMITTEE**

Minutes from the Meeting of the Licensing Committee held on Thursday, 22nd June, 2023 at 10.00 am in the Council Chamber, Town Hall, Saturday Market Place, King's Lynn PE30 5DQ

PRESENT: Councillors C J Crofts, J Rust and D Tyler.

OBSERVING: Councillor Bhondi – Chair of the Licensing Committee

OFFICERS:

James Arrandale – Legal Advisor

Amy Pearce – Paralegal

Marie Malt – Licensing Officer

Rebecca Parker – Democratic Services Officer

1 APPOINTMENT OF CHAIR FOR THE HEARING

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Councillor Crofts was appointed Chair for the Sub-Committee Hearing.

2 APOLOGIES FOR ABSENCE

There were no apologies for absence.

3 ITEMS OF URGENT BUSINESS

There was no urgent business.

4 DECLARATIONS OF INTERESTS

There were no declarations of interest.

5 TO CONSIDER AN APPLICATION TO VARY A PREMISES LICENCE FOR THE CHEQUERS, 7 CHURCH STREET, WIMBOTSHAM

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The Chair welcomed everyone to the meeting and declared that the Sub-Committee was sitting to consider an application of a variation to a premises licence for The Chequers, 7 Church Road, Wimbotsham.

The Sub-Committee, Borough Council Officers and Legal Advisor were introduced and their roles explained.

The Chair explained that Councillor Bhondi was observing the Hearing for training purposes.

The Applicant Kim Brockhouse and Steve Mingay (Parish Councillor) accompanying the applicant introduced themselves.

All parties confirmed that fifteen minutes would be sufficient to present their case.

6 **PROCEDURE WHICH WILL BE FOLLOWED AT THE HEARING**

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At the request of the Chair, the Legal Advisor outlined the procedure which would be followed at the Hearing.

7 **REPORT OF THE LICENSING OFFICER**

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At the request of the Chair, the Licensing Officer presented her report as included in the Agenda and highlighted the variation which was being applied for, the agreed additional conditions and conditions consistent with the operating schedule.

The Sub-Committee was informed that there had been no representations from Responsible Authorities, eleven representations in objection to the application and nine representations in support of the application. The Licensing Officer confirmed that five of the objections had now been withdrawn and requested that the Sub-Committee disregard these objections in determining the matter.

The Licensing Officer informed those present that the relevant notice had been displayed at the premises and on the Council' website. She outlined the error that had been contained in the original site notice and that following the error, all Interested Parties had been contacted and invited to a meeting to clarify the error.

In response to a question from Steve Mingay, the Licensing Officer explained that relevant objections had all been included in the Agenda.

8 **INTERESTED PARTIES CASE**

There were no Interested Parties present at the Hearing.

9 **THE APPLICANTS CASE**

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The Applicant and representative presented their case. The applicant stated that most of the objections had been as a result of the incorrect notice being posted and causing confusion. The Applicant had engaged with villagers and held a meeting and explained that many objections had now been withdrawn. The Applicant felt that the remaining objections were ones that had not yet been withdrawn as perhaps the objector was unaware that they had to formally withdraw.

The Applicant explained that the villagers wanted the pub to stay open and be successful.

The Applicant stated that they had worked with the Community Safety and Neighbourhood Nuisance Team at the Council and purchased sound level measuring equipment and took recordings, which were submitted to the Community Safety and Neighbourhood Nuisance Team every two weeks.

Steve Mingay, who was accompanying the Applicant stated that lots of pubs were closing down and the village wanted this one to continue. He referred to previous community events and the impact of Covid.

Steve Mingay explained that Sunday events accommodated those musicians that had other gigs on Fridays and Saturdays.

Steve Mingay explained that he had been working with villages regarding sound issues and had given residents his contact details so that they could let him know if they had any issues. He stated that records of sound levels were kept and he felt that there was good cooperation between the pub and local residents.

In response to questions from the Licensing Officer, the Applicant explained that a briefing sheet was handed out to musicians and included the necessity for two twenty-minute breaks between each session. The Applicant stated that she would have no objection to this being imposed as a condition if required.

The Licensing Manager referred to the 90 decibel maximum level which the Applicant had been working to and the Applicant confirmed that she would have no objection to this being imposed as a condition if required.

Councillor Rust questioned the comments made within the report about the inappropriate siting of the public notice and the Applicant confirmed that this had been put up by Borough Council Officers.

In response to a question from Councillor Tyler, the Applicant explained that there were approximately 25 car parking spaces to the rear of the premises and nearby parking was also available at the Village Hall and Recreational Ground.

In response to a question from Councillor Crofts, the Applicant stated that she was not the current Designated Premises Supervisor.

10 **SUMMING UP - THE LICENSING OFFICER**

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The Licensing Officer summed up her case and reminded the Sub-Committee that they should consider all the information included in the Agenda and put forward at the Hearing today and dispose of the matter using one of the methods as set out in the report.

11 **SUMMING UP - INTERESTED PARTIES**

No Interested Parties were present at the Hearing.

12 **SUMMING UP - THE APPLICANT**

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The Applicant stated that she would continue to work with the Community Safety and Neighbourhood Nuisance Team and would promote open dialogue with villagers so that any issues could be resolved. She explained that it was in her interest to run the event well and comply with any necessary conditions.

13 **OUTSTANDING MATTERS**

The Legal Adviser stated that there were no outstanding matters.

14 **DECISION NOTICE**

The Chair explained that the Sub-Committee would retire to make their decision in private, accompanied by the Democratic Services Officer for administrative purposes and the Legal Advisor for specific points of law and procedure.

All parties agreed that Councillor Bhondi and Amy Pearce could remain present for the decision making process for training purposes.

All parties were then called back into the room and the decision of the Sub-Committee was read out. A copy of the decision notice is attached.

The meeting closed at 11.30 am

LICENSING SUB-COMMITTEE**DETERMINATION NOTICE**

Date of Hearing	22nd June 2023
Sub-Committee Members	Councillors C J Crofts, J Rust and D Tyler
Legal Adviser	James Arrandale
Licensing Officer	Marie Malt – Senior Licensing Officer
Democratic Services Officer	Rebecca Parker
Applicant's Name	Ms Kim Brockhouse
Interested Parties	None present
Premises Address	The Chequers, 7 Church Road, Wimbotsham, King's Lynn, Norfolk, PE34 3QG.
Application	Application for the variation of an existing premises licence

APPLICATION

Kings Lynn and West Norfolk Borough Council, being the relevant licensing authority, received an application for a variation to an existing premises licence for The Chequers, 7 Church Road, Wimbotsham, King's Lynn, Norfolk, PE34 3QG.

During the 28 day representation period, the Council received a letters of representation from 20 Interested Parties. There were no representations from Responsible Authorities.

HEARING

On 22nd June 2023, a hearing was held to consider the variation application. The Sub-Committee determined the application with a view to promoting the four licensing objectives. It considered the application on its own merits. In reaching its determination, the Sub-Committee had regard to the following matters:

- The relevant parts of the written and oral evidence before them;
- The Kings Lynn and West Norfolk Borough Council Licensing Policy;
- Statutory Guidance issued under the Licensing Act 2003

The Sub-Committee listened to all the evidence and submissions. It heard from:

- The Licensing Officer
- The Applicant

SUMMARY OF EVIDENCE

The Licensing Officer presented her report and outlined the application which had been submitted and responded to questions from all parties. A copy of the application was attached to the report. The Officer noted that 5 of the objections (list numbers 2, 3, 6, 8 and 9) had been withdrawn.

The Applicant, supported by a parish councillor Steve Mingay, presented her case, and responded to questions from all parties. She stated that they were using noise monitoring equipment inside and outside the venue, with a view to maintaining a maximum level of 90 decibels. Mr Mingay confirmed that musicians were given a briefing sheet that said there would be two 20-minute breaks in each event.

The Officer asked whether the applicant would be content for (i) the 90 decibel limit and (ii) the two 20 minute breaks to be formalised as a conditions. The applicant agreed.

Following a question from the Panel, the Applicant stated that the physical copy of the notice had been positioned by the Council (further to objections about its visibility).

The Interested Parties did not attend.

The Officer and the Applicant then summed up.

FINDINGS AND DETERMINATION

The Sub Committee considered the evidence in the report, as well as the written and oral evidence of all parties put forward at the Hearing.

The Sub Committee determined to grant the licence subject to the following conditions:

1. Only one outdoor music event is permitted per calendar month between the months of April & September inclusive;
2. Events to take place only on Saturday or Sunday between 4pm and 8pm;
3. Each outdoor music event must have a minimum of two clear weekends (i.e. without events) between them;
4. Outdoor music is only permitted during the designated outdoor music events;
5. Two twenty-minute breaks to be scheduled and take place during each outdoor music event;
6. Drumkits not to be used outdoors;
7. A maximum noise limit of 90 decibels, measured at the garden/forecourt of the premises, shall be observed at all times;
8. The Applicant shall cooperate with Community Safety & Neighbourhood Nuisance team with regard to the monitoring of noise levels.
9. 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.
10. All staff must receive regular training in the challenge 25 age verification scheme and records of such must be kept on the premises and made available to authorised officers upon request.

RIGHT OF APPEAL

There is a right of appeal against this decision to the Magistrates’ Court. An appeal must be commenced within 21 days beginning with the day on which you receive notification of the decision. You may wish to seek independent legal advice from a solicitor or the Citizens Advice Bureau regarding this.

Signed.....
Councillor Crofts (Chair of the Licensing Sub-Committee)

Date: 22nd June 2023