

Borough Council of King's Lynn & West Norfolk

Report to Licensing Sub-Committee under the Licensing Act 2003

Date of Hearing: 16th October 2025

Application for the grant of a new Premises Licence

- The Encore, 105 Norfolk Street, King's Lynn, Norfolk, PE30 1AQ

Applicant – Encore Venues 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. Encore Venues Ltd has made an application under Section 17 of the Act for the licensable activities of 'sale of alcohol by retail'. A copy of the application is attached at Appendix 1 and if granted would allow the premises to operate as follows:

<u>Licensable Activity</u>	<u>Days</u>	<u>Times</u>
Sale of Alcohol by Retail On the premises	Monday to Sunday	12 Noon until 2am
Live Music & Recorded Music Indoor Only	Monday to Sunday	12 Noon until 2am
Late Night Refreshment	Monday to Sunday	*11pm until 2am

*Late Night Refreshment is only licensable between the hours of 11pm and 5am.

Mandatory Conditions

3. The Act provides for the following seven mandatory conditions to be attached to all premises licences authorising the sale of alcohol for consumption on the premises:

1. 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.

2. 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.

3. 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:

(a) 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);

(b) 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 ;

(c) 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 [words added];

(d) 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;

(e) 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).

4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

5. 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.

6. 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:

- (a) beer or cider: ½ pint;
- (b) gin, rum, vodka or whisky: 25ml or 35ml; and
- (c) 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.

7. A relevant person shall ensure that no alcohol is sold or supplied for consumption on the premises for a price which is less than the permitted price. For the purposes of this condition 'duty' is to be construed in accordance with the Alcoholic Liquor Duties Act 1979; 'permitted price' is the price found by applying the formula - $P = D + (D \times V)$ where; P is the permitted price; D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol; and V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol. A 'relevant person' means the holder of the premises licence, the designated premises supervisor (if any) in respect of such a licence, or the personal licence holder who makes or authorises a supply of alcohol under such a licence. 'Value added tax' means value added tax charged in accordance with the Value Added Tax Act 1994.

The permitted price must be rounded up to the nearest penny.

A change to the permitted price which would apply as a result of a change to the rate of duty or VAT charged in relation to alcohol would not apply until the expiry of the period of 14 days beginning on the day on which the change in the rate of duty or VAT takes effect.

Conditions Consistent with the Operating Schedule (Proposed Conditions)

4. The following conditions have been drawn from the operating schedule submitted with the application and/or have been agreed upon by the applicant in consultation with Norfolk Constabulary and the Council's Community Safety and Neighbourhood Nuisance Team.

- (a) A CCTV system must be operational throughout all public areas, recording continuously for a minimum of 31 days. Footage must be downloadable upon reasonable request by Police or Licensing Authority representatives. All staff must be trained in its use and able to comply with such requests. Cameras should cover entrance and till areas and provide facial recognition of individuals entering and exiting the premises.
- (b) A logbook must be maintained to record all alcohol sale refusals and notable incidents. This must be available for inspection upon reasonable request by Police or Licensing Authority representatives.
- (c) All staff must receive regular training on the Challenge 25 age verification scheme. Training records must be kept on-site and made available upon request. Challenge 25 signage must be prominently displayed within the premises.
- (d) At least 1 member of SIA Door Staff must be present at the premises on Fridays, Saturdays, and all Bank Holiday Sundays from 9pm until 15 minutes after the premises closes.
- (e) All windows and doors to be closed during regulated entertainment.
- (f) The outside seating area to the rear must be closed from 22:00 hrs.
- (g) A Noise Management Plan must be submitted to and approved by the CSNN team within 14 days of the grant of the license.

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. Two representations from 'other persons' have been received in relation to the application—one in objection and one in support. Copies of both representations are

provided in Appendix 2 of this report, together with additional information submitted by the applicant and the corresponding response from the objector.

Members will also note references to a noise assessment document completed by Adrian James Acoustics Ltd, with specific paragraphs cited. A copy of this report is included as Appendix 3.

Notices

7. The applicant is responsible for advertising the application by way of a notice in a specified form at the premises for not less than 28 consecutive days and in a local newspaper on at least one occasion. The Public Notice appeared in the Lynn News on 5th September 2025 and should have been displayed on the premises up to and including the 25th September 2025.

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

Plans

9. A plan showing the layout of the premises is attached at Appendix 4 and another plan is attached at Appendix 5 showing the location of the premises relating to both representations.

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

10. The current Statement of Licensing Policy under the Act was approved by Full Council on the 14th January 2021. The following extracts may be relevant to this application and assist the Sub-Committee:

3.0 Fundamental principles

3.1 The 2003 Act requires that the Council carries out its various licensing functions so as to promote the following four licensing objectives:

- (a) the prevention of crime and disorder,
- (b) public safety,
- (c) the prevention of public nuisance, and
- (d) the protection of children from harm.

3.2 Nothing in this 'Statement of Policy' will:

- 3.2.1 undermine the right of any individual to apply under the terms of the 2003 Act for a variety of permissions and to have any such application considered on its own merits;
- 3.2.2 override the right of any person to make representations on an application.

3.3 Every application will be dealt with impartially and on its individual merits. The Borough Council will not refuse to grant or vary an application unless it has received a representation from a responsible authority, such as the police or an environmental health officer, or other person, such as a local resident or local business, which is a relevant representation.

- 3.4 Licensing is about regulating licensable activities on licensed premises, and any conditions that are attached to premises licences or club premises certificates will be focused on matters which are within the control of the individual licensee or club, i.e. the premises and its vicinity.
- 3.5 Whether or not incidents can be regarded as being “in the vicinity” of licensed premises is a question of fact and will depend on the particular circumstances of the case. In cases of dispute, the question will ultimately be decided by the courts. The Borough Council, in addressing this matter, will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned.
- 3.6 Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned. Nonetheless, it is a key aspect of such control and licensing law will always be part of a holistic approach to the management of the evening and night-time economy throughout the borough.

4.0 Cumulative Impact

4.1 “Cumulative Impact” is where the number, type or density of licensed premises in a defined area has a demonstrable and significant adverse effect on the licensing objectives. The cumulative impact of licensed premises on the promotion of the licensing objectives is a proper matter for a Licensing Authority to consider in developing its Statement of Licensing Policy.

4.2 The Licensing Authority can only adopt a cumulative impact policy where there is an evidential basis to do so. Local Community Safety Partnerships and responsible authorities, such as the police and the environmental health authority, may hold relevant information which would inform licensing authorities when establishing the evidence base for considering whether a cumulative impact policy is appropriate and necessary to promote the licensing objectives.

4.3 At the time of publishing this policy the Licensing Authority, having regard to the evidence available, considers that there is no particular part of the district causing a cumulative impact which undermines the licensing objectives.

4.4 Once away from the licensed premises, a minority of consumers will behave badly and unlawfully. To enable the general public to appreciate the breadth of the strategy for addressing these problems, the Borough Council encourages the use of other mechanisms both within and outside the licensing regime that are available for addressing such issues. Such as:

- planning control;
- CCTV;
- powers of local authorities to designate parts of the local authority area as places where alcohol may not be consumed publicly;
- the confiscation of alcohol from adults and children in designated areas;

- police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices;
- prosecution for the offence of selling alcohol to a person who is drunk (or allowing such a sale);
- police powers to close down instantly for up to 24 hours (extendable to 48 hours) any licensed premises in respect of which a TEN has effect on grounds of disorder, the likelihood of disorder, or noise emanating from the premises causing a nuisance; and
- the power of the police, other responsible authorities or other persons to seek a review of a licence or certificate.

5.0 Licensing Hours

5.1 With regard to licensing hours, due consideration will be given to the individual merits of an application. The Borough Council recognises that, in some circumstances, flexible licensing hours for the sale of alcohol can help to ensure that the concentrations of customers leaving premises simultaneously are avoided. This can help to reduce the friction at late night fast food outlets, taxi ranks and other sources of transport which could lead to disorder and disturbance.

5.2 The Borough Council wants to ensure that licensing hours do not inhibit the development of thriving and safe night-time local economies. This is important for investment, local employment and attractive to domestic and international tourists. Providing consumers with greater choice and flexibility is an important consideration, but should always be balanced carefully against the duty to promote the four licensing objectives and the rights of local residents to peace and quiet.

10.0 Prevention of Public Nuisance

10.1 Licensed premises, especially those operating late at night and early in the morning can cause a range of nuisances which impact on people or businesses in the vicinity. The concerns will mainly relate to noise but could also include light pollution and noxious smells. The Borough Council expect operating schedules to satisfactorily address these issues, as appropriate.

14.0 Planning & Building Control

14.1 Planning, Building Control and licensing are separated and consider different (albeit related) matters. For instance, licensing considers public nuisance whereas planning considers amenity. As such licensing applications will not be a re-run of the planning application and will not cut across decisions taken by the planning committee or following appeals against decisions taken by that committee. Licensing Committees are not bound by decisions made by a planning committee, and vice versa.

14.2 Applications for premises licences should normally be from businesses with planning consent for the property concerned. However, applications for licences may be made before any relevant planning permission is sought or granted by the planning authority.

17.0 Conditions

- 17.1 The Borough Council will not impose conditions unless it has received a representation from a responsible authority, such as the police or an environmental health officer, or other persons, such as a local resident or local business, which is a relevant representation, or is offered in the applicant's Operating Schedule. Any conditions will be proportional and appropriate to achieve the licensing objectives.

Guidance Issued Under Section 182 of the Licensing Act 2003

Under Section 4 of the Act, Licensing Authorities must have regard to guidance issued under Section 182. The current Guidance was issued by the Home Office in February 2025 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.

Crime and disorder

- 2.1 Licensing authorities should look to the police as the main source of advice on crime and disorder. They should also seek to involve the local Community Safety Partnership (CSP).
- 2.3 Conditions should be targeted on deterrence and preventing crime and disorder including the prevention of illegal working in licensed premises (see paragraph 10.10). For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television (CCTV) cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally. Some licence holders may wish to have cameras on their premises for the prevention of crime directed against the business itself, its staff, or its customers. But any condition may require a broader approach, and it may be appropriate to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly

covered and there is no subsequent dispute over the terms of the condition.

- 2.5 Conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences. It will normally be the responsibility of the premises licence holder as an employer, and not the licensing authority, to ensure that the managers appointed at the premises are competent and appropriately trained. The designated premises supervisor is the key person who will usually be responsible for the day to day management of the premises by the premises licence holder, including the prevention of disorder. A condition of this kind may only be justified as appropriate in rare circumstances where it can be demonstrated that, in the circumstances associated with particular premises, poor management competency could give rise to issues of crime and disorder and public safety.

Public safety

- 2.8 Licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the 2003 Act. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning. Conditions relating to public safety may also promote the crime and disorder objective as noted above. There will of course be occasions when a public safety condition could incidentally benefit a person's health more generally, but it should not be the purpose of the condition as this would be outside the licensing authority's powers (be ultra vires) under the 2003 Act. Conditions should not be imposed on a premises licence or club premises certificate which relate to cleanliness or hygiene.
- 2.9 A number of matters should be considered in relation to public safety. These may include:
- Fire safety;
 - Ensuring appropriate access for emergency services such as ambulances;
 - Good communication with local authorities and emergency services, for example communications networks with the police and signing up for local incident alerts (see paragraph 2.4 above);
 - Ensuring the presence of trained first aiders on the premises and appropriate first aid kits;
 - Ensuring the safety of people when leaving the premises (for example, through the provision of information on late-night transportation);

- Ensuring appropriate and frequent waste disposal, particularly of glass bottles;
- Ensuring appropriate limits on the maximum capacity of the premises (see paragraphs 2.12-2.13, and Chapter 10; and
- Considering the use of CCTV in and around the premises (as noted in paragraph 2.3 above, this may also assist with promoting the crime and disorder objective).

2.10 The measures that are appropriate to promote public safety will vary between premises and the matters listed above may not apply in all cases. As set out in Chapter 8 (8.38- 8.46), applicants should consider when making their application which steps it is appropriate to take to promote the public safety objective and demonstrate how they achieve that.

Public nuisance

2.21 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.

2.22 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.

2.25 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.

- 2.26 Measures to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.
- 2.27 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti- social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.

Protection of children from harm

- 2.28 The protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated directly with alcohol consumption but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment). Licensing authorities must also consider the need to protect children from sexual exploitation when undertaking licensing functions.
- 2.29 The Government believes that it is completely unacceptable to sell alcohol to children. Conditions relating to the access of children where alcohol is sold and which are appropriate to protect them from harm should be carefully considered. Moreover, conditions restricting the access of children to premises should be strongly considered in circumstances where:
- adult entertainment is provided;
 - a member or members of the current management have been convicted for serving alcohol to minors or with a reputation for allowing underage drinking (other than in the context of the exemption in the 2003 Act relating to 16 and 17 year olds consuming beer, wine and cider when accompanied by an adult during a table meal);
 - it is known that unaccompanied children have been allowed access;
 - there is a known association with drug taking or dealing; or
 - in some cases, the premises are used exclusively or primarily for the sale of alcohol for consumption on the premises.

- 2.32 Licensing authorities and responsible authorities should expect applicants, when preparing an operating schedule or club operating schedule, to set out the steps to be taken to protect children from harm when on the premises.
- 2.33 Conditions, where they are appropriate, should reflect the licensable activities taking place on the premises. In addition to the mandatory condition regarding age verification, other conditions relating to the protection of children from harm can include:
- restrictions on the hours when children may be present;
 - restrictions or exclusions on the presence of children under certain ages when particular specified activities are taking place;
 - restrictions on the parts of the premises to which children may have access;
 - age restrictions (below 18);
 - restrictions or exclusions when certain activities are taking place;
 - requirements for an accompanying adult (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult); and
 - full exclusion of people under 18 from the premises when any licensable activities are taking place.
- 2.35 Licensing authorities should give considerable weight to representations about child protection matters. In addition to the responsible authority whose functions relate directly to child protection, the Director of Public Health may also have access to relevant evidence to inform such representations. These representations may include, amongst other things, the use of health data about the harms that alcohol can cause to underage drinkers. Where a responsible authority, or other person, presents evidence to the licensing authority linking specific premises with harms to children (such as ambulance data or emergency department attendances by persons under 18 years old with alcohol-related illnesses or injuries) this evidence should be considered, and the licensing authority should also consider what action is appropriate to ensure this licensing objective is effectively enforced. In relation to applications for the grant of a licence in areas where evidence is presented on high levels of alcohol-related harms in persons aged under 18, it is recommended that the licensing authority considers what conditions may be appropriate to ensure that this objective is promoted effectively.

Determining Applications

- 9.1 When a licensing authority receives an application for a new premises licence or an application to vary an existing premises licence, it must determine whether the application has been made in accordance with

section 17 of the 2003 Act, and in accordance with regulations made under sections 17(3) to (6), 34, 42, 54 and 55 of the 2003 Act. It must similarly determine applications for the grant of club premises certificates made in accordance with section 71 of the 2003 Act, and in accordance with regulations made under sections 71(4) to (7), 84, 91 and 92 of the 2003 Act. This means that the licensing authority must consider among other things whether the application has been properly advertised in accordance with those regulations.

Where Representations Are Made

- 9.3 Where a representation concerning the licensing objectives is made by a responsible authority about a proposed operating schedule and it is relevant, (see paragraphs 9.4 to 9.10 below) the licensing authority's discretion will be engaged. It will also be engaged if another person makes relevant representations to the licensing authority, which are also not frivolous or vexatious (see paragraphs 9.4 to 9.10 below). Relevant representations can be made in opposition to, or in support of, an application and can be made by any individual, body or business that has grounds to do so.

Relevant, vexatious and frivolous representations

- 9.4 A representation is "relevant" if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. For example, a representation from a local businessperson about the commercial damage caused by competition from new licensed premises would not be relevant. On the other hand, a representation by a businessperson that nuisance caused by new premises would deter customers from entering the local area, and the steps proposed by the applicant to prevent that nuisance were inadequate, would be relevant. In other words, representations should relate to the impact of licensable activities carried on from premises on the objectives. For representations in relation to variations to be relevant, they should be confined to the subject matter of the variation. There is no requirement for a responsible authority or other person to produce a recorded history of problems at premises to support their representations, and in fact this would not be possible for new premises.
- 9.5 It is for the licensing authority to determine whether a representation (other than a representation from responsible authority) is frivolous or vexatious on the basis of what might ordinarily be considered to be vexatious or frivolous. A representation may be considered to be vexatious if it appears to be intended to cause aggravation or annoyance, whether to a competitor or other person, without reasonable cause or justification. Vexatious circumstances may arise because of disputes between rival businesses and local knowledge will therefore be invaluable in considering such matters. Licensing authorities can consider the main effect of the representation, and whether any inconvenience or expense caused by it could reasonably be considered to be proportionate.

- 9.6 Frivolous representations would be essentially categorised by a lack of seriousness. Frivolous representations would concern issues which, at most, are minor and in relation to which no remedial steps would be warranted or proportionate.
- 9.7 Any person who is aggrieved by a rejection of their representations on either of these grounds may lodge a complaint through the local authority's corporate complaints procedure. A person may also challenge the authority's decision by way of judicial review.
- 9.8 Licensing authorities should not take decisions about whether representations are frivolous, vexatious or relevant to the licensing objectives on the basis of any political judgement. This may be difficult for councillors who receive complaints from residents within their own wards. If consideration is not to be delegated, contrary to the recommendation in this Guidance, an assessment should be prepared by officials for consideration by the sub- committee before any decision is taken that necessitates a hearing. Any councillor who considers that their own interests are such that they are unable to consider the matter independently should disqualify themselves.
- 9.9 It is recommended that, in borderline cases, the benefit of the doubt about any aspect of a representation should be given to the person making that representation. The subsequent hearing would then provide an opportunity for the person or body making the representation to amplify and clarify it.

Disclosure of personal details of persons making representations

- 9.26 Where a notice of a hearing is given to an applicant, the licensing authority is required under the Licensing Act 2003 (Hearings) Regulations 2005 to provide the applicant with copies of the relevant representations that have been made.

Hearings

- 9.37 As a matter of practice, licensing authorities should seek to focus the hearing on the steps considered appropriate to promote the particular licensing objective or objectives that have given rise to the specific representation and avoid straying into undisputed areas. A responsible authority or other person may choose to rely on their written representation. They may not add further representations to those disclosed to the applicant prior to the hearing, but they may expand on their existing representation.
- 9.38 In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the licensing authority must give appropriate weight to:
- the steps that are appropriate to promote the licensing objectives;
 - the representations (including supporting information) presented by all the parties;
 - this Guidance;
 - its own statement of licensing policy.

- 9.39 The licensing authority should give its decision within five working days of the conclusion of the hearing (or immediately in certain specified cases) and provide reasons to support it. This will be important if there is an appeal by any of the parties. Notification of a decision must be accompanied by information on the right of the party to appeal. After considering all the relevant issues, the licensing authority may grant the application subject to such conditions that are consistent with the operating schedule. Any conditions imposed must be appropriate for the promotion of the licensing objectives; there is no power for the licensing authority to attach a condition that is merely aspirational. For example, conditions may not be attached which relate solely to the health of customers rather than their direct physical safety. Any conditions added to the licence must be those imposed at the hearing or those agreed when a hearing has not been necessary.
- 9.40 Alternatively, the licensing authority may refuse the application on the grounds that this is appropriate for the promotion of the licensing objectives. It may also refuse to specify a designated premises supervisor and/or only allow certain requested licensable activities. In the interests of transparency, the licensing authority should publish hearings procedures in full on its website to ensure that those involved have the most current information.

Determining Actions that are Appropriate for the Promotion of the Licensing Objectives

- 9.42 Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be.
- 9.43 The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.
- 9.44 Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. While this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters. As with the consideration of licence variations, the licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing

objectives and the track record of the business. Further advice on determining what is appropriate when imposing conditions on a licence or certificate is provided in Chapter 10. The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination.

Proposed conditions

- 10.4 The conditions that are appropriate for the promotion of the licensing objectives should emerge initially from the risk assessment carried out by a prospective licence or certificate holder, which they should carry out before making their application for a premises licence or club premises certificate. This would be translated into the steps recorded in the operating schedule or club operating schedule, which must also set out the proposed hours during which licensable activities will be conducted and any other hours during which the premises will be open to the public.
- 10.5 It is not acceptable for licensing authorities to simply replicate the wording from an applicant's operating schedule. A condition should be interpreted in accordance with the applicant's intention.

Imposed Conditions

- 10.8 The licensing authority may not impose any conditions unless its discretion has been engaged following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives.
- 10.9 It is possible that in some cases no additional conditions will be appropriate to promote the licensing objectives.

Proportionality

- 10.10 The 2003 Act requires that licensing conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises concerned. Conditions should be determined on a case by case basis and standardised conditions which ignore these individual aspects should be avoided. Licensing authorities and other responsible authorities should be alive to the indirect costs that can arise because of conditions. These could be a deterrent to holding events that are valuable to the community or for the funding of good and important causes. Licensing authorities should therefore ensure that any conditions they impose are only those which are appropriate for the promotion of the licensing objectives.

The need for licensed premises

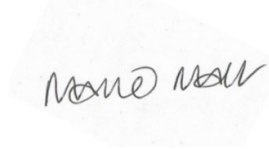
- 14.19 There can be confusion about the difference between the "need" for premises and the "cumulative impact" of premises on the licensing objectives, for example, on crime and disorder. "Need" concerns the commercial demand for another pub or restaurant or hotel and is a matter for the planning authority and for the market. This is not a matter for a licensing authority in discharging its licensing functions or for its statement of licensing policy.

Determination

12. Having regard to the representations received, the Licensing Sub-Committee are requested to consider the application, this report and take such steps as it considers appropriate for the promotion of the licensing objectives. These steps are:

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

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



Marie Malt

Licensing Service Manager
Legal Services & Licensing
7th October 2025

Appendix:

1. Copy of Application
2. Copies of letters of Representations from 'other persons'
3. Copy of Noise Assessment Report
4. Premises Plan of Layout
5. Location Map

Background Papers:

1. The Licensing Act 2003
2. Borough Council's Statement of Licensing Policy (14th January 2021)
3. Guidance issued under Section 182 of the Licensing Act 2003 (Feb 2025)

Your ref no: Form ref:
XMNQLSQP

Page: Coversheet

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

Appendix 1 to
Report to Licensing Sub-Committee
Re: The Encore
Dated: 7th October 2025

This form was started at:	28/08/2025 10:48:27
This form was completed at:	28/08/2025 11:32:45
Internal form classification:	N / A
Openprocess state:	

Page: Tell us who you are

You can only vary a premises licence if you are the premises licence holder, solicitor or other duly authorised agent.

Are you completing this form on behalf of the applicant?	No - I am the applicant
In what capacity is the applicant applying for a premises licence?	As a limited company
Please confirm the following:	The applicant is carrying on or proposing to carry on a business which involves the use of the premises for licensable activities

Page: Tell us about the other applicants

If you are a limited company, the address provided must match the record on Companies House

Individual or company name	Encore Venues Ltd
Address line 1	121 Austin Street
Address line 2	King's Lynn
Address line 3	
Address line 4	
Postcode	PE30 1QH
Daytime telephone number	
Email address	
Registered number, if applicable	16325695

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	The Encore
------------------------------	------------

Address line 1	105 Norfolk Street
----------------	--------------------

Address line 2	King's Lynn
----------------	-------------

Address line 3	
----------------	--

Address line 4	
----------------	--

Postcode	PE30 1AQ
----------	----------

Telephone number at the premises	
----------------------------------	--

Please give a brief description of the premises	Cocktail Bar with live music (limited to solo or duo performances)
---	--

When do you want the premises licence to start? (dd/mm/yyyy)	01/11/2025
---	------------

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?	£4,301 - £33,000
---	------------------

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 between £4,301 - £33,000 is:

£190.00

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?	No
Will you be providing films at the premises?	No
Will you be providing indoor sporting events at the premises?	No
Will you be providing boxing or wrestling entertainment at the premises?	No
Will you be providing live music at the premises?	Yes

A licence is not required for:

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

Will you be providing recorded music at the premises?	Yes
---	-----

A licence is not required for:

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

Will you be providing performances of dance at the premises?	No
Will you be providing anything of a similar description to live music, recorded music or	No

performances of dance at the premises?

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 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 12:00

End time 02:00

Section: Tuesday

Start time 12:00

End time 02:00

Section: Wednesday

Start time 12:00

End time 02:00

Section: Thursday

Start time 12:00

End time 02:00

Section: Friday

Start time 12:00

End time 02:00

Section: Saturday

Start time 12:00

End time 02:00

Section: Sunday

Start time 12:00

End time 02:00

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

Indoors

Please provide further details here

Live music in the front part of the building only.

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

No variations.

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

Page: Provision of recorded music

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

Section: Monday

Start time 12:00

End time 02:00

Section: Tuesday

Start time 12:00

End time 02:00

Section: Wednesday

Start time 12:00

End time 02:00

Section: Thursday

Start time 12:00

End time 02:00

Section: Friday

Start time 12:00

End time 02:00

Section: Saturday

Start time 12:00

End time 02:00

Section: Sunday

Start time 12:00

End time 02:00

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

Indoors

Please provide further details here

Music only to be played inside the building and not in rear courtyard.

Please state any seasonal variations for the provision of recorded music

No variations.

Where you intend to use the premises for the provision of recorded music at different times to

those listed above, please specify below:

Page: Provision of 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 12:00

End time 02:00

Section: Tuesday

Start time 12:00

End time 02:00

Section: Wednesday

Start time 12:00

End time 02:00

Section: Thursday

Start time 12:00

End time 02:00

Section: Friday

Start time 12:00

End time 02:00

Section: Saturday

Start time 12:00

End time 02:00

Section: Sunday

Start time 12:00

End time 02:00

Will the provision of late night refreshments take place indoors, outdoors or both?

Indoors

Please provide further details here

Please state any seasonal variations for the provision of late night refreshment

No variations.

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

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 12:00

End time 02:00

Section: Tuesday

Start time 12:00

End time 02:00

Section: Wednesday

Start time 12:00

End time 02:00

Section: Thursday

Start time 12:00

End time 02:00

Section: Friday

Start time 12:00

End time 02:00

Section: Saturday

Start 12:00

End time 02:00

Section: Sunday

Start time 12:00

End time 02:00

Will the provision of alcohol take place on the premises, off the premises or both?

on the premises

Please state any seasonal variations for the provision of alcohol

No variations.

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

Page: Tell us about the Designated Premises Supervisor (DPS)

Is this an application for a commercial premises licence requiring a DPS for alcohol sales?	Yes
Are you the proposed Designated Premises Supervisor (DPS)?	Yes

Section: Please tell us more about yourself

Please tell us your date of birth (dd/mm/yyyy)	
Please tell us your nationality	
Do you currently hold a personal licence?	
Personal licence number	
Personal licence issuing authority	

Page: Tell us the premises opening hours

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

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

Section: Monday	
Start time	12:00
End time	02:00
Section: Tuesday	
Start time	12:00
End time	02:00
Section: Wednesday	
Start time	12:00
End time	02:00
Section: Thursday	
Start time	12:00
End time	02:00
Section: Friday	
Start time	12:00
End time	02:00
Section: Saturday	
Start time	12:00
End time	02:00
Section: Sunday	
Start time	12:00
End time	02:00
Please tell us about any seasonal variations	No variations.
Please tell us where you intend to use the premises at different times to those listed above, please specify below:	

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	
---	--

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	Joining pub watch schemes.
The prevention of crime and disorder	CCTV.
Public safety	Regular use of SIA door staff.
The prevention of public nuisance	Regular use of SIA door staff. Noise limiters. Signage requesting patrons leave quietly.
The protection of children from harm	Think 25 age check policy for sales of alcohol.

Page: Documents checklist - applying for a premises licence

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

Checklist	<ul style="list-style-type: none">✓ 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✓ I will send a copy of the advert once it has appeared in the newspaper - do not advertise until accepted✓ I understand that if I do not comply with the above requirements my application may be rejected✓ 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
-----------	--

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*

[1100 PLAN.png](#)

* 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*

[dps_consent_form_october_2018.pdf](#)

* 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*

[20240722_222641.jpg](#)

* 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

Page: Payment summary

Application fee for RV 4301 to 33000	£190.00
Total	£190.00

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.

" />

License application 25/01022/LA_PRE

Objection Category – “Prevention of public nuisance”

████████████████████ the property consists of a Ground Floor retail unit (Nail Bar) and a 3 bedroom Family Maisonette above ██████████. The emphasis is on the ‘Family’ use of the property as it is one of the few larger residential properties still available in Norfolk St.

Reason for Objection

I have read with deep concern the report from Adrian James Acoustics Ltd. On Planning Application 25/01346/F for change of use for 105 Norfolk Street. My objection is to the licensing extension until 2 a.m., especially the element of playing Live Music to 2 a.m. I have already made a public comment on this application.

I have read in depth the ‘Noise assessment’ report submitted with the Planning Application and I am concerned about the noise impact ██████████ living in the Maisonette next door, especially when the front door is not closed during Live Music sessions. It was recommended in the report that an inside Lobby should be fitted but the applicants stated that this is not practical for the size of the premises. They have offered a solution to the single door by it only being opened between songs. This would be achieved by a Responsible Person denying entry or exit, whilst a live act is performing.

Granting a 2 a.m. extension would also affect the physical and mental health of the family living there. Who would want their children brought up with this intrusion of sound each evening? The maisonette, referred to as ██████████ has existed as a 3 bedroom residential property since 1880, and my fear is that if it cannot be maintained as such, it will just become another empty property in the town centre.

All existing venues have an internal lobby and the nearest ██████████ is some distance away at numbers 39 and 100 Norfolk St.

In summary :-

With the best will in the world it would be extremely difficult to educate and control customers from entering, or exiting the premises at only specified times.

Possible actions that could be agreed

The lobby should be installed as a necessity for the playing of any Live Music during any normal licensed opening times 11 a.m. to 11 p.m.

If any extension is granted then it should only apply to weekends (Friday and Saturday) and be limited to 12 a.m. (midnight).

From: [REDACTED]

Sent: Thursday, September 25, 2025 1:33:01 PM (UTC+00:00) Dublin, Edinburgh, Lisbon, London

To: EH Licensing <EHlicensing@West-Norfolk.gov.uk>
[REDACTED]

Subject: Regarding 105 Norfolk street licence application

[External Email]

[Confirm the senders email address is genuine, before clicking on links and replying]

To Whom It May Concern

[REDACTED]

I understand that there are concerns regarding levels of noise from the proposed new venue at 105 Norfolk street, kings Lynn.

As a long term resident of Norfolk street weekend noise is normal and expected in the area , this is the party street and revellers are largely happy and noisy.

We are accustomed to the noise from the existing venues and [REDACTED]
[REDACTED]

We are delighted that the operators of the new venue have been considerate enough to consult , have taken sound readings and propose to operate at lower than the levels which the other venues operate in the street .

We believe that the venue will be professionally run and managed , and from our recent experience will work with us and resolve any issues which arise

We wish them the best of luck with the venue and [REDACTED] have no objections to the venue

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: 23 September 2025 15:16
To: [REDACTED]
Subject: 105 Norfolk Street

[External Email]

[Confirm the senders email address is genuine, before clicking on links and replying]

Good Afternoon [REDACTED],

Thank you for bringing to our attention the objection submitted under the grounds of Prevention of Public Nuisance. At Encore Venues Ltd, we are committed to constructive dialogue and to resolving concerns at the earliest possible stage.

In good faith, one of our business owners has already sought to approach [REDACTED] directly to discuss his concerns. We were advised [REDACTED] currently away on holiday for one month and therefore unavailable for any meetings prior to the scheduled hearing. We understand, however, that he will be available to attend should the matter proceed.

Notwithstanding this, Encore Venues Ltd wishes to clearly and transparently set out its position in advance, with the aim of addressing objections prior to any formal proceedings.

It is important to clarify the nature of the live music provision under our application. Our business model is not centred on large bands or DJ sets. Rather, Encore Venues is designed to provide a platform for solo artists and duos, delivering live music at carefully controlled, compliant, and comfortable sound levels. While our application seeks permission for live music until 2:00am, this is earlier than the terminal hours of many other operators on Norfolk Street. In this respect, we consider our proposed hours modest and proportionate.

To ensure that music levels remain appropriate, we have commissioned and completed a comprehensive professional acoustic assessment, undertaken with the cooperation of [REDACTED], who kindly granted full property access for testing. This independent assessment has informed the following commitments, which we have already acted upon:

- Adoption of an internal sound limit of 91dB, well below the Health and Safety Executive's recommended thresholds (107dB continuous / 140dB peak).
- Installation of secondary glazing at our own expense, as recommended by our acoustic consultant, which has now been completed.
- Implementation of robust internal management systems to ensure all performances remain strictly within safe and agreed parameters.

We note that [REDACTED] has suggested the installation of a lobby. While at first glance this may appear a simple measure, there are substantial reasons why it is not feasible:

- Conservation restrictions prohibit alteration of the building's external façade.
- Accessibility obligations under the Equality Act 2010 would be compromised by the introduction of a lobby.
- Fire safety requirements necessitate clear evacuation routes, which a lobby would obstruct.

Given the paramount importance of accessibility and safety, we have instead invested in alternative, equally effective measures — including secondary glazing and advanced sound management — that achieve the intended mitigation without contravening statutory obligations.

We must also address the objector's proposed restriction of hours to 11:00am–11:00pm. Such a limitation would render our business model unviable and place Encore Venues at a significant competitive disadvantage relative to other Norfolk Street premises. By contrast, our requested hours — extending to 2:00am — are both proportionate and supported by comprehensive acoustic safeguards, while still earlier than many neighbouring operators.

Throughout this process, Encore Venues Ltd has acted with transparency and responsibility. Specifically, we have:

- Fully complied with the Licensing Act 2003,
- Commissioned and implemented independent professional advice,
- Engaged openly with local residents,
- Invested significantly in sound mitigation measures, and
- Proposed operating hours that are fair, balanced, and proportionate.

On this basis, we respectfully submit that the objection does not provide sufficient grounds to refuse, or to impose disproportionate restrictions upon, the licence sought. That said, we remain willing to engage in constructive discussions with [REDACTED] to explore proportionate conditions, should he wish to do so.

We trust this clarifies our position and reaffirms Encore Venues Ltd's commitment to fully upholding the licensing objectives. That said, should [REDACTED] to meet and discuss the matter further with a view to reaching a potential compromise, we would be more than willing to welcome and engage in such an opportunity.

Yours faithfully,

Encore Venues Ltd

From: [REDACTED]
Sent: 25 September 2025 19:32
To: [REDACTED]
Subject: Re: FW: FW: License application 25/01022/LA_PRE 105 Norfolk Street

Hello [REDACTED],

I do understand that the Council's Community Safety & Neighbourhood Nuisance team (noise experts) have considered the application and have made no objection.

My concern and only issue for objection is the management of the applicants' proposed alternative to a lobby. AJA's report, which I have cited in previous emails, are to me the experts who were enlisted by the applicants for the initial survey and who suggested a second door as per Paragraph 3.2.3 of their report. The applicants' alternative remedy will only suffice when the single front door is closed.

Hopefully, my objections and replies to the applicants' last email to you will at least be seen by the Committee.

I am unable to attend any hearing, supply representatives on my behalf or join in by video.

How you proceed from here is for you to decide but all I want is for my objection to be heard. I am

[REDACTED]

I am also sending a reply to the issues raised by Encore as to why a lobby is not feasible via a separate email for the Committee.

Yours sincerely,

From: [REDACTED]
Sent: 25 September 2025 20:12
To: [REDACTED]
Subject: Replies to Encores reasons for no Lobby :-

[External Email]

[Confirm the senders email address is genuine, before clicking on links and replying]

1. Conservation Restraints

Conservation restrictions do not apply to the installation of an internal lobby, but only external changes. I have not suggested any external changes that would require further planning approval because of being in a Conservation area.

2. Accessibility Issues

Accessibility issues under the Equality Act 2010 would not be compromised as to be so, then numbers 100 and 39 Norfolk Street would already be doing this with their lobbies.

3. Fire safety

The fire exit route shown on the planning application is via the Lobby towards the rear of the property. Of course, people would also leave by the front exit but a lobby would not hinder their exit. If so, then existing venues with lobbies would already be experiencing problems.

4. Transparency,

I was only made aware of Encore's intended business plans and hours of business, when a notice appeared in the windows of 105 and I was then able to comment and read AJA's report on the Planning Application portal.

Up until then. I was totally unaware of any sound survey having been conducted [REDACTED]
[REDACTED]

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BAR AND MUSIC VENUE - 105 NORFOLK ST, KINGS LYNN

NOISE ASSESSMENT

AJA Report no. 14678/1



Adrian James Acoustics Document Control Sheet

Client	Lee Rowbotham 121 Austin Street King's Lynn PE30 1QH
Filename	14678 Report 1

QA Control

Rev	Date	Author	Checked by	Approved by
-	13 August 2025	George Moore MIOA	Gary Percival MIOA	Gary Percival MIOA

Revision History

Rev	Details
-	Initial issue

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1 INTRODUCTION

1.1 Background

We have been appointed to carry out an assessment of the potential noise impact from the proposed change of use of No. 105 Norfolk St, Kings Lynn. The former shop would become a bar and live music venue, and we have assessed the potential impact of music noise on adjacent properties, at least one of which is a dwelling.

Norfolk Street is a busy street in the centre of Kings Lynn and already accommodates several late-night entertainment venues.

This assessment has not assessed noise from any additional pedestrians in Norfolk Street associated with this development. As Norfolk Street is reasonably busy in the evenings, we do not expect any additional customers of the proposed bar and music venue to represent a significant increase.

1.2 Source information

The report is based on the following design information from:

Drawing no.	Revision	Title
CH25/LBA/695/FP-1-101	A	Proposed Ground / First Floor Plans

Table 1 - Design information used in the assessment

2 PLANNING POLICY

2.1 National planning policy

Details of national planning policies and associated guidance relevant to this assessment are provided in Appendix B. This includes:

- National Planning Policy Framework (NPPF)
- Noise Policy Statement for England (NPSE)
- National Planning Practice Guidance (NPPG)

In combination, these documents set out national planning policies relating to noise, and the current guidance on appropriate terminology and methodology for noise assessment.

2.2 Local planning policy

Local environment and development planning policy are the remit of Borough Council of Kings Lynn and West Norfolk (BCKLWN). The Kings Lynn and West Norfolk Local Plan 2021 – 2040 was adopted in March 2025 and sets out all BCKLWN's policies relating to development and noise.

Policy LP21 states:

"Development proposals should aim to create a high-quality environment without detrimental impact on the amenity of new and existing residents. Factors that could have a significant negative impact on the amenity of residents include: noise."

2.3 Local authority consultation

We have consulted with Jo Reed, Senior Community Safety and Neighbourhood Nuisance (CSNN) Officer at BCKLWN by e-mail on 11 June 2025 and on a site visit on 30 June. It has been agreed that music noise from the proposed development should not exceed NR20 in the adjoining dwellings.

3 DESCRIPTION OF SITE AND PROPOSALS

3.1 Description of site

3.1.1 105 Norfolk St

105 Norfolk Street was formerly a shop with storage to the rear. A small, enclosed courtyard to the rear of the building opens on to an alleyway along the right-hand side of the building. First floor office space is accessed via stairs at the rear of the shop. No. 105 Norfolk Street is adjacent to No. 104 on the right-hand side, and No. 106 on the left-hand side, as viewed from the front of the building.

3.1.2 104 Norfolk St

104 Norfolk Street is separated from No. 105 by an alleyway at ground floor level. The first floor of No. 104 extends over the alleyway and shares a party wall with No. 105 at first floor level. The ground floor of No. 104 is a nail salon and the first floor is a flat which is accessed via stairs from the alleyway. The flat has external amenity space in the form of a rear veranda at first-floor level. The front room which shares the party wall with No. 105 is a bedroom with a kitchen to the rear.

3.1.3 106 Norfolk St

106 Norfolk Street is a takeaway restaurant. The first floor above the restaurant is used for storage. This property is not registered as a dwelling, and we are not aware of any residential use of this property.

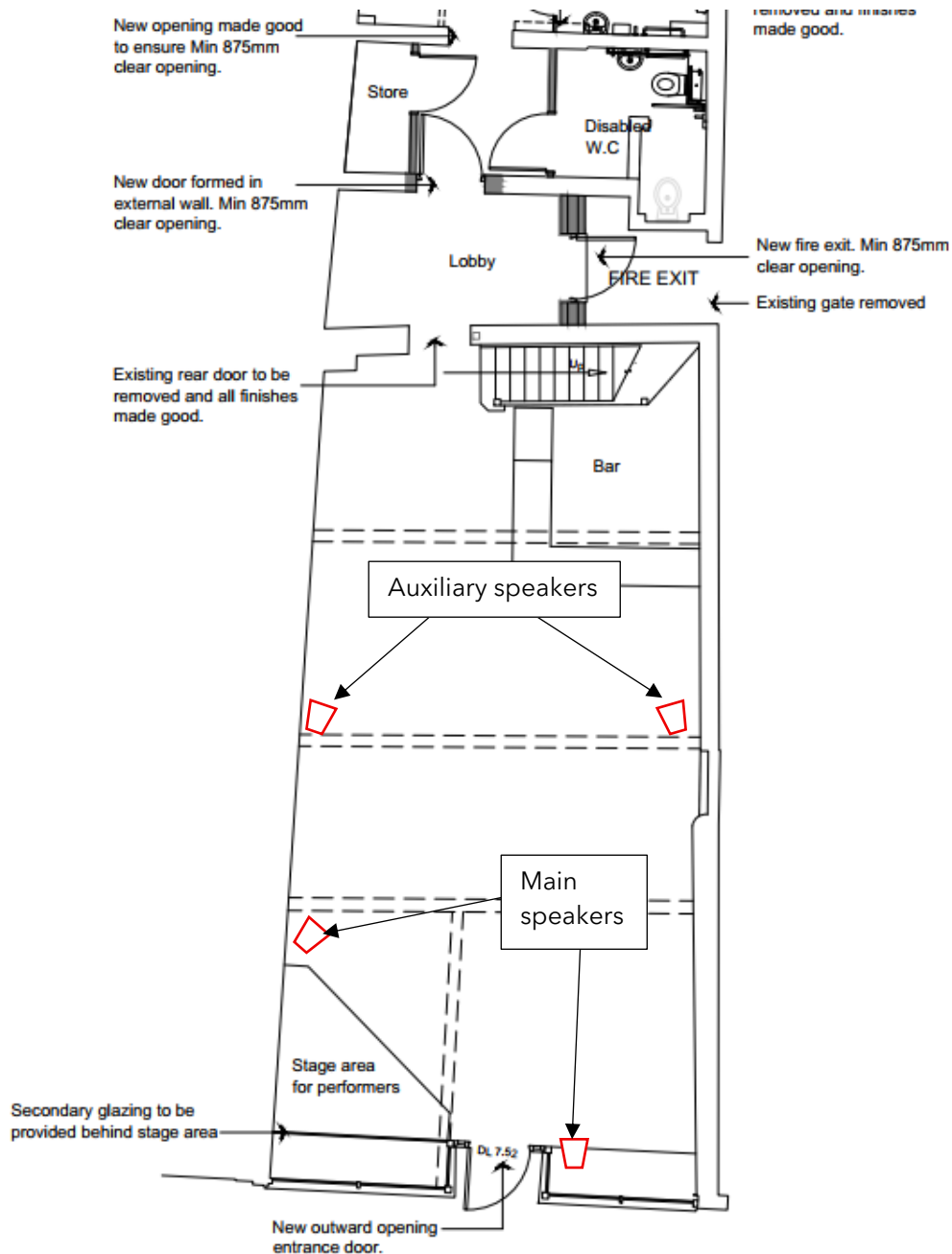
3.2 Description of proposals

The ground floor of No. 105 Norfolk St would be a become a bar and live music venue. Rooms to the rear of the pub would accommodate toilets and a quieter “*chill out*” space.

The stage area would be immediately to the left of the central front entrance of the building as shown in Figure 1. The bar would be in the opposite corner.

We understand that the first floor would be used as office space and would have no public access.

The bar would apply for permission to open between 12:00 midday until 02:00 hrs every day. Regular opening hours will be determined in due course but are likely to be shorter than these.



Proposed Ground Floor Plan

Figure 1 - Ground floor plan of front of No. 105 Norfolk Street showing bar and stage area (Suggested loudspeaker positions added in red)

3.2.1 Live Music

Live music will be an important feature of the proposed development. High quality acts will generate a classy and intimate atmosphere.

Acts will generally be only one or two performers and there will be no drum kits or loud amplified bass guitars. If amplification is required for vocals and quieter instruments, this would be run through the venue's own PA system. We recommend small loudspeakers suspended from the ceiling or the walls. Suggested locations are shown in Figure 1.

The speakers nearest the stage would be the main speakers for live acts. We recommend 8" or 10" loudspeakers e.g. QSC K10 or similar. The auxiliary pair of loudspeakers could be smaller (e.g. Martin Audio A55T) and could be used just for background music. If the sound from voices in the room becomes significant, the live act could also be fed through the smaller speakers to reduce the sound level required from the main speakers.

The maximum sound level of the music should be set by a responsible person. This is discussed further in Section 5.2

3.2.2 Chill out room to the rear

We understand that the room to the rear would be used as a quieter space for talking, with possible low level background music. To reduce the sound egress through the windows, the single glazing should be replaced with double glazing.

3.2.3 Front door

During the site meeting on 30 June 2025, it was suggested that the front door should open into a small lobby with a second set of doors that would contain the sound and reduce the chance of both sets of doors being open at the same time. This is not practicable due to space restrictions so it was agreed that the opening of the door would only be permitted during breaks in the music between songs. Management of this is discussed further in Section 5.3. The new door should have compressible seals and a door closer.

3.2.4 Secondary Glazing

Secondary glazing would be fitted to the ground floor windows at the front of the building. This would improve the sound insulation to the street. Note: This would only improve the sound insulation of the building façade if the front door is closed.

4 ASSESSMENT OF NOISE FROM THE BAR TO LIVING ROOM & BEDROOM 1

4.1 Criteria

As mentioned in Section 2.3, the sound level of music noise from the bar should not exceed NR20 in adjoining dwellings. The octave-band sound levels representing NR20 are shown in Table 2.

Sound pressure level (dB)	63Hz	125Hz	250Hz	500Hz	1kHz	2kHz	4kHz	8kHz
NR20	51.2	39.4	30.6	23.8	20	16.8	14.4	12.6

Table 2 - NR20 curve octave-band sound levels

4.2 Survey

We visited No. 105 Norfolk St on 30 June 2025 to view the site and take sound insulation measurements between the bar and adjoining dwellings.

4.2.1 Methodology

Details of the measurement and calibration equipment used is shown in Appendix C.

We set up a loudspeaker in the bar area and generated pink noise at over 100 dBA in the bar area. This is much louder than the anticipated music level in the bar. We measured the sound level in the bar area in 1/3 octave bands. We then measured the sound level in the front bedroom of No. 104 Norfolk St with the speaker still turned on as well as the background sound level with the speaker turned off. We were then able to calculate the sound level difference between the bar and the bedroom in 1/3 octave bands.

We were not granted access to the first floor above the restaurant at No. 106 Norfolk St, so we measured the sound level in the ground floor restaurant.

4.2.2 Subjective impressions

The sound of our loudspeaker in the bedroom of No. 104 initially came through the open window as the sound from the speaker exited the bar area through the front window and gaps around the door. Once the bedroom window was closed, the sound of the loudspeaker was only just audible in the room.

As we were not granted access to the first floor of No. 106 Norfolk Street, we instead took sound level measurements on the ground floor of the restaurant. This area had several fridges and refrigerated display units which could not all be turned off. With the noisiest fridge unit turned off, the sound from the loudspeaker could just be heard.

4.2.3 Results

The sound level difference between the bar and the first-floor bedroom of No. 104 is 70 dB D_w . The 1/3-octave band sound level difference is shown in Appendix D.

Due to the high background sound level in the restaurant, our measurements did not produce a meaningful result for this separating wall.

4.3 Assessment of music noise from bar to dwellings

4.3.1 Noise through wall to No. 104

We used the 1/3-octave sound level difference to calculate the maximum permissible music level in the bar while not exceeding the NR20 criterion in the bedroom of No. 104 Norfolk St. We used octave-band sound levels from a typical wedding disco and adjusted the level in our calculations until NR20 is just met but not exceeded in the bedroom of No. 104. The results of our calculations are shown below in Figure 2.

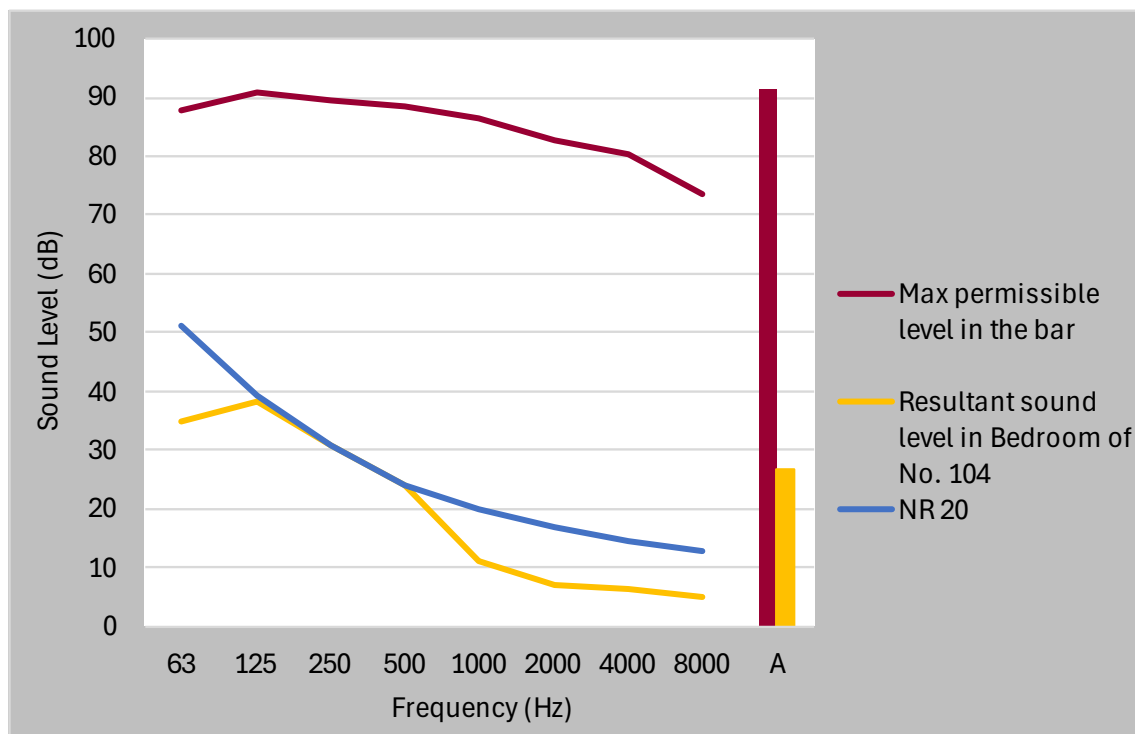


Figure 2 - Calculated maximum sound level in the bar, and resultant level in the bedroom of No.104

Our calculations showed that the sound level in the bar area could be 91 dB(A) without exceeding NR20 in the bedroom of No. 104. Note: for this level difference to be maintained, the front door of the venue and the windows of the bedroom must be closed. Management of the door opening is discussed in Section 5.3. The opening of the bedroom window of No.104 Norfolk St is of course beyond the responsibility of the venue management. However, it is understood that in the evening, the ambient noise level in Norfolk Street is governed by other nearby music venues. Therefore, if the door of No. 105 is closed, the

sound from this venue is likely to be insignificant compared to the sound from other ambient noise sources. The proposed secondary glazing would improve the sound insulation of the building envelope, assuming the front door is closed.

4.3.2 Noise through wall to No. 106

The sound transmission path from the bar to the first-floor rooms above No. 106 would be very similar to the transmission path to the first-floor bedroom at No. 104. The ground floor at No. 104 is separated by an alleyway, but the separating wall of the bedroom is continuous vertically and is shared with the bar. We therefore do not expect the sound level of music in the bar to be significantly higher in the rooms above No.106 than in the bedroom above No. 104.

4.3.3 Noise egress through the door

As noted in Section 4.3.1 above, the sound insulation between the bar and adjoining dwellings would be reduced with the front door of the bar open. During our survey it was noted that the door seals were in poor condition. Also, the façade appeared damaged by a recent road traffic accident and a small gap allowed sound to escape into the street. We understand that a new door would be installed. This should have compressible seals to make the door as airtight as possible. The door should be kept closed with a door closer which is strong enough to ensure the door closes completely. With these gaps remedied, the sound egress to the street would be reduced. Management of door opening and closing is discussed further in Section 5.3.

4.3.4 Context

The context of the proposed music venue is an important factor. Norfolk Street is a lively evening destination for socialising and music and this is reflected in the resulting ambient noise environment.

The following venues are examples of other music venues on Norfolk Street:

- The Eagle, 110 Norfolk St 2025 - Up to 02:00 hrs alcohol licence, live music end times vary between 02:00 hrs and 03:00 hrs throughout the week, with the 03:00 hrs end time for live music on Fri and Saturdays.
- Bar & Beyond, 39 Norfolk Street 2024 - Various end times for recorded music of 03:00 hrs and 03:45 hrs most days.
- Dr Thirstys/Kudos, 22 Norfolk St. End time of 03:45 hrs for alcohol sales and recorded music most days of the week.

5 NOISE MANAGEMENT PLAN

5.1 Responsible person

Management of noise egress from the proposed bar and music venue should be the responsibility of the Responsible Person (RP). The RP may be the manager or a designated member of staff. The RP should ensure that the noise management plan is adhered to and be the point of contact for any noise complaints.





5.2 Music noise limit

The sound level of music noise in the proposed bar should not exceed 91 dB(A). Music should not include bass drums or amplified bass guitars.

We recommend the installation of a permanent noise warning device. This would be installed in a fixed position close to the middle of the room and in a location that can be monitored by the RP. Some devices may have a remote microphone to allow the microphone to be mounted in the middle of the room and the display to be mounted separately, e.g. behind the bar. These devices provide a visual indication when a pre-set level is exceeded so that the appropriate action can be taken by the staff.

The volume should be set by staff and not the visiting artists themselves.

Examples of suitable devices include the following:

<ul style="list-style-type: none"> Extech SL130W from test-meter.co.uk Extech SL130W Continuous Sound Level Alert Meter test-meter.co.uk 	
<ul style="list-style-type: none"> Bruel and Kjaer SoundEar from Noisemeters Ltd www.noisemeters.co.uk/product/soundear/se3ear/ 	
<ul style="list-style-type: none"> Castle NK023 Warning Sign by Castle Group Entertainment Noise Warning Sign - NK023 	
<ul style="list-style-type: none"> Sentry MkII by Formula Sound Sentry MK2 Cut Off Limiter - Formula Sound 	

5.3 Front door

As noted in Sections 4.2.2 and 4.3.3. the sound insulation of the building is significantly reduced when the front door is opened. We recommended installing a sound insulating lobby, but this is not practicable due to space constraints. It was therefore agreed with the client that this will be carefully managed by door staff which will be stationed at the front door from 20:00 hrs. Patrons entering or leaving the building through the front door will be asked to wait until a break in the music between songs, at which point the front door can be opened. A similar arrangement exists in theatres and concert venues. It is important that this is maintained and that the door is kept closed again when the next song starts.

5.4 Further noise management recommendations

- Provide the neighbours with a contact phone number they can call if they have a noise complaint. The RP should be made aware of any complaints and keep a record of complaints.
- Deliveries must not be made on Sundays or Bank Holidays and not outside the hours of 07:00 – 18:00 hrs.
- Do not empty bins outside the building between 22:00 – 08:00 hrs.
- Display signs requesting patrons to be quiet when leaving or sitting outside and to respect the amenity of nearby residents.
- Door staff should politely request that patrons refrain from any unreasonably loud and/or rowdy behaviour, especially when waiting outside the front of the venue.
- The outside seating area to the rear should be closed after 22:00 hrs.

APPENDIX A

TECHNICAL TERMS AND UNITS RELEVANT TO THIS REPORT

Decibel (dB) - This is the unit used to measure sound level. The range of human hearing from the quietest detectable sound to the threshold of pain is very large. If a normal linear scale of measurement were used, it would have to range from 20 μ Pa to 200,000,000 μ Pa. Using such large figures would be unmanageable and for this reason sound pressure levels are expressed on a logarithmic scale, which corresponds to the almost logarithmic response of the ear and which compresses the range to a manageable 0 dB to 140 dB.

Sound Pressure Level (L_p or SPL) - This is a function of the source and its surroundings and is a measure in decibels of the total instantaneous sound pressure at a point in space. The SPL can vary both in time and in frequency. Different measurement parameters are therefore required to describe the time variation and frequency content of a given sound.

Frequency - This refers to the number of complete pressure fluctuations or cycles that occur in one second. Frequency is measured in Hertz (Hz). The rumble of thunder has a low frequency, while a whistle has a high frequency. The sensitivity of the ear varies over the frequency range and is most sensitive between 1 kHz and 5 kHz.

Octave and One-Third Octave Bands - The human ear is sensitive to sound over a frequency range of approximately 20 Hz to 20,000 Hz and is more sensitive to medium and high frequencies than to low frequencies. To define the frequency content of a sound, the spectrum is divided into frequency bands, the most common of which are octave bands. Each band is referred to by its centre frequency, and the centre frequency of each band is twice that of the band below it. Where it is necessary for a more detailed analysis octave bands may be divided into one-third octave bands.

'A' Weighting - A number of frequency weightings have been developed to imitate the ear's varying sensitivity to sound of different frequencies. The most commonly used is the 'A' weighting. The A-weighted SPL can be measured directly or derived from octave or one-third octave band SPLs. The result is a single-figure index which gives some idea of the subjective loudness of the sound, but which contains no information as to its frequency content. The addition of the subscript 'A' to any of the indices described above indicates that these have been measured using the A-weighting (e.g. $L_{Aeq,T}$ or L_{Amax}).

Statistical Analysis - These figures are normally expressed as L_N , where L is the sound pressure level in dB and N is the percentage of the measurement period. The L_N figure represents the sound level that is exceeded for that percentage of the measurement period. L_{90} is commonly used to give an indication of the background level or the lowest level during the measurement period. L_{10} may be used to measure road traffic noise.

L_{Amax} - The highest A weighted sound pressure level recorded during the measurement period. The time constant used (Fast or Slow) should be stated.

$L_{eq,T}$ - The equivalent continuous sound level is used to measure sound that varies with time. The $L_{eq,T}$ is the notional equivalent steady sound level, which contains the same acoustic energy as the actual varying sound level over the period of measurement. Because the averaging process used is logarithmic, the $L_{eq,T}$ level tends to be dominated by the higher sound levels measured.

APPENDIX B

NATIONAL PLANNING POLICY AND GUIDANCE

B1 National Planning Policy Framework

The latest version of the National Planning Policy Framework (NPPF) was released in February 2019 and was last updated in December 2024.

The NPPF does not set out quantitative criteria for assessing noise affecting proposed developments, but in paragraph 187 states that planning policies and decisions should actively contribute to the enhancement of the natural and local environment by:

“preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability.”

According to paragraph 198, planning policies and decisions should also ensure new development is appropriate for its location, particularly considering the likely effects on health and living conditions. Planning policy and decision makers should aim to:

- a) *“mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life,*
- b) *identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason”.*

The ‘agent of change principle’ has been part of the NPPF since the July 2018 revision. This principle means that a person or business (i.e. the agent) introducing a new land use is responsible for managing the impact of that change. Paragraph 200 states:

“Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or ‘agent of change’) should be required to provide suitable mitigation before the development has been completed.”

The NPPF also promotes “good design” (including good acoustic design) as a means of ensuring that development creates high quality, sustainable buildings, and places. Paragraph 131 states that “good design is a key aspect of sustainable development” while paragraph 135 promotes the benefits of good design early in the process.

B2 Noise Policy Statement for England

The Noise Policy Statement for England (NPSE) published by DEFRA in March 2010 sets out the Government’s policy on noise, which is:

“to promote good health and a good quality of life through the effective management of noise within the context of Government policy on sustainable development.”

The NPSE also introduces concepts from toxicology currently being applied to noise impacts by the World Health Organisation. These are:

NOEL – No Observed Effect Level: This is the level below which no effect can be detected.

LOAEL – Lowest Observed Adverse Effect Level: This the level above which adverse effects on health and quality of life can be detected.

SOAEL – Significant Observed Adverse Effect Level: This is the level above which significant adverse effects on health and quality of life occur.

The three aims of the NPSE are in alignment with the categories described above.

These aims are:

1. *“Avoid significant adverse impacts on health and quality of life from environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development.*
2. *Mitigate and minimise adverse impacts on health and quality of life from environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development.*
3. *Where possible, contribute to the improvement of health and quality of life through the effective management and control of environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development.”*

B3 National Planning Practice Guidance

Guidance on interpretation of the policy aims of the NPPF and NPSE is provided in the online National Planning Practice Guidance (NPPG) published in March 2014.

It reiterates the guidance within the NPPF, stating that:

“Noise needs to be considered when new developments may create additional noise and when new developments would be sensitive to the prevailing acoustic environment.”

The NPPG provides advice regarding how to determine the impact of noise, including whether or not a significant adverse effect or adverse effect is occurring or likely to occur and whether or not a good standard of amenity can be achieved.

The NPPG proposes a noise exposure hierarchy based on likely average response. The guidance contained in the NPPG is summarised in Table 3.

Perception	Examples of Outcomes	Increasing Effect Level	Action
Not noticeable	No effect	No Observed Effect	No specific measures required
Noticeable and not intrusive	Noise can be heard but does not cause any change in behaviour or attitude. Can slightly affect the acoustic character of the area but not such that there is a perceived change in the quality of life.	No Observed Adverse Effect	No specific measures required
		Lowest Observed Adverse Effect Level	
Noticeable and intrusive	Noise can be heard and causes small changes in behaviour and/or attitude, e.g. turning up volume of television; speaking more loudly; where there is no alternative ventilation, having to close windows for some of the time because of the noise. Potential for some reported sleep disturbance. Affects the acoustic character of the area such that there is a perceived change in the quality of life.	Observed Adverse Effect	Mitigate and reduce to a minimum
		Significant Observed Adverse Effect Level	
Noticeable and disruptive	The noise causes a material change in behaviour and/or attitude, e.g. avoiding certain activities during periods of intrusion; where there is no alternative ventilation, having to keep windows closed most of the time because of the noise. Potential for sleep disturbance resulting in difficulty in getting to sleep, premature awakening, and difficulty in getting back to sleep. Quality of life diminished due to change in acoustic character of the area.	Significant Observed Adverse Effect	Avoid
Noticeable and very disruptive	Extensive and regular changes in behaviour and/or an inability to mitigate effect of noise leading to psychological stress or physiological effects, e.g. regular sleep deprivation/awakening; loss of appetite, significant, medically definable harm, e.g. auditory and non-auditory	Unacceptable Adverse Effect	Prevent

Table 3 - Noise exposure hierarchy from the NPPG

APPENDIX C MEASUREMENT SYSTEMS AND CALIBRATION

Job reference and title:	14678 Bar and Music Venue, 105 Norfolk St, Kings Lynn.
Measurement location:	See Section 4.2.1 of this report
Measurement date(s):	30 June 2025

Equipment used on survey:

Equipment description / serial number	Type number	Manufacturer	Date of calibration expiration	Calibration certificate number
Precision sound level meter serial no. A2A-09025-E0	XL2-TA	NTi Audio	04/06/2027	51199
Microphone serial no. 8123	MC230	NTi Audio	04/06/2027	51198
Microphone pre-amplifier serial no. 5139	MA220	Neutrik	04/06/2027	51199
Microphone calibrator serial no. 2342835	4231	B&K	04/06/2027	51197

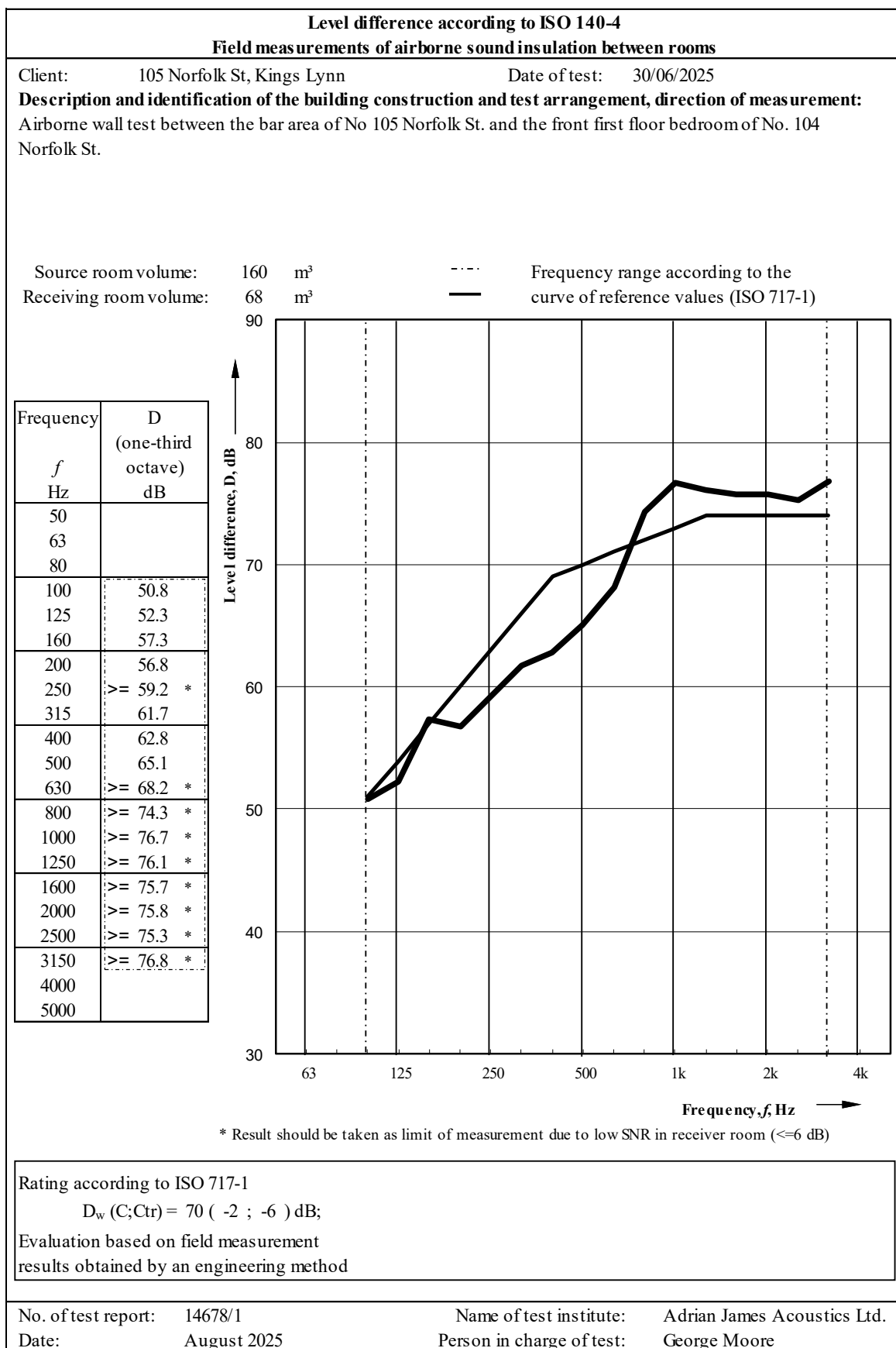
On-site calibration (all levels in dB, reference level at 1 kHz):

Reference level	Level before	Level after	Calibration drift
113.9	113.9	113.9	+/- 0.0

Other information:

Person in charge of measurements:	George Moore MIOA
Measurement parameters	1/3-Octave-band and A-weighted $L_{eq,T}$ Octave-band and A-weighted $L_{F90,T}$ Any other relevant parameters.

APPENDIX D SOUND INSULATION TEST RESULT





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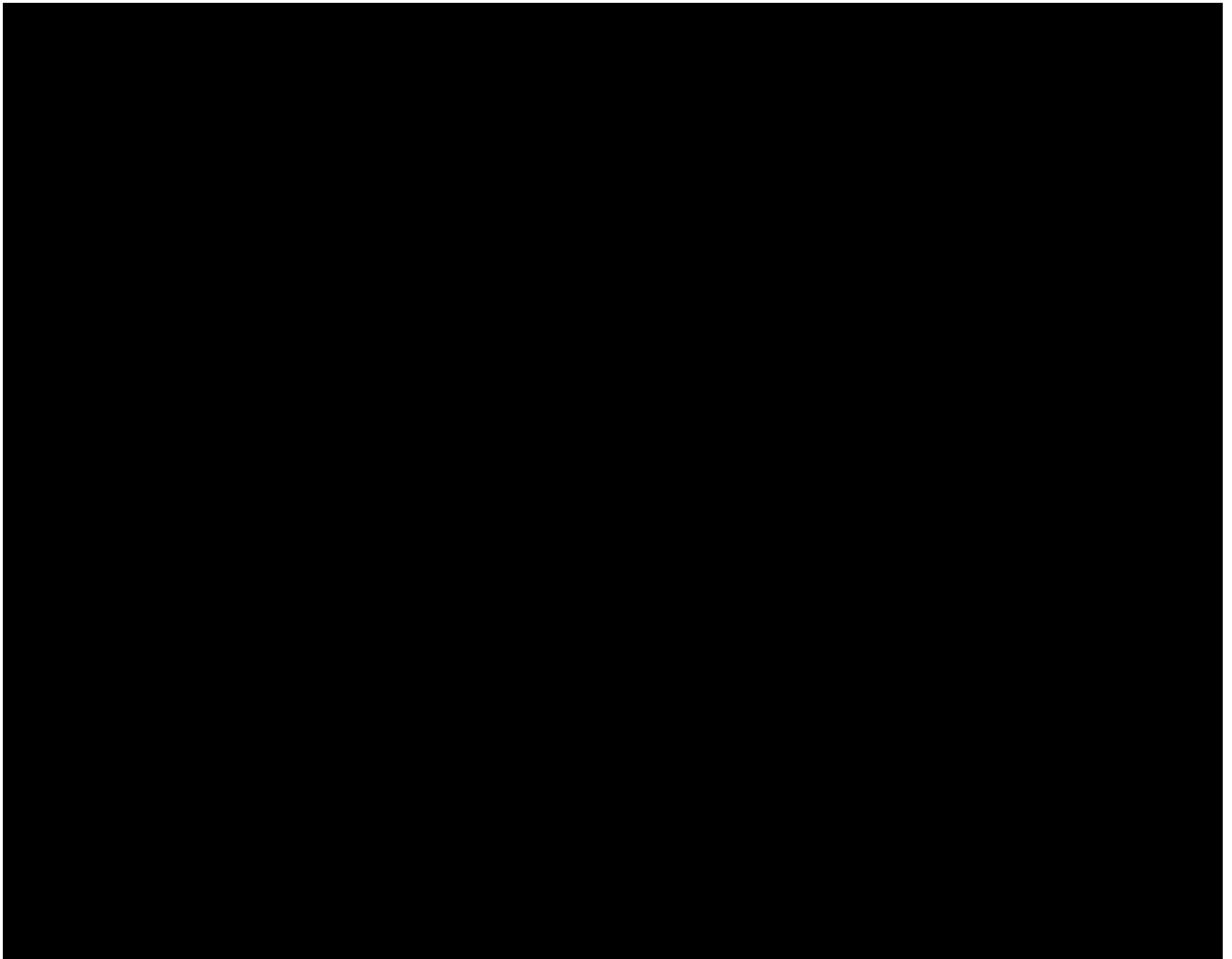
t +44 (0)1728 901 105

1:100 Scale Plans

105 Norfolk Street
King's Lynn, PE30 1AQ

Appendix 4 to
Report to Licensing Sub-Committee
Re: The Encore
Dated: 7th October 2025

Free Enquiries - 0800 123 4567
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Source: Google Maps 06/10/2025