

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



Licensing Sub Committee Hearing

Agenda

Tuesday, 1st March, 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

16th February 2016

Dear Member

Licensing Committee

You are invited to attend a meeting of the above-mentioned Panel which will be held on **Tuesday, 1st March, 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 N-Joy Bar, 120 Norfolk Street, King's Lynn

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

b) **Report of the Licensing Manager** (Pages 8 - 52)

To:

Licensing Committee: Councillors C Crofts (Chairman), D Tyler and A White

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: 1st March 2016

Application for Grant of a Premises Licence

- N-Joy Bar, 120 Norfolk Street, King's Lynn, PE30 5AP
- Applicant – Mr Christopher John MILLS

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. Mr Mills has made an application under Section 17 of the Act for the licensable activities of the 'provision of regulated entertainment' and '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>
Provision of Regulated Entertainment Live Music and Recorded Music (indoors only)	Monday to Sunday	8pm to 3am
Sale of Alcohol by Retail (for consumption 'on' the premises only)	Monday to Sunday	7pm to 2:30am

Mandatory Conditions

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

- (a) 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) 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 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.

4. The Act provides that where a premises licence includes a condition that specifies the use of one or more individuals to carry out a security activity, the licence must include the following mandatory condition:

- (a) Any individual at the premises who carries out a security activity must be authorised to carry out that activity by a licence granted by the Private Security Industry Authority Act 2001.

Conditions Consistent with the Operating Schedule (Proposed Conditions)

5. The following seven conditions have been identified from the operating schedule (Box M on the application) or agreed with the Police to promote the licensing objectives.

- (a) Persons under the age of 18 years shall not be permitted entry to the premises. All persons entering the premises must have their identification checked by door staff by means of photographic ID.
- (b) At least one SIA registered door staff shall be on duty from 2100 hours each day and then a further two registered SIA door staff from 2200 hours until close of business.
- (c) No new customers shall be permitted entry to the premises from one hour before close of business.
- (d) Door staff will wear high-vis clothing.
- (e) CCTV will be in operation capturing facial shots of customers entering, made available to police after an incident, stored for 28 days and with someone on the premises able to operate the system.
- (f) Security staff will use the radio link facility to communicate with one another.
- (g) The smoking area at the front of the premises will be monitored and supervised to allow free passage along Norfolk Street.

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.

6. The Borough Council's Community Safety & Neighbourhood Nuisance (CS&NN) team are objecting to the application under the prevention of public nuisance licensing objective. In their letter of the 28th January 2016 they indicated that they would withdraw their objection if the applicant agreed to a number of additional conditions. Whilst the applicant agreed to these additional conditions CS&NN withdrew the offer on the 4th February 2016 following the receipt of objections from local residents. A copy of CS&NN's letter of the 28th January 2016 is attached at Appendix 2 and a copy of their email of the 4th February 2016 is attached at Appendix 3.

7. The Norfolk Constabulary would have objected to the application under the prevention of crime and disorder licensing objective if the applicant had not agreed to the conditions specified at paragraph 5(b) to (g) above. By way of background, a copy of the Norfolk Constabulary's letter of the 18th January 2016 is attached to this report at Appendix 4.

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

- 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.

9. There are two representations from 'other persons' to consider. Copies of these representations are attached to this report at Appendix 5.

Notices

10. 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 'Your Local Paper' on Friday the 15th January 2016 and should have been displayed on the premises up to and including the 2nd February 2016.

11. 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

12. A plan showing the layout of the premises is attached at Appendix 6 and a location plan is attached at Appendix 7 showing the approximate location of N-Joy in relation to the objectors.

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

13. 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 which 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.

14. 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

15. Members of the Licensing Sub-Committee may wish to be aware that 120 Norfolk Street, King's Lynn currently holds a premises licence under the Licensing Act 2003 and has done since 2005. A copy of that licence is attached at Appendix 8 for information.

Determination

16. 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.

17. 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
18th February 2016

Appendixes:

1. Copy of Application.
2. CS&NN letter dated 28th January 2016
3. CS&NN Email dated 4th February 2016
4. Police Letter dated 18th January 2016
5. Copies of letters of Representations from 'other persons'.
6. Premises Plan
7. Location Map.
8. 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)

Environmental Health - Licensing
 Borough Council of King's Lynn & West Norfolk
 King's Court
 Chapel Street
 King's Lynn, PE30 1EX
 Tel: 01553 616600
 Email: ehlicensing@west-norfolk.gov.uk
www.west-norfolk.gov.uk

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



Licensing Act 2003
Application for a Premises Licence

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

Once completed, send your original applications back to us at:

- **The Licensing Team**, Environmental Health & Housing , Borough Council of King's Lynn and West Norfolk, King's Court, Chapel Street, King's Lynn, Norfolk, PE30 1EX.
- and copies to the following:-
- **Norfolk Constabulary Licensing Team**, Bethel Street Police Station, Bethel Street, Norwich, Norfolk, NR2 1NN.
 - **Fire Safety Office**, Norfolk Fire Service Western Area, Kilhams Way, King's Lynn, PE30 2HY
 - **Norfolk Children's Safeguarding Board**, Room 60, Lower Ground, County Hall, Martineau Lane, Norwich, NR1 2DH
 - **Norfolk Trading Standards**, Consumer Operations Manager, Norfolk County Council Trading Standards, County Hall, Martineau Lane, Norwich, NR1 2UD
 - **Planning**, Borough Council of King's Lynn and West Norfolk, King's Court, Chapel Street, King's Lynn, Norfolk, PE30 1EX
 - **Health & Safety**, Environmental Health & Housing , Borough Council of King's Lynn and West Norfolk, King's Court, Chapel Street, King's Lynn, Norfolk, PE30 1EX
 - **Community Safety & Neighbourhood Nuisance**, Environmental Health & Housing , Borough Council of King's Lynn and West Norfolk, King's Court, Chapel Street, King's Lynn, Norfolk, PE30 1EX
 - **Public Health Director**, Norfolk County Council, County Hall, Martineau Lane, Norwich, NR1 2DH

I / WeCHRISTOPHER.....JOHN.....MILLS.....
 (insert name(s) of applicant(s))

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

Part 1 – Premises Details

Name, postal address of premises or, if none, ordnance survey map reference, or description	
N-JOYBAR.120.NORFOLK STREET	
Post town: KING'S LYNN	Postcode: PE30 2AP

Telephone number at premises (if any):

01553692286

Non-domestic rateable value of premises:

£ 10,250

Part 2 – Applicant Details

Please state whether you are applying for a premises licence as:

- Please tick ✓ yes**
- a) an individual or individuals* please complete section (A)
- b) a person other than an individual*
1. as a limited company please complete section (B)
2. as a partnership please complete section (B)
3. as an unincorporated association or please complete section (B)
4. other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered Under Part 2 of the Care Standards Act 2000(c14) in respect of an independent hospital please complete section (B)
- h) the chief officer of a police force in England and Wales please complete section (B)

*If you are applying as a person described in (a) or (b) please confirm:

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

(A) Individual Applicants (fill in as applicable)

Mr Mrs Miss Ms Other title
(e.g. Rev)

Surname

MILLS

First names

CHRISTOPHER JOHN

I am 18 years old or over

please tick yes

Current postal address If different from premises address	
--	--

Post Town:		Post Code:	
-------------------	--	-------------------	--

Daytime telephone number:	
----------------------------------	--

Email address (optional):	
----------------------------------	--

Second Individual Applicant (if applicable)

Mr Mrs Miss Ms Other title
(e.g. Rev)

Surname

First names

I am 18 years old or over

please tick yes

Current postal address If different from premises address	
--	--

Post Town:		Post Code:	
-------------------	--	-------------------	--

Daytime telephone number:	
----------------------------------	--

Email address (optional):	
----------------------------------	--

(B) Other Applicants

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or joint venture (other than a body corporate), please give the name and address of each party concerned.

Name
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc)
Telephone number (if any)
E-mail address (optional)

Part 3 – Operating Schedule

When do you want the premises licence to start?

25 / 01 / 2016

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

..... / /

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

--

Please give a general description of the premises (please read guidance note 1)

COCKTAIL BAR / LOUNGE BAR

What licensable activities do you intend to carry on from the premises?

Provision of regulated entertainment

please tick yes

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment
(if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performance of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling
within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshments

(if ticking yes, fill in box I)

Sale by retail of alcohol

(if ticking yes, fill in box J)

In all cases complete boxes 'K', 'L' & 'M'

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick ✓ (please read guidance note 2)	Indoors		
Day	Start	Finish		Outdoors		
Mon			Please give further details here (please read guidance note 3)	Both		
Tue						
Wed				State any seasonal variations for performing plays (please read guidance note 4)		
Thur						
Fri			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)			
Sat						
Sun						

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of film take place indoors or outdoors or both – please tick ✓ (please read guidance note 2)	Indoors		
Day	Start	Finish		Outdoors		
Mon			Please give further details here (please read guidance note 3)	Both		
Tue						
Wed				State any seasonal variations for the exhibition of films (please read guidance note 4)		
Thur						
Fri			Non standard timings. Where you intend to use the premises for The exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)			
Sat						
Sun						

C

Indoor sporting events Standard timings (please read guidance note 6)			Please give further details here (please read guidance note 3)
Day	Start	Finish	
Mon			State any seasonal variation (please read guidance note 4)
Tue			
Wed			
Thur			Non standard timings. Where you intend to use the premises at different times to those listed in the column on the left, please list (please read guidance note 5)
Fri			
Sat			
Sun			

D

A boxing or wrestling entertainment Standard timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors, outdoors or both – please tick ✓ (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
			Both		
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed					
Thur			State any seasonal variation (please read guidance note 4)		
Fri					
Sat			Non standard timings. Where you intend to use the premises at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sun					

E

Performance of live music Standard timings (please read guidance note 6)			Will the performance of live music take place indoors, outdoors or both – please tick ✓ (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>	
Day	Start	Finish		Outdoors	<input type="checkbox"/>	
				Both	<input type="checkbox"/>	
Mon	20.00	03.00	Please give further details here (please read guidance note 3)			
Tue	20.00	03.00				
Wed	20.00	03.00		State any seasonal variation (please read guidance note 4)		
Thur	20.00	03.00				
Fri	20.00	03.00	Non standard timings. Where you intend to use the premises at different times to those listed in the column on the left, please list (please read guidance note 5)			
Sat	20.00	03.00				
Sun	20.00	03.00				

F

Playing of recorded music Standard timings (please read guidance note 6)			Will the playing of recorded music take place indoors, outdoors or both – please tick ✓ (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>	
Day	Start	Finish		Outdoors	<input type="checkbox"/>	
				Both	<input type="checkbox"/>	
Mon	20.00	03.00	Please give further details here (please read guidance note 3) DJ. PLAYING			
Tue	20.00	03.00				
Wed	20.00	03.00		State any seasonal variation (please read guidance note 4)		
Thur	20.00	03.00				
Fri	20.00	03.00	Non standard timings. Where you intend to use the premises at different times to those listed in the column on the left, please list (please read guidance note 5)			
Sat	20.00	03.00				
Sun	20.00	03.00				

G

Performance of dance Standard timings (please read guidance note 6)			Will the performance of dance take place indoors, outdoors or both – please tick ✓ (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon	20.00	23.00			
Tue	20.00	23.00	State any seasonal variation (please read guidance note 4)		
Wed	20.00	23.00			
Thur	20.00	23.00	Non standard timings. Where you intend to use the premises at different times to those listed in the column on the left, please list (p read guidance note 5)		
Fri	20.00	23.00			
Sat	20.00	23.00			
Sun	20.00	23.00			

H

Entertainment of a similar description to that falling within (e), (f) or (g) Standard timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing:		
Day	Start	Finish	Will the entertainment take place indoors, outdoors or both – please tick ✓ (please read guidance note 2)	Indoor	<input type="checkbox"/>
Mon				Outdoor	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			Please give further details here (please read guidance note 3)		
Wed					
Thur			State any seasonal variation (please read guidance note 4)		
Fri					
Sat			Non standard timings. Where you intend to use the premises at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sun					

I

Late night refreshment Standard timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors, outdoors or both – please tick ✓ (please read guidance note 2)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
Wed			State any seasonal variation (please read guidance note 4)		
Thur					
Fri					
Sat			Non standard timings. Where you intend to use the premises at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sun					

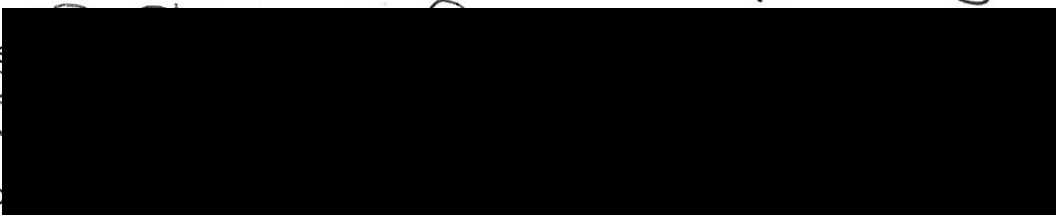
*Note: 'Late Night Refreshment' is only licensable between the hours of 11pm & 5am.

J

Supply of alcohol Standard timings (please read guidance note 6)			Will the sale of alcohol be for consumption – please tick ✓ (please read guidance note 6)	On the premises	✓
				Off the premises	
				Both	
Day	Start	Finish	State any seasonal variation (please read guidance note 4)		
Mon	19.00	03.00 02:30			
Tue	19.00	03.00 02:30			
Wed	19.00	03.00 02:30			
Thur	19.00	03.00 02:30			
Fri	19.00	03.00 02:30	Non standard timings. Where you intend to use the premises at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat	19.00	03.00 02:30			
Sun	19.00	03.00 02:30			

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

Name: CHRISTOPHER JOHN MILLS.....

Address: 

Postcode:

* Personal Licence number (if known): F015/10/00621/LAPENW.....

Issuing licensing authority (if known): FOREST OF DEAN.....

K

Please highlight any services, activities, entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)

NO ONE UNDER THE AGE OF 18 will be allowed to enter the building

L

Hours premises are open to the public Standard timings (please read guidance note 6)			State any seasonal variation (please read guidance note 4)
Day	Start	Finish	
Mon	19.00	02.30	Non standard timings. Where you intend to use the premises at different times to those listed in the column on the left, please list (please read guidance note 5)
		03:00	
Tue	18.00	02.30	
		03:00	
Wed	18.00	02.30	
		03:00	
Thur	18.00	02.30	
		03:00	
Fri	18.00	02.30	
		03:00	
Sat	18.00	02.30	
		03:00	
Sun	18.00	02.30	
		03:00	

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

a) **General** – all four licensing objectives (b, c, d, e) (please read guidance note 9)

GOOD LEVEL WITHIN OF SECURITY
WITHIN THE VENUE ALSO AS
CUSTOMERS ENTER AND LEAVE ALL
BAR STAFF WILL REFUSE SALE OF ALCOHOL
FOR ANY SIGNS OF DRUNKENNESS.

b) The prevention of crime and disorder

SIA SECURITY FIRM ON FRONT DOOR
CHECKING ALL ID'S AND INTOXICATION
LEVELS PRIOR TO ENTRY
CCTV DOOR STAFF
WHEN NECESSARY

c) Public safety

FIRE ALARM, FIRST AID TRAINED MEMBER
OF STAFF ON DUTY AT ALL TIME

d) The prevention of public nuisance

MONITORING OF ALL PERSONS WITHIN
AND WHEN LEAVING THE PREMISES
BY CCTV & SECURITY STAFF

e) The protection of children from harm

PHOTO ID REQUIRED TO ENTER VENUE
CHECKED BY SIA DOOR STAFF

Part 4 – Signatures (please read guidance note 10)

Checklist

Please tick/ yes

- 1 I have made or enclosed payment of the fee. Cheques should be made payable to 'BCKLWN':
- 1 I have enclosed two sets of plans of the premises:
- 1 I have sent you the original application and copies including the plan to the 'responsible authorities' (details on front page):
- 1 I have enclosed the consent form completed by the individual I wish to be premises supervisor (if applicable):
- 1 I will send / I enclose my Certificate of Service:
- 1 I understand that I must now advertise the application both in a newspaper and on the premises:
- 1 I will send / I enclose the Certificate of Display:
- 1 I will send a copy of the advert once it has appeared in the newspaper
- 1 I understand that if I do not comply with the above requirements my application may be rejected:

It is an offence, liable to conviction to a fine up to level 5 on the standard scale (£5,000) under section 158 of the Licensing Act 2003 to make a false statement in or in connection with this action.

The council is registered under the Data Protection Act 1998 for the purpose of processing personal data in the performance of its legitimate business. Any information held by the council will be processed in compliance with the eight principles of the Act. Information you have provided may be shared with other public sector organisations for the prevention and detection of fraud. Further information relating to your rights under the Data Protection Act can be sent to you on request.

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent. (See guidance note 11) If signing on behalf of the applicant please state in what capacity.

Signature:  Date: 24/12/2015

Capacity:

Where the premises licence is jointly held signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent. (Please read guidance note 12) If signing on behalf of the applicant please state in what capacity.

Signature: Date:

Capacity:

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)	
Name:	Address:
If you prefer us to correspond with you by e-mail your email address (optional):	

Notes for Guidance

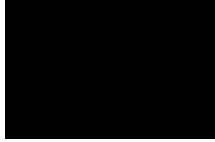
If you are completing this form by hand please write legibly in black ink and stay within the boxes.

1. Describe the premises. For example the type of premises, its general situation and the layout and other information which could be relevant to the licensing objectives. Where the 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.
2. Where taking place in a building or other structure tick indoors. Indoors may include a tent.
3. Please state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively whether the or not music will be amplified or unamplified
4. For example (but not exclusively), where the activity will go on for an extra hour during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day i.e. Christmas Eve, New Year's Eve etc.
6. Please 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.
7. If you wish people to be able to consume alcohol on the premises please tick **on**, if you wish people to be able to purchase alcohol to consume away from the premises please tick **off**. If you wish people to be able to do both please tick **both**.
8. Please give information about anything to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups, the presence of gambling machines.
9. Please list here steps you will take to promote all four licensing objectives.
10. The application must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have authority to do so.
12. Where there is more than one applicant, both applicants or their respective agents must sign the application form
13. This is the address which we shall use to correspond with you about this application.

Our ref:MAU 28787
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: N-Joy Bar, 120 Norfolk Street, KL
Dated 18th February 2016

Mr C Mills



Debbie Gates
Executive Director

Central and Community Services

28th January 2016

Dear Mr Mills

Premises Licence Application: N-Joy, 120 Norfolk Street, Kings Lynn PE30 1AP

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 to provide regulated entertainment and the sale of alcohol, there is potential for noise disturbance to affect nearby premises.

Following our previous meetings and our recent phone call, 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 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.
- The licensee shall take appropriate steps to ensure that the customers entering and leaving the premises, and any customers queuing prior to admission, do so in a quiet and orderly manner.
- All external windows and doors must be closed during the playing of any music other than background music, with the exception of normal access and egress.

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

- Hours of provision of regulated entertainment (e) and (f) shall be permitted as:

Monday to Wednesday 20.00 to 00.00
Thursday to Saturday 20.00 to 03.00
Sunday 20.00 to 00.00

The hours of provision of regulated entertainment (e) and (f) shall be extended as follows:

New Year's Eve 20.00 to 03.00
Christmas Eve 20.00 to 03.00
Any Sunday occurring immediately prior to a Bank Holiday Monday 20.00 to 03.00.

- Hours of provision of Late night refreshment (i) and Supply of alcohol (j) shall be permitted as:

Monday to Wednesday 19.00 to 00.00
Thursday to Saturday 19.00 to 02.30
Sunday 19.00 to 00.00

The hours of provision of Late night refreshment (i), and Supply of alcohol (j) shall be extended as follows:

New Year's Eve 19.00 to 02.30
Christmas Eve 19.00 to 02.30
Any Sunday occurring immediately prior to a Bank Holiday Monday 19.00 to 02.30

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 effect 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.

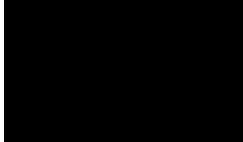
Yours sincerely

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 28787
Please ask for: Alison Demonty
Direct dial: (01553) 616448
Direct fax: (01553) 703026
E-mail: Alison.demonty@west-norfolk.gov.uk

Mr C Mills



Debbie Gates
Executive Director

Central and Community Services

28th January 2016

Dear Mr Mills

Premises Licence Application: N-Joy, 120 Norfolk Street, Kings Lynn PE30 1AP

To the applicant/s: please sign the form below and return either by email to the above or by post to CSNN, King's 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.
- The licensee shall take appropriate steps to ensure that the customers entering and leaving the premises, and any customers queuing prior to admission, do so in a quiet and orderly manner.
- All external windows and doors must be closed during the playing of any music other than background music, with the exception of normal access and egress.
- Hours of provision of regulated entertainment (e) and (f) shall be permitted as:

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- Hours of provision of Late night refreshment (i) and Supply of alcohol (j) shall be permitted as:

Monday to Wednesday 19.00 to 00.00
Thursday to Saturday 19.00 to 02.30
Sunday 19.00 to 00.00

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New Year's Eve 19.00 to 02.30
Christmas Eve 19.00 to 02.30
Any Sunday occurring immediately prior to a Bank Holiday Monday 19.00 to 02.30

I/we acknowledge receipt of the Community Safety and Neighbourhood Nuisance team representations dated 28th 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.....

Date.....

John Gilbraith

From: Alison Demonty
Sent: 04 February 2016 14:48
To: millscj63@gmail.com
Cc: John Gilbraith; Mark Whitmore; Heidi Wedge
Subject: N, Joy, 120 Norfolk Street, Kings Lynn - Full Licence Application *OFFICIAL - *

This document and any attachments carry a security classification of: OFFICIAL -

Hi Mr Mills

Further to our conversation and emails issued to you by John Gilbraith, I have been made aware of two objections from residents in respect of noise from the premises specified above.

In the likely event that the issues raised remain unresolved, determination of the licence application will now be made at a hearing. Further details of this will be provided in due course.

In the meantime, I must advise you that my letter of 28th January 2016 with recommended conditions should now be considered invalid and we will follow up the noise complaints to try and establish details of any disturbance. A fair and considered approach will be taken in this matter and feedback can be provided in course.

I trust that this is explanatory but please do not hesitate to contact me should you have any queries.

Many Thanks.

Alison Demonty
Community Safety and Neighbourhood Nuisance Officer
Kings Lynn and West Norfolk Borough Council
Tel - 01553 616448
Alison.Demonty@West-Norfolk.gov.uk

This email and any attached documents bear a security classification of:
OFFICIAL -

Information owned by the Borough Council of King's Lynn and West Norfolk.
Please delete if you are not the intended recipient



CONSTABULARY

Our Priority is You

Norfolk Constabulary

Licensing Team
Bethel Street Police Station
Norwich
Norfolk
NR21NN

Tel: 01603 276024
Fax: 01603 276025
Email: licensingteam@norfolk.pnn.police.uk

www.norfolk.police.uk
Non-Emergency Tel: 0845 456 4567

The Licensing team
Chaple Street,
Kings Lynn,
PE30 1EX

Date: 18/01/2016
Your Ref:
Our Ref:

Dear Licensing team,

We have received the application for N-Joy, 120 Norfolk Street, Kings Lynn from Mr Mills. Some conditions have been offered in support of the licensing objectives but these are unclear.

Licensed premises have an obligation under the Licensing Act 2003 to uphold and promote the Licensing Objectives;

- Prevention of Crime and Disorder
- Protection of Children from Harm
- Prevention of Public Nuisance
- Public Safety

In order to support the Licensing Objectives may I request the following conditions are agreed? They match those agreed with the temporary event notices over Xmas and the New Year.

- 3XSIA door staff between 2000-0300hrs,
- Last entry time one hour before close of business for new customers,
- Door staff will wear high-vis clothing,
- CCTV will be in operation capturing face shots of customers entering, made available to police after an incident, stored for 28 days with someone on the premises able to operate the system; and
- Security staff will use the radio link facility to communicate with one another.

As a responsible authority under the Licensing Act, the Norfolk Constabulary will monitor incidents and complaints associated with licensed premises and offer our support to operators to minimise the risk of any of the Licensing Objectives being undermined.

It is our intention to work with operators to ensure the highest standards for licensed premises across the County and hope that we can count on your support to address any problems identified.

Should you wish to discuss this letter or any other Licensing concern related to the premises then please do not hesitate to contact us directly.

Yours Sincerely

We will answer letters within 10 working days, where information is available.
Where this is not possible, an explanation will be given for any delay.

Chris Brooks
Licensing Officer

CC Premises Licence Holder Christopher MILLS
Licensing Regulation Team – Norfolk Constabulary
Licensing Authority – Kings Lynn



John Gilbraith

From: Brooks, Christopher <Christopher.BROOKS1@norfolk.pnn.police.uk>
Sent: 19 January 2016 15:35
To: EH and H Licensing
Cc: Stevenson, Lyn
Subject: FW: N-JOY, 120 Norfolk Street, KL

Dear licensing team,

Please find written confirmation of agreement below.

Many thanks,

Chris Brooks
Licensing Officer
Bethel Street
Norwich
NR1 2NN

From: millsci63@gmail.com [<mailto:millsci63@gmail.com>]
Sent: 19 January 2016 15:22
To: Brooks, Christopher
Subject: Re: N-JOY, 120 Norfolk Street, KL

Thankyou
Mr brooks
This confirmation of you email ref n-joy bar Kings Lynn
I agreed to the term of the licence
Ref the above bar
Once again thankyou
Chris mills

Sent from my iPhone

On 19 Jan 2016, at 10:23, Brooks, Christopher <Christopher.BROOKS1@norfolk.pnn.police.uk> wrote:

Dear licensing team.

This email is to confirm police have received the application for premises licence for the above venue.

I have spoken with Mr Mills the DPS and if the conditions outlined in the attached letter are confirmed to be agreed then police have no objections.

Mr Mills if you agree please email your confirmation of agreement with the attached letter to Mr Gilbraith at KL licensing.

With thanks,

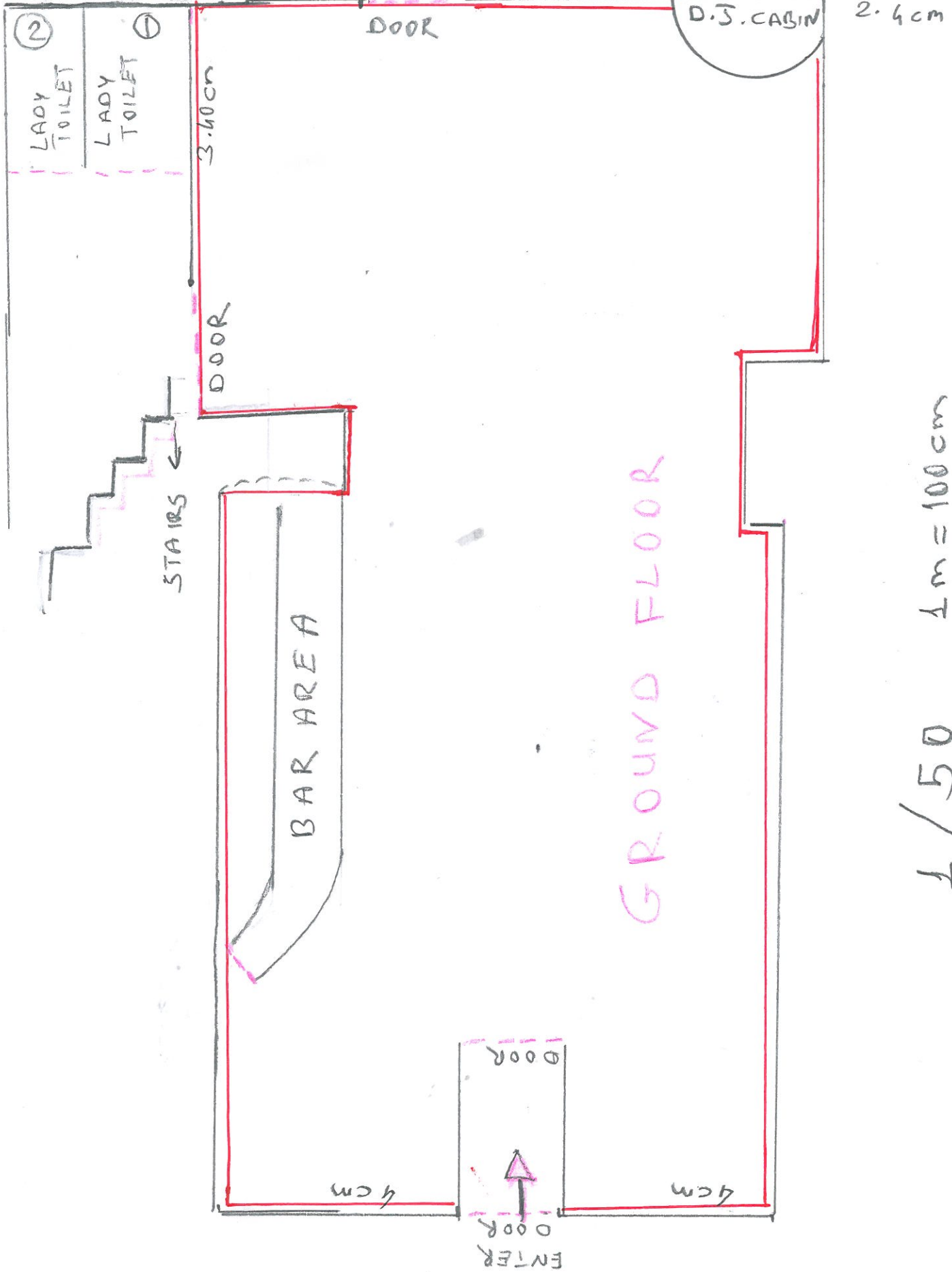
Chris Brooks
Licensing Officer
Bethel Street

Objectors (Other Persons) – N-Joy Bar, 120 Norfolk Street, King's Lynn

	<u>Name</u>	<u>Address</u>

EXEMPT

4.4cm



N-4704 BAR 120.

NORFOLK STREET

1/50
1m = 100cm
100cm = 2cm

N-Joy Bar, 120 Norfolk Street, King's Lynn – Location Plan



N-Joy Bar

Licensing Act 2003
Premises Licence

WNPL005085

LOCAL AUTHORITY

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



Borough Council of King's Lynn &
 West Norfolk
 Licensing Department
 King's Court
 Chapel Street
 King's Lynn
 Norfolk
 PE30 1EX
 Tel: 01553 616200
 Fax: 01553 691663

Part 1 - Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Ali's Meze Bar and Charcoal Grill

120 Norfolk Street, King's Lynn, Norfolk, PE30 1AP.

Telephone 01553 692286

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- provision of late night refreshment
- the supply of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
I. Late night refreshment (Indoors)	Monday to Saturday	11:00pm	4:00am
	Sunday	11:00pm	2:00am
	New Years Eve	11:00pm	4:00am
	Sunday before Bank Holiday	11:00pm	4:00am
J. Supply of alcohol for consumption ON and OFF the premises	Monday to Saturday	11:00am	3:00am
	Sunday	11:00am	2:00am
	New Years Eve	11:00am	3:00am

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Saturday	11:00am	4:00am
Sunday	11:00am	2:00am
New Years Eve	11:00am	4:00am
Sunday before Bank Holiday	11:00am	4:00am

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- J. Supply of alcohol for consumption ON and OFF the premises



Part 2

NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

Ali Acun

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Yunus AYHAN

PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL

Licence No. WNPA010240

Issued by Borough Council of King's Lynn and West Norfolk

DATE ORIGINALLY ISSUED:

DATE OF LAST CHANGE:

10/08/2005

09/08/2014



ANNEXES

ANNEX 1 - MANDATORY CONDITIONS

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. In relation to the sale of alcohol, the responsible person shall take all reasonable steps to ensure that staff do not carry out, arrange or participate in any irresponsible promotions in relation to the premises. An irresponsible promotion means an activity carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children.
4. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
6. The premises licence holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol. This 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 a holographic mark.
7. The responsible person shall 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: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;

And that customers are made aware of the availability of these measures.

8. Under Section 21 of the Licensing Act 2003 where one or more individuals carry out security activities such individuals must be licensed by the Security Industry Authority.
9. 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 and "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;

In relation to premises holding a club premises certificate a "relevant person" means any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question.

"Valued added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

ANNEX 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

10. Alcohol shall not be sold or supplied:
 - a) unless the premises have been structurally and bona fide used, or intended to be used, for the purpose of habitually providing the customary main meal at midday or in the evening, or both, for the accommodation of persons frequenting the premises;
 - b) for consumption on the premises otherwise than to persons taking table meals there and for consumption by such a person as an ancillary to his meal;
 - c) for consumption off the premises otherwise than to persons purchasing take-away food.
 - d) unless suitable beverages other than alcohol (including drinking water) shall be equally available for consumption with or otherwise as an ancillary to meals served in the premises.
11. Staff will prevent open vessels of any kind containing alcoholic or non-alcoholic drinks from being taken from the premises at all times. Notices reinforcing this condition will be placed in full view of customers at exit/entry points.
12. The provision of late night refreshment between the hours of 3:30am and 4am shall be for consumptions 'off' the premises only. Only customers present in the restaurant area at 3:30am shall be permitted to remain until 4am. No new customers shall be permitted entry to the restaurant area after 3:30am".
13. A digitally formatted CCTV system shall be installed at the premises which is capable of recording images of an evidential standard for a continuous period of at least 28 days. Cameras will be positioned in such a manner that all public entrances and exits to the premises and all



ANNEXES continued ...

public areas are fully monitored. The CCTV system will be in operation and maintained in good working order at all times. All staff shall be fully conversant with its operation. Images from the system must be capable of being downloaded in digital format and will be provided representatives from the Police and the Licensing Authority upon reasonable request.

14. Access to the area behind the service counter shall be prevented by use of solid opening barrier(s) which are capable of being locked from the staff side. Multi-lingual notices (to include English, Turkish, Lithuanian, Polish and Portuguese) shall be displayed on these barriers advising customers that access is only permitted to staff.

15. Access to the kitchen preparation room at the rear of the premises shall be prevented by clearly displaying multi-lingual notices (to include English, Turkish, Lithuanian, Polish and Portuguese) on the door advising customers that access is only permitted by staff.

ANNEX 3 - CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY

16. One member of registered door staff shall be on duty at the premises on Saturdays, Sundays and New Year's Day between 1am and the time when the premises are closed for business.

17. An incident and refusals log shall be maintained at the premises which shall record the date, time and brief details of the incident or refusal. This shall be made available upon reasonable request by a police officer or authorised officer of the Borough Council.

18. All staff must be trained in licensing laws applicable to the sale of alcohol. Training records must be maintained and produced for inspection upon reasonable request by a police officer or authorised officer of the Borough Council.

19. No sale of alcohol may take place on the premises unless there is at least one personal licence holder present at the time of sale.

ANNEX 4 - AUTHORISED PLANS

Attached

