

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

Minutes from the Meeting of the Licensing Sub-Committee Hearing held on Tuesday, 5th November, 2024 at 10.00 am in the Council Chamber, Town Hall, Saturday Market Place, King's Lynn PE30 5DQ

PRESENT: Councillors J Moriarty (Chair), J Rust and S Sandell (Vice Chair)

OFFICERS:

Marie Malt – Licensing Service Manager

Craig Pease – Senior Licensing Officer

James Arrandale – Legal Advisor

Amy Pearce – Trainee Solicitor (Observing)

Rebecca Parker – Senior Democratic Services Officer

Lauren Steele – Democratic Support Officer

1 APOLOGIES FOR ABSENCE

There were no apologies for absence.

2 ITEMS OF URGENT BUSINESS

There was no urgent business.

3 DECLARATIONS OF INTERESTS

There were no declarations of interest.

4 TO CONSIDER AN APPLICATION FOR A VARIATION OF AN EXISTING PREMISES LICENCE FOR THE BUCK INN LTD, 2 CHURCH ROAD, TILNEY ST LAWRENCE, KING'S LYNN

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The Chair welcomed everyone to the meeting and declared that the Sub-Committee was sitting to consider an application for a variation of an existing Premises Licence for The Buck Inn, 2 Church Road, Tilney St Lawrence, King's Lynn.

The Chair introduced the Sub-Committee, the Borough Council officers and the Legal Advisor and explained their roles.

The Responsible Authority, Applicants and other persons all introduced themselves.

5 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.

6 **REPORT OF THE LICENSING OFFICER**

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At the request of the Chair, the Senior Licensing Officer presented the report as included in the Agenda and highlighted the revised operating schedule attached to the report at Appendix 1 was only submitted after a request was made from the Senior Licensing Officer to the Applicant.

The Senior Licensing Officer requested that the Sub-Committee consider the application and representations put forward at the Hearing and dispose of the matter by using one of the methods as set out in the report.

In response to a question from the Applicant, the Senior Licensing Officer explained the Applicant had agreed that a CCTV system be maintained at the premises which was capable of recording images for a continuous period for at least 28 days with the Norfolk Constabulary, however, the Applicant had filled out an operating schedule after the agreement which stated 14 days and confirmed that was the reason why it was within the report.

There were no other questions from the other parties present.

7 **THE APPLICANT'S CASE**

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The Applicant and his representatives presented their case and explained that the pub and beer garden had been there since the pub was established in 1866. It was explained the previous owner did not use the beer garden. They explained they had recently used the beer garden for customers to view the Euro 2024 football matches and that this had caused some complaints from neighbours. It was explained that they had not changed anything inside or outside on the premises, only the refurbishment of the beer garden.

The Applicant and his representatives explained that as they were the new owners of The Buck Inn, they wanted to use the beer garden to try to establish their business. They explained that they had made efforts to regulate the noise by including signs and commented that they had limited control of noise generated by customers.

The Senior Licensing Officer asked the Applicant what events had been held in the beer garden since it was reopened. The Applicant

stated that the screening of the England football matches during the Euro 2024 were the only events which had been held.

In response to a further question from the Senior Licensing Officer, the Applicant confirmed no live music or dance events had been held in the beer garden, only inside the premises and stated that this was compliant with their music licence.

The Senior Licensing Officer referred to the complaints received from their neighbours about the noise from the televisions and beer garden and asked the Applicant whether they told the complainants that they were not interested in the complaints and should take legal action. The Applicant explained they had taken steps to try to reduce any noise by including signs around the beer garden. It was explained they had received complaints from their neighbours during the Euro 2024 final when they had a higher volume of customers and advised them that they could seek legal advice.

The Senior Licensing Officer asked the Applicant how they were going to control any disruption going forward. The Applicant confirmed they would follow any rules set by the Council.

There were no questions to the Applicant from Mr Todhunter.

The other Interested Party who wished to keep their identity confidential asked the Applicant how they would prevent any noise disturbance in the future. The Applicant reassured the Interested Party that they would follow any rules set by the Council.

Councillor Rust asked the Applicant how long the beer garden had been closed for prior to them moving in. The Applicant confirmed it had been closed for 10 years.

In response to a further question from Councillor Rust, the Applicant confirmed no speakers had been installed in the beer garden, only televisions for customers to view the Euro 2024 football matches.

Councillor Rust asked the Applicant why the proposed hours within the application were so extensive. The Applicant explained they had made a mistake. He commented that it would be worth trying for the longer hours but if that wasn't to be granted then they would accept the hours granted.

Councillor Sandell asked the Applicant how many people watched the football matches in the beer garden. The Applicant advised that approximately 60-80 people attended.

Councillor Sandell asked if the Applicant would be prepared to work with their neighbours if any problems were to arise in the future. The Applicant explained that this would depend on whether their neighbours approached them in a respectable way.

In response to a question raised by the Chair, the Applicant confirmed that the televisions in the beer garden did not have sound bars.

8

INTERESTED PERSONS CASE

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Mr Todhunter

Mr Todhunter presented his case and stated that he had previously had a positive relationship with the Applicant. He stated that he moved into his property next door to the premises 4 years ago and explained it was a quiet village pub with a redundant beer garden and commented that he accepted moving next to a pub. He explained that when the beer garden opened in the summer of 2024, it had caused him stress and anxiety and had prevented him from enjoying his garden. Mr Todhunter explained that he had on several occasions asked the Applicant calmly and nicely to try and resolve the complaints which he had raised but had not received a good response.

Mr Todhunter raised concerns in relation to the proposed hours within the variation application.

The Senior Licensing Officer asked Mr Todhunter what responses he had received from the Applicant in respect of his complaints. Mr Todhunter explained when he first addressed the Applicant he was advised that he could contact the Applicant with any concerns in the future but the latest communication with the Applicant, he was advised to seek legal advice.

In response to a further question from the Senior Licensing Officer, Mr Todhunter confirmed that he was completely opposed to entertainment outside in the beer garden.

There were no questions to Mr Todhunter from the Applicant.

Councillor Sandell asked Mr Todhunter whether the Applicant advised him that the beer garden was re-opening. Mr Todhunter explained that he was aware the beer garden was re-opening but was not made aware of the intentions for it.

Councillor Rust asked Mr Todhunter if he had considered acoustic fencing. Mr Todhunter explained he was aware of acoustic fencing but was unable to give a view as to whether it would improve the situation.

Councillor Rust raised a further question and asked if formal security staff were present whether this could have an impact on the requests to keep the noise disturbance down. Mr Todhunter stated that if there was a member of staff from The Buck Inn going out to the beer garden regularly to check activity that could be sufficient to control noise levels.

Councillor Rust asked Mr Todhunter whether he had any concerns around the clientele of the pub. Mr Todhunter stated that the owners in charge could have a big input on how their customers behave.

In response to a question raised by the Chair, Mr Todhunter explained his primary concern was that his complaints had not been addressed and raised strong concerns in relation to the extension of the hours which would encourage further issues. Mr Todhunter added that he recognised the need for a compromise but commented that the Applicant was not taking full responsibility with owning the pub.

Other Interested Party (identity kept confidential)

The Interested Party presented their case and raised concerns around the noise disturbance from the premises and that it was affecting family life. They added that there had been parking issues and stated that emergency services would not be able to gain access in that area.

In response to a question from the Senior Licensing Officer, the Interested Party confirmed that their objection was with the extension of hours and the noise from the entertainment going on in the beer garden. They added that they had no problem with the noise inside of the pub as this did not affect them.

There were no other questions from the other parties present.

9

THE RESPONSIBLE AUTHORITY'S CASE

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Nathan Reed, the Community Safety Neighbourhood Nuisance (CSNN) Officer, on behalf of the Borough Council presented the Responsible Authority's case. He commented that he had had some concerns in relation to the extensive hours which were being requested.

The CSNN Officer explained that they had imposed a series of conditions including a noise management plan following some complaints relating to television noise and people in the garden last summer. He also confirmed that he would be happy to work with the Applicant on moving forward with that.

The CSNN Officer explained that people noise was difficult to deal with in venues such as this and stated that the Responsible Authority would need to have confidence in the management going forward that any changes would work. The CSNN Officer confirmed that the Borough Council's CSNN Team could call for a review of the licence if noise management issues continued to arise and could exercise powers under statutory nuisance legislation.

The Senior Licensing Officer asked the CSNN Officer what confidence they had with the location of the pub and whether the noise management plan would be effective. The CSNN Officer stated that it would be quite difficult even for more experienced pub owners, therefore, he did have reservations and a lack of confidence with regards to the management.

In response to a further question from the Senior Licensing Officer, the CSNN Officer explained they could:

- Restrict the timings of certain outdoor events
- Condition the beer garden to close at specific times

There were no questions to the CSNN Officer from the Applicant or the Interested Parties.

In response to a question from Councillor Rust, the CSNN Officer explained they were not aware of any training courses which would be suitable for the Applicant to go on but reassured the Sub-Committee that if the Applicant was to adhere to a noise management plan, this would benefit them.

Councillor Rust asked the CSNN Officer how soon they could call for a review of the licence. The CSNN Officer outlined the process for a review of a licence.

In response to a question from Councillor Sandell, the CSNN Officer confirmed that the Council had received two complaints since the Applicant had been running The Buck Inn.

In response to a question raised by the Chair, the CSNN Officer explained the Responsible Authority would look to work informally in the first instance to remedy any non-compliance or noise disturbance complaints. The next step to take if that did not work would be to undertake a visit to somebody's garden and look to witness and determine whether there was a statutory noise nuisance. If it was a statutory nuisance, he explained they would serve a notice on the pub requiring them to abate the nuisance within a certain timeframe. It was explained the length of time would all depend on what was causing the noise disturbance. If it was appropriate to review the licence, the CSNN Officer stated that this could take around a month and a half and the Responsible Authority could issue a Community Protection Warning depending on the type of complaint made but stated that could take up to six months.

The Sub-Committee adjourned for a comfort break at 11.18 am and reconvened at 11.31 am.

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

11 **SUMMING UP - OTHER PERSONS**

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Mr Todhunter summed up his case and confirmed he would be open to compromise with the Applicant and his representatives and stated there would be room for negotiation.

The other Interested Party had nothing further to add.

12 **SUMMING UP - THE APPLICANT**

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The Applicant summed up their case and stated that they would be happy to negotiate with the Interested Parties and the Licensing Authority but commented they would not compromise their business for just one or two complaints.

13 **OUTSTANDING MATTERS**

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The Legal Advisor commented that the Sub-Committee should be clear on the level of outdoor usage of the venue, with any conditions they wish to impose, and that if they felt they wanted to confirm this with the Senior Licensing Officer, then they should do so, unless they were already clear on this in their own minds, as this would be an important thing to consider when determining their decision.

14 **DECISION NOTICE**

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

All parties were informed that the Decision Notice would be sent to them within five days.

The meeting closed at 11.38 am