

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



Licensing Sub Committee Hearing

Agenda

Tuesday, 5th November, 2024
at 10.00 am

in the

**Council Chamber
Town Hall
Saturday Market Place
King's Lynn**

Also available to view at:

<https://www.youtube.com/user/WestNorfolkBC>



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

Monday 28 October 2024

Dear Member

Licensing Committee

You are invited to attend a meeting of the above-mentioned Sub Committee which will be held on **Tuesday, 5th November, 2024 at 10.00 am** in the **Council Chamber, 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 (Page 4)

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 variation of an existing Premises Licence for The Buck Inn Ltd, 2 Church Road, Tilney St Lawrence, King's Lynn

- a) **Procedure which will be followed at the Hearing** (Pages 5 - 8)
- b) **Report of the Licensing Officer** (Pages 9 - 56)

To:

Licensing Committee: Councillors C Crofts, J Moriarty and J Rust

Officers:

Marie Malt – Licensing Service Manager

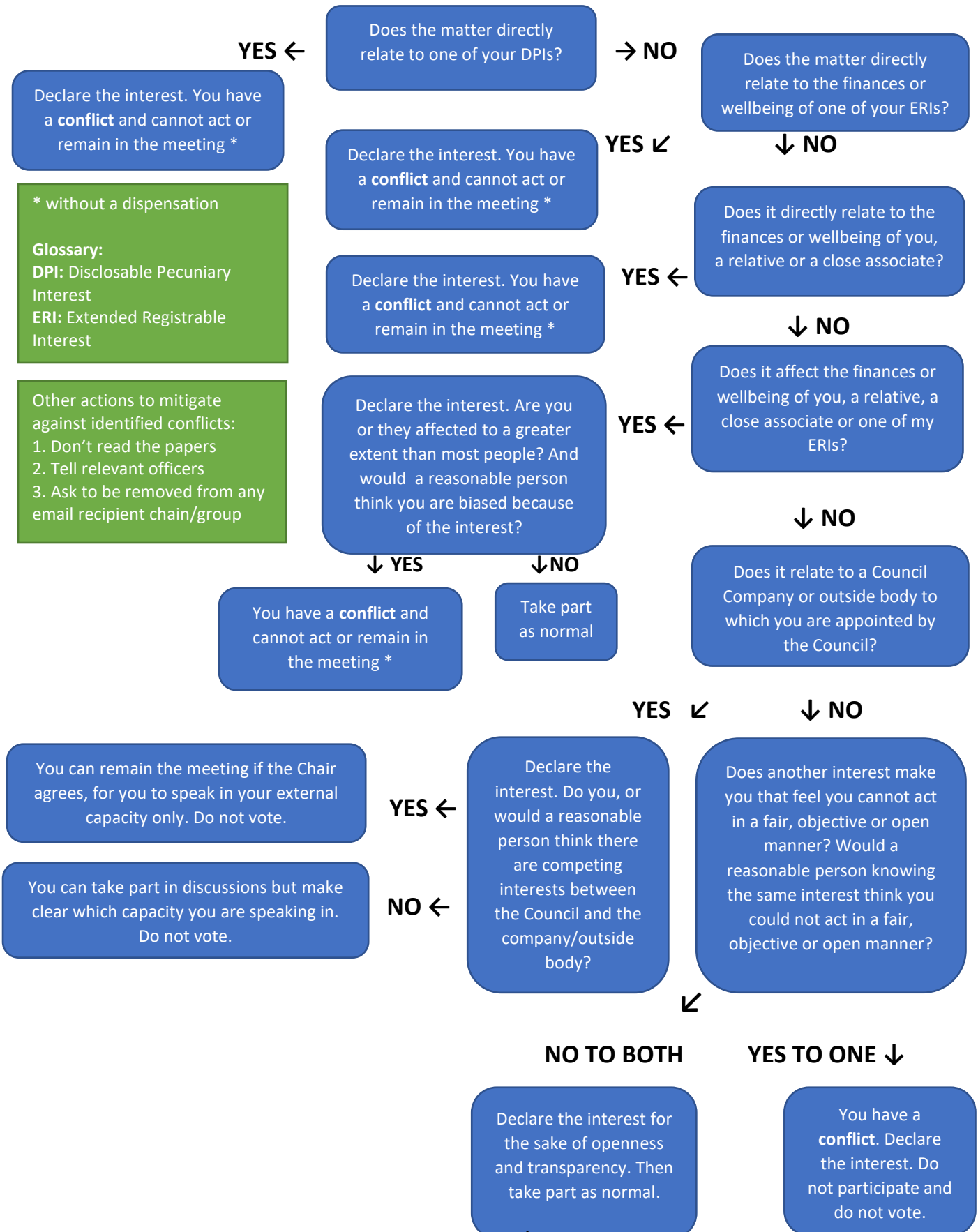
Craig Pease – Senior Licensing Officer

James Arrandale – Legal Advisor

DECLARING AN INTEREST AND MANAGING ANY CONFLICTS FLOWCHART



START



Procedure for Determining Licensing Act 2003 Cases

The hearings will be held 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 i.e. normally 15 minutes each, in total. Any person may apply for longer time if they immediately notify the licensing authority upon receipt of the Notice of the Hearing and in exceptional circumstances, the licensing authority 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 licensing authority may ask an appropriate number of representatives or a single representative to put forward their views.

Introductions

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

This Committee is sitting to consider a matter under the Licensing Act 2003.

2. The **Chair** will introduce himself and the Members of the Committee.
3. The **Chair** will then introduce and explain the respective roles of
 - (i) the Democratic Services Officer
 - (ii) the Officer representing the Licensing Authority
 - (iii) the Legal Advisor to the Committee
4. The **Chair** should invite all those present to introduce themselves and ask them to indicate if they wish to speak during the hearing.
5. Each party will be asked by the **Chair** 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 Chair).

The Application for Review of a Premises License

6. The **Legal Advisor** explains the procedure that will be followed at the hearing. All parties to note that any requests or issues should be directed through the Chair.
7. The **Officer representing the Licensing Authority** outlines the review application to the Committee by presenting the report referring to any relevant extracts from the Borough Council's Licensing Policy and any relevant Statutory Guidance.
8. The **Chair** will invite questions from all parties to clarify the content of the Licensing Officer's report.

The Applicant's Case

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

Questions

10. Once the Applicant has presented their case, the Chair invites questions to the Applicant or his representative from
 - (i) The Officer representing the Licensing Authority
 - (ii) The respondent (or their representative)
 - (iii) Responsible Authorities (or their representative)
 - (iv) Other persons (or their representatives)
 - (v) Members of the Committee.

11. The Chair will invite questions to the witnesses from the

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

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

The Respondent's Case

12. The **Chair** then invites the respondent or their representative to make their case. Witnesses may be called but each will be subject to separate questioning (see below).

Questions

13. Once the respondent has presented their case, the **Chair** invites questions to the respondent or their representative from the

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

14. The **Chair** will invite questions to the witnesses from the

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

Responsible Authorities

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

Questions

16. Once the Responsible Authorities have presented their case, the **Chair** invites questions to the them or their representative from

- (i) The Officer representing the Licensing Authority
- (ii) The applicant (or their representative)
- (iii) The respondent (or their representative)
- (iv) Any other Responsible Authorities (or their representative)
- (v) Other persons (or their representative)
- (vi) Members of the Committee.

17. The **Chair** will invite questions to the witnesses from the

- (i) The Officer representing the Licensing Authority
- (ii) The applicant (or their representative)
- (iii) The respondent (or their representative)
- (iv) Any other Responsible Authorities (or their representative)
- (ii) Other persons (or their representatives)
- (iii) Members of the Committee.

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

Other Persons

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

This will operate as follows:

- each party will present his/her/body's case
 - each party's witnesses (if any) will give evidence in support of the party's case
 - firstly, each party and, secondly, their witnesses may be questioned by other parties, prior to questioning by Members of the Committee.
19. The Officer representing the Licensing Authority, the applicant (or their representative), the respondent (or their representative) and Responsible Authorities (or their representatives) will be invited to ask relevant questions of those parties (or the parties' representatives).

Summing Up

20. The **Chair** then invites the Officer representing the Licensing Authority to sum up their case. They may comment upon what has been said but no new evidence should be introduced. Each party will be allowed 5 minutes to sum up.
21. The **Chair** then invites the respondent (or their representative) to sum up their case. They may comment upon what has been said but no new evidence should be introduced. Each party will be allowed 5 minutes to sum up.
22. The **Chair** then invites the Responsible Authorities (or their representatives) to sum up their case. They may comment upon what has been said but no new evidence should be introduced. Each party will be allowed 5 minutes to sum up.
23. The **Chair** then invites the other persons (or their representatives) to sum up their case. They may comment upon what has been said but no evidence should be introduced. Each party will be allowed 5 minutes to sum up.
24. The **Chair** then invites the applicant (or their representative) to sum up their case. They may comment upon what has been said but no new evidence should be introduced. They also will be allowed 5 minutes to sum up.

Reaching and Making a Decision

25. **The Chair** will ask the Council's Legal Advisor to address the Committee on any outstanding matters.
26. The **Chair** 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).
27. 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.
28. Once a decision has been made, **the Chair** will invite the **Legal Advisor** to announce in public any legal advice he/she has given in private.
29. **The Chair** will read out the decision and the reasons for the decision (unless the Committee is unable to reach a determination at the conclusion of the hearing).
30. **The Chair** will explain that all parties will be notified of the outcome of the decision and reasons for the decision in writing.

31. If the Committee is unable to reach a decision, the **Chair** 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: 5th November 2024

Application for the variation of an existing Premises Licence -

The Buck Inn, 2 Church Road, Tilney St Lawrence, King's Lynn, Norfolk, PE34 4QQ

Applicant – The Buck Inn Ltd

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 Buck Inn Ltd has made an application to vary the existing premises licence in respect of The Buck Inn to extend the hours of licensable activity and include licensable activity outdoors. A copy of the original application, followed by a revised operating schedule is attached to this report at Appendix 1.

The applicant has agreed to amended hours as recommended by the council's Community Safety & Neighbourhood Nuisance team. A summary of the licensable activity currently authorised, originally applied for and amended as agreed can be found attached to this report at Appendix 2.

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 agreed by the applicant and extracted from the revised operating schedule.

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

- (a) A Noise Management Plan, NMP1 – Must be submitted to and approved by the Community Safety and Neighbourhood Nuisance team within 7 days of the grant of a licence and must be implemented as approved at all times thereafter. Any amendments to the plan must be approved by the Community Safety and Neighbourhood Nuisance team. The Noise Management Plan must be made available upon request at any time to the Community Safety and Neighbourhood Nuisance Team.

Conditions identified from the operating schedule

- (a) 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 (*as agreed with Norfolk Constabulary). 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 both the inside and outside of the premises. the doorway and till areas and be capable of facial recognition of all persons.

- (b) Signs must be displayed in prominent positions requesting that customers show due consideration of neighbors when leaving the premises.
- (c) 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. Challenge 25 signage must also be displayed at prominent positions within the premises.
- (d) The licence holder shall maintain records of all refusals of the sale of alcohol and other incidents that may occur at the premises in a book that will be kept for that purpose. The refusals / incident book will be produced for inspection upon reasonable request from representatives of the Police or the Licensing Authority.

Representation from Responsible Authorities

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

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

Norfolk Constabulary; Norfolk Fire Service; Norfolk Trading Standards; Norfolk Safeguarding Children's Board; Public Health; Community Safety & Neighbourhood Nuisance (BCKLWN) Planning (BCKLWN); Environmental Health (BCKLWN); Licensing Authority (BCKLWN) and 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 three representations from 'other persons' to consider, all are objections to the application. Copies of the representations are attached to this report at Appendix 3.

Notices

7. The applicant is responsible for advertising the application by way of a notice in a specified form at the premises for not less than 28 consecutive days and in a local newspaper on at least one occasion. The Public Notice appeared in the Lynn News on Friday 27th September 2024 and should have been displayed on the premises up to and including the 17th October 2024.

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 4 and another plan is attached at Appendix 5 showing the approximate location of the nearby objectors in relation to the premises.

Borough Council of King's Lynn & West Norfolk's Licensing Policy

10. 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.

3.2 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.

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

Licensing Objectives and Aims

- 1.2 The legislation provides a clear focus on the promotion of four statutory objectives which must be addressed when licensing functions are undertaken.
- 1.3 The licensing objectives are:
 - The prevention of crime and disorder;
 - Public safety;
 - The prevention of public nuisance; and
 - The protection of children from harm.
- 1.4 Each objective is of equal importance. There are no other statutory licensing objectives, so that the promotion of the four objectives is a paramount consideration at all times.
- 1.5 However, the legislation also supports a number of other key aims and purposes. These are vitally important and should be principal aims for everyone involved in licensing work. They include:
 - Protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises;
 - Giving the police and licensing authorities the powers they need to effectively manage and police the night-time economy and take action against those premises that are causing problems;
 - Recognising the important role which pubs and other licensed premises play in our local communities by minimising the regulatory burden on business, encouraging innovation and supporting responsible premises;
 - Providing a regulatory framework for alcohol which reflects the needs of local communities and empowers local authorities to make and enforce decisions about the most appropriate licensing strategies for their local area; and
 - Encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may affect them.
 -

Licence Conditions – General Principles

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

- must be precise and enforceable;
- must be unambiguous and clear in what they intend to achieve;
- should not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation;
- must be tailored to the individual type, location and characteristics of the premises and events concerned;
- should not be standardised and may be unlawful when it cannot be demonstrated that they are appropriate for the promotion of the licensing objectives in an individual case;
- should not replicate offences set out in the 2003 Act or other legislation;
- should be proportionate, justifiable and be capable of being met;
- 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

12. 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.

13. The Sub-Committee are reminded that full reasons for their decision must be given as both the applicant and persons making representations have a right of appeal against that decision to the Magistrates’ Court.

Marie Malt

Marie Malt

Licensing Service Manager
Legal Services & Licensing
24th October 2024

Appendices:

1. Copy of Application
2. Summary of licensable activities
3. Copies of letters of Representations from ‘other persons’
4. Premises Plan of Layout
5. 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:
WLZRQFCH

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

Appendix 1 to
Report to Licensing sub-Committee
Re: The Buck Inn
Dated: 24th October 2024

Page: Coversheet

This form was started at:	16/08/2024 20:21:35
This form was completed at:	16/08/2024 22:21:49
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](#)

Individual or company name	The Buck inn ltd
Address line 1	2 church road
Address line 2	Tilney St Lawrence
Address line 3	Kings lynn
Address line 4	
Postcode	PE34 4QQ
Daytime telephone number	
Email address	
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? vary an existing premises licence

Section: Vary an existing premises licence

I being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described below.

Premises licence number	17/005634
Name of premises or business	The Buck Inn
Address line 1	2 church road
Address line 2	Tilney St Lawrence
Address line 3	Kings Lynn
Address line 4	
Postcode	PE34 4QQ
Telephone number at the premises	

Do you want the proposed variation to have effect as soon as possible? Yes

Please describe briefly the nature of the proposed variation For beer garden ,music and live performances entertainments,television,and etc

What is the non-domestic rateable value (NDRV) of the premises? None - £4,300

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 below £4,300 is:

£100.00

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? Yes

A licence is not required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.

Will you be providing films at the premises? No

Will you be providing indoor sporting events at the premises? Yes

A licence is not required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.

Will you be providing boxing or wrestling entertainment at the premises? No

Will you be providing live music at the premises? Yes

A licence is not required for:

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

Will you be providing recorded music at the premises? Yes

A licence is not required for:

- any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
- any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.

- any playing of recorded music between 08.00 and 23.00 on any day, at the nonresidential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

Will you be providing performances of dance at the premises?	Yes
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A licence is not required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.

Will you be providing anything of a similar description to live music, recorded music or performances of dance at the premises?	Yes
--	-----

Will you be providing late night refreshment at the premises?	Yes
--	-----

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

Will you be selling or supplying alcohol at the premises?	Yes
--	-----

Page: Provision of plays

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 10:00

End time 02:00

Section: Tuesday

Start time 10:00

End time 02:00

Section: Wednesday

Start time 10:00

End time 02:00

Section: Thursday

Start time 10:00

End time 02:00

Section: Friday

Start time 10:00

End time 03:00

Section: Saturday

Start time 10:00

End time 03:00

Section: Sunday

Start time 10:00

End time 02:00

Will the provision of the plays take place indoors, outdoors or both? Both

Please provide further details here Outdoor tv music, live performances, ect

Please state any seasonal variations to the provision of the plays January to December

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

Page: Provision of indoor sporting events

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 10:00
End time 02:00

Section: Tuesday

Start time 10:00
End time 02:00

Section: Wednesday

Start time 10:00
End time 02:00

Section: Thursday

Start time 10:00
End date 02:00

Section: Friday

Start time 10:00
End time 03:00

Section: Saturday

Start time 10:00
End time 03:00

Section: Sunday

Start time 10:00
End time 03:00

Will the provision of sporting event take place indoors, outdoors or both? Both

Please provide further details here Outside tv music live performances ect

Please state any seasonal variations to the provision of the sporting events

Where you intend to use the premises for the provision of sporting events at different times to those listed above, please specify below: All year

Page: Provision of live music

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

Section: Monday

Start time 10:00

End time 02:00

Section: Tuesday

Start time 10:00

End time 02:00

Section: Wednesday

Start time 10:00

End time 02:00

Section: Thursday

Start time 10:00

End time 02:00

Section: Friday

Start time 10:00

End time 02:00

Section: Saturday

Start time 10:00

End time 02:00

Section: Sunday

Start time 10:00

End time 02:00

Will the provision of the live music take place indoors, outdoors or both? Both

Please provide further details here

Please state any seasonal variations for the provision of the live music

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

Page: Provision of recorded music

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

Section: Monday

Start time 10:00
End time 00:00

Section: Tuesday

Start time 10:00
End time 00:00

Section: Wednesday

Start time 10:00
End time 00:00

Section: Thursday

Start time 10:00
End time 00:00

Section: Friday

Start time 10:00
End time 02:00

Section: Saturday

Start time 10:00
End time 02:00

Section: Sunday

Start time 10:00
End time 00:00

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

Please provide further details here

Please state any seasonal variations for the provision of recorded music

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

Page: Provision of performances of dance

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 10:00
End time 00:00

Section: Tuesday

Start time 10:00
End time 00:00

Section: Wednesday

Start time 10:00
End time 00:00

Section: Thursday

Start time 10:00
End time 00:00

Section: Friday

Start time 10:00
End time 00:00

Section: Saturday

Start time 10:00
End time 00:00

Section: Sunday

Start time 10:00
End time 00:00

Will the provision of the performances of dance take place indoors, outdoors or both? Both

Please provide further details here

Please state any seasonal variations for the provision of performances of dance

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

Page: Provision of anything of a similar description to live music, recorded music or performances of dance

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 10:00
End time 00:00

Section: Tuesday

Start time 10:00
End time 00:00

Section: Wednesday

Start time 10:00
End time 00:00

Section: Thursday

Start time 10:00
End time 00:00

Section: Friday

Start time 10:00
End time 02:00

Section: Saturday

Start time 10:00
End time 02:00

Section: Sunday

Start time 10:00
End time 00:00

Will the provision of anything of a similar description to live music, recorded music or performances of dance take place indoors, outdoors or both? Both

Please provide further details here

Please state any seasonal variations for the provision of anything of a similar description to live music, recorded music or performances of dance

Where you intend to use the premises for the provision of anything of a similar description to live music, recorded music or performances of dance at different times to those listed above, please specify below:

Page: Provision of late night refreshment

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

Section: Monday	
Start time	10:00
End time	00:00
Section: Tuesday	
Start time	10:00
End time	00:00
Section: Wednesday	
Start time	10:00
End time	00:00
Section: Thursday	
Start time	10:00
End time	00:00
Section: Friday	
Start time	10:00
End time	00:00
Section: Saturday	
Start time	10:00
End time	00:00
Section: Sunday	
Start time	10:00
End time	00:00
Will the provision of late night refreshments take place indoors, outdoors or both?	Both
Please provide further details here	
Please state any seasonal variations for the provision of late night refreshment	Birthday,any occasion
Where you intend to use the premises for the provision of late night refreshment at different times to those listed above, please specify below:	Same as above

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 10:00
End time 01:00

Section: Tuesday

Start time 10:00
End time 01:00

Section: Wednesday

Start time 10:00
End time 01:00

Section: Thursday

Start time 10:00
End time 01:00

Section: Friday

Start time 10:00
End time 02:00

Section: Saturday

Start 10:00
End time 02:00

Section: Sunday

Start time 10:00
End time 01:00

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: Same above

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)	
Please tell us your nationality	
Do you currently hold a personal licence?	
Personal licence number	
Personal licence issuing authority	

Page: Tell us the premises opening hours

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

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

Section: Monday

Start time 10:00
End time 01:00

Section: Tuesday

Start time 10:00
End time 01:00

Section: Wednesday

Start time 10:00
End time 01:00

Section: Thursday

Start time 10:00
End time 01:00

Section: Friday

Start time 10:00
End time 02:00

Section: Saturday

Start time 10:00
End time 02:00

Section: Sunday

Start time 10:00
End time 01:00

Please tell us about any seasonal variations

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

Christmas Eve 24 hours
Christmas Day 24 hours
New year eve 24 hours

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

As we are not showing and film in a t television
Only games any league games nothing else,

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	The prevention of crime and disorder Public safety The prevention of public nuisance The protection of children from harm
The prevention of crime and disorder	Reports to the police Anti social behaviour
Public safety	Safely of people Fire issues Medical care
The prevention of public nuisance	Noise Light Pollution Noxious etc
The protection of children from harm	This objective to the protection of children Psychological and physiological harm Adult entertainment Drinking alcohol Gambling Drug taking Sexual expletives

Page: Documents checklist - varying a premises licence

Checklist

- ✓ I understand that I must now advertise the application both in the newspaper and on the premises
- ✓ I will send a copy of the advert once it has appeared in the newspaper
- ✓ I understand that I must send my certificate of service, certificate of display and original premises licence to the Borough Council of King's Lynn and West Norfolk
- ✓ I understand that if I do not comply with the above requirements my variation may be rejected

When varying your premises licence, 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 (if the layout has changed):

Uploaded files*

* If empty, no files were uploaded

Please use this box to tell us anything else

Little bit change in garden and we want to serve beer from beer garden as well

Your ref no: Form ref:
WLZRQFCH

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

Page: Payment summary

Application fee for RV below 4300	£100.00
Total	£100.00

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.

" />

Applicant name:

Date: 11/10/2024

Name of Premises: THE BUCK INN

New Application or Variation:

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

a) **General**— all four licensing objectives (b, c, d, e) (please read guidance note 10)

I am responsible person for all staff well trained for the purpose of fulfilling the terms and condition of the license and for preventing crime & disorder. All staff will be undertaken in training while hire. Responsibility in relation to sale of alcohol particularly with overdrunk public.

b) **The prevention of crime and disorder**

The CCTV system installed and coverage in outside and inside.

- 24 Hrs CCTV on and 14 days capacity of recording
- CCTV will provide all image & video and eligible to give to police. Sign displayed in the premises to inform customer the CCTV is in operation.

c) **Public safety**

→ Fire safety procedure in place
fire exit sign
Numerous smoke detector
Emergency exit lighting
Certificate provided to fire safety Agency.

d) **The prevention of public nuisance**

→ All customer will be asked to leave quietly.
→ clearly noticeable sign is displayed to leave quietly and have regard to our neighbours.

e) **The protection of children from harm**

Displayed the age of under the 25 for photographic ID, such as proof of age card,
- All staff will be well trained for under age sales prevention regularity.
- A register of refused sale will be kept & maintained on the premises.

The Buck, 2 Church Road, Tilney St Lawrence, Norfolk, PE34 4QQ

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Current Authorisations		Variation Application		Revised Variation Application - Agreed Changes (CSNN/Applicant)	
SOA On and Off	Fri-Sat 10am – 1am Sun – Thur 10am – midnight NYE 24h	SOA On and Off	Fri – Sat 10am – 2am Sun-Thur 10am – 1am NYE 24h	SOA On and Off	Fri – Sat 10am – 1am Sun-Thur 10am – midnight NYE 24h
Live Music	Fri – Sat 8pm – 1am Indoor Only	Live Music Indoor & Outdoor	Mon – Sun 10am – 2am	Live Music Indoor & Outdoor	Indoors Fri & Sat 8pm – 1am Sun - Thur 8pm – 11pm Outdoors – Fri & Sat 4pm – 8pm
Similar live	Fri – Sat 8pm – 1am Indoor Only	Similar live Indoor & Outdoor	Fri-Sat 10am – 2am Sun-Thur 10am - Midnight	Similar live Indoor & Outdoor	Indoors Fri - Sat 8pm – 1am Sun – Thur 8pm – 11pm Outdoors – Fri -Sat 4pm – 8pm
Perf Dance	Fri – Sat 8pm – 1am Indoor Only	Perf Dance Indoor & Outdoor	Mon-Sun 10am - Midnight	Perf Dance Indoor & Outdoor	Indoors Fri - Sat 8pm – 1am Sun -Thur 8pm – 11pm Outdoors – Fri - Sat 4pm – 8pm
Recorded Music	Fri – Sat 8pm – 1am Indoor Only	Recorded Music Indoor & Outdoor	Fri – Sat 10am – 2am Sun-Thur 10am - midnight	Recorded Music Indoor & Outdoor	Indoors Fri - Sat, 8pm – 1am Sun – Thur, 8pm – 11pm Outdoors – Fri - Sat 4pm – 8pm
		Plays Indoor & Outdoor	Fri – Sat 10am – 3am Sun – Thur 10am – 2am	Plays Indoor & Outdoor	Indoors – Fri - Sat Midday – 1am Sun - Thur 8pm – 11pm Outdoors – Fri - Sat 4pm – 8pm
		Indoor Sporting Event	Fri – Sun 10am – 3am Mon – Thur 10am – 2am	Indoor Sporting Event	Indoors only – Fri - Sat 10am – 1am Sun - Thur 10am – midnight
		Late Night Refreshment	Mon-Sun 11pm - Midnight	Late Night Refreshment	Mon to Sun, 11pm – Midnight

[Redacted]

Sent: Monday, September 30, 2024 11:27:30 AM (UTC+00:00) Dublin, Edinburgh, Lisbon, London
To: EH Licensing <EHlicensing@West-Norfolk.gov.uk>
Subject: Objection to the licence application The Buck Inn
Tel - 07561117145

Ref 24/01020/LA

[Redacted]

Dear Sir/Madam,

I am contacting you as I wish to object to the new licence hours for the above pub. I have lived here four years and never had a problem with the pub until the new owners opened the beer garden. I have spoken with the owners who have told me they do not wish to hear complaints and take legal action. My objections are -

The prevention of public nuisance- Shouting, swearing, loud noise levels, tv in garden is too loud. children screaming and shouting until late, car doors banging and talking late at night, parking outside my home sometimes impossible, this affects the sleeping of myself [Redacted] here.

The protection of children from harm- The noise levels already give disturbed sleep. The swearing and drunk behaviour will increase if the pub stays open longer. The lack of parking will mean more cars parking on the street on an already dangerous road causing more accidents. [Redacted] cannot play in our own garden while the noise and language sometimes used this will escalate with more drinking time. The banging of car doors and talking when people leave the pub will disturb the child in my care.

Public safety- This again is a dangerous road cars screeching around the crossroads parking both sides of the road is made difficult when the pub gets very busy, also making crossing the road dangerous as you cannot see past the parked cars. Intoxicated people leaving the pub in the early hours likely to cause a nuisance.

The prevention of crime and order- We are already experiencing swearing and shouting late at night if the opening hours are longer people will drink more and things will escalate. [Redacted]

[Redacted]

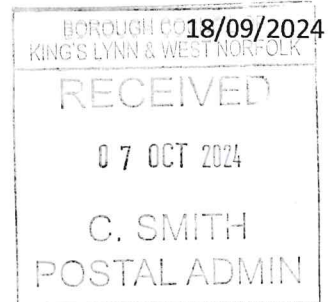
[Redacted]

Yours Faithfully

[Redacted]



Re: Objection to Licence application
Ref: 24/01020/LA_VAR – The Buck inn,
Tilney St Lawrence, Kings Lynn, Norfolk
PE34 4QQ.



Dear Sir/Madam

I wish to strongly object to the extension of the licence currently under open consultation of the above reference. The Buck inn, Tilney St Lawrence, Kings Lynn, Norfolk, PE34 4QQ.

As someone who lives in established beer garden at the above public house, I can give my first-hand experience of the disturbance, excessive noise and disruption which I believe to be contrary to the reasonable expectation of quiet enjoyment in my own property. I also believe that under the current licencing arrangement at The Buck inn that on multiple occasions the four objectives outlined in the Licencing act 2003 have been breached.

Breached Objectives:

- Excessive noise from television in Beer Garden.
- Loud conversation and chatting from allocated smoking area.
- Loud and excessive noise from conversation in beer garden.
- Shouting, Laughing, and arguing arising from intoxicated patrons.
- Foul language.
- Excessive noise and commotion from inside pub e.g. Disco/ Karaoke.
- Motor vehicles starting up and idling.
- Motor vehicles driving across gravel carpark.
- Children shouting, playing in beer garden.
- Patrons urinating in car park area.
- Parking issues on church road due to inadequate
- Parking arrangements.

Personal impact from breached objectives:

- Stress, anxiety.
- Unable to sit and relax in own garden.
- Sleepless nights.
- Unable to have windows or doors open on warm evenings.
- Having to leave my property in the evening and return once the Pub has closed and the noise has abated.
- Anxious to return to property in anticipation of excessive noise.

Problems likely to arise from extension of licence.

Excessive alcohol consumption due to longer opening hours.

Higher likelihood of patrons driving while intoxicated.

(Higher risk to local residents)

Higher likelihood of public disorder.

Loud and excessive noise from patrons in beer garden until 1.00pm

Loud and excessive noise from inside the premises until 2.00pm

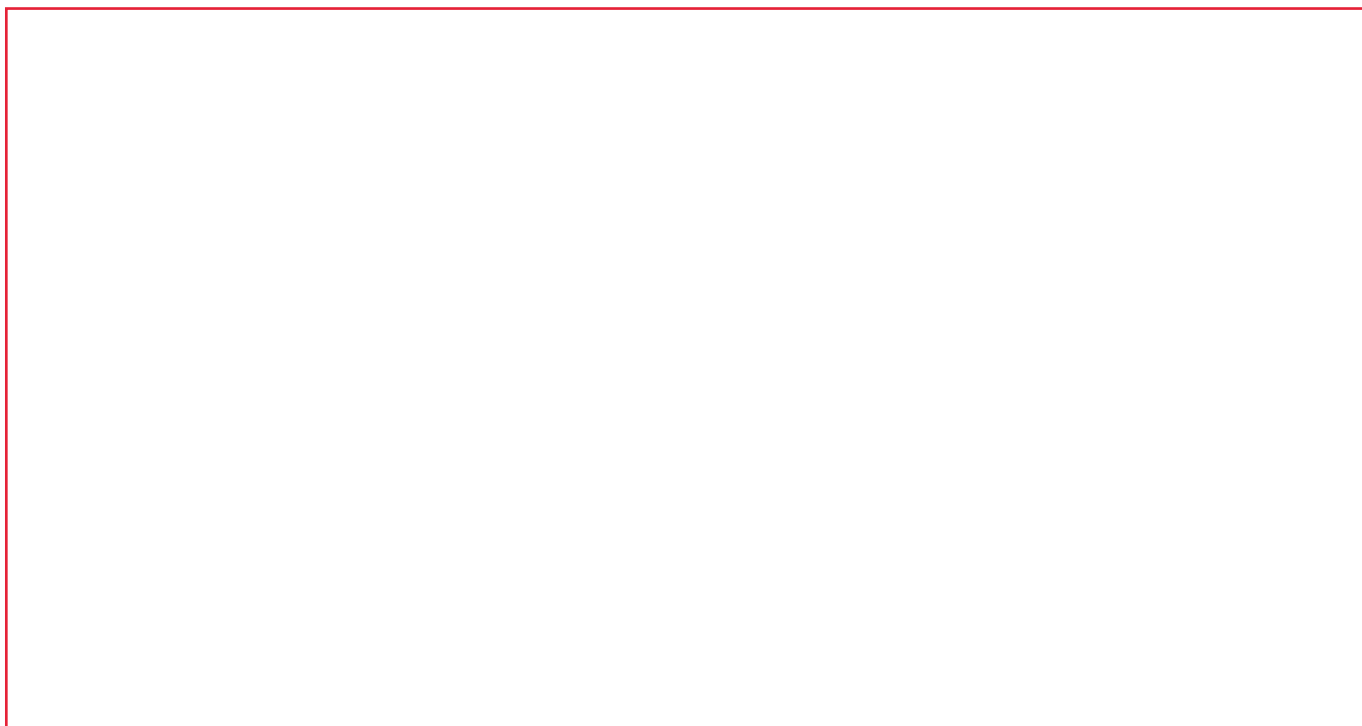
Disturbances from loud music, Disco, Karaoke.

Loud and excessive noise from intoxicated patrons leaving the premises

At 2.00pm.

Disturbance created from Vehicular activity leaving the premises late at night/early morning.

Increased Disruption to children's sleep and wellbeing on school nights.



OCTOBER 5 2024

24/01020/LA-VAR.



with reference of new application
variation of Premises Licence
for Buck Inn
2 Church Road
Tilney St Lawrence

I feel I must object to this because of
the following

1) Noise Level

There was a very high noise level from events held there, we sat in our home, windows and doors closed and we could still hear T.V and crowd.

2) Traffic + Parking

There has been double parking along church Rd restricting size of vehicle to get through. Pony + Trap going up and down church Road at an alarming pace, handlers obviously under influence of alcohol.

Engines being 'revved up' and patrons leaving pub shouting and swearing, car door slamming people driving obviously over the limit

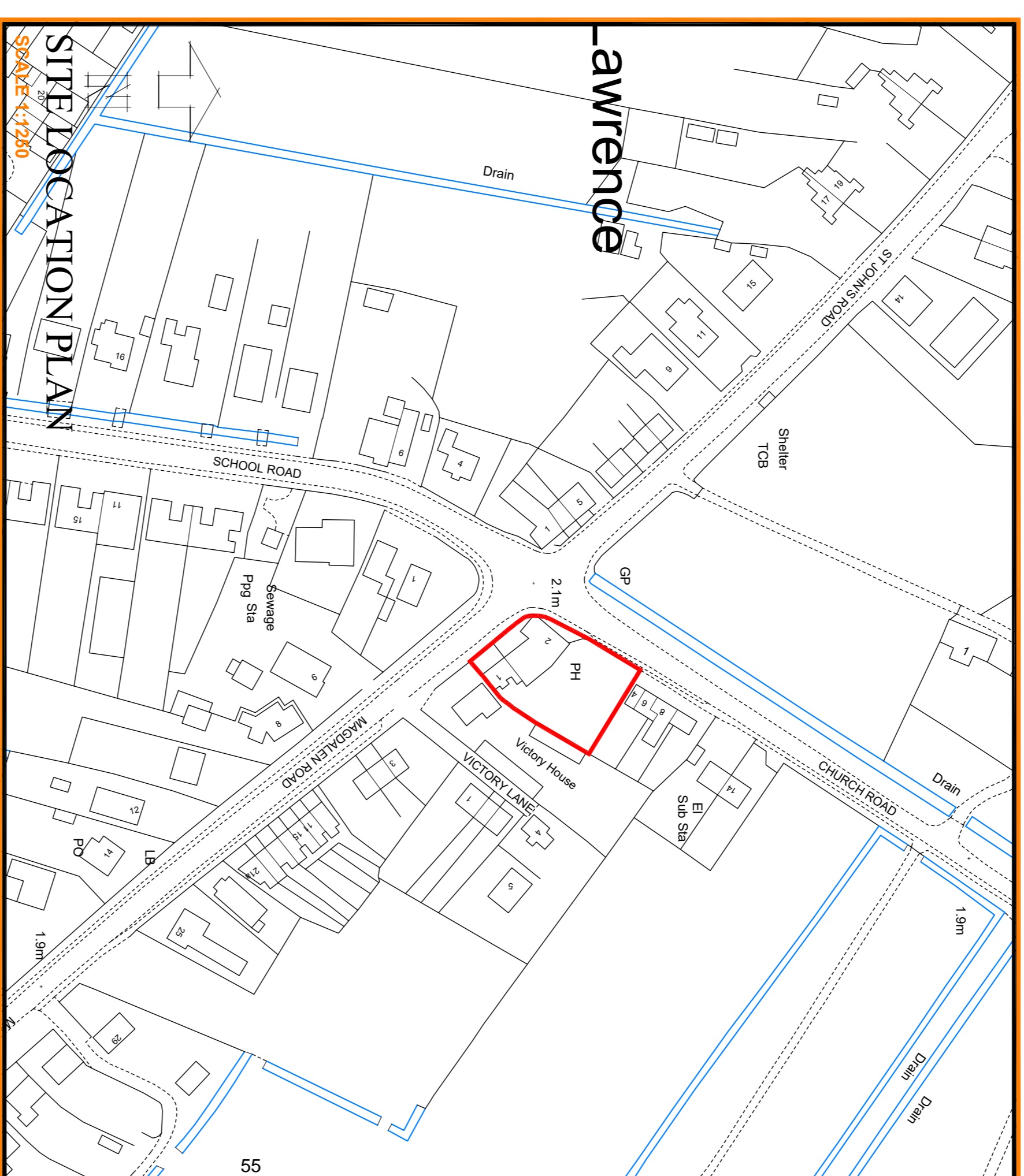
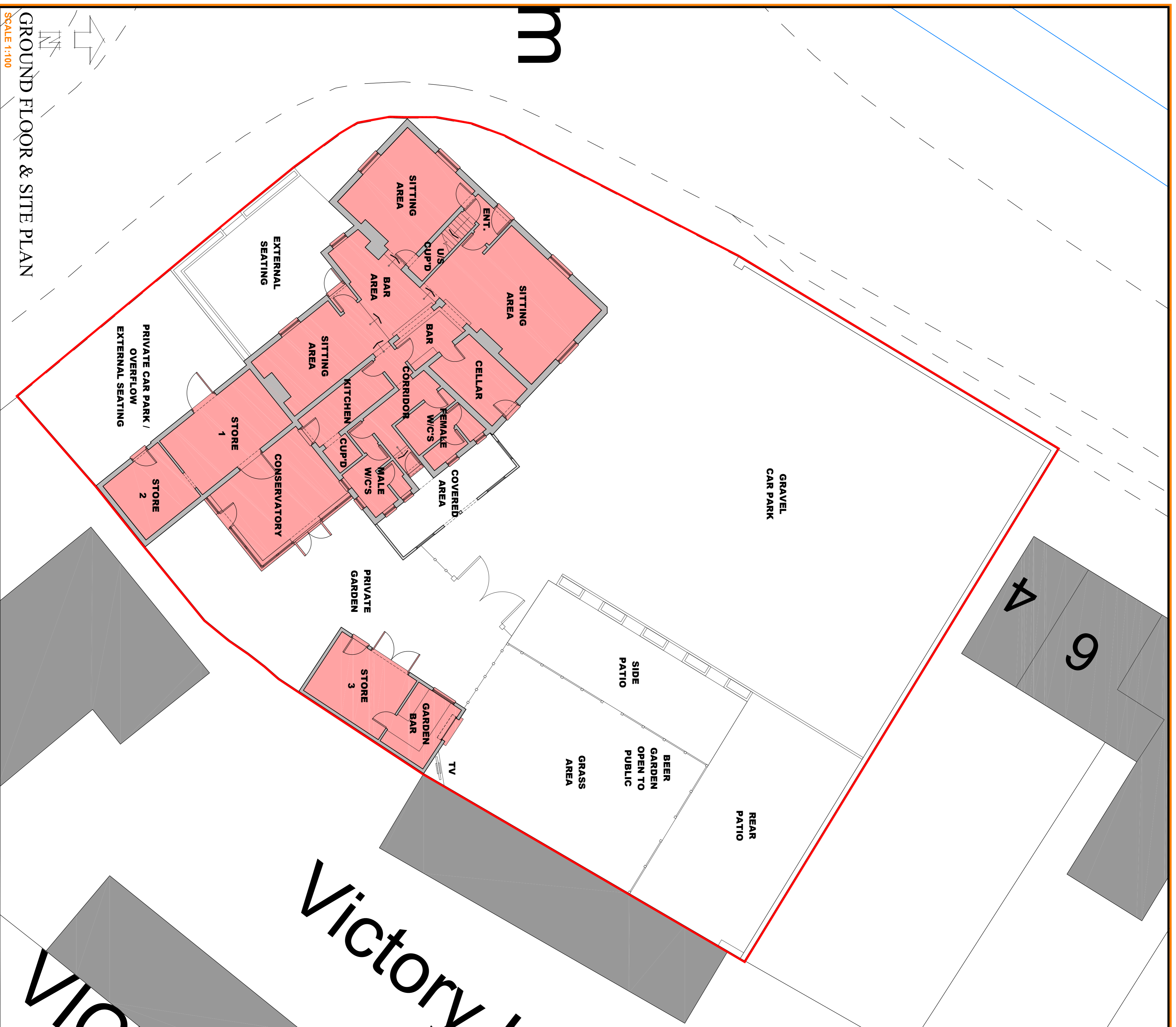
3) Have asked publican to turn TV down especially when nobody in the beer garden but to no avail

I understand several complaints have been made about the noise level and crowds, parking etc. and I feel very strongly that more serious problems will arise from this application if it is granted these unsociable hours



PLANS AS EXISTING

Appendix 4 to
Report to Licensing sub-Committee
Re: The Buck Inn
Dated: 24th October 2024



NOTES:
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All dimensions to be checked before site or off-site fabrication by the Contractor, his Sub-contractor or Supplier.
Structure, structural members & geotechnical investigations are to be carried out & approved by the appointed Structural Engineer. Any deviations to these elements are to be reported to the appointed consultant immediately.
IF IN DOUBT ASK !

REEVE DESIGN LTD
BUILDING DESIGN CONSULTANTS

Project :
The Buck Inn, 2 Church Road, Tilney St Lawrence, King's Lynn, Norfolk, PE34 4QQ

Client :
The Buck Inn (PATEL)

Issue Date :
10.09.2024

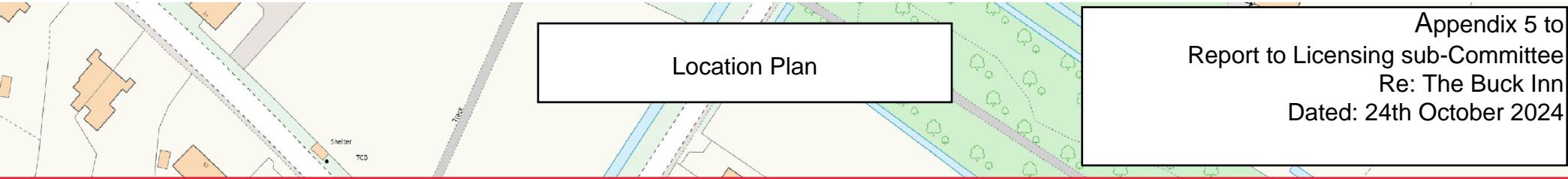
Title :
PLANS AS EXISTING

Revision Details :
N/A

Drawing number : **2168.01** rev : -

For and on behalf of 'REEVE Design Ltd'
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This line measures 200mm in length when printed correctly



Location Plan

Appendix 5 to
Report to Licensing sub-Committee
Re: The Buck Inn
Dated: 24th October 2024



Borough Council of
**King's Lynn &
West Norfolk**
Tel. 01553 616200
Fax. 01553 691663

Legend

- ★ Site Location The Buck Inn
- ◆ Objectors



1:14,959.133382

24/10/2024