

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



Licensing Sub Committee Hearing

Agenda

Tuesday, 9th February, 2016
at 10.00 am

in the

**Committee Suite
King's Court
Chapel Street
King's Lynn
PE30 1EX**



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King's Court, Chapel Street, King's Lynn, Norfolk, PE30 1EX
Telephone: 01553 616200
Fax: 01553 691663

29 January 2016

Dear Member

Licensing Committee

You are invited to attend a meeting of the above-mentioned Panel which will be held on **Tuesday, 9th February, 2016 at 10.00 am** in the **Committee Suite, King's Court, Chapel Street, King's Lynn** to discuss the business shown below.

Yours sincerely

Chief Executive

AGENDA

1. Apologies for absence

To receive any apologies for absence.

2. Items of Urgent Business

To determine any other items of business which the Chairman decides should be considered as a matter of urgency pursuant to Section 100B(4)(b) of the Local Government Act 1972.

3. Declarations of Interests

Please indicate if there are any interests which should be declared. A declaration of an interest should indicate the nature of the interest (if not already declared on the Register of Interests) and the agenda item to which it relates. If a disclosable pecuniary interest is declared, the member should withdraw from the room whilst the matter is discussed.

4. To consider an application for 4 London Road, King's Lynn

a) **Procedure which will be followed at the Hearing (Pages 5 - 7)**

b) **Report of the Licensing Manager** (Pages 8 - 43)

To:

Licensing Committee: Councillors D Tyler (Chairman), Miss S Sandell, and D Whitby

Officers:

John Gilbraith, Licensing Manager
Cara Jordan, Legal

Procedure for Determining Licensing Act 2003 Cases

The hearing will be held in public. However, the Borough Council may exclude the public from all or part of a hearing where it considers that the public interest in so doing outweighs the public interest in the hearing, or that part of the hearing, taking place in public. The hearing is not adversarial but an examination of the facts by the Members of the Committee. All participants must be courteous at all times. All parties will be given equal maximum time which is normally 15 minutes each, in total. Any person may apply for longer time if they immediately notify the Borough Council upon receipt of the Notice of the Hearing and in exceptional circumstances, the Borough Council may extend the maximum time allowed to all parties if the complexity of the application demands. In the event that there are a large number of objections to a particular application, the Borough Council may ask an appropriate number of representatives or a single representative to put forward their views.

Introductions

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

This Sub-Committee is sitting to consider matters under the Licensing Act 2003.

2. The **Chairman** will introduce himself and the Members of the Committee.
3. The **Chairman** will then introduce and explain the respective roles of
 - (i) the Democratic Services Officer
 - (ii) the Licensing Manager
 - (iii) the Legal Advisor to the Committee
4. **The Chairman** should invite all those present to introduce themselves and ask them to indicate if they wish to speak during the hearing. (Only those persons who have made representations may address the Sub-Committee)
5. Each party will be asked by the **Chairman** whether 15 minutes is sufficient for the presentation of his/her/body's case. (Agreement on the length of time given for each speaker is at the discretion on the Chairman).
6. Please note at any time during the hearing the Legal Advisor or the Licensing Manager may be asked or may offer advice to the Sub-Committee/other parties or ask questions of any party.

The Application for a Premises License

7. The **Legal Advisor** explains the procedure that will be followed at the meeting.
8. The **Licensing Manager** outlines the premises application to the Committee by presenting the report referring to any relevancy to Licensing Policy and Statutory Guidance.
9. The **Licensing Manager** will invite questions from all parties to clarify the content of the Licensing Officer's report.

The Applicant's Case

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

Questions

11. Once the Applicant has presented their case, the **Chairman** invites questions to the Applicant or his representative from
 - (i) The Licensing Manager
 - (ii) The Responsible Authorities (or their representative)
 - (iii) Other persons (or their representatives)
 - (iv) Members of the Committee.
12. The **Chairman** will invite questions to the witnesses (if present) from the
 - (i) The Licensing Manager
 - (ii) The Responsible Authorities (or their representative)
 - (iii) Other persons (or their representative)
 - (iv) Members of the Committee

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

The Responsible Authorities Case

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

Questions

14. Once the Responsible Authorities has presented their case, the **Chairman** invites questions to the Responsible Authorities (or their representative) from the
 - (i) The Licensing Manager
 - (ii) The applicant (or their representative)
 - (iii) Other persons (or their representatives)
 - (iv) Members of the Committee.
15. The **Chairman** will invite questions to the witnesses from the
 - (i) The Licensing Manager
 - (ii) The application (or their representative)
 - (iii) Other persons (or their representative)
 - (iv) Members of the Committee

Other Persons Case(s)

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

This will operate as follows:

- each party will present his/her/body's case
- each party's witnesses (if any) will give evidence in support of the party's case
- firstly, each party and, secondly, their witnesses may be questioned by other parties, prior to questioning by Members of the Committee.

17. The Licensing Manager, Applicant (or their representative) and the Responsible Authorities will be invited to ask relevant questions of those parties (or the parties' representatives).

Summing Up

Each party will be allowed 5 minutes to sum up their case. They may comment upon what has been said but no new evidence should be introduced.

18. The **Chairman** then invites the Licensing Manager to sum up his case.
19. The **Chairman** then invites the Responsible Authorities and other parties (or their representative) to sum up their case.
20. The **Chairman** then invites the applicant (or their representative) to sum up their case.

Reaching and Making a Decision

21. **The Chairman** will ask the Council's Legal Advisor to address the Committee on any outstanding matters.
22. The **Chairman** will then thank all those who have spoken and invite the Committee to retire to consider the application, accompanied by the Legal Advisor and Democratic Services Officer (who will take no part in the decision).
23. The Committee will then debate the case presented to them at the hearing and will seek to reach a decision and reasons for their decision.
24. Once a decision has been made, **the Chairman** will invite the **Legal Advisor** to announce in public any legal advice he/she has given in private.
25. **The Chairman** will read out the decision of the application and the reasons for the decision (unless the Committee is unable to reach a determination at the conclusion of the hearing). Where appropriate, **the Chairman** will ask the Licensing Manager/Officer for any comments on their decision prior to any final determination.
26. **The Chairman** will explain that all parties will be notified of the outcome of the decision and reasons for the decision in writing.
27. If the Committee is unable to reach a decision, the **Chairman** will explain that all parties will be notified as soon as possible (but within 5 working days) of the decision and the reasons for such.

NOTE

A decision may be deferred to:-

1. Receive further documentation referred to in the meeting
 2. Enable a site visit to take place
 3. Invite the Applicant or his representative to appear if they had not done so at the meeting (only once)
- No further debate may be heard on further documentation or at a site visit
 - Adjournments should generally be granted if to refuse would deny applicant a fair hearing.

Borough Council of King's Lynn & West Norfolk

Report to Licensing Sub-Committee under the Licensing Act 2003

Date of Hearing: 9th February 2016

Application for Grant of a Premises Licence

- Lietuviska Uzeiga, 4 London Road, King's Lynn, PE30 5PY
- Applicant – Mrs Vilma PIETERYTE

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. Mrs Vilma Pieteryte has made an application under Section 17 of the Act for the licensable activity 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 (for consumption both 'on and 'off' the premises) | Monday to Sunday | 10am to 11pm |

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 both on and off the premises:-

- (a) Under Section 19(2) of the Licensing Act 2003, no supply of alcohol shall be made under this premises licence at a time when there is no designated premises supervisor in respect of the premises licence, or at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- (b) Under Section 19(3) of the Licensing Act 2003 every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

- (c) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises. In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises:
- (i) games or other activities which require or encourage, or are designed to require or encourage, individuals to drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or drink as much alcohol as possible (whether within a time limit or otherwise);
 - (ii) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (iii) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (iv) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (v) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
- (d) The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
- (e) The premises licence holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol. The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol,

identification bearing their photograph, date of birth and either a holographic mark, or an ultraviolet feature.

- (f) The responsible person must ensure that where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:

- (i) beer or cider: ½ pint;
(ii) gin, rum, vodka or whisky: 25ml or 35ml; and

These measures must be displayed in a menu, price list or other printed material which is available to customers on the premises and if a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

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

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

Conditions Consistent with the Operating Schedule (Proposed Conditions)

4. The following conditions have been identified from the operating schedule (Section 18 of 19 on the application) or agreed with CS&NN to promote the licensing objectives.

- (a) The premises licence holder shall maintain records of all refusals of the sale of alcohol and other incidents that may occur at the premises in a

book that will be kept for that purpose. The refusals / incident book will be produced for inspection upon reasonable request from representatives of the Police or the Licensing Authority.

- (b) Within 28 days from the start date of the licence, a detailed noise management plan shall be submitted to and agreed by the Community Safety and Neighbourhood Nuisance Team at the Borough Council of King's Lynn and West Norfolk and shall be implemented as approved thereafter. This should include details of general management controls to monitor and control noise in and around the premises at all times.
- (c) The licensee shall take appropriate steps to ensure that the customers entering and leaving the premises do so in a quiet and orderly manner.
- (d) No deliveries or refuse collections relating to the sale of alcohol shall be made to the premises before 0800 hours or after 1900 hours Monday to Saturday and at no time on Sundays and public and bank holidays.
- (e) The main entrance door fronting London Road will be kept closed after 7pm on any day with the exception of normal access and egress.
- (f) Patrons shall be prevented from smoking and/or congregating in any outdoor area of the premises later than 10.30pm on any day.

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. The Borough Council's Community Safety & Neighbourhood Nuisance (CS&NN) team would have objected to the application under the prevention of public nuisance licensing objective if the applicant had not agreed to the conditions specified at paragraph 4(b) to 4(f) above. By way of background, a copy of CS&NN's letter of the 15th January 2016 is attached to this report at Appendix 2.

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

- Norfolk Constabulary
- Norfolk Fire Service;
- Norfolk Trading Standards;
- Norfolk Safeguarding Children's Board;
- Public Health;
- Planning (BCKLWN);
- Environmental Health (BCKLWN);
- Licensing Authority (BCKLWN).

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.

7. There are three representations from 'other persons' to consider. Copies of these representations are attached to this report at Appendix 3.

Notices

8. The applicant is responsible for advertising the application by way of a notice in a specified form at the premises for not less than 28 consecutive days and in a local newspaper on at least one occasion. The Public Notice appeared in the 'Lynn News' on Friday the 1st January 2016 and should have been displayed on the premises up to and including the 20th January 2016.

9. 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

10. A plan showing the layout of the premises is attached at Appendix 4 and a location plan is attached at Appendix 5 showing the approximate location of the White Hart in relation to the objectors.

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

11. The current Statement of Licensing Policy under the Act was approved by full Council on the 26th November 2015. 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:

- (a) 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;
- (b) 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.

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.

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 March 2015 and offers advice to Licensing authorities on the discharge of their functions under the Act.

12. 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, (for example, whilst beer glasses may be available in toughened glass, wine glasses may not);
- cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff, but may impact on the behaviour of customers in the immediate vicinity of the premises or as they enter or leave; and
- should be written in a prescriptive format.

Each application on its own merits

1.17 Each application must be considered on its own merits and in accordance with the licensing authority's statement of licensing policy; for example, if the application falls within the scope of a cumulative impact policy. Conditions attached to licences and certificates must be tailored to the individual type, location and characteristics of the premises and events concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions. Standardised conditions should be avoided and indeed may be unlawful where they cannot be shown to be appropriate for the promotion of the licensing objectives in an individual case.

Public nuisance

2.14 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.

2.15 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.

- 2.16 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 15). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.
- 2.17 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.
- 2.18 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.
- 2.19 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.
- 2.20 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.

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

- 9.25 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

- 9.31 Responsible authorities should try to conclude any discussions with the applicant in good time before the hearing. If the application is amended at the last moment, the licensing committee should consider giving

other persons time to address the revised application before the hearing commences.

- 9.32 Regulations made under the 2003 Act require that representations must be withdrawn 24 hours before the first day of any hearing. If they are withdrawn after this time, the hearing must proceed and the representations may be withdrawn orally at that hearing. However, where discussions between an applicant and those making representations are taking place and it is likely that all parties are on the point of reaching agreement, the licensing authority may wish to use the power given within the hearings regulations to extend time limits, if it considers this to be in the public interest.
- 9.33 Applicants should be encouraged to contact responsible authorities before formulating their applications so that the mediation process may begin before the statutory time limits come into effect after submission of an application. The hearing process must meet the requirements of regulations made under the 2003 Act. Where matters arise which are not covered by the regulations, licensing authorities may make arrangements as they see fit as long as they are lawful.
- 9.34 There is no requirement in the 2003 Act for responsible authorities that have made representations to attend, but it is generally good practice and assists committees in reaching more informed decisions. Where several responsible authorities within a local authority have made representations on an application, a single local authority officer may represent them at the hearing if the responsible authorities and the licensing authority agree. This local authority officer representing other responsible authorities may be a licensing officer, but only if this licensing officer is acting as a responsible authority on behalf of the licensing authority and has had no role in the licensing determination process. This is to ensure that the responsible authorities are represented by an independent officer separate from the licensing determination process.
- 9.36 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.
- 9.37 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.
- 9.38 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.
- 9.39 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

- 9.41 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.
- 9.42 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.
- 9.43 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

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 certain cases, where there are other legislative provisions which are relevant and must be observed by the applicant, no additional conditions are 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.

History

13. Members of the Licensing Sub-Committee may wish to be aware that 4 London Road, King's Lynn currently holds a premises licence under the Licensing Act 2003 and has done since September 2015. A copy of that licence is attached at Appendix 6 for information.

Determination

14. 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.

15. 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.

John Gilbraith

Licensing Manager
Environmental Health - Licensing
28th January 2016

Appendixes:

1. Copy of Application.
2. CS&NN letter dated 15th January 2016
3. Copies of letters of Representations from 'other persons'.
4. Premises Plan
5. Location Map.
6. Copy of Current Premises Licence.

Background Papers:

1. The Licensing Act 2003
2. Borough Council's Statement of Licensing Policy (26 November 2015)
3. Guidance issued under Section 182 of the Licensing Act 2003 (March 2015)



* required information

Section 1 of 19

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference

Not Currently In Use

This is the unique reference for this application generated by the system.

Your reference

SL/PLApp/VP/4LRKL

You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

Yes No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

Vilma

* Family name

PIETERYTE

* E-mail

tony@smartlicensing.co.uk

Main telephone number

Include country code.

Other telephone number

Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

- Applying as a business or organisation, including as a sole trader
 Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Continued from previous page...

Address

* Building number or name
* Street
District
* City or town
County or administrative area
* Postcode
* Country



United Kingdom

Agent Details

* First name: Tony
* Family name: Grover
* E-mail: tony@smartlicensing.co.uk
Main telephone number: 07942 434351
Other telephone number:

Include country code.

Indicate here if you would prefer not to be contacted by telephone

Are you:

- An agent that is a business or organisation, including a sole trader
- A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

Agent Business

* Is your business registered in the UK with Companies House? Yes No
* Is your business registered outside the UK? Yes No

* Business name: SMART Licensing
* VAT number: - none
* Legal status: Sole Trader
* Your position in the business: Licensing Consultant
Home country: United Kingdom

If your business is registered, use its registered name.
Put "none" if you are not registered for VAT.
The country where the headquarters of your business is located.

Continued from previous page...

Agent Business Address

If you have one, this should be your official address - that is an address required of you by law for receiving communications.

| | |
|-------------------------------|----------------|
| * Building number or name | 8 |
| * Street | Wigg Road |
| District | |
| * City or town | Fakenham |
| County or administrative area | Norfolk |
| * Postcode | NR21 9RU |
| * Country | United Kingdom |

Section 2 of 19

PREMISES DETAILS

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

Premises Address

Are you able to provide a postal address, OS map reference or description of the premises?

- Address OS map reference Description

Postal Address Of Premises

| | |
|-------------------------------|-------------------|
| Building number or name | Lietuviska Uzeiga |
| Street | 4 London Road |
| District | |
| City or town | Kings Lynn |
| County or administrative area | Norfolk |
| Postcode | PE30 5PY |
| Country | United Kingdom |

Further Details

| | |
|---|-------|
| Telephone number | |
| Non-domestic rateable value of premises (£) | 5,000 |

Section 3 of 19

APPLICATION DETAILS

In what capacity are you applying for the premises licence?

- An individual or individuals
- A limited company
- A partnership
- An unincorporated association
- A recognised club
- A charity
- The proprietor of an educational establishment
- A health service body
- A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- The chief officer of police of a police force in England and Wales
- Other (for example a statutory corporation)

Confirm The Following

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
- I am making the application pursuant to a statutory function
- I am making the application pursuant to a function discharged by virtue of Her Majesty's prerogative

Section 4 of 19

INDIVIDUAL APPLICANT DETAILS

Applicant Name

Is the name the same as (or similar to) the details given in section one?

- Yes No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

First name

Vilma

Family name

PIETERYTE

Is the applicant 18 years of age or older?

- Yes No

Continued from previous page...

Applicant Postal Address

Is the address the same as (or similar to) the address given in section one?

Yes No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Building number or name

Street

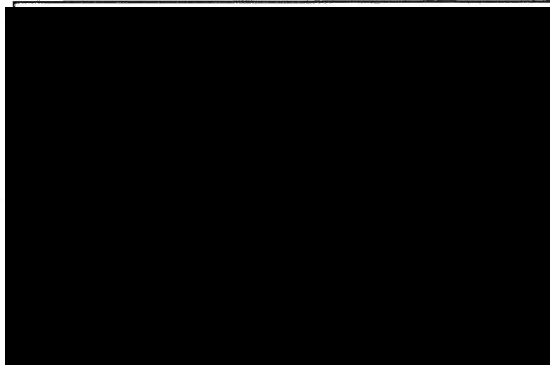
District

City or town

County or administrative area

Postcode

Country



United Kingdom

Applicant Contact Details

Are the contact details the same as (or similar to) those given in section one?

Yes No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

E-mail

tony@smartlicensing.co.uk

Telephone number

Other telephone number

Add another applicant

Section 5 of 19

OPERATING SCHEDULE

When do you want the premises licence to start?

/ /
dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end

/ /
dd mm yyyy

Provide a general description of the premises

For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.

The premises at 4 London Road, Kings Lynn is a small retail shop flanked on either side by residential properties. It is situated on a main route into Kings Lynn and is within a quarter of a mile of the main town centre area. For a number of years prior to the applicant taking over the shop in late 2012, the premises had been a takeaway shop. For the past three years it has been a butchers shop which also had the benefit of a Premises Licence and therefore sold a limited selection of general food provisions and alcoholic beverages as 'off' sales. The shop has one entrance only into the premises from the footpath on London Road. The layout of the premises has

Continued from previous page...

changed and is now reflected in the plan attached to this application. Basically it consists of a small cafe arrangement at the front of the premises with a service counter. It also provides sufficient tables and seating arrangements to cater for around 25-30 persons. The premises will operate as a cafe but will also offer a takeaway menu as part of the food offering to customers. There are kitchen, food preparation and storage areas to the rear of the cafe area. It is not intended to operate this business as a late night cafe and certainly it will not be operational beyond 11pm in the evening on any day. It is the wish of the applicant to be able to offer a limited range of alcohol beverages for consumption both within the cafe and as 'off sales' (for home consumption) should customers require. The applicant is not applying for any permissions relating to any form of live or recorded entertainment but will provide either background music or television broadcasts for the enjoyment of their customers.

The applicant believes that running the premises in this manner is unlikely to have any adverse effect upon their immediate neighbours.

If 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

Section 6 of 19

PROVISION OF PLAYS

Will you be providing plays?

- Yes No

Section 7 of 19

PROVISION OF FILMS

Will you be providing films?

- Yes No

Section 8 of 19

PROVISION OF INDOOR SPORTING EVENTS

Will you be providing indoor sporting events?

- Yes No

Section 9 of 19

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

Will you be providing boxing or wrestling entertainments?

- Yes No

Section 10 of 19

PROVISION OF LIVE MUSIC

Will you be providing live music?

- Yes No

Section 11 of 19

PROVISION OF RECORDED MUSIC

Will you be providing recorded music?

- Yes No

Section 12 of 19

PROVISION OF PERFORMANCES OF DANCE

Continued from previous page...

Will you be providing performances of dance?

Yes No

Section 13 of 19

PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

Will you be providing anything similar to live music, recorded music or performances of dance?

Yes No

Section 14 of 19

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

Yes No

Section 15 of 19

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

Continued from previous page...

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption:

- On the premises Off the premises Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name

First name

Family name

Enter the contact's address

Building number or name
Street
District
City or town
County or administrative area
Postcode
Country

Continued from previous page...

Personal Licence number
(if known)

14/00542/LA-PER

Issuing licensing authority
(if known)

Borough Council for Kings Lynn & West
Norfolk

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- Electronically, by the proposed designated premises supervisor
- As an attachment to this application

Reference number for consent form (if known)

SL/PLApp/VP/4LRKL/DPS

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

Section 16 of 19

ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

Give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

Section 17 of 19

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start 10:00

End 23:00

Start

End

Give timings in 24 hour clock. (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start 10:00

End 23:00

Start

End

WEDNESDAY

Start 10:00

End 23:00

Start

End

Continued from previous page...

THURSDAY

| | | | |
|-------|------------------------------------|-----|------------------------------------|
| Start | <input type="text" value="10:00"/> | End | <input type="text" value="23:00"/> |
| Start | <input type="text"/> | End | <input type="text"/> |

FRIDAY

| | | | |
|-------|------------------------------------|-----|------------------------------------|
| Start | <input type="text" value="10:00"/> | End | <input type="text" value="23:00"/> |
| Start | <input type="text"/> | End | <input type="text"/> |

SATURDAY

| | | | |
|-------|------------------------------------|-----|------------------------------------|
| Start | <input type="text" value="10:00"/> | End | <input type="text" value="23:00"/> |
| Start | <input type="text"/> | End | <input type="text"/> |

SUNDAY

| | | | |
|-------|------------------------------------|-----|------------------------------------|
| Start | <input type="text" value="10:00"/> | End | <input type="text" value="23:00"/> |
| Start | <input type="text"/> | End | <input type="text"/> |

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Section 18 of 19

LICENSING OBJECTIVES

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

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

The applicant will endeavour to ensure that she runs the cafe in an effective and efficient manner paying due attention to the licensing objectives as highlighted below. The cafe has a small capacity and the applicant does not envisage any serious concerns that would require anything other than prudent measures to ensure that it does not cause a nuisance to the immediate neighbours or the wider community. Staff will be suitably trained in their working knowledge of the licensing laws in relation to the sale of alcohol and do her best to impress upon staff the importance of compliance with the law for the protection of staff and customers alike.

b) The prevention of crime and disorder

Continued from previous page...

Having been previously subject to Police scrutiny during a previous licensing application the question of premises security is adequately attended to. The premises will be capable of being secured by the use of locks on the front door and the double doors to the rear yard. Only a small amount of alcohol stock will be kept on the premises as these stocks can be quickly replenished from local suppliers. Attention will be paid by staff to customers to ensure that they do not become disorderly through excessive alcohol consumption and if necessary customer showing signs of intoxication will be required to leave the premises. Staff will receive appropriate training in their knowledge of the licensing laws to ensure compliance.

c) Public safety

The applicant will ensure that the normal health & safety and fire risk assessments relating to the use of the premises are in place.

d) The prevention of public nuisance

The applicant will endeavour to ensure that customers behave within normally accepted parameters. Entertainment is not the main feature of the premises so any sound from music players will only amount to background noise.

e) The protection of children from harm

The applicant will ensure that staff fully understand the implications of failing to ensure that sales of alcohol to children are legally complied with. Staff will be trained to ID customers in accordance with mandatory requirements if they are in any doubt as to the legal age of young persons attempting to purchase alcohol from the shop. A refusals book will be kept to record any refusals of sale of alcohol to young persons.

Section 19 of 19

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card. Premises Licence Fees are determined by the non domestic rateable value of the premises. To find out a premises non domestic rateable value go to the Valuation Office Agency site at http://www.voa.gov.uk/business_rates/index.htm

| | |
|----------------------------|----------|
| Band A - No RV to £4300 | £100.00 |
| Band B - £4301 to £33000 | £190.00 |
| Band C - £33001 to £87000 | £315.00 |
| Band D - £87001 to £125000 | £450.00* |
| Band E - £125001 and over | £635.00* |

*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then you are required to pay a higher fee

| | |
|---------------------------|-----------|
| Band D - £87001 to £12500 | £900.00 |
| Band E - £125001 and over | £1,905.00 |

There is an exemption from the payment of fees in relation to the provision of regulated entertainment at church halls, chapel halls or premises of a similar nature, village halls, parish or community halls, or other premises of a similar nature. The costs associated with these licences will be met by central Government. If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of late night refreshment, a fee will be required.

Schools and sixth form colleges are exempt from the fees associated with the authorisation of regulated entertainment where the entertainment is provided by and at the school or college and for the purposes of the school or college.

Continued from previous page...

If you operate a large event you are subject to ADDITIONAL fees based upon the number in attendance at any one time

| | |
|-------------------------|------------|
| Capacity 5000-9999 | £1,000.00 |
| Capacity 10000 -14999 | £2,000.00 |
| Capacity 15000-19999 | £4,000.00 |
| Capacity 20000-29999 | £8,000.00 |
| Capacity 30000-39999 | £16,000.00 |
| Capacity 40000-49999 | £24,000.00 |
| Capacity 50000-59999 | £32,000.00 |
| Capacity 60000-69999 | £40,000.00 |
| Capacity 70000-79999 | £48,000.00 |
| Capacity 80000-89999 | £56,000.00 |
| Capacity 90000 and over | £64,000.00 |

* Fee amount (£)

DECLARATION

* I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the licensing act 2003, to make a false statement in or in connection with this application.

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name

* Capacity

* Date / /
dd mm yyyy

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/kings-lynn-and-west-norfolk/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Our ref:MAU 28717
Please ask for: Alison Demonty
Direct dial: (01553) 616448
Direct fax: (01553) 703026
E-mail: Alison.demonty@west-norfolk.gov.uk

Appendix 2 to
Report to Licensing Sub-Committee
Re: Lietuviska Uzeiga
Dated 28 January 2016

Ms Vilma Pieteryte
C/O Tony Grover
SMART Licensing

Debbie Gates
Executive Director

Central and Community Services

15th January 2016

Dear Ms Pieteryte

Premises Licence Application: Lietuviska Uzeiga, 4 London Road, Kings Lynn

I am writing to you in connection with the above premises licence application.

It is the responsibility of the Community Safety and Neighbourhood Nuisance team to consider the licensing objective relating to the prevention of public nuisance. Due to the nature of the venue and the proposal for the sale of alcohol, there is potential for noise disturbance to affect nearby premises.

Following our discussions with you on 13th January 2016, I would like to offer the following representations which I believe will allow the business to operate as intended but will minimise the likelihood of any adverse impact to nearby premises.

I must stress that I make such representation having taken consideration of your intention to run the premises in a different manner to that when it was previously operated as a take away. You will be aware that there were historical complaints in respect of noise from this premises and it is hoped that the below conditions, along with your good management will prevent such complaint in the future.

I therefore propose the following conditions be attached to any licence granted:

- Within 28 days from the start date of the licence, a detailed noise management plan shall be submitted to and agreed by the Community Safety and Neighbourhood Nuisance Team at the Borough Council of King's Lynn and West Norfolk and shall be implemented as approved thereafter. This should include details of general management controls to monitor and control noise in and around the premises at all times.
- The licensee shall take appropriate steps to ensure that the customers entering and leaving the premises do so in a quiet and orderly manner.
- No deliveries or refuse collections relating to the sale of alcohol shall be made to the premises before 8.00 hours or after 19.00 hours Monday to Saturday and at no time on Sundays and public and bank holidays.

King's Court, Chapel Street, King's Lynn, Norfolk PE30 1EX
Tel: (01553) 616200; fax: (01553) 691663
DX 57825 KING'S LYNN

- The main entrance door fronting London Road will be kept closed after 7pm on any day with the exception of normal access and egress.
- Patrons shall be prevented from smoking and/or congregating in any outdoor area of the premises later than 10.30pm on any day.

General Guidance

Noise from people can be difficult to control and we would ask you to read and consider the following suggestions. These are not to be attached to your licence but are simply to provide you with information on how to manage the premises effectively without causing an adverse impact on the local community and they could form part of a noise management plan.

- ❖ Signs may be displayed on any entrance and exit to the premises requiring that customers respect the neighbours and do not cause unreasonable disturbance to residents.
- ❖ A regular check will be conducted of any outdoor area to ensure that excessive noise or anti social behaviour is not occurring.
- ❖ Liaising with the Police or other relevant authority if anti social behaviour or noisy activity is occurring that requires their assistance.

By ensuring the above and practising good management there is no reason that any adverse effect or low level nuisance will be experienced by any neighbouring premises'.

However, it must be made clear that the Local Authority do have legislation under the Environmental Protection Act 1990 to prevent any person from causing a nuisance. The Local Authority has powers to serve legal notices, which if breached may result in prosecution and a fine. We also have the power to seize any noise making equipment.

I would hope that none of this action would ever be necessary.

In relation to the recommendations for the licence, please read, sign and return the enclosed agreement form. If you do not agree to the conditions being attached to the licence then please do not send the form back and this letter will be classed as an objection.

Yours sincerely

Alison Demonty
Community Safety and Neighbourhood Nuisance Officer
Community Safety and Neighbourhood Nuisance Team

THIS LETTER CAN BE MADE AVAILABLE IN LARGE PRINT AND OTHER LANGUAGES UPON REQUEST.

Our ref:MAU 28717
Please ask for: Alison Demonty
Direct dial: (01553) 616448
Direct fax: (01553) 703026
E-mail: Alison.demonty@west-norfolk.gov.uk



Debbie Gates
Executive Director

Ms Vilma Pieteryte
C/O Tony Grover
SMART Licensing

Central and Community Services

15th January 2016

Dear Ms Pieteryte


Premises Licence Application: Lietuviska Uzeiga, 4 London Road, Kings Lynn

To the applicant/s: please sign the form below and return either by email to Alison.demonty@west-norfolk.gov.uk and Mark.Whitmore@west-norfolk.gov.uk or by post to CSNN, KLWNBC, Kings Court, Chapel Street, King's Lynn, Norfolk, PE30 1EX.

Recommendations

- Within 28 days from the start date of the licence, a detailed noise management plan shall be submitted to and agreed by the Community Safety and Neighbourhood Nuisance Team at the Borough Council of King's Lynn and West Norfolk and shall be implemented as approved thereafter. This should include details of general management controls to monitor and control noise in and around the premises at all times.
- The licensee shall take appropriate steps to ensure that the customers entering and leaving the premises do so in a quiet and orderly manner.
- No deliveries or refuse collections relating to the sale of alcohol shall be made to the premises before 8.00 hours or after 19.00 hours Monday to Saturday and at no time on Sundays and public and bank holidays.
- The main entrance door fronting London Road will be kept closed after 7pm on any day with the exception of normal access and egress.
- Patrons shall be prevented from smoking and/or congregating in any outdoor area of the premises later than 10.30pm on any day.

I/we acknowledge receipt of the Community Safety and Neighbourhood Nuisance team representations dated 15th January 2016 in connection with the application for the premises shown above. **I agree with the recommendations suggested in the accompanying letter and I understand that they will be attached to the licence.**

Signed.....

Name: Tony Grover (SMART Licensing – Authorised Agent)

Date: 19.01.2016

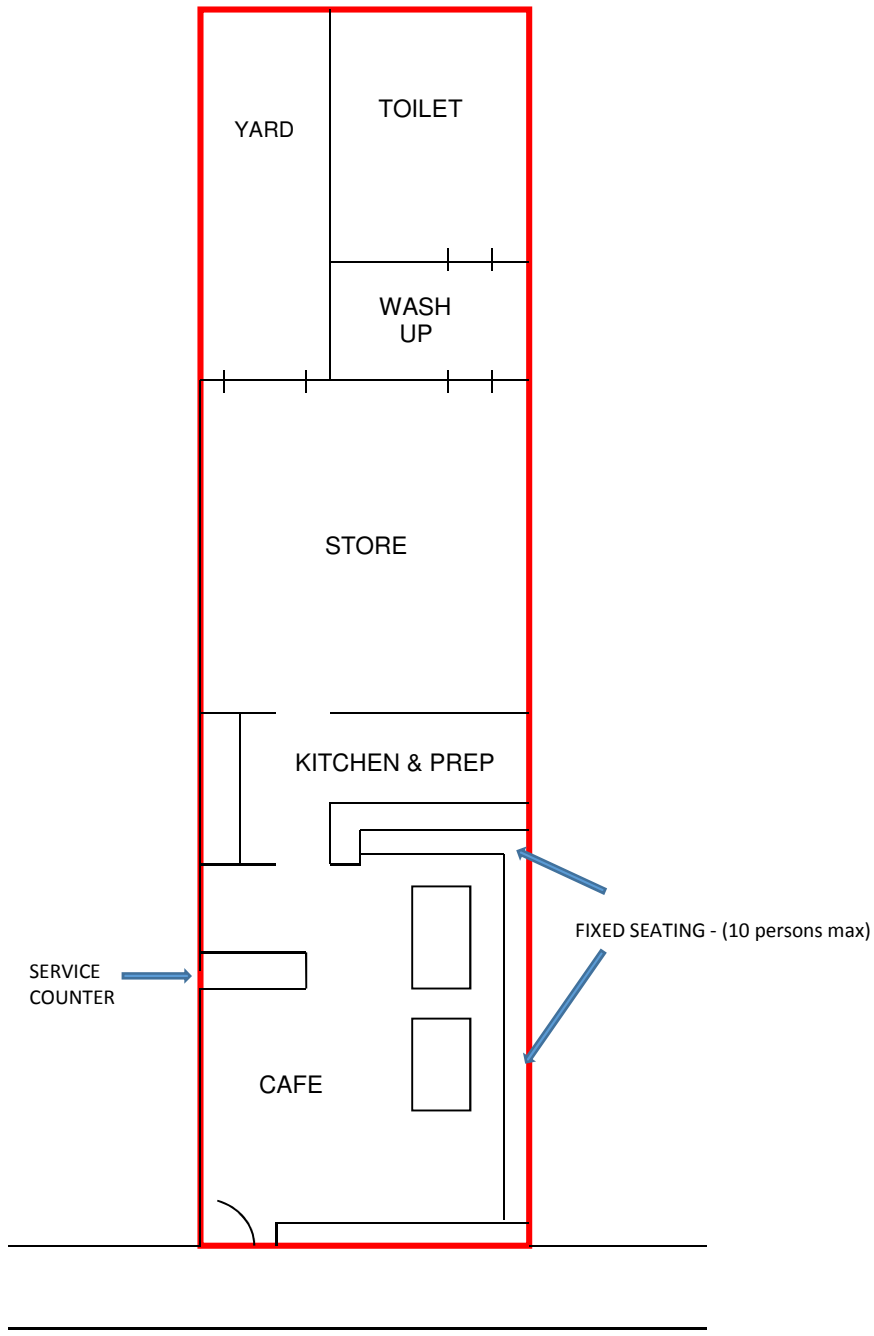
Objectors (Other Persons) – Lietuviska Uzeiga, 4 London Road, King’s Lynn

| | <u>Name</u> | <u>Address</u> |
|--|-------------|----------------|
| | | |
| | | |
| | | |

EXEMPT

**Plan of Café Premises at
4 London Road Kings Lynn.**

Appendix 4 to
Report to Licensing Sub-Committee
Re: Lietuviska Uzeiga
Dated 28 January 2016

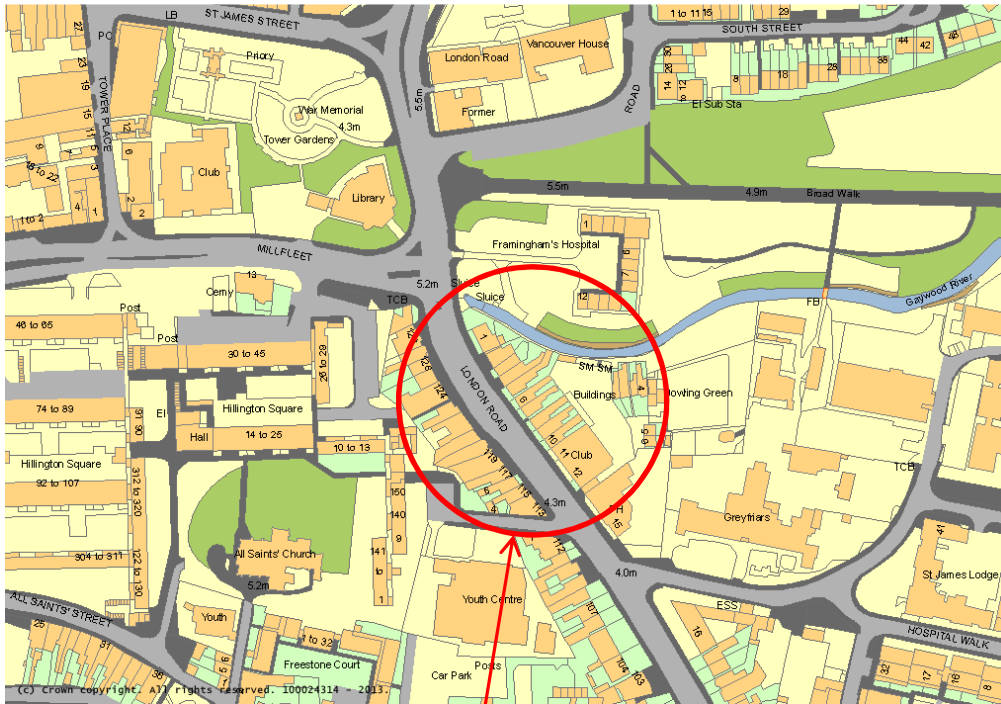


LONDON ROAD

Scale = 1:100

0 ————— 100 cm

Location Plan – Lietuviska Uzeiga, 4 London Road, King's Lynn PE30 5PY



Lietuviska Uzeiga

LICENSING ACT 2003
PREMISES LICENCE

15/00906/LA_PRE

LICENSING AUTHORITY

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



Environmental Health – Licensing
Kings Court
Chapel Street
Kings Lynn
Norfolk
PE30 1EX
Tel: 01553 616200
Fax: 01553 691663
Web: www.west-norfolk.gov.uk
Email: ehlicensing@west-norfolk.gov.uk

Part 1 – Premises Details

ZP & VP Butchers

4 London Road
King's Lynn
Norfolk
PE30 5PY

Telephone Number:

Where the Licence is time limited the dates:

Not applicable

Licensable Activities authorised by the licence:

the sale of alcohol by retail

The times the licence authorises the carrying out of licensable activities:

the sale of alcohol by retail

| Description | From | To |
|--------------------|-------|-------|
| Monday to Saturday | 09:00 | 21:00 |
| Sunday | 09:00 | 18:00 |

The opening hours of the premises:

| | | |
|--------------------|-------|-------|
| Monday to Saturday | 09:00 | 21:00 |
| Sunday | 09:00 | 18:00 |

Where the licence authorises supplies of alcohol whether these are on and /or off supplies:

Alcohol is supplied for consumption **OFF** the Premises

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:

Mrs Vilma Pieteryte

| | |
|--|---|
| [REDACTED] | |
| Registered number of holder, for example company number, charity number (where applicable) | |
| N/A | |
| Name address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol: | |
| Mrs Vilma Pieteryte [REDACTED] | |
| Personal Licence number and issuing authority of Personal Licence held by Designated Premises Supervisor (where the premises authorises for the supply of alcohol): | |
| Personal licence Number: Licensing Authority: | Licence Number: 14/00542/LA_PER Licensing Authority: |
| Manager Environmental Health (Commercial) | |
| Original Issue date of Premises Licence: | |
| Date of last change: 1st September 2015 | |

| |
|--|
| ANNEXES |
| ANNEX 1 – MANDATORY CONDITIONS |
| <p>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.</p> <p>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.</p> <p>3. 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.</p> <p>4. A relevant person shall ensure that no alcohol is sold or supplied for consumption off the premises for a price which is less than the permitted price. For the purposes of this condition 'duty' is to be construed in accordance with the Alcoholic Liquor Duties Act 1979; 'permitted price' is the price found by applying the formula - $P = D + (D \times V)$ where; P is the permitted price; D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol; and V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol. A 'relevant person' means the holder</p> |

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. 'Valued 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.

ANNEX 2 – CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

5.A digital CCTV system shall be maintained at the premises which is capable of recording images for a continuous period of at least 28 days. Images must be capable of being downloaded in digital format upon reasonable request from representatives of the Police or the Licensing Authority. All staff on duty at the premises must be trained in the use of the system and be able to comply with any such request. The system will be maintained in good working order at all times. A CCTV monitor will be positioned so that a member of staff will be capable of seeing images from the cameras.

6.A refusal/incident book shall be maintained at the premises which shall record the date and details of any refusal of alcohol sales or incidents. This book must be produced upon reasonable request from representatives of the Police or the Licensing Authority.

7.All invoices for the purchase of alcohol to retail at the premises shall be maintained for a minimum of six months and produced upon reasonable request from representatives of the Police or the Licensing Authority

8.Challenge 25 age verification shall be operated at the premises with posters displayed advising customers of the scheme. All staff shall be trained in the use of the scheme and training records shall be maintained and produced upon reasonable request from representatives of the Police or the Licensing Authority

ANNEX 3 – CONDITIONS ATTACHED AFTER A HEARING

None attached.

ANNEX 4 – AUTHORISED PLANS

As attached.