

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

**Minutes from the Meeting of the Licensing Committee held on
Tuesday, 27th February, 2018 at 10.00 am in the Council Chamber, Town
Hall, Saturday Market Place, King's Lynn**

PRESENT: Councillor C J Crofts (Chairman)
Councillors Miss S Sandell and T Tilbrook

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 was no declarations of interest.

4 **TO CONSIDER AN APPLICATION FOR A PREMISES LICENCE FOR
THE BLACK HORSE INN, LYNN ROAD, CASTLE RISING**

The Chairman welcomed everyone to the meeting and declared that the Sub-Committee was sitting to consider an application for a premises licence in respect of The Black Horse Inn, Lynn Road, Castle Rising. He introduced the Sub-Committee, the Borough Council officers and the Trainee Solicitor and explained their roles. The Chairman also introduced the Legal Advisor who would be participating in the meeting by telephone.

The Chairman also invited the applicant's representative Mr Richard Taylor to introduce himself to the Panel. He confirmed that 15 minutes would be sufficient to present his case. Mr Taylor introduced Mr Martin Obey who was the Regional Manager for the Ei Group Plc.

The Chairman also invited Mr Richard Waite representing Mr & Mrs Lindley, occupiers of The Almshouses and Chairman of the Trustees of Trinity Hospital to introduce himself to the Panel. Mr Waite confirmed that 15 minutes would be sufficient to present his case.

a **Procedure which will be followed at the Hearing**

At the request of the Chairman, the Trainee Solicitor outlined the procedure which would be followed at the Hearing.

b Report of the Senior Licensing Officer

The Chairman invited the Senior Licensing Officer to present her report to the Sub-Committee. The Senior Licensing Officer explained that the applicant had made an application under Section 17 of the Act for the licensable activities of 'sale of alcohol by retail' and 'Late Night Refreshment', as set out in her report. The four licensing objectives to be considered when determining the application, and relevant representations were:

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

The Senior Licensing Officer made reference to the following:

- The proposed application and that whilst Sections 10 and 11 of the application requested regulated entertainment, the applicant had withdrawn this from the application on 18 February 2018.
- The seven mandatory conditions.
- The proposed conditions which had been identified from the operating schedule to promote the licensing objectives:
 - (a) The DPS shall maintain a refusals/incidents register. That register will be made available to officers of the responsible authorities on request.
 - (b) There will be no speakers placed outside.
 - (c) Children will not be permitted to remain in the premises after 9.00pm unless it is for the purposes of completing a meal ordered prior to that time.
- There were no representations from the responsible authorities to consider.
- There were three representations from other persons to consider, which were attached to the report.
- The Sub-Committee would need to have regard to the Kings Lynn and West Norfolk Borough Council Licensing Policy and Statutory Guidance issued under the Licensing Act 2003.
- The Sub-Committee was informed that the premises licence previously held at the Black Horse was valid from August 2005 until it lapsed in July 2017. A copy of the former premises licence was attached to the report.

The Senior Licensing Officer responded to a question from the applicant's representative and confirmed that the licence had not been revoked but had lapsed. She also confirmed that the new application was identical to the previous one but the entertainment hours were now less.

There were no questions from the other persons on the report.

There were no questions from the Sub-Committee on the report.

5 **THE APPLICANT'S REPRESENTATIVE CASE**

The Chairman then invited the applicant's representative to present their case. He explained that the applicant was one of the largest pub owners in the country. He explained the intention was for the Black Horse to be a 'Sunday lunch' pub and would make its money on food.

The Black Horse was subject to a lease however the licence holder had gone into liquidation. It was the applicant's intention to replicate the licence.

The applicant's representative referred the Sub-Committee to page 49 of the agenda, which was a copy of the licence which had lapsed. He explained that the live and music and recorded music element had now been removed from the application.

There had been objections to the live music and recorded music and the applicant's representative explained that after speaking to the operator they withdrew the request for live music or recorded music as licensable activities, as outlined in the email on pages 41 and 42 of the agenda.

The applicant's agent referred the Committee to the last paragraph of that email which stated that the applicant was anxious to provide a premises that was a benefit to the local community rather than a burden.

It was also explained that it was the applicant's intention to spend money on the public house but the applicant would not commit to this until they knew that they had obtained a licence.

The applicant had offered conditions, which would reflect the way in which the public house would be run, ie. Challenge 21, a refusals register and staff training.

In relation to representations, the applicant's agent explained that there had been no representations from the responsible authorities. He also confirmed that there was no history of problems with the premises.

There were no questions from the Senior Licensing Officer to the applicant's representative.

There were no questions from the other persons.

There were no questions from Members of the Sub-Committee.

6 **THE OTHER PERSONS CASE**

The Chairman then invited the other person – Mr Richard Waite to present their case.

The other person explained that Castle Rising was a tranquil village. The village consisted of businesses and facilities – all of which were quiet in nature. He added that the public house had been recognised as the hub of the community which would serve food and be of general appeal. However the original application took it to another level with live music and extended hours. He added that whilst the applicant could take steps to reduce noise, it could not be removed completely for example cars coming and going from the car park.

The other person made reference to the Almshouses, where the residents were elderly and vulnerable given the location to the public house. He explained that he had been called out to the Almshouses on 2 or 3 occasions where a disturbance had taken place in the car park.

He stated that if the Sub-Committee were minded to approve the application then consideration should be given to avoiding extended hours, sound protection, noise limiters and to add any other appropriate conditions in line with the concerns which had been raised.

The other person responded to a question from the Senior Licensing Officer regarding the times that he had been called out to reassure the residents of the Almshouses. He explained that the disturbances had not been reported.

There were no questions from the applicant's representative.

The other person responded to questions from the Panel regarding whether residents felt that there was any crime and disorder in the area when the public house was operating. The other person explained that it was not crime and disorder just general nuisance with noise and people hanging around in the car park.

7 **SUMMING UP - THE SENIOR LICENSING OFFICER**

The Senior Licensing Officer summed up her case. She reminded the Panel that this was a new premises licence and that the Sub-Committee needed to focus on the four licensing objectives. She also reminded the Sub-Committee that there were mandatory conditions for the licence. She asked the Committee that if they were to impose additional conditions then they should follow the guidelines.

In relation to public nuisance, she referred to page 13 of the agenda and advised that there were other controls in place to deal with public nuisance if required.

She requested that the Sub-Committee considered the application and took such steps as it considered appropriate for the promotion of the licensing objectives. The steps were:

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

8 **SUMMING UP - THE APPLICANT'S REPRESENTATIVE**

The applicant's representative then summed up his case. He advised that the Sub-Committee needed to determine the application on real evidence and not guesswork. He added that there had not been any evidence of problems at the premises or crime and disorder and there had been no complaints from the Council's CSNN team, as detailed on page 43 of the agenda.

He added that notices would be displayed asking people to leave the premises quietly.

9 **SUMMING UP - OTHER PERSONS**

The other persons then summed up their case. He explained that the village and residents did want the pub back but felt that there should be some controls on disturbance. However some areas of concern were not within the applicant's control. He asked the Sub-Committee to add any suitable conditions that they felt would be appropriate.

10 **OUTSTANDING MATTERS**

The Council's Legal Advisor advised that the applicant's representative had offered possible conditions regarding notices, however this was already included on the operating scheduled as detailed on page 37 of the agenda, and therefore did not need to be added as a condition.

She had nothing further to add.

11 **REACHING A DECISION**

The Sub-Committee retired to consider its decision in private, accompanied by the Democratic Services Officer and the Trainee Solicitor, with the Legal Advisor on the telephone, on specific points of law and procedure.

12 **DECISION**

Findings

The Sub-Committee is of the view that the applicant intends to run this premises in a responsible manner, not as a late night entertainment venue, but as a community hub and restaurant where customers can have an alcoholic beverage with a meal. The applicant intends for the premises to be a benefit to the local community. The Sub-Committee carefully considered the objections of those who made representations and accepts that these are genuine concerns concerning noise nuisance. Whilst not adding further conditions to the application, the Licensing Sub-Committee notes that the operating schedule states that notices will be displayed at the exits asking customers to leave quietly. The Licensing Sub-Committee urges that these signs should emphasise that customers, on leaving need to be considerate of local residents. The Committee would strongly urge the applicant to consider the surface of the car park to minimise noise from vehicles exiting the car park. Whilst this is not a condition, the Sub-Committee expects a responsible premise licence holder to give consideration to these comments. The Sub-Committee's decision must be based on evidence provided and particular weight should be given to those responsible authorities who have expertise in the relevant licensing objectives. In this case, there is no objection from the responsible authorities and the concerns of local residents relate to a small number of historical low level disturbances.

Conditions

The Sub-Committee recognised that conditions will only be imposed on a licence where conditions are necessary for the promotion of one or more of the 4 licensing objectives. The Sub-Committee will only impose conditions on a licence where relevant representations have been made and it considers that it is necessary to impose conditions as a result of those representations. No additional conditions (to 1 and 2 below were considered necessary:

1. The mandatory conditions applicable under the Licensing Act 2003
2. The conditions consistent with the operating schedule (as detailed on page 11 and 37 of the report before the Sub-Committee).

Determination

The Sub-Committee does grant the application.

There is a right of appeal against this decision to the Magistrates' Court. An appeal must be commenced within 21 days beginning with the day on which you receive notification of the decision. You may

wish to seek independent legal advice from a solicitor or the Citizens Advice Bureau regarding this.

The meeting closed at 11.50 am