

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

Minutes from the Meeting of the Licensing Committee held on Friday, 20th January, 2017 at 10.00 am in the Committee Suite, King's Court, Chapel Street, King's Lynn

PRESENT: Councillors Miss L Bambridge, D Tyler and A White

1 **APOLOGIES FOR ABSENCE**

There were no apologies for absence.

2 **ITEMS OF URGENT BUSINESS**

There was no urgent business.

3 **DECLARATIONS OF INTERESTS**

There was no declarations of interest.

4 **TO CONSIDER A VARIATION APPLICATION FOR THE LYNN ARMS, SYDERSTONE**

The Chairman welcomed everyone to the meeting and declared that the Sub-Committee was sitting to consider an application for a variation of a premises licence in respect of The Lynn Arms, The Street, Syderstone. He introduced the Sub-Committee, the Borough Council Officers and the Legal Advisor and explained their roles.

The Chairman also invited the applicant's representative Ms Mandy Gynn and Mr Avery, Manager at the Lynn Arms to introduce themselves to the Panel. Both confirmed that 15 minutes was sufficient to present their case.

The Chairman also invited Mr Thompson, Chairman of Syderstone Parish Council to introduce himself to the Panel. Mr Thompson confirmed that 15 minutes would be sufficient to present his case.

The Chairman informed those present that Councillor Parish was seated in the public gallery and would be observing the meeting. Councillor Parish would not take part in the decision making process.

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

At the request of the Chairman, the Legal Advisor outlined the procedure which would be followed at the Hearing.

b Report of the Licensing Manager

The Chairman invited the Licensing Manager to present his report to the Sub-Committee. The Licensing Manager explained that the applicant had made an application under Section 34 of the Act to vary the existing premises licence to extend the hours as out in his report.

The Licensing Manager made reference to the following:

- The current premises licence and the variation application. The Licensing Manager explained that the Sub-Committee could not impose any restriction on the current licence.
- The steps the applicant had put forward to promote the 4 licensing objectives;
- There were no objections from the responsible authorities’;
- 6 objections had been received from other parties, which were attached to the report.
- The Sub-Committee would need to have regard to the King’s Lynn and West Norfolk Borough Council Licensing Policy and Statutory Guidance issued under the Licensing Act 2003.

There were no questions from the applicant’s representative on the report.

In response to a question from the other person, the Licensing Manager explained that any conditions granted under the 1964 Licensing Act were still in place. The conditions referred to by the other person allowed all pubs and hotels to serve alcohol to residents after hours.

There were no questions from the Panel to the Licensing Manager.

5 THE APPLICANT'S REPRESENTATIVE CASE

The Chairman then invited the applicant’s representative to present their case.

Mr Avery explained that public house had undertaken extensive renovations to the premises and to that it would be able to provide bed and breakfast facility. It was not their intention to extend the opening hours but the variation would allow flexibility.

The applicant’s representative stated that being a resident of Syderstone he did not want to allow the premises to have any detrimental effect on the village. He added that the premises were currently run in a very tight manner and it was not intended to change that. He added that when music was played he insisted that the

windows and doors were closed, and there had been no objection up to now on how the premises was run. He explained that he was a retired Police Officer and he always considered the 4 licensing objections. There was already CCTV at the premises and relevant notices were displayed and signage in place and staff to ensure that staff were mindful of how people left the premises. He concluded that there would be very little difference to how the premises was currently run, the variation would allow them freedom to run a bed and breakfast facility.

The Licensing Manager asked questions to which the applicant's representative responded to.

There were no questions from the other person.

The Panel asked questions to which the applicant's representative responded to.

At the invitation of the Chairman, Mandy Gynn, the applicant's representative addressed the Panel. She explained that since they purchased the pub in April 2014, they had not received any complaints to the way it was operated. She added that they were very specific when live music was ended, so not to impact on nearby residents, and when music was played outdoors, they erected a gazebo to buffer the noise.

In terms of the impact of cars being parked on the street, the applicant's representative explained that many residents walked to the pub. It was a small pub and could not hold a huge amount of people. In relating to public nuisance, she explained that there were policies and procedures in place to prevent this. The Lynn Arms was located in the centre of the village and was the last remaining public house. The pub had always existed without a car park, as was the case for the church and village hall. She added that The Street was a very long road with ample parking and any inconsiderate parking or obstruction of access points was taken very seriously. She added that they had invested heavily in the renovation of pub house to sustain the businesses.

The Licensing Manager had no questions.

The other person had no questions.

The Panel had no questions.

6 THE OTHER PERSONS CASE

The Chairman then invited the other person – Mr Thompson (Chairman, Syderstone Parish Council) to present their case. Mr Thompson referred to people leaving the pub at 2am, speaking loudly

and opening and closing car doors. He explained that this currently peaked at around 11pm. However with a 2am closing time, this would attract late night drinkers. He raised concern that in the quiet rural village, additional noise at 2am would be disruptive. He also explained that the location of the pub was woven into the fabric of the village and there would be disturbance from people and car door opening and closing from the cars parked in the street as the pub had no car park. It was also considered that with only one road through the village, this would result in an increase in traffic noise.

The other person responded to a question from the Licensing Manger.

There were no questions from the applicant's representative.

There were no questions from the Members of the Panel.

7 **SUMMING UP - THE LICENSING MANAGER**

The Licensing Manager summed up his case. He reminded the Panel that there had been 5 other letters of objections to consider which had been attached at page 50 onwards of the report. The Licensing Manager also referred to the plan, which had been attached to the report, and gave an indication of where the objectors lived.

The Licensing Manager reminded the Panel that they were only considering the variation application and not the existing licence.

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

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

The Sub-Committee were 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.

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

The applicant's representative then summed up their case. It was explained that the management at the Lynn Arms had taken a robust approach to meeting the licensing objectives. There had been no complaints in terms of the management of the Lynn Arms and they would continue to operate in the current manner.

9 **SUMMING UP - OTHER PERSONS**

The other person then summed up. He explained that the Parish Council had supported the pub over the years and considered that an 11pm closing time was acceptable but 2am would create a nuisance. He added that the Parish Council were happy with the way that the pub was run at the moment. He added that there was not much through traffic at night and any increase in traffic would cause a disturbance.

10 **OUTSTANDING MATTERS**

The Council's Legal Advisor advised that the Sub-Committee had satisfied that the variation application would satisfy the 4 licensing objectives.

She explained that the principle objection related to public nuisance in particular noise. She added that there had been no representations from the responsible authorities but objections had been received from other parties, including the Parish Council, who had concerns that the later closing time might increase noise and prevent people from sleeping.

The Sub-Committee heard from the applicant that they didn't intend to change the way they operated but the variation would give them greater flexibility. The applicant's representative outlined that they had not received any complaints nor had officers. The applicant's representative explained that they had a policy in place and how they would address the later closing time.

The Sub-Committee needed to consider the variation application based on evidence.

11 **REACHING A DECISION**

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

12 **DECISION**

FINDINGS

The Licensing Sub-Committee noted all the written and oral evidence before it. It noted that the premises currently holds a licence which permits serving alcohol to the residents. The Sub-Committee focussed on the areas of the variation application where concerns were raised, in particular representations relating to concerns of noise nuisance which may arise from sale/supply of alcohol, and provision of late night refreshment until 2am every day.

There were no representations from responsible authorities, but local residents expressed concerns that this is a quiet residential area in a small village and that noise from the extended hours would cause a disruption and a nuisance to local residents. The Sub-Committee noted that the applicants presented as professional and had put measures in place to address noise nuisances from their premises. However, the Sub-Sommittee takes into account the nature and location of the premises in the village. The village mainly comprises of one street with residential properties either side. Given the location of the premises within the village, the Sub-Committee is of the view that were it to extend the hours to 2am for sale of alcohol/late night refreshment, this would cause a noise nuisance to people living within this village, and especially to those near to the premises as people came and went. The Sub-Committee notes that 2am is a sensitive time of the night as it is a time when it is generally accepted that the majority of people will be asleep in a rural village of this nature. The Sub-Committee considers that extension of the business detailed to this time would disturb the sleep of local residents. However, the sub- committee does not completely reject an extension to the hours (for sale of alcohol and late night refreshment) and considers that an extension to half past midnight each day is appropriate to address the prevention of a public nuisance.

DETERMINATION

The Sub-Committee determined to grant the variation application, save that the sale of alcohol and late night refreshment is rejected in part. The sale of alcohol is granted from 07.00 until 00.30 daily and late night refreshment is authorised from 23.00 until 00.30 daily.

There is a right of appeal against this decision to the Magistrates' Court. An appeal must be commenced within 21 days beginning with the day on which you receive notification of the decision. You may wish to seek independent legal advice from a solicitor or the Citizens Advice Bureau regarding this.

The meeting closed at 12.30 pm