

Borough Council of King's Lynn & West Norfolk

Report to Licensing Sub-Committee under the Licensing Act 2003

Date of Hearing: 22nd December 2023

Application for a New Premises Licence

- Heacham Social Club, 13 Station Road, Heacham, Norfolk, PE31 7HG

Applicant – Heacham Club 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. Heacham Club Ltd has made an application for a new premises licence in respect of Heacham Social Club. A copy of the application, including a plan of the premises is attached at Appendix 1 and if granted would allow the premises to operate the following licensable activities:

<u>Licensable Activity</u>	<u>Days</u>	<u>Times</u>
Sale of alcohol Both on and off the premises	Monday to Saturday Sunday	8am until Midnight 8am until 11pm
Regulated Entertainment Plays / Films / Indoor sporting Events / Boxing or Wrestling / Live Music / Recorded Music / Performance of Dance / Anything similar to Live Music, Recorded Music or Performance of Dance.	Monday to Saturday Sunday	8am until Midnight 8am until 11pm
Late Night Refreshment	Monday to Saturday	11pm until Midnight

Note that the applicant has reduced the hours of licensable activity from those in the original application.

Mandatory Conditions

3. The Act provides for the following mandatory conditions to be attached to all premises licences authorising the sale of alcohol for consumption on and off the premises, and the exhibition of films: -

- (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.

- (h) The admission of children to film exhibitions is to be restricted in accordance with the recommendations of the British Board of Film Classification (BBFC) or the Borough Council of King's Lynn & West Norfolk.

Conditions Consistent with the Operating Schedule (Proposed Conditions)

4. The following conditions have been identified from the operating schedule:-
- (a) Signage must be displayed in prominent positions throughout the premises stating that minors must be accompanied by an adult or guardian at all times.
 - (b) A CCTV system shall be maintained at the premises covering all public areas which is capable of recording images for a continuous period of at least 28 days. Images must be capable of being downloaded upon reasonable request from representatives of the Police or the Licensing Authority. All staff on duty at the premises must be trained in the use of the system and be able to comply with any such request. The system will be maintained in good working order at all times. CCTV cameras will be positioned to cover the doorway and till areas and be capable of facial recognition of all persons both entering and exiting the store.
 - (c) All staff must receive regular training in the challenge 25 age verification scheme and records of such must be kept on the premises. Challenge 25 signage must also be displayed at prominent positions within the premises.

Representation from Responsible Authorities

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

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

- Norfolk Constabulary;
- Norfolk Fire Service;
- Norfolk Trading Standards;
- Norfolk Safeguarding Children's Board;
- Public Health;
- Community Safety & Neighbourhood Nuisance (BCKLWN)
- Planning (BCKLWN);
- Environmental Health (BCKLWN);
- Licensing Authority (BCKLWN);
- Home Office (Alcohol Team).

Representations from 'Other Persons'

As well as the responsible authorities, any other person can play a role in a number of licensing processes under the Act. This includes any individual, body or business that are entitled to make representations to applications. Representations made must relate to the licensing objectives.

6. There is 1 representation from 'other persons' to consider. A copy of the representation, and correspondence from Senior Licensing Officer Craig Pease, is attached to this report at Appendix 2.

Notices

7. The applicant is responsible for advertising the application by way of a notice in a specified form at the premises for not less than 28 consecutive days and in a local newspaper on at least one occasion. The Public Notice appeared in Your Local Paper on 17th November 2023 and should have been displayed on the premises up to and including the 11th December 2023.

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

Other Information

9. Members may wish to be aware that there is a current premises licence in place for Heacham Social Club which is held by 'The Heacham Club'. The current licence authorises all of the same licensable activities but with hours in excess of those applied for in this application.

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. 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.

- 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.

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.

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

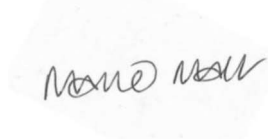
impose are only those which are appropriate for the promotion of the licensing objectives.

Determination

12. Having regard to the representation 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

Senior Licensing Officer
Legal Services & Licensing
14th December 2023

Appendix:

1. Copy of Application & Plan of Premises
2. Copy of letters of Representation from 'other persons'

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 (Aug 2023)

Your ref no: Form ref:

WTDFDTNT

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

Page: Coversheet

Appendix 1 to
Report to Licensing Sub-Committee
Re: Heacham Social Club
Dated: 14th Dec 2023

This form was started at:	09/11/2023 12:58:33
This form was completed at:	09/11/2023 17:48:01
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?	A limited company

Your ref no: Form ref:
WTDFDTNT

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

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	Heacham Club Ltd
Address line 1	Heacham Social Club
Address line 2	13 Station Road
Address line 3	Heacham
Address line 4	
Postcode	PE31 7HG
Daytime telephone number	01485570776
Email address	heachamclubcharity@outlook.com
Registered number, if applicable	03768681

Page: Tell us about the premises

A licence is not required between 08.00 and 23.00 on any day, with no limit on audience size for:

- any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
- any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
- any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
- any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

What are you applying for? apply for a new premises licence

Section: Apply for a new premises licence

Name of premises or business Heacham Social Club

Address line 1 13 Station Road

Address line 2 kings lynn

Address line 3 norfolk

Address line 4

Postcode PE31 7HG

Telephone number at the premises 01485570776

Please give a brief description of the premises The premises consist of three buildings in which alcohol will be served for consumption on and off the premises.

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

If you wish the licence to be valid only for a limited period, when do you want it to end? (dd/mm/yyyy)

What is the non-domestic rateable value (NDRV) of the premises? 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? Premises 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? Yes

A licence is not required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.

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? Yes

A licence is not required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.

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

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 08:00

End time 02:00

Section: Tuesday

Start time 08:00

End time 02:00

Section: Wednesday

Start time 08:00

End time 02:00

Section: Thursday

Start time 08:00

End time 02:00

Section: Friday

Start time 08:00

End time 02:00

Section: Saturday

Start time 08:00

End time 02:00

Section: Sunday

Start time 08:00

End time 23:45

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

Please provide further details here

Please state any seasonal variations to the provision of the plays

Where you intend to use the premises for the provision of plays at different times to those listed above, please specify below: Christmas Eve and New Years 08:00 - 02:00

Page: Provision of films

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 08:00

End time 02:00

Section: Tuesday

Start time 08:00

End time 02:00

Section: Wednesday

Start time 08:00

End time 02:00

Section: Thursday

Start time 08:00

End time 02:00

Section: Friday

Start time 08:00

End time 02:00

Section: Saturday

Start time 08:00

End time 02:00

Section: Sunday

Start time 08:00

End time 23:45

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

Please provide further details here

Please state any seasonal variations to the provision of the films

Where you intend to use the premises for the provision of films at different times to those listed above, please specify below: Christmas Eve and New Years 08:00 - 02:00

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 08:00
End time 02:00

Section: Tuesday

Start time 08:00
End time 02:00

Section: Wednesday

Start time 08:00
End time 02:00

Section: Thursday

Start time 08:00
End date 02:00

Section: Friday

Start time 08:00
End time 02:00

Section: Saturday

Start time 08:00
End time 02:00

Section: Sunday

Start time 08:00
End time 23:45

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

Please provide further details here

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: Christmas Eve and New Years 08:00 - 02:00

Page: Provision of boxing or wrestling entertainments

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 08:00

End time 02:00

Section: Tuesday

Start time 08:00

End time 02:00

Section: Wednesday

Start 08:00

End time 02:00

Section: Thursday

Start time 08:00

End time 02:00

Section: Friday

Start time 08:00

End time 02:00

Section: Saturday

Start time 08:00

End time 02:00

Section: Sunday

Start time 08:00

End time 23:45

Will the provision of the boxing or wrestling entertainment take place indoors, outdoors or both? Both

Please provide further details here

Please state any seasonal variations for the boxing or wrestling entertainment

Where you intend to use the premises for the provision of boxing and wrestling events at different times to those listed above, please specify below: Christmas Eve and New Years 08:00 - 02:00

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 08:00

End time 02:00

Section: Tuesday

Start time 08:00

End time 02:00

Section: Wednesday

Start time 08:00

End time 02:00

Section: Thursday

Start time 08:00

End time 02:00

Section: Friday

Start time 08:00

End time 02:00

Section: Saturday

Start time 08:00

End time 02:00

Section: Sunday

Start time 08:00

End time 23:45

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: Christmas Eve and New Years 08:00 - 02:00

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 08:00

End time 02:00

Section: Tuesday

Start time 08:00

End time 02:00

Section: Wednesday

Start time 08:00

End time 02:00

Section: Thursday

Start time 08:00

End time 02:00

Section: Friday

Start time 08:00

End time 02:00

Section: Saturday

Start time 08:00

End time 02:00

Section: Sunday

Start time 08:00

End time 23:45

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: Christmas Eve and New Years 08:00 - 02:00

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 08:00

End time 02:00

Section: Tuesday

Start time 08:00

End time 02:00

Section: Wednesday

Start time 08:00

End time 02:00

Section: Thursday

Start time 08:00

End time 02:00

Section: Friday

Start time 08:00

End time 02:00

Section: Saturday

Start time 08:00

End time 02:00

Section: Sunday

Start time 08:00

End time 23:45

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: Christmas Eve and New Years 08:00 - 02:00

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 08:00

End time 02:00

Section: Tuesday

Start time 08:00

End time 02:00

Section: Wednesday

Start time 08:00

End time 02:00

Section: Thursday

Start time 08:00

End time 02:00

Section: Friday

Start time 08:00

End time 02:00

Section: Saturday

Start time 08:00

End time 02:00

Section: Sunday

Start time 08:00

End time 23:45

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:

Christmas Eve and New Years 08:00 - 02:00

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 23:00
End time 02:00

Section: Tuesday

Start time 23:00
End time 02:00

Section: Wednesday

Start time 23:00
End time 02:00

Section: Thursday

Start time 23:00
End time 02:00

Section: Friday

Start time 23:00
End time 02:00

Section: Saturday

Start time 23:00
End time 02:00

Section: Sunday

Start time 23:00
End time 23:45

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

Where you intend to use the premises for the provision of late night refreshment at different times to those listed above, please specify below: christmas eve and new years eve 23:00 - 02:00

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 08:00

End time 02:30

Section: Tuesday

Start time 08:00

End time 02:30

Section: Wednesday

Start time 08:00

End time 02:30

Section: Thursday

Start time 08:00

End time 02:30

Section: Friday

Start time 08:00

End time 02:30

Section: Saturday

Start 08:00

End time 02:30

Section: Sunday

Start time 08:00

End time 00:15

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: Christmas Eve and New Years 08:00 - 02:00

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)?	No

Section: Tell us about the DPS

Please state the name and details of the individual who you wish to specify on the licence as Designated Premises Supervisor (DPS).

Title	mr
Forename (s)	david john
Surname	denyer
Date of birth (dd/mm/yyyy)	
Nationality	
Address line 1	
Address line 2	
Address line 3	
Address line 4	
Postcode	
Personal licence number:	
Issuing licensing authority:	KINGS LYNN AND WEST NORFOLK

You can use the following upload facility to provide a DPS consent form completed by the above individual:

Uploaded files*

[scan0028.pdf](#)

* If empty, no files were uploaded

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 08:00
End time 02:00

Section: Tuesday

Start time 08:00
End time 02:00

Section: Wednesday

Start time 08:00
End time 02:00

Section: Thursday

Start time 08:00
End time 02:00

Section: Friday

Start time 08:00
End time 02:00

Section: Saturday

Start time 08:00
End time 02:00

Section: Sunday

Start time 08:00
End time 23:45

Please tell us about any seasonal variations

Christmas Eve and New Years 08:00 - 02:00

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

Christmas eve and New Years eve 08:00 - 02:00

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

Signage to insist that minors must be accompanied by an adult or guardian at all times to be on display. The clubs activities are family orientated. Staff are trained on the four licensing objectives and are vigilant about the care and welfare of minors.

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

All four licensing objectives are discussed and given as training to all staff on induction, and revisited at one to one meetings and staff meetings six monthly. Appropriate signage is in place asking customers/members to consider our neighbours when leaving the premises. Signage insisting that minors are accompanied by an adult, together with no minors under 16 at the bar are all on display. We operate a Challenge 25 to make the serving of under age an easier process for all bar staff. Our CCTV system is regular monitored. We would welcome the opportunity to start a Pub Watch Scheme in Heacham, and ensure that all village licensees, the licensing officer and the police are regularly involved with the smooth running of licensed premises.

The prevention of crime and disorder

CCTV cameras are in place both inside and outside premises. Working along with police if we believe a crime is/has been committed. Ensuring customers are not served anymore alcohol when we believe they have consumed enough. Adequate lighting inside and outside at night.

Public safety

CCTV cameras are in place both inside and outside premises. Ensuring capacity of people is not excessive. Ensure we have adequately trained staff for example fire safety, first aid etc and provision of first aid kits, fire extinguishers and defibrillator. Adequate lighting inside and outside at night. Ensure all buildings and paths are in a reasonable state of repair. Put risk assessments in place.

The prevention of public nuisance

CCTV cameras are in place both inside and outside premises. Adequate lighting inside and outside at night ensuring it is not intrusive to nearby road and property. Try to ensure that any noise from the premises does not affect people living in the vicinity.

The protection of children from harm

CCTV cameras are in place both inside and outside premises. Under 18s are not allowed on the premises without an adult and must remain under adult supervision. We have posters in place ie challenge 25 etc.

Page: Documents checklist - applying for a premises licence

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

Checklist

- ✓ The DPS named in this application is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate
- ✓ I understand that if I do not comply with the above requirements my application may be rejected
- ✓ I will send a copy of the advert once it has appeared in the newspaper - do not advertise until accepted
- ✓ I understand that I must advertise the application both in the newspaper (within 10 working days) and on the premises (the day after the application is accepted). The Borough Council will send the notice once the application is accepted

As part of this application, you need to provide the following information:

You can use the following upload facility to provide a copy of the set to **scale plans** for the premises:

Uploaded files*

scan0027.pdf

* If empty, no files were uploaded

You can use the following upload facility to provide a **DPS consent form** completed by the proposed premises supervisor:

Uploaded files*

* If empty, no files were uploaded

You can use the following upload facility to provide documents demonstrating your **right to work** in the UK:

Uploaded files*

* If empty, no files were uploaded

Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), you'll need to provide the 9-digit 'share code' provided to the applicant for that service.

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

Any further information

Your ref no: Form ref:
WTDFDTNT

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.

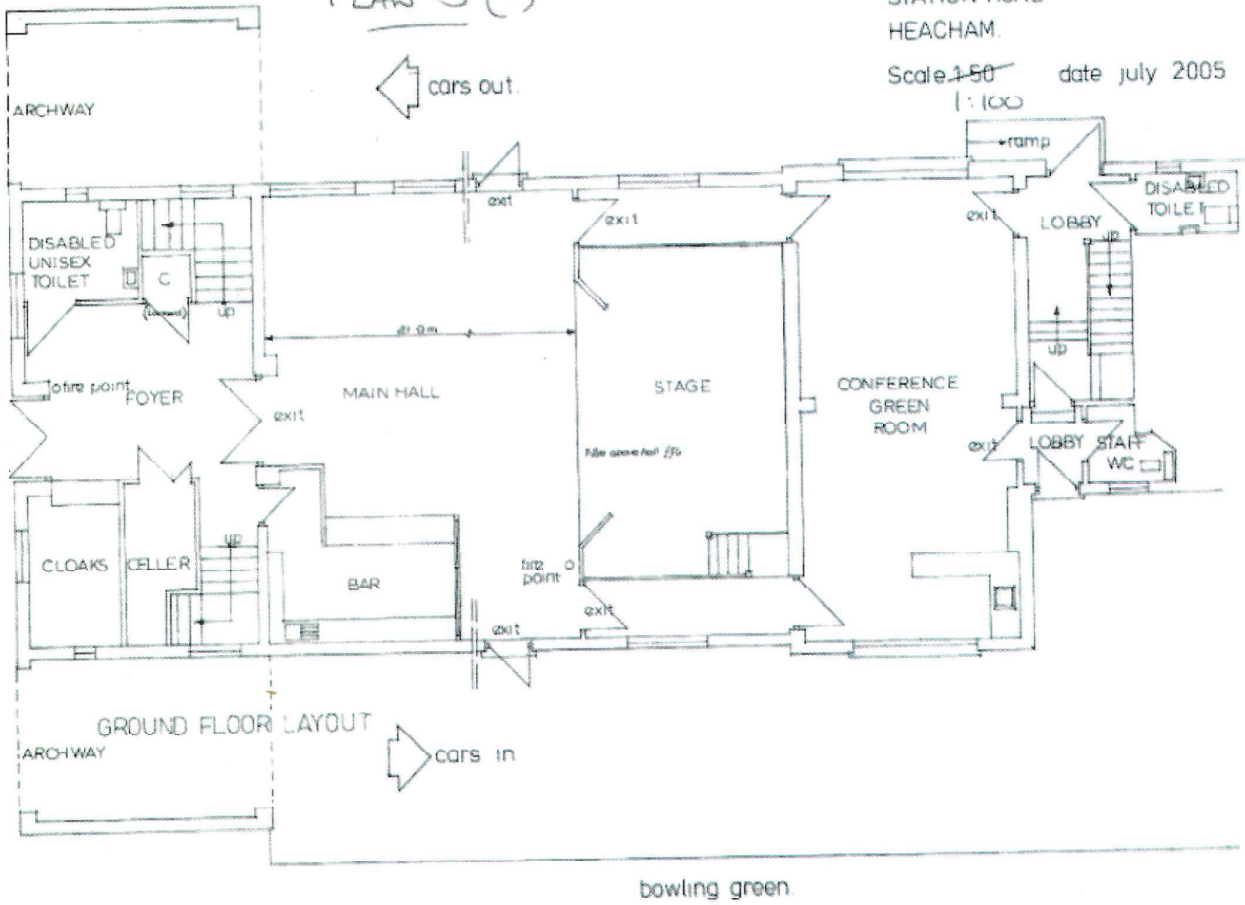
Once you've completed the declaration, please 'submit' your form. You will then be passed to a secure site to make your payment.

DRAWING 001

Plan B (1)

HEACHAM PUBLIC HALL
STATION ROAD
HEACHAM.

Scale ~~1:50~~
1:100 date july 2005



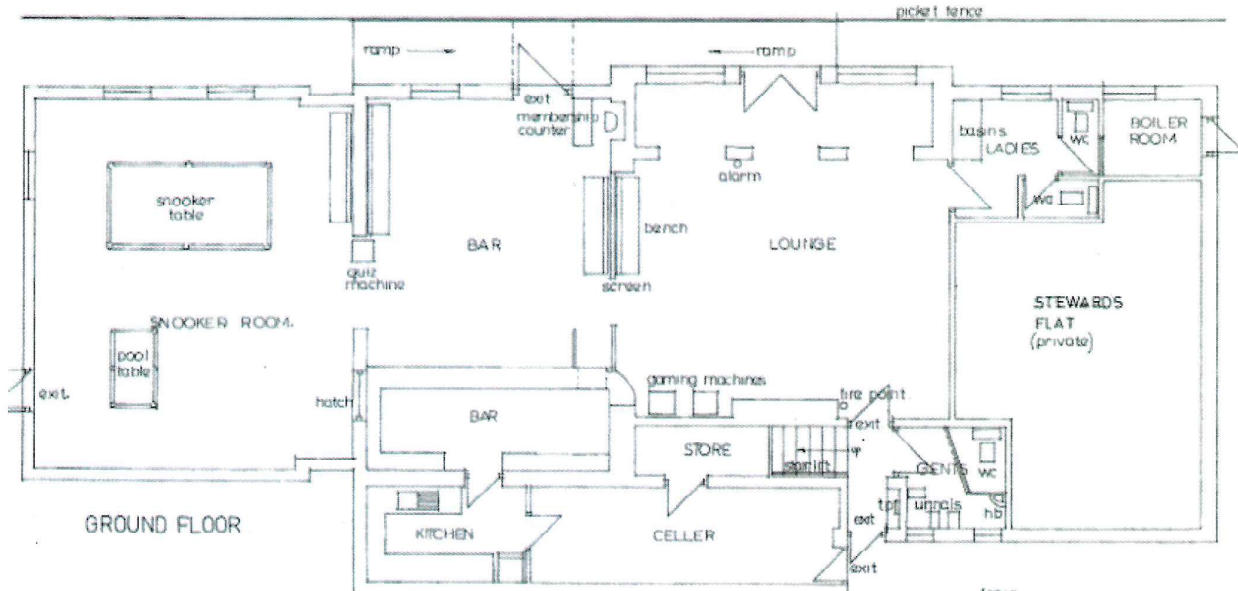
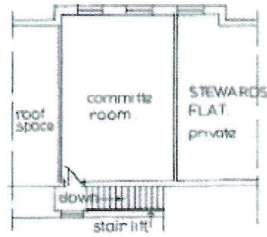
DRAWING 003
CLUBHOUSE

Plan A

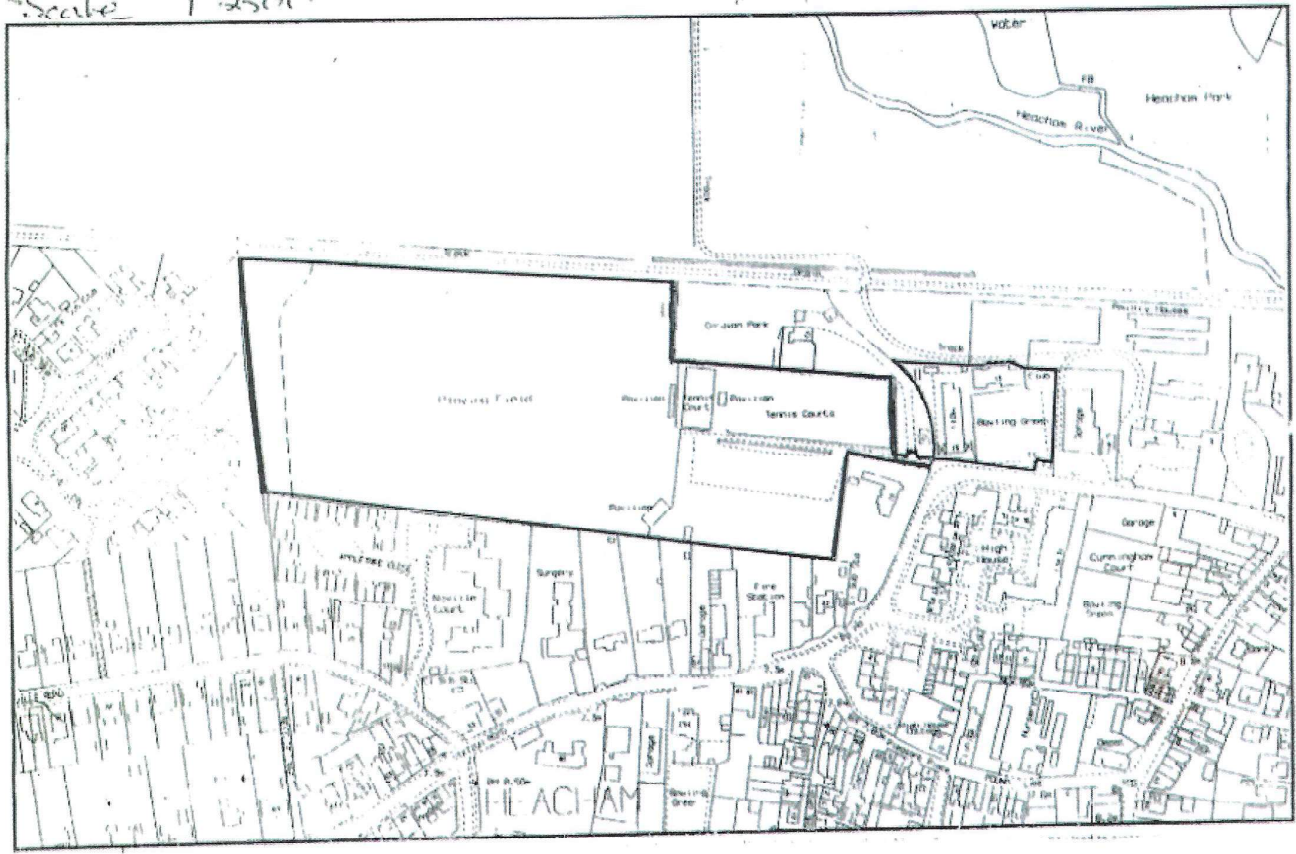
HEACHAM SOCIAL CLUB
STATION ROAD
HEACHAM

Scale ~~1:50~~ Date July 2005
1:100

FIRST FLOOR
OVER LOUNGE
Scale 1:100



Scale 1:2500



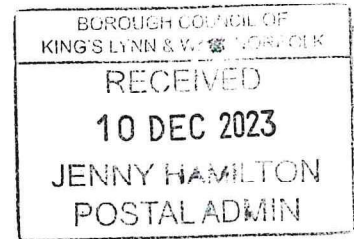
The Heacham Club
Charity established 1921

Appendix 2 to
Report to Licensing Sub-Committee
Re: Heacham Social Club
Dated: 14th Dec 2023

8th December 2023

DELIVERED BY HAND & EMAIL

Borough Council of King's Lynn & West Norfolk
King's Court, Chapel Street,
Kings Lynn, Norfolk,
PE30 1EX



Dear Sirs

23/01236/LA_PRE-New Premises Licence, Heacham Club Ltd. 13 Station Road, Heacham, PE31 7HG

1. We the Trustees of Heacham Club write to register our objection to the application for a new premises licence by Heacham Club Ltd. The basis for our objection is, that granting a shadow licence to the current licence held by ourselves will not promote the licensing objectives, particularly the prevention of crime, disorder and antisocial behaviour.
2. The Trustees are currently in dispute with Heacham Club Ltd who are claiming legal tenancy as the trading arm of the Charity. We have been working with Licensing over the last few months to correct irregularities to a premises licence incorrectly changed in 2016 and align it correctly with the licence issued pre-2016. (**Annex. A 1-4**). Whilst the current and corrected premises licence remains active, the DPS had to step down primarily due to ill health, but also as a consequence of being constantly obstructed by Heacham Club Ltd when attempting to carry out his duties and responsibilities (**Annex. B**). Alternative DPS candidates were submitted by Heacham Club Ltd to the Trustees but were considered unsuitable at the time, as notified to them by email (**Annex. C**). The Trustees will apply for a variation to specify a DPS, of our choosing, who we consider suitable to enforce our own Statement of Operating Schedule, the Mandatory Conditions attached to the premises licence and the licensing objectives in accordance with the Licensing Act 2003.
3. Heacham Club Ltd have been issued with a Section 25 Notice of the Landlord and Tenant Act 1954 to end their claimed business tenancy on the grounds of substantial breaches of obligation under the Companies Act 2006 (**Annex. D, 1-4**). Breaches relevant to their application include section 19(2) and section 19(3) of the Licensing Act 2003 and breaches of mandatory conditions attached to the current licence, including but not limited to annex 1 para 3 (b & d,). Whereby, during periods when there was no DPS or TEN, the management of Heacham Club Ltd have actively encouraged binge drinking by providing excessive quantities of free alcohol to customers on a daily basis (**Annex. E, 1-2**). Their allowance of 6 free pints of draft beer on an average of 4.5% ABV equates to $[(4.5\% \times 568\text{ml})/1000] \times 6 = 15.336$ units of alcohol in one day, yet Government guidelines are only 14 units per week for a male adult. There are also elements of para. 7, in particular VAT reconciliation whereby, alcohol has been sold without DPS or the premises licence holder's authority, referred to at para. 5.

Registered Charity No: 253625

The Heacham Club

Charity established 1921



4. Under the management of Heacham Club Ltd there has also been a failure to implement an age verification policy, and train staff accordingly (Annex F, 1-4). During Heacham Club Ltd.'s tenure there have been instances of public disorder and antisocial behaviour as a result of their inadequate control policy and/or inappropriate interaction between management and customers. Two recent instances are under crime report numbers: 36/64938/23 and 36/53464/23. The latter involved the spouse of a Heacham Club Ltd Director who, despite being inebriated had continued to be served alcohol, and then assaulted customers verbally and physically attacked another on Charity grounds. While the former involved verbal assaults on a Trustee by a few individuals on Charity property, but who later had his private property vandalised by alleged customers of Heacham Club Ltd. In each case the management of Heacham Club Ltd failed to act responsibly by enforcing banning notices to the individuals concerned. In a separate case made by a Trustee against a member of their staff for a threatening and verbal assault, the Trustee didn't even get an acknowledgement of them receiving said complaint and no action was taken. (Annex. G).
5. Prior to this application Heacham Club Ltd have operated under TEN's and have continued to allow the illegal sale of alcohol on Charity property by the Football Club. According to public records, the TEN issued to Heacham Club Ltd for the Heacham Social Club did not cover the sports grounds and pavilion, and a TEN was not applied for or issued to the Football Club. The Heacham Club Ltd Chair is also the Secretary to the Football Club. When an agreement between the Trustees, Heacham Club Ltd and the Football Club was implemented for these sales it was breached within the first 7 days and continues to be ignored by Heacham Club Ltd and Heacham Football Club, a further example of poor management, judgement and breaches of the 2003 Licensing Act (Annex. H, 1-3).
6. We would urge the Committee to take account of these management failings, which we as Trustees consider are likely to continue if the premises licence application by Heacham Club Ltd is approved. The Board of Trustees are determined to bring about change and put a halt to the poor management which was entrusted to the current Directors of Heacham Club Ltd. In view of all the issues we have raised we would ask that the Licensing Authority refuse this application, thus allowing the Trustees of the Charity the freedom and authority to enforce the objectives of the Licensing Act 2003.

Yours sincerely

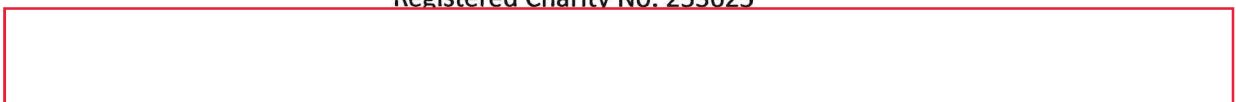
For & on behalf of the Heacham Club Charity



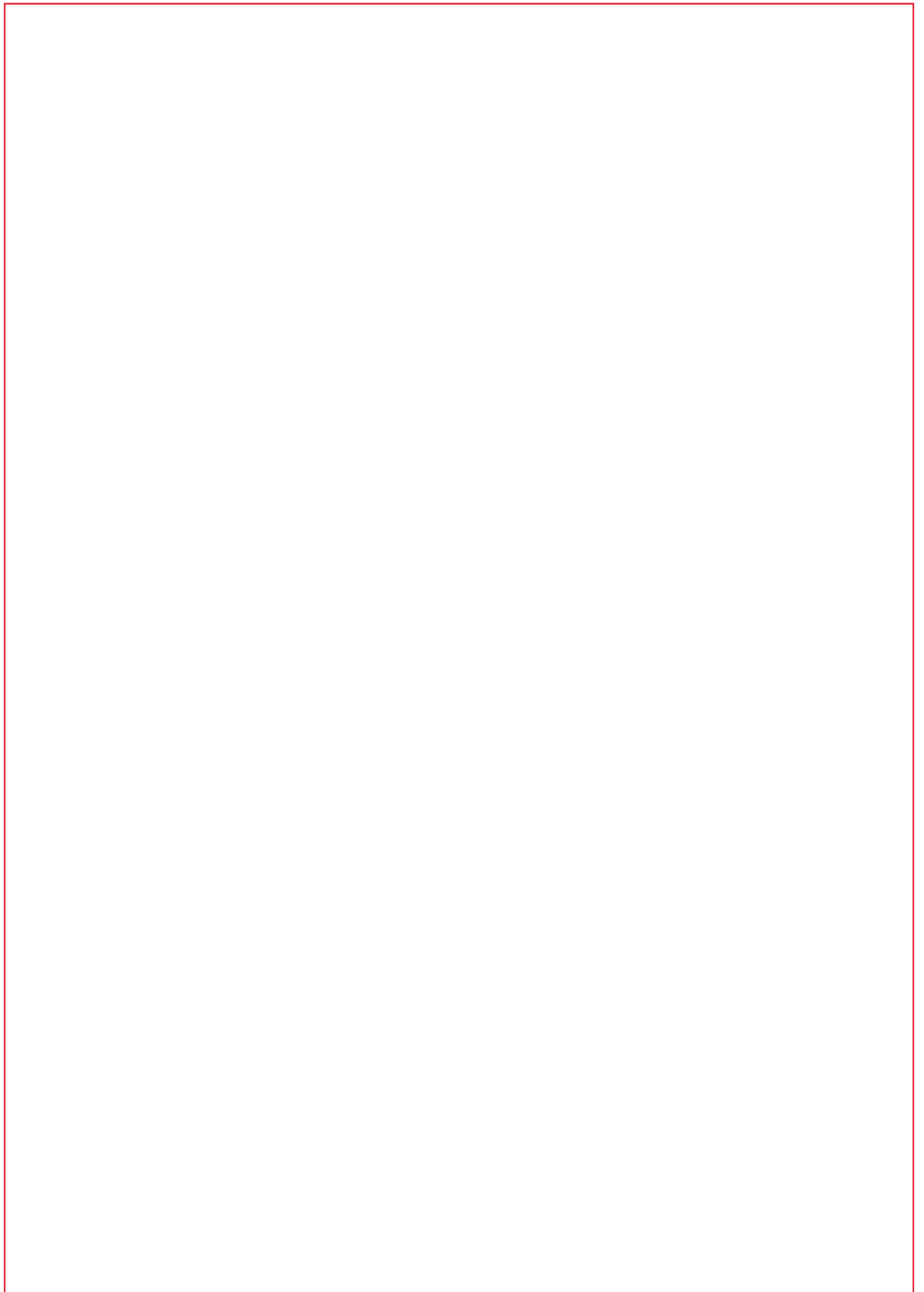
P.V.Full

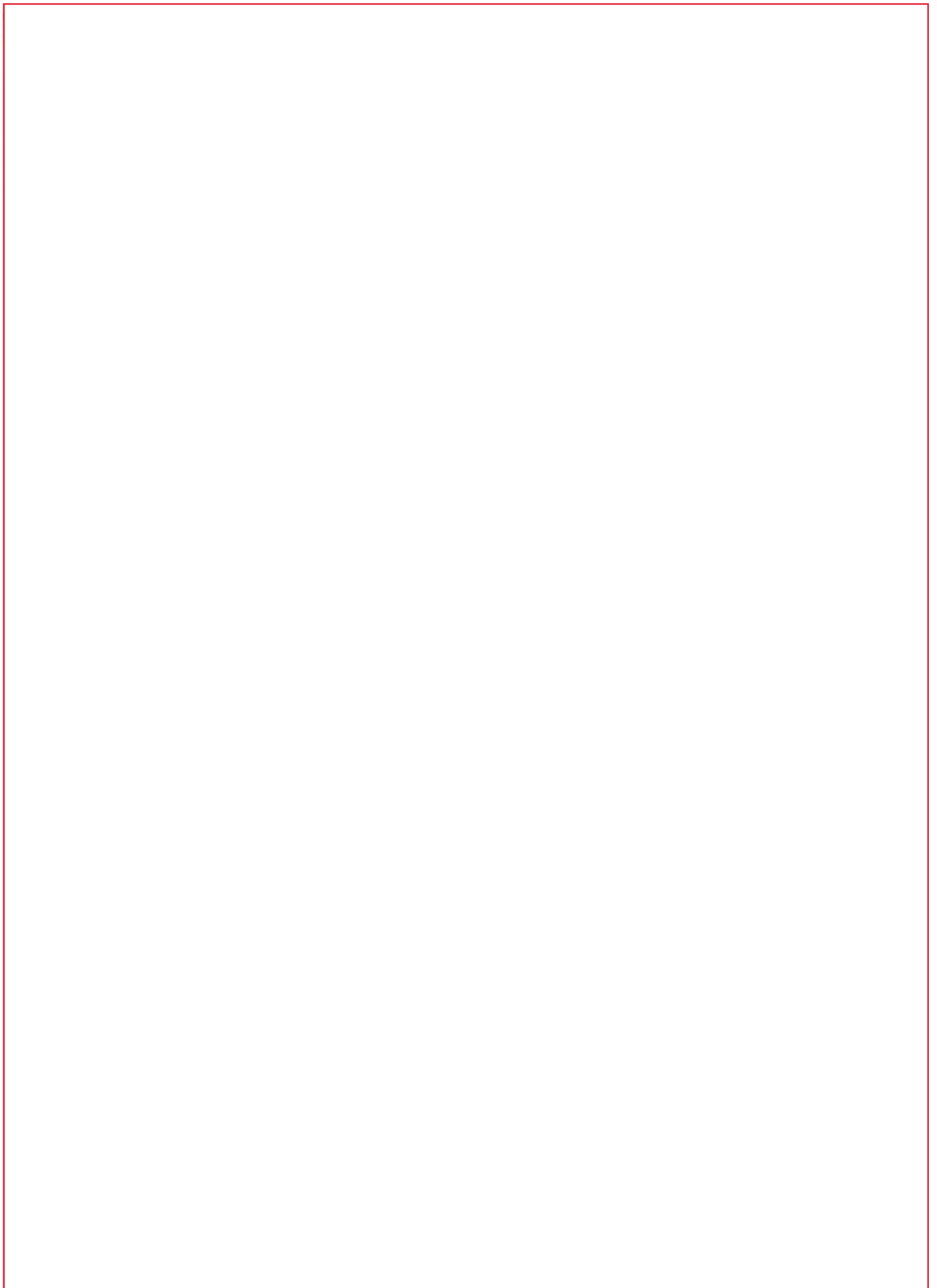
Chair of Trustees

Registered Charity No: 253625



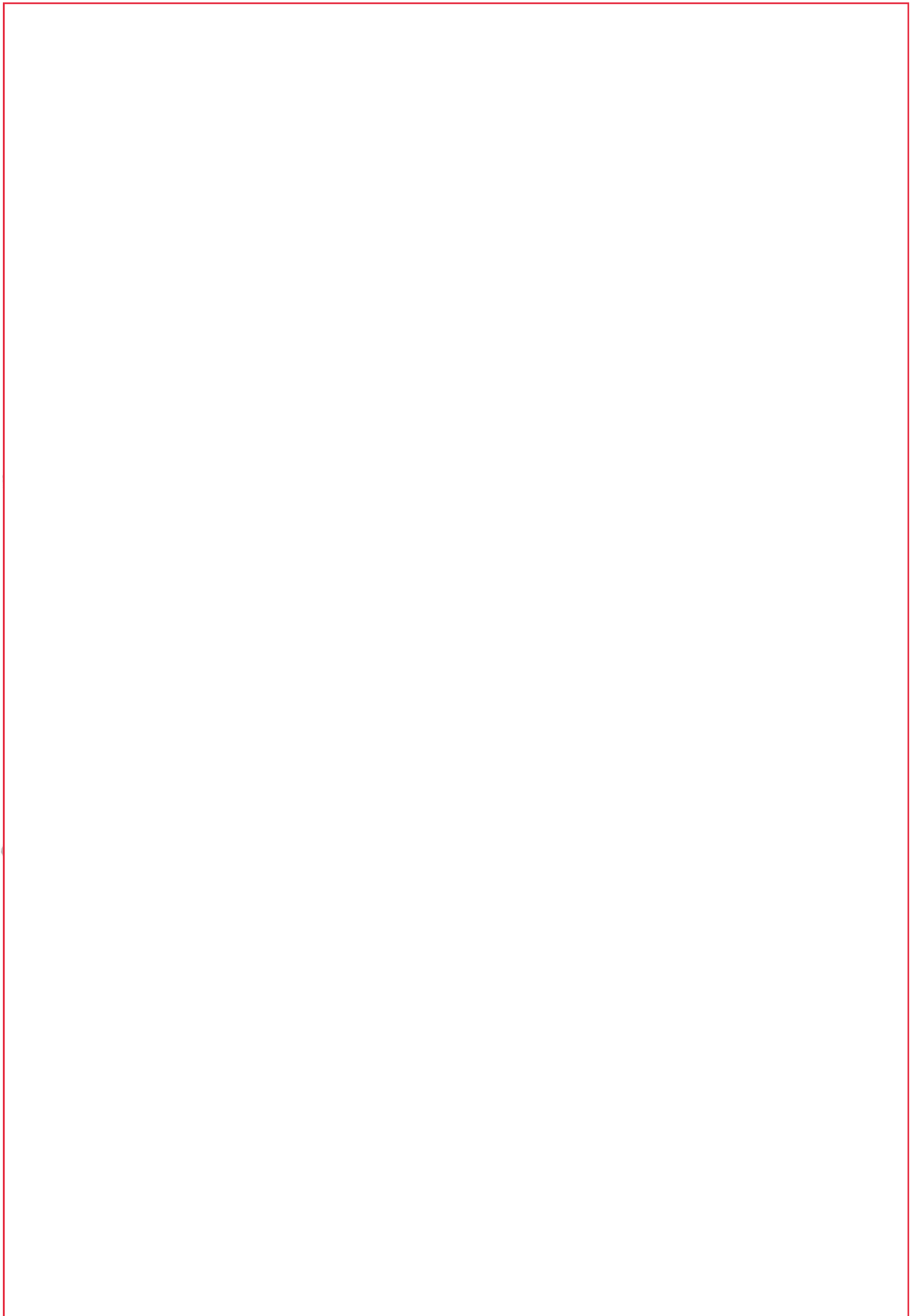


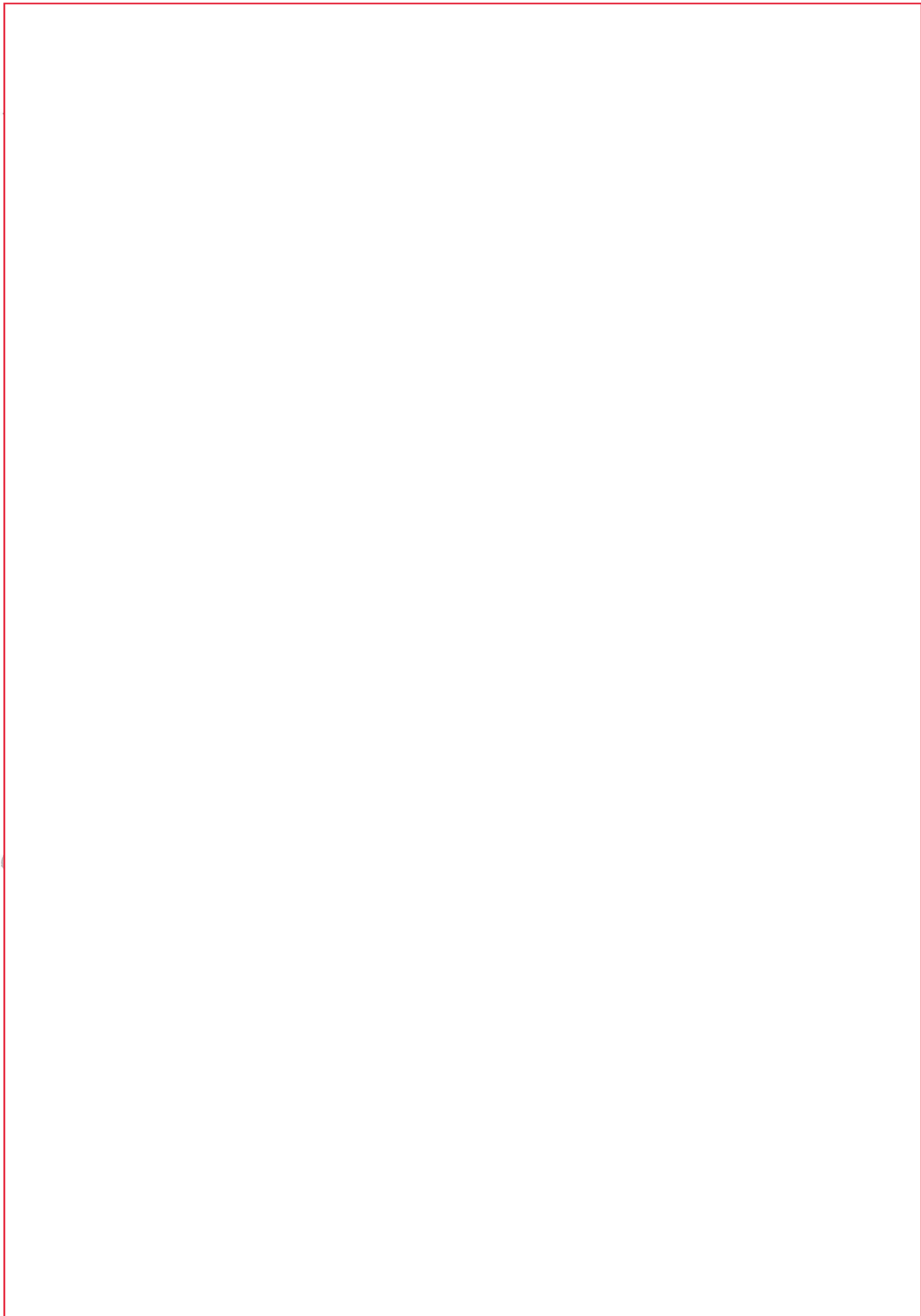


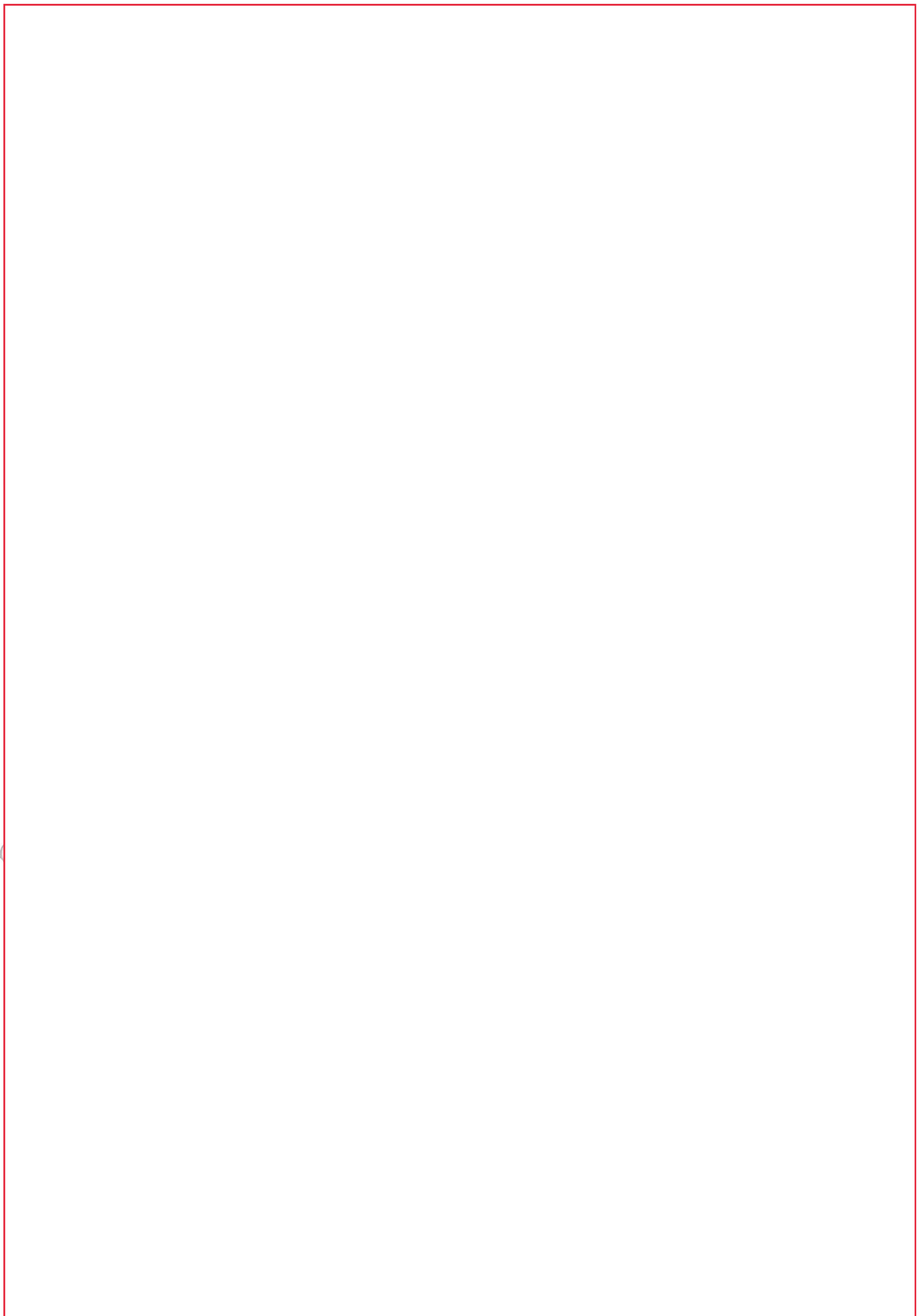


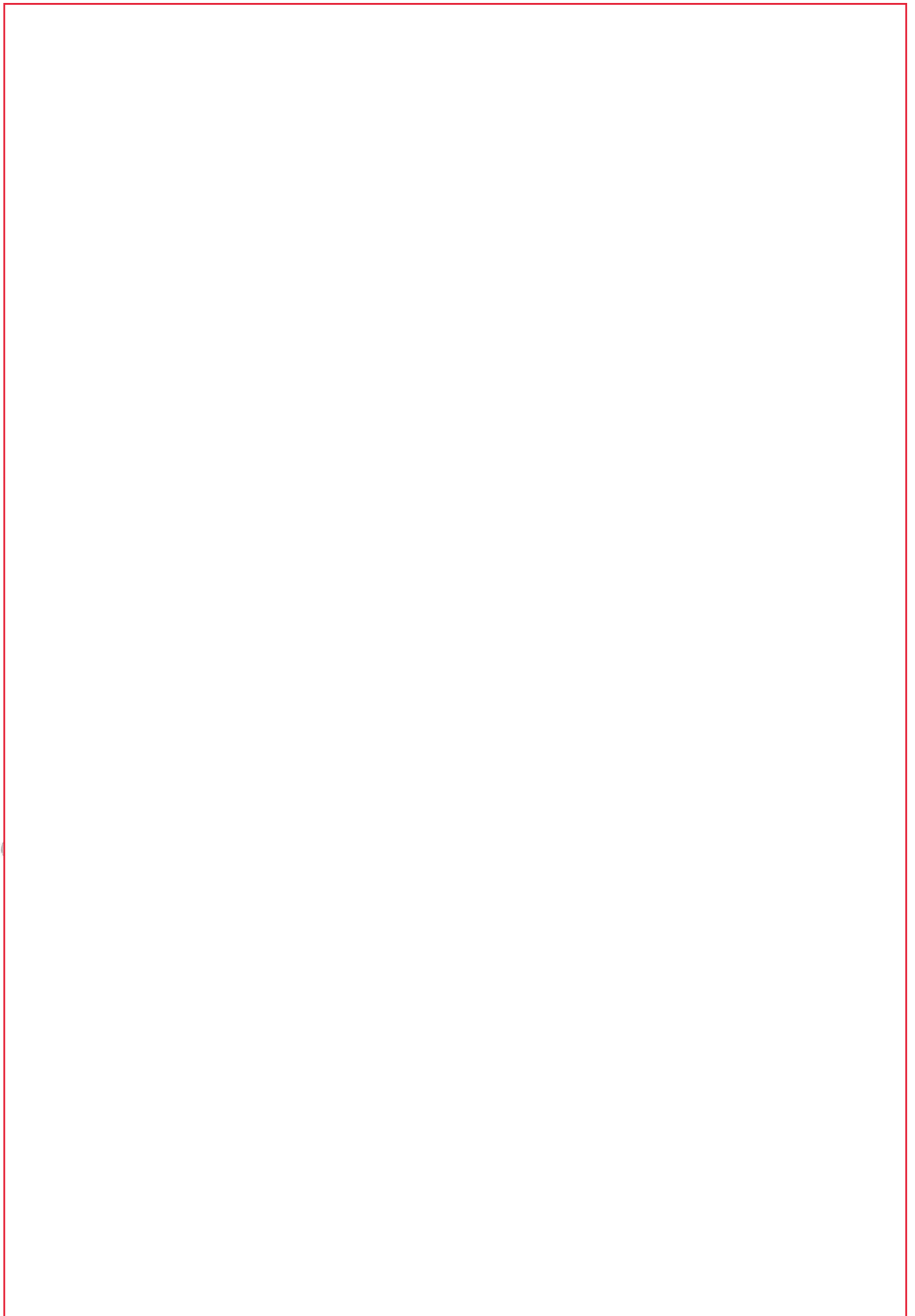


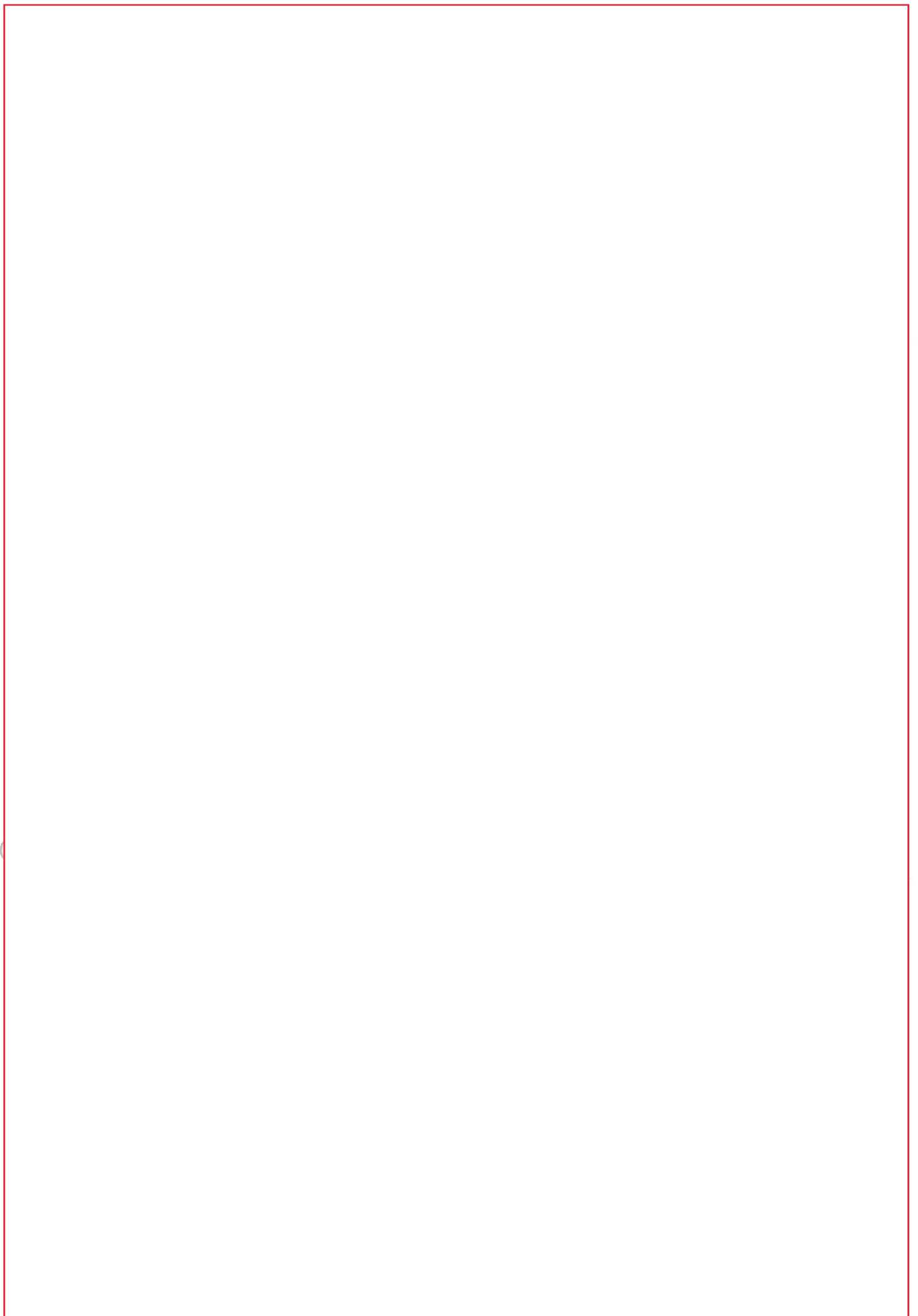


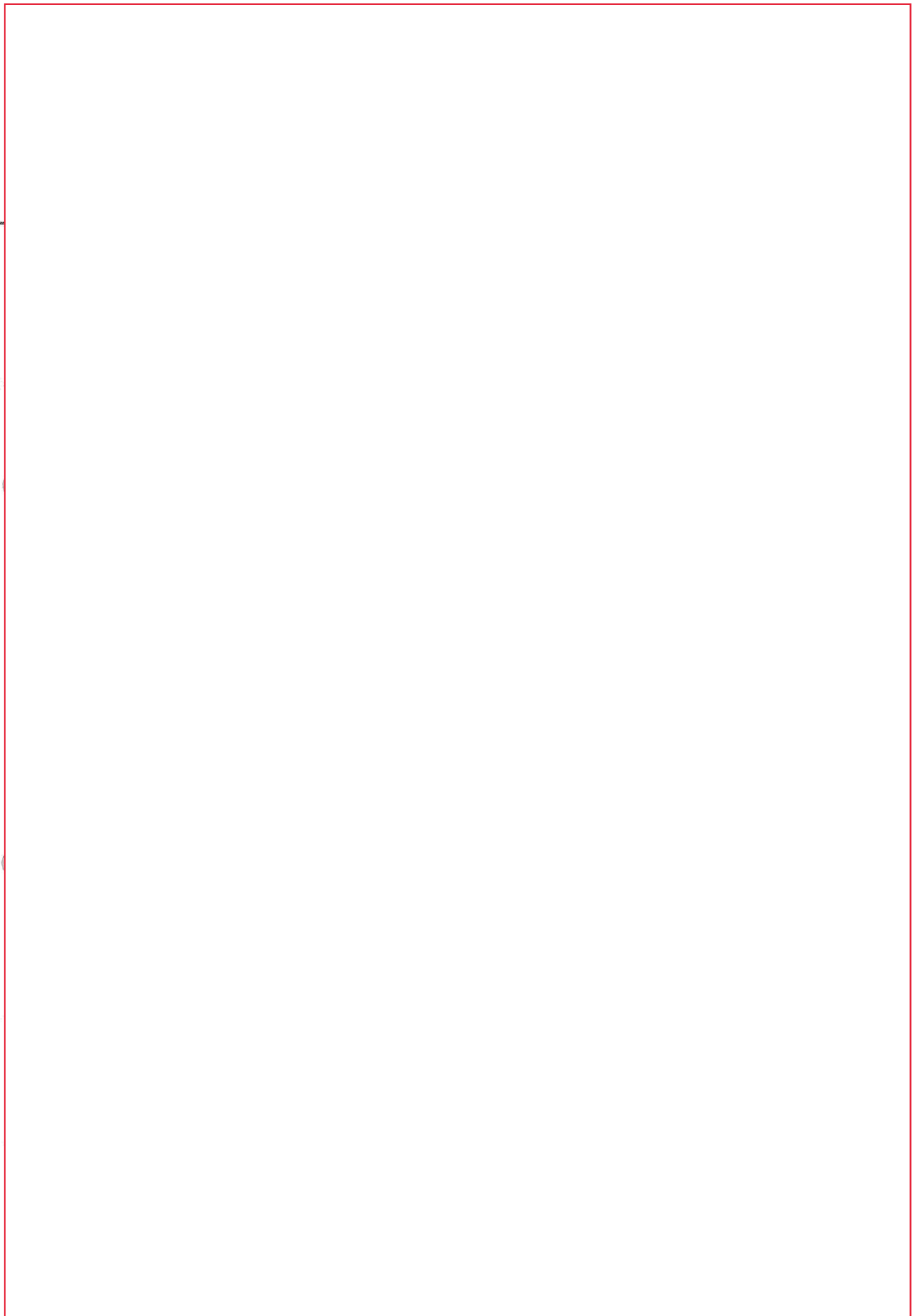


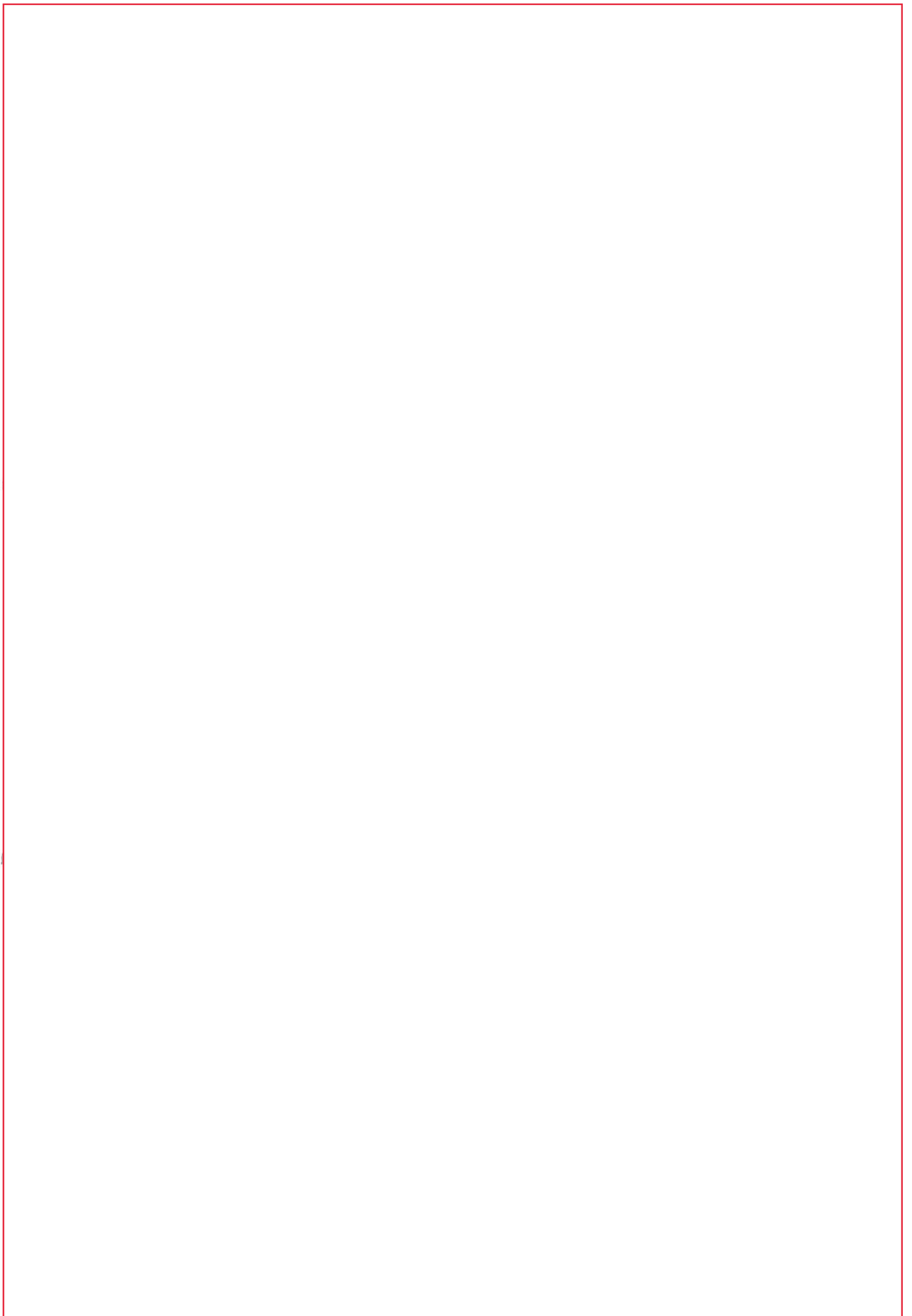


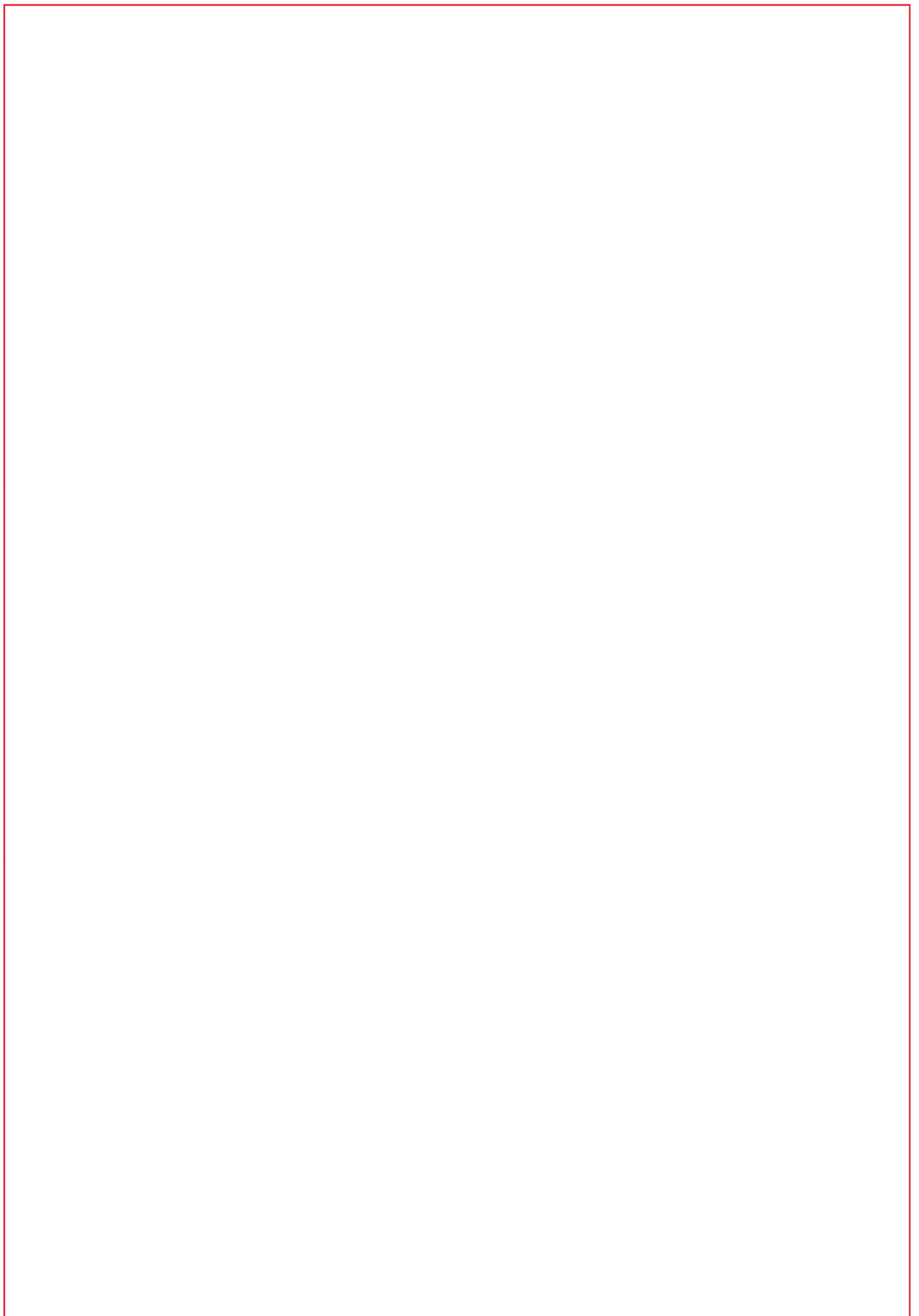


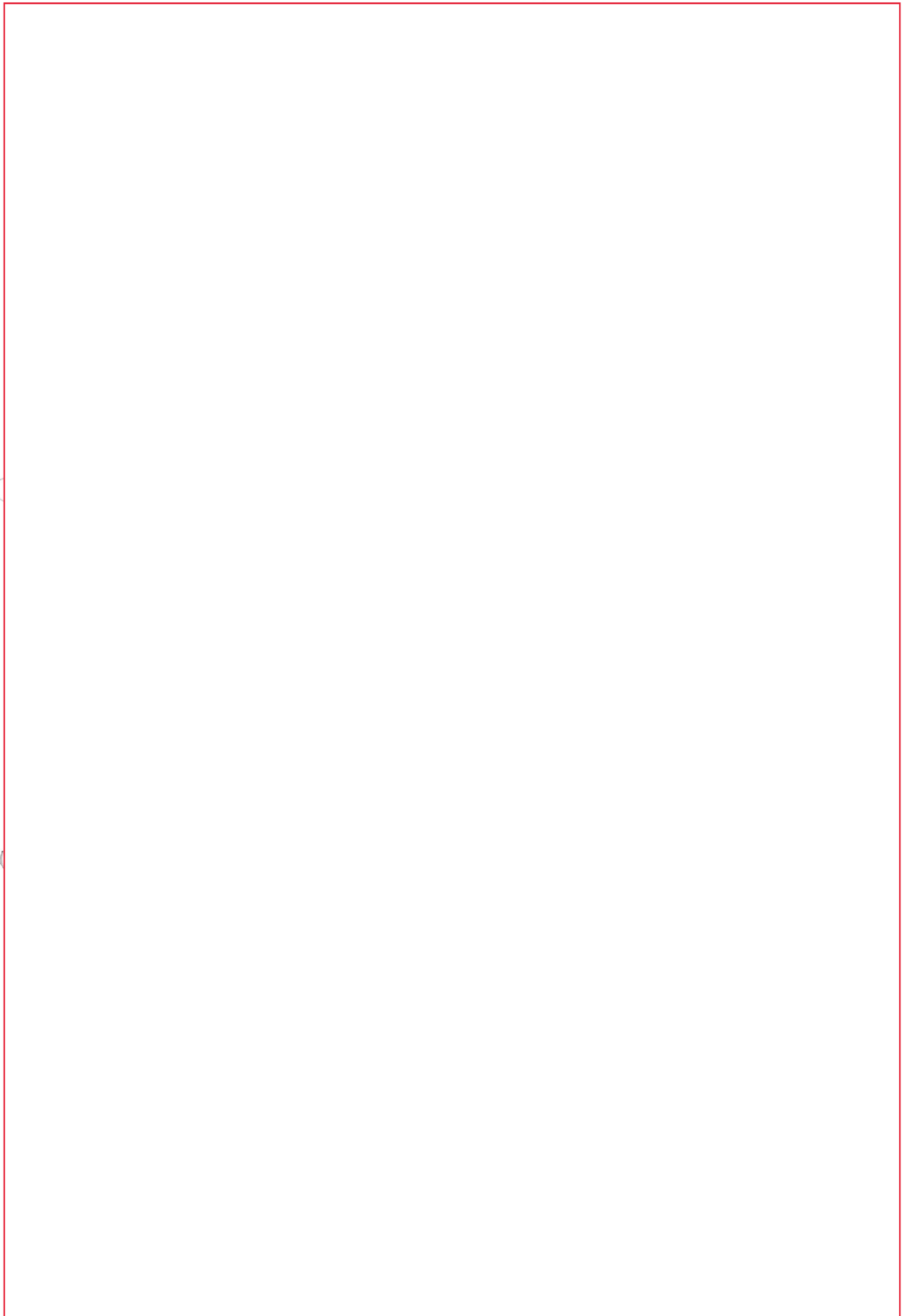


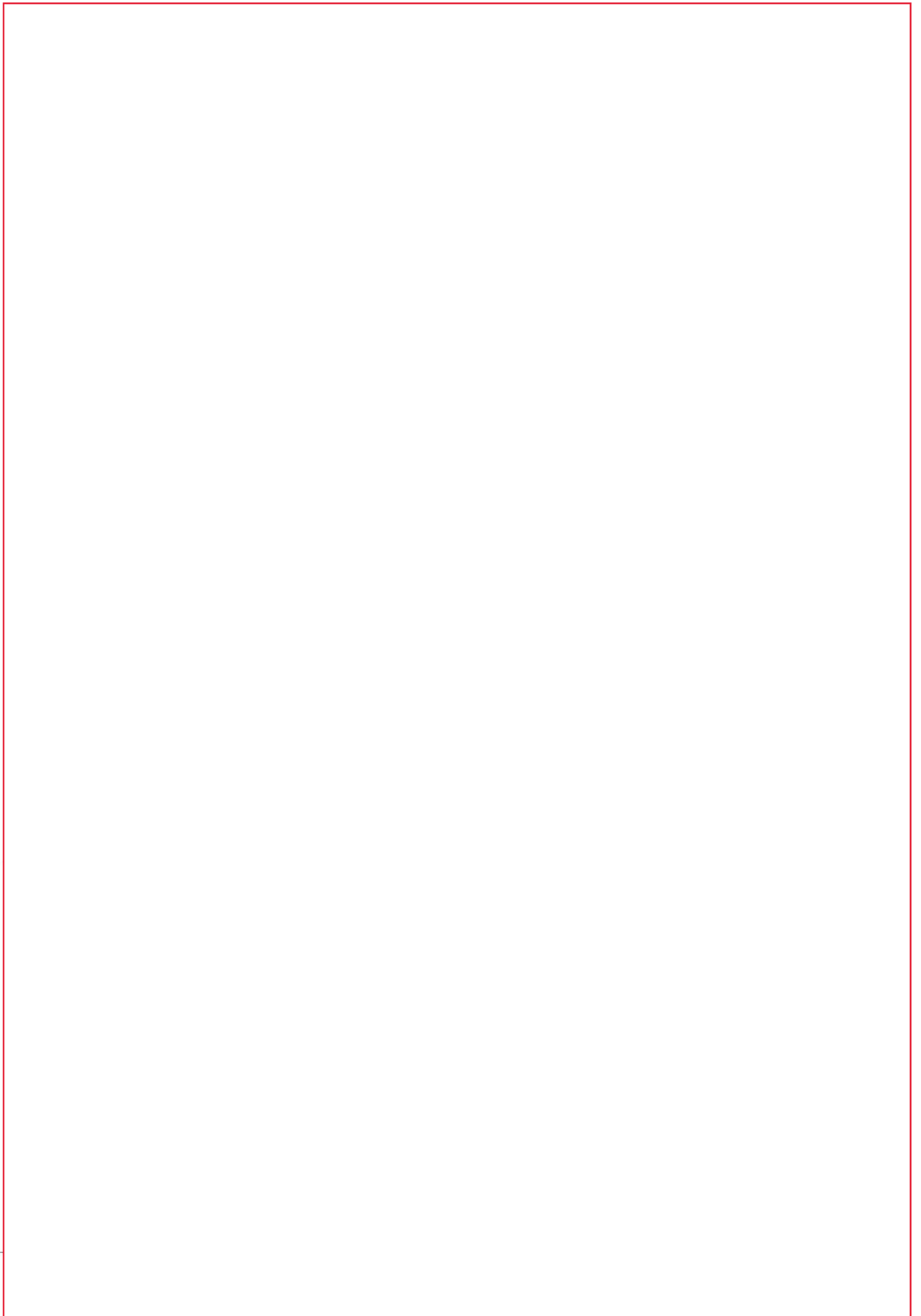


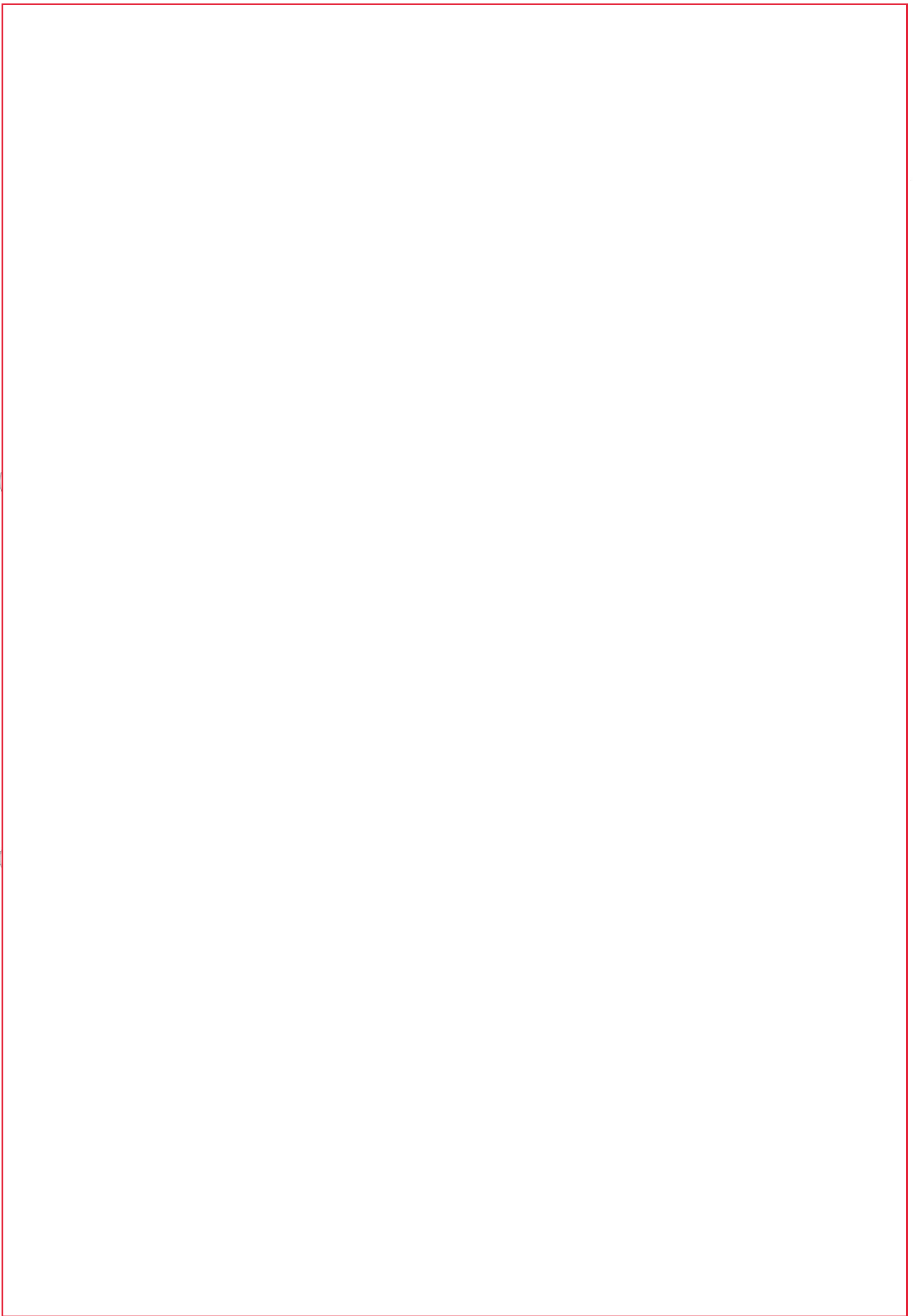




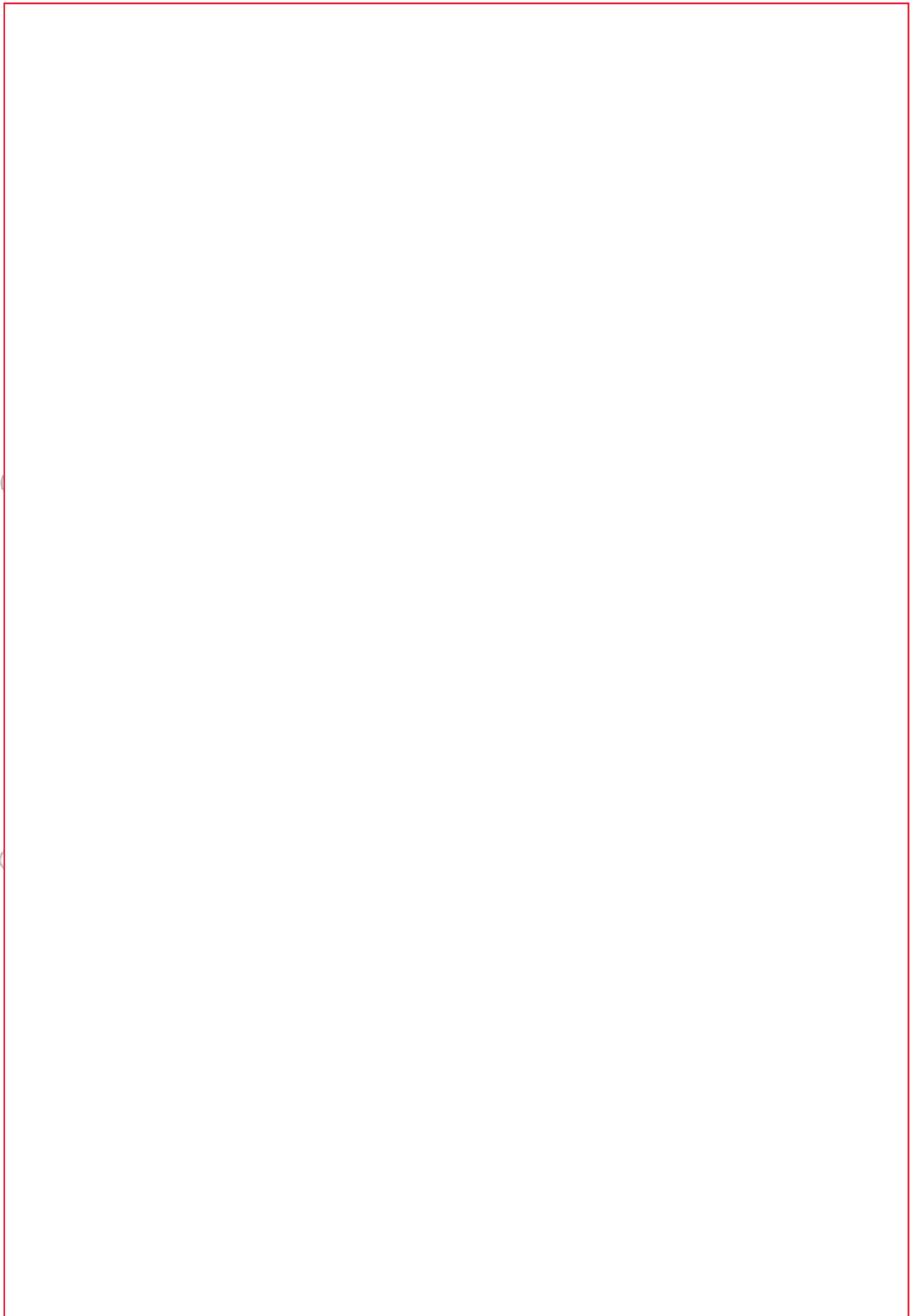


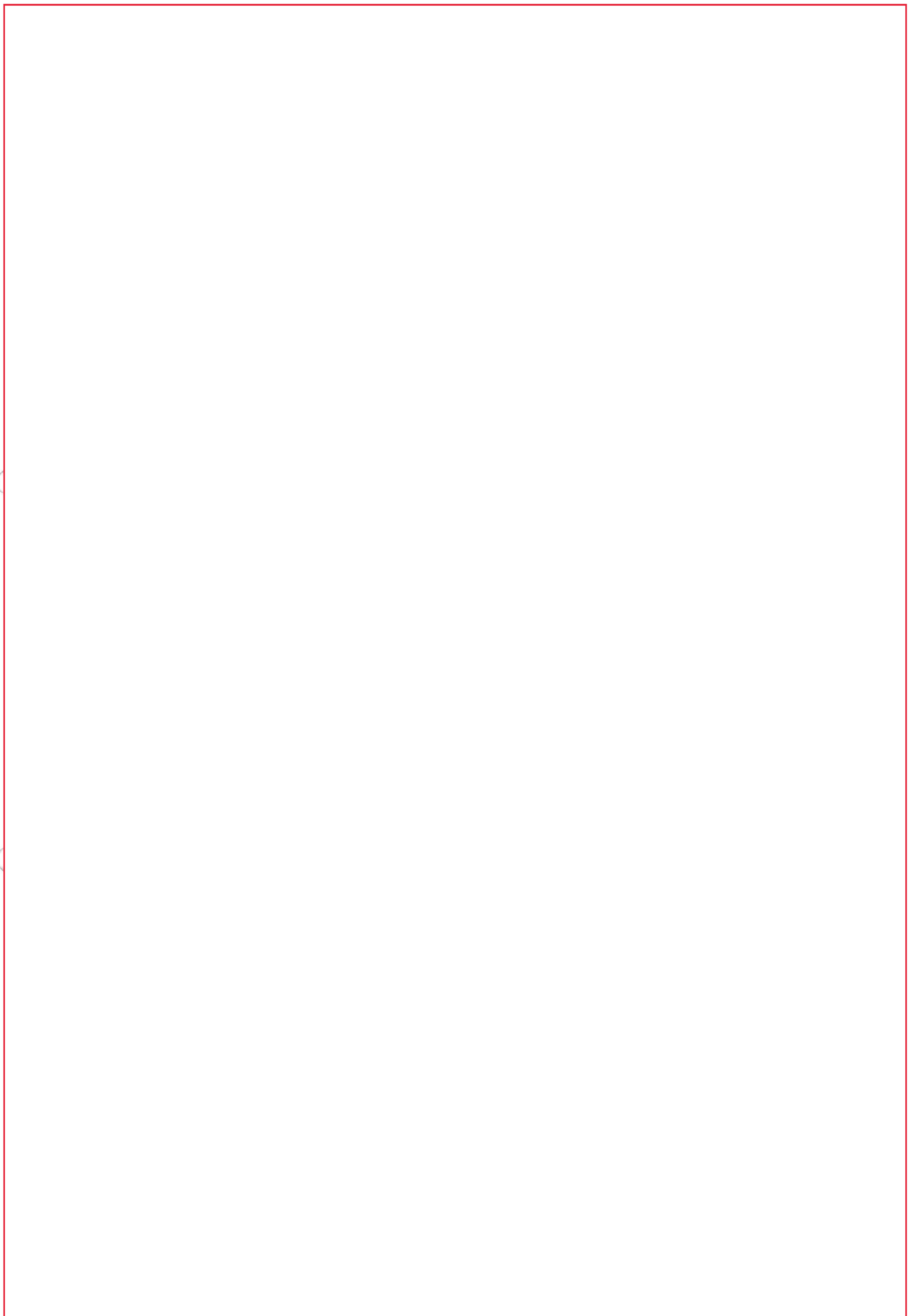


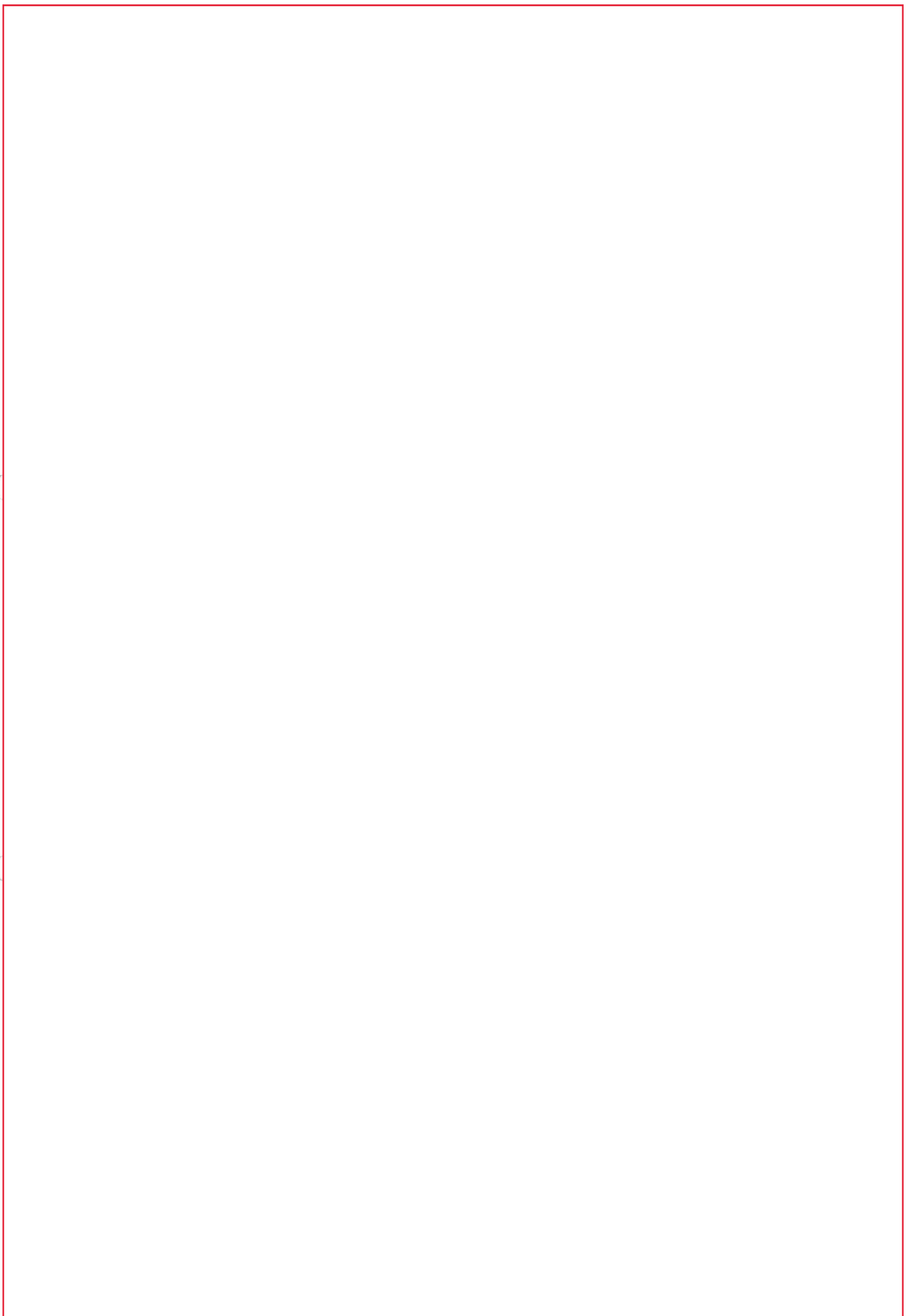


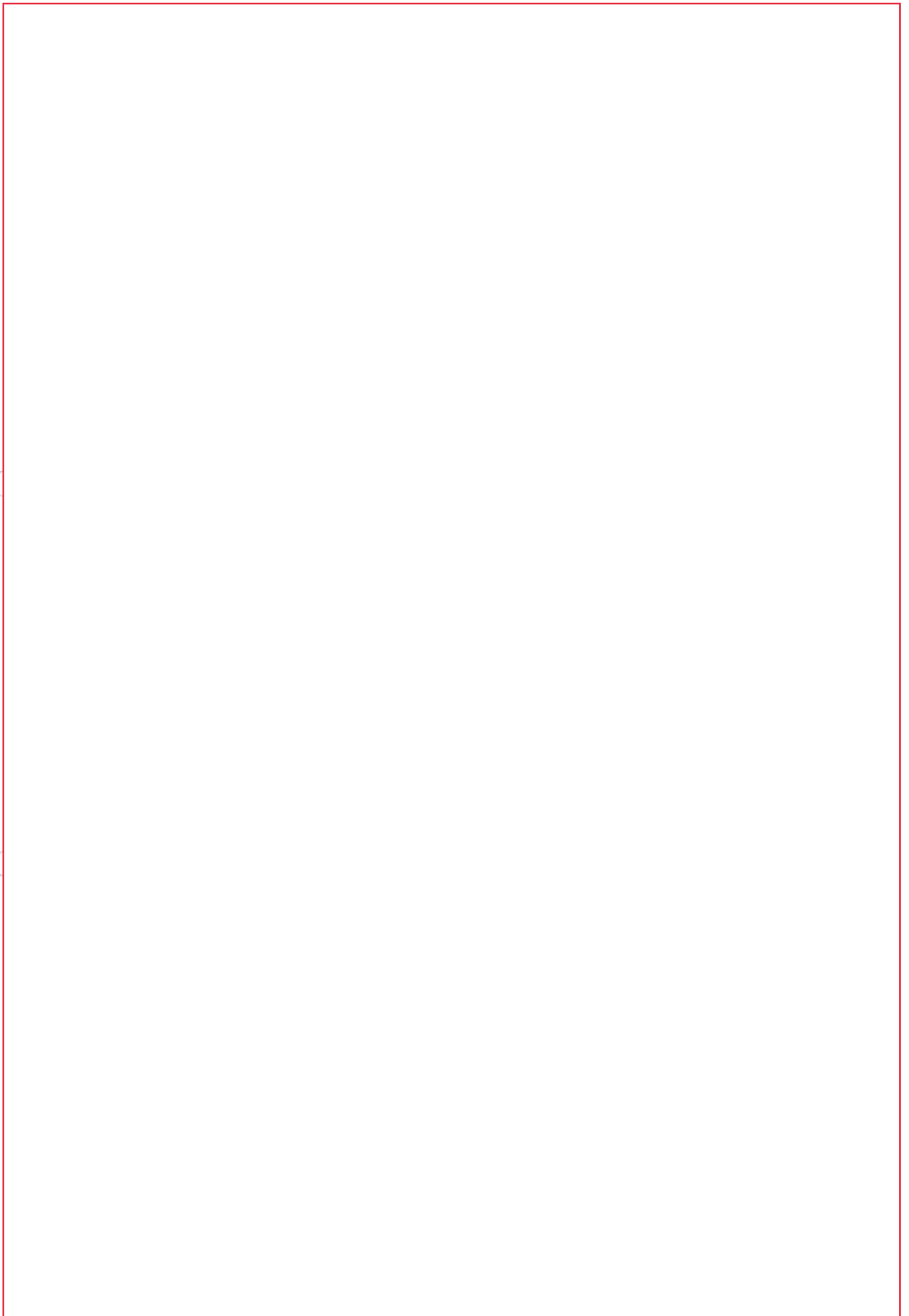


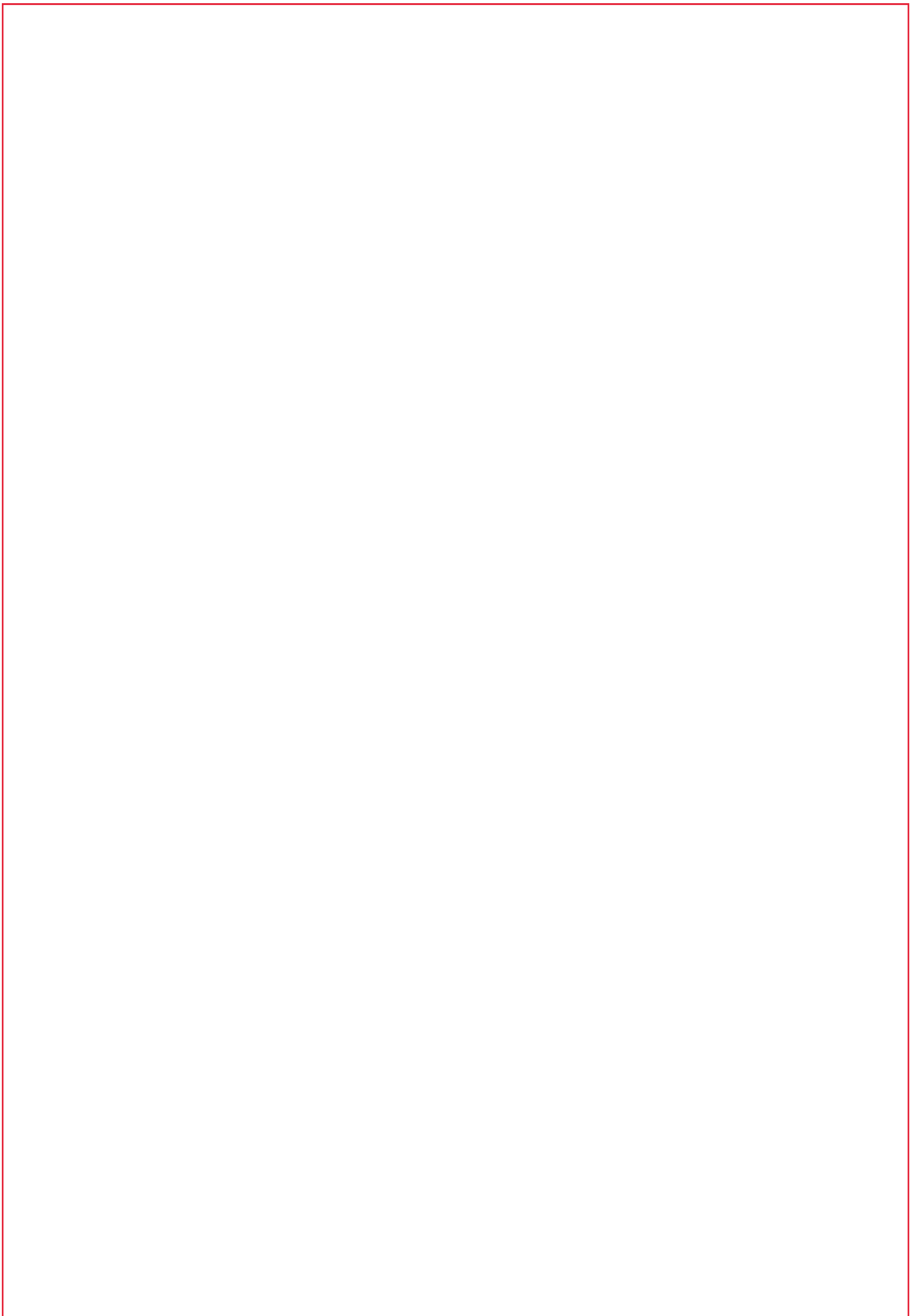












Licensing Act 2003

Guidance Notes for 'Other Persons' Making Representations

Borough Council of
King's Lynn &
West Norfolk



1. This guidance describes the process for making representations to the Borough Council of King's Lynn & West Norfolk about applications for new premises licences or certificates; variations to existing premises licences or certificates; or provisional statements. It also contains information about the hearings process. Unless stated otherwise, references to 'licences' in this text also apply to club premises certificates.

Who can make representations?

2. In addition to the responsible authorities (i.e. the professionals such as the police, fire, trading standards, environmental health etc.) 'other persons' may make representations provided that they are 'relevant'. A 'relevant' representation is one that relates to the likely effect on the grant of the licence on at least one of the four licensing objectives and is not frivolous or vexatious. Please see paragraph 4 on the licensing objectives and paragraph 12 for further guidance on what is frivolous or vexatious.

What to look out for

3. When applicants want to apply for a new licence, or vary their existing one (for example to put on additional activities or extend their hours), they must advertise the application by:

Placing a notice at or on the premises

- On A4 (or larger), pale blue paper.
- Printed legibly in black ink or typed in a font of at least 16.
- Placed prominently at or on the premises where it can be conveniently read from the exterior of the premises.
- Placed every 50 metres on the external perimeter of the premises abutting any highway (where applicable).

Placing a notice in a newspaper

- Newspaper circulation must be in the vicinity of the premises.
- Advertisement will be at least once in the 10 days following receipt of the application by the Borough Council.

Licensing Register

4. Application details can also be viewed in the Borough Council's "licensing register". The register will show the opening hours, licensable activities and any steps the applicant has volunteered to take to promote the four licensing objectives. The four licensing objectives are:

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

5. If 'other persons' believe that granting a licence in the terms it has been applied for is likely to have an effect on the promotion of one or more of these objectives, they have 28 consecutive days starting on the day after the day on which the application was given to the Borough Council, to make a representation to that authority. Details of how to do this are set out below.

Licensing Policy

6. Before making representations, 'other persons' may wish to look at the Borough Council's "licensing policy statement". This can be found on the Borough Council's website and sets out the Borough Council's policy about licensing.

Operating Schedule

7. When considering the steps that an applicant has volunteered to promote the licensing objectives, it is important to remember that applicants should already be adhering to legislation in

other areas, and they may feel there is nothing additional they need to do to promote the licensing objectives. Some applicants may therefore simply say something like “nothing beyond existing Health and Safety/Fire Safety etc. requirements” or if they are applying to vary a licence “nothing beyond the steps we are currently taking, which are already conditions of the licence”.

Making representations

8. Representations should be made in writing to the Borough Council where the premises are situated. This Borough Council will also accept representations by email. All representations must be about the likely effect of granting the licence or certificate on the promotion of at least one of the four licensing objectives. It would be wise, therefore, to explicitly link any representation to one or more of the objectives.

9. Representations do not have to be objections: it is possible to make representations in support of an application and its positive impact on one or more of the licensing objectives. This might be because, for example, an application to vary a licence to add new activities might change the style and nature of a problem premises and attract a lower risk customer base.

10. There is no requirement to produce a recorded history at a premises to support representations, and in fact, this would not be possible for new premises. However, it will assist their case if the representations are specific to the premises and evidence based. So, for example, if an ‘other person’ believes a variation to an existing premises may cause problems in relation to crime and disorder, they may wish to talk to local police beforehand, or document existing problems themselves by, for example, keeping a diary or photographic evidence of any incidents. Licensing authorities will need to be satisfied that there is an evidential and causal link between the representations made, and the effect on the licensing objectives.

11. In addition, the licensing authority can only consider representations that are not “vexatious” or “frivolous”.

What does a frivolous or vexatious representation mean?

12. “Frivolous” or “vexatious” will bear their ordinary meaning. Whether representations are frivolous or vexatious will be for the licensing authority to determine. For example, the licensing authority might find the representations were vexatious if they arise because of disputes between rival businesses or they might be frivolous representations if they plainly lacked seriousness.

13. Other persons cannot make representations anonymously even if somebody else (e.g. a local MP or councillor) is making the representation on their behalf. This is because, for example, the Borough Council needs to be satisfied that the person making the representation is not being vexatious. It is also important that an applicant is able to respond to a representation, for example, if they believe that it isn’t a “relevant” representation. If other persons are concerned about possible intimidation, they could consider asking the police, or another appropriate responsible authority to make a representation on their behalf.

Things you may want to consider when making representations

- ❖ **If no relevant representations are made, the licence or variation must be granted (subject to the mandatory conditions and any other conditions consistent with the application).**
- ❖ It may be helpful to get the backing of other residents, or businesses, or other “responsible authorities”, such as the police or environmental health.
- ❖ Look at the Borough Council’s “licensing register”. This will show you if other people have asked for a review of the premises in the past.
- ❖ If you are thinking of raising a petition, it is important to ensure that the licensing authority can determine whether all the signatories are relevant. So, including their addresses and indicating clearly what representation(s) they are all making would be helpful. It would also help if a spokesperson could volunteer to receive details about the hearings etc. from the licensing authority and may be willing to speak on behalf of the petitioners at the hearing.

- ❖ If you want to ask another person, such as an MP or local Councillor to represent you, it is advisable to make such a request in writing so that the individual can demonstrate he or she was asked. It will be a matter for the MP or Councillor to decide whether they should agree to your request. They are not obliged to do so however; most elected representatives are happy to help residents with this sort of issue. Councillors who are part of the licensing committee hearing the application will not be able to enter into discussions with you about the application, outside of the formal hearing, so it is suggested that you do not approach them.
- ❖ Consider how you would like the situation to be rectified.
- ❖ If making a representation in support of an application, explain how the proposed activities would help promote the licensing objectives.

What happens after a representation has been made?

14. If the licensing authority considers that the representations are relevant it must hold a hearing to consider those representations - unless all parties can come to an agreement that a hearing is unnecessary. For example, the licensing authority may offer to try and resolve matters via a negotiated agreement outside a formal hearing. You will need to decide if this is appropriate for you, but you can, of course, insist upon the hearing.

15. The licensing authority will write to you to inform you of the date and time of the hearing and will explain the format of the hearing.

16. If an applicant withdraws their application after a hearing date has been arranged, the licensing authority will let them know that the hearing has been cancelled. Persons making representations should be aware that if they make representations about an application that is later withdrawn, and the applicant makes a new, amended application, their representations will not automatically be taken forward. Any amended application would need to be re-advertised as set out above. Other persons will then have the opportunity to decide whether to make representations about the new application.

Licensing Committee Hearings

17. Persons that made representations will be sent an agenda which will include the Licensing Officer's report prior to the hearing. They will also be sent a form in which they are required to give notice to the Borough Council at least 5 working days before the start of the hearing, stating:

- Whether they will attend the hearing in person;
- Whether they will be represented by someone else (e.g. councillor/MP/lawyer). Whether they think that a hearing is unnecessary (if, for example they have come to an agreement before the formal hearing);
- If they want another person to appear at the hearing (not to represent them), a request for permission for the person to attend, and details of their name and how they may be able to assist the authority in relation to the application

18. Persons making representations must let the Borough Council know as soon as possible (in writing no later than 24 hours before the start of a hearing, or orally at the hearing) if they wish to withdraw their representation.

19. Hearings will generally be held in public, unless the Borough Council decides it is in the public interest to hold all, or part of the hearing in private. The Borough Council will ensure that a record is taken of the hearing.

20. Hearings will normally take the form of a discussion and will be led by the Borough Council, which will consist of three local authority elected councillors (this will be the licensing sub-committee drawn from a full licensing committee of 15 councillors). The Borough Council will explain the procedure to be followed. It will determine any request for additional persons to appear at the hearing. It will consider evidence produced in support before the hearing and can consider evidence produced by a party at the hearing, but only if all parties agree. Further evidence can also be produced if this was sought for clarification of an issue by the authority before the hearing. Cross-examination of one party by another during a hearing is not allowed, unless the Borough

Council thinks it necessary. The parties are entitled to address the authority and will be allowed equal time to address the authority and, if they have been given permission by the authority to do so, they will be given equal time to ask any questions of any other party. The Borough Council will disregard any information it considers to be irrelevant.

NB - A hearing can still go ahead in the absence of any party (e.g. - applicant or objector)

Hearing Decisions

21. As a result of the hearing, the licensing authority must then decide how to proceed in order to promote the licensing objectives. It may:

- ❖ Decide to grant or vary the licence in the same terms as it was applied for;
- ❖ Decide that it is necessary to refuse to issue or vary the licence;
- ❖ Decide to grant or vary the licence, but to modify the conditions;
- ❖ Exclude from the scope of the licence a licensable activity.
- ❖ In the case of a premises licence involving the sale of alcohol, refuse to specify a person as the designated premises supervisor

22. The Borough Council must give notice of its decision within 5 working days (if it does not give a decision at the hearing) and include information on the right of a party to appeal against the decision.

For further information about making representations, please contact licensing at the Borough Council.

Contact Details:

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

Telephone: (01553) 616200
Email: EHLicensing@west-norfolk.gov.uk

Further Information:

Public Licensing Register:

<https://online.west-norfolk.gov.uk/online-applications/search.do?action=simple&searchType=LicensingApplication>

Statement of Licensing Policy:

https://www.west-norfolk.gov.uk/info/20120/licensing_act/188/policy_information

The Heacham Club

Charity established 1921



Legal Services & Licensing

Borough Council of Kings Lynn & West Norfolk

By Email: ehlicensing@west-norfolk.gov.uk

11th December 2023

Dear Sirs

Ref – 23/01236/LA_PRE-New Premises Licence, Heacham Club Ltd.

I write further to my telephone conversation with [redacted] call received 14.38 today and lasted for 31 minutes. In this call [redacted] advised me that nothing in the objection which we submitted to this new Premises Licence is valid. This is a great surprise to us as it was drafted with both legal and licensing specialist advice!

[redacted] was suggesting that everything we were raising was applicable to the current licence now held in the name of this Charity and not the new application. He seemed to miss entirely the simple fact that until September this year the licence was incorrectly in the name of Heacham Club Ltd and despite the complaints of the Trustee's about the breaches of the 2003 Licensing Act by Heacham Club Ltd these were ignored, it was only in September with the assistance of Licensing that this Charity was able to regain control and impose regulation in the face of complete opposition from Heacham Club Ltd. I was very disappointed that taking the prior assistance we received from Licensing [redacted] was suggesting that the issues we raised were against the Trustees and the Charity even though we had no control of the premises Licence before this September!

The opposition we have to this licence is based on the simple fact that the people that are now applying for this new licence have since 2016 abused the ostensible authority that came with the Charity's licence that was incorrectly put in their name, they have demonstrated nothing but contempt for the 2003 Licensing Act and if you issue them with this new licence that is precisely how they will continue in the future.

I feel I have to list simply why we are objecting to this licence application is because the people applying for it will carry on as they have in the past, they do not believe that the licensing law applies to them.

From the licensing objectives :

The prevention of crime and disorder, public safety, the prevention of public nuisance, we have listed 2 crime report numbers which [redacted] tells me are not registered, they simply must be, they happened, they were reported and these crime numbers given, there has been at least one other incident that has happened quite recently where the Police were called out but we do not know the crime number. These are incidents that took place whilst the people making this application have been in control of licensed premises. The sale of alcohol from the Pavilion creates public nuisance, the Trustees get complaints, but local people are in fear of retribution from the football Club they will not put anything in writing. The people making this application have positively encouraged breaches of the 2003 Licensing Act by the Football Club and broken it themselves by allowing uncontrolled sale of alcohol from the Pavilion. [redacted] has now emailed me regarding our telephone conversation and in particular our complaint about giving away excessive amounts of alcohol not being illegal, however the provision of free excessive quantities of alcohol to members carries a significant risk of undermining these licensing objectives, these are the people now making this application for a new premises licence.


Registered Charity No: 253625




The Heacham Club

Charity established 1921



The protection of children from harm, the people making this application have failed to operate an age verification policy and failed to train staff accordingly. Heacham Club, particularly in Summer has many families as customers and a good number of children and teenagers on the premises. I have seen children pay at the bar and be given drinks for their parents, in the end these drinks were for parents but this is wrong in so many ways. I have seen parents buy drinks for teenagers who are clearly under age, but nothing is done to challenge this, and finally I have seen teenagers who look under 18 buying alcohol who are not challenged in any way. I have raised this with the bar staff in the past who have simply shrugged and responded with I'm not going to challenge them, no one has told me I need to. I have also taken this up with  the Chairman of Heacham Club Ltd but nothing was done. These are the people that are now applying for this Premises Licence.

I hope you can understand that we do not accept the view of  in this matter, our previously submitted application is actually all about the people that have been running the Heacham Club bars since 2016, albeit under an incorrect licence. These are the same people, that are now making this new application because the Charity has been enforcing the 2003 Licensing Act since September and they cannot accept this control. If Licensing decides to nod this application through without at least referring it to the Licensing Committee for a hearing, then you will be rewarding Heacham Club Ltd for their past breaches of the 2003 Licensing Act and ignoring the Licensing Objectives.

I would be grateful if you could read this letter in conjunction with our comprehensive objection submitted last Friday 8th December, another copy is attached to this email.

Yours sincerely

For & on behalf of

The Heacham Club



Chair of Trustees

Registered Charity No: 253625

