

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



Licensing Sub- Committee Hearing

Agenda

Tuesday, 18th February, 2020
at 10.00 am

in the

**Council Chamber
Town Hall
Saturday Market Place
King's Lynn**



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

Monday, 10 February 2020

Dear Member

Licensing Sub-Committee Hearing

You are invited to attend a meeting of the above-mentioned Sub Committee which will be held on **Tuesday, 18th February, 2020 at 10.00 am** in the **Council Chamber - Town Hall, Saturday Market Place, King's Lynn PE30 5DQ** 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 Chair 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 a Variation Application for Bar 100, Norfolk Street, King's Lynn.**

- a) **Procedure which will be followed at the Hearing** (Pages 5 - 7)
- b) **Report of the Licensing Officer** (Pages 8 - 70)

To:

Licensing Sub Committee: Councillors S Sandell, C Manning and T Parish

Officers:

Jo Furner – Legal Advisor

Marie Malt – Senior Licensing Officer

Vicki Hopps – Environmental Health Manager

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 Officer
 - (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 Officer 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. All parties to note that any requests or issues should be directed through the Chairman.
8. The **Licensing Officer** outlines the premises application to the Committee by presenting the report referring to any relevancy to Licensing Policy and Statutory Guidance.
9. The **Licensing Officer** 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 Officer
 - (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 Officer
 - (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 Officer
 - (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 Officer
 - (ii) The applicant (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 Officer, 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 Officer 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 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: 18th February 2020

Application for the Variation of a Premises Licence

- One Hundred, 100 Norfolk Street, King's Lynn, Norfolk, PE30 1AQ
- Applicant – Mr Daniel Hill

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 Daniel Hill has made an application to vary the premises licence in respect of One Hundred to vary the times of licensable activities. A copy of the current licence (WNPL009516) is attached at Appendix 1 and a copy of the variation application is attached at Appendix 2. The variation, if granted, would allow the premises to operate as follows:

<u>Licensable Activity</u>	<u>Days</u>	<u>Times</u>
Sale of Alcohol by Retail (for consumption on the premises only)	Thursday: Friday & Saturday: Sunday to Wednesday: Bank Holiday Weekends etc:	11am – 03:45am 11am – 04:45am 11am – 00:30am 11am – 04:45am
Regulated Entertainment Live music Recorded music & similar (performances of dance etc) Indoors only	Thursday: Friday & Saturday: Sunday to Wednesday: Bank Holiday Weekends etc:	11am – 03:45am 11am – 04:45am 11am – 00:30am 11am – 04:45am
Late Night Refreshment: (only licensable between 11pm & 5am)	Thursday: Friday & Saturday: Sunday to Wednesday: Bank Holiday Weekends etc:	11am – 03:45am 11am – 04:45am 11am – 00:30am 11am – 04:45am

Hours Premises Open to the Public:	Thursday:	11am – 04:00am
	Friday & Saturday:	11am – 05:00am
	Sunday to Wednesday:	11am – 01:00am
	Bank Holiday Weekends etc:	11am – 05:00am

Conditions

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

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

(b) Under Section 19(3) of the Licensing Act 2003 every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

(c) The responsible person must ensure that staff do not carry out, arrange or participate in any irresponsible promotions in relation to the premises. 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;

(iv) 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 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. 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.

(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: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml;

These measures must be displayed in a menu, price list or other printed material which is available to customers on the premises; and where 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;
- “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;

- “valued added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.

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

(h) Under Section 21 of the Licensing Act 2003 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

4. The following additional conditions apply to the existing premises licence.

(a) The Licence Holder will ensure that an 'anti-drug policy' is in place at the venue and that a written copy of that policy is available for inspection by representatives of the Police or the Licensing Authority upon reasonable request.

(b) A CCTV system must be installed at the premises to provide recorded images in digital format for a continuous period of at least 28 days. Cameras will be positioned in order that images can be recorded in all public areas of the premises including the inside and outside of all public entrances to the venue. Cameras must be capable of providing images to an evidential standard and lighting must be of an appropriate level to facilitate this requirement. The CCTV system must be maintained in good working order and operated at all times when the premises are open for business. Sufficient numbers of staff must be on duty and trained in its operation. CCTV images must be capable of being downloaded in digital format and provided to representatives of the Police or the Licensing Authority upon reasonable request.

(c) The premises licence holder shall formulate and comply with a written "Door Staff Deployment Plan" which must be agreed with the Police. A signed copy of the relevant document will be available for inspection at the premises at all times. Any changes to the "Door Staff Deployment Plan" must be made in agreement with the Police and a copy must be sent to the Police and the Licensing Authority within 7 days and form the detail with regard to this condition.

(d) An intruder alarm system must be installed at the premise which meets current British Standards. The system must have the capability of notifying a named key holder in the case of activation. The system must be maintained in good working order at all times.

(e) The Licence Holder must keep and maintain a written 'Incident and Refusals' log at the premises. This log must be available for inspection by representatives of the Police or the Licensing Authority upon reasonable request.

(f) 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.

(g) 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.

(h) No deliveries shall be made to the premises before 08:00 hours or after 18:00 hours Monday to Saturday and at no time on Sundays and public and bank holidays.

(i) All external windows and doors must be closed during any provision for indoor regulated entertainment with the exception of normal access and egress.

(j) From 02.30 hrs the number of persons permitted to congregate outside the front of the premises for smoking purposes will be limited to 6 persons at any one time. The licence holder will ensure that these persons are supervised and controlled by on duty door staff and management personnel.

(k) The Licence Holder will ensure that the Challenge 25 identification initiative is in visible operation at the premises at all times.

Representation from Responsible Authorities

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

5. The following comments have been received from the Responsible Authorities:

- (a) Norfolk Constabulary is objecting to the application under the 'Prevention of Crime & Disorder' licensing objective. A copy of their initial letter dated the 13th January 2020 and subsequent correspondence dated 3rd February 2020 is attached to this report as Appendix 3.
- (b) The Borough Council's Community Safety & Neighbourhood Nuisance (CS&NN) Team are objecting to the application under the 'Prevention of

Public Nuisance’ And ‘Public Safety’ licensing objectives. A copy of their email dated the 20th January 2020 is attached to this report at Appendix 4.

(c) Comments from the other responsible authorities are as follows:

<u>Responsible Authority</u>	<u>Comments Received</u>
Norfolk Fire Service	None
Norfolk Trading Standards	None
Norfolk Children’s Safeguarding Board	None
Planning (BCKLWN)	None
Health & Safety (BCKLWN)	None
Licensing Authority (BCKLWN)	None
Public Health	None

Representations from ‘Other Persons’

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

6. There are two representations from ‘other persons’ to consider. Copies of the representations are attached to this report at Appendixes 5 and 6.

Notices

7. The applicant is responsible for advertising the application by way of a notice in a specified form at the premises for not less than 28 consecutive days and in a local newspaper on at least one occasion. The Public Notice appeared in ‘Your Local Paper’ on Thursday 10th January 2020 and should have been displayed on the premises up to and including the 21st January 2020.

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

Plans

9. A plan showing the location and street view of One Hundred, 100 Norfolk Street, King’s Lynn, Norfolk is attached as Appendix 7.

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

10. The current Statement of Licensing Policy under the Act was approved by Full Council on the 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.

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.

11. The following extracts may be relevant to this application and assist the Licensing Sub-Committee:

Licensing Objectives and Aims

- 1.2 The legislation provides a clear focus on the promotion of four statutory objectives which must be addressed when licensing functions are undertaken.
- 1.3 The licensing objectives are:
- The prevention of crime and disorder;
 - Public safety;
 - The prevention of public nuisance; and
 - The protection of children from harm.
- 1.4 Each objective is of equal importance. There are no other statutory licensing objectives, so that the promotion of the four objectives is a paramount consideration at all times.

- 1.5 However, the legislation also supports a number of other key aims and purposes. These are vitally important and should be principal aims for everyone involved in licensing work. They include:
- Protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises;
 - Giving the police and licensing authorities the powers they need to effectively manage and police the night-time economy and take action against those premises that are causing problems;
 - Recognising the important role which pubs and other licensed premises play in our local communities by minimising the regulatory burden on business, encouraging innovation and supporting responsible premises;
 - Providing a regulatory framework for alcohol which reflects the needs of local communities and empowers local authorities to make and enforce decisions about the most appropriate licensing strategies for their local area; and
 - Encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may affect them.

Licence Conditions – General Principles

1.16 Conditions on a premises licence or club premises certificate are important in setting the parameters within which premises can lawfully operate. The use of wording such as “must”, “shall” and “will”, is encouraged. Licence conditions:

- must be appropriate for the promotion of the licensing objectives;
- must be precise and enforceable;
- must be unambiguous and clear in what they intend to achieve;
- should not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation;
- must be tailored to the individual type, location and characteristics of the premises and events concerned;
- should not be standardised and may be unlawful when it cannot be demonstrated that they are appropriate for the promotion of the licensing objectives in an individual case;
- should not replicate offences set out in the 2003 Act or other legislation;
- should be proportionate, justifiable and be capable of being met, (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.

The Licensing Objectives

Crime and disorder

- 2.1 Licensing authorities should look to the police as the main source of advice on crime and disorder.
- 2.2 In the exercise of their functions, licensing authorities should seek to co-operate with the Security Industry Authority (“SIA”) as far as possible and consider adding relevant conditions to licences where appropriate. The SIA also plays an important role in preventing crime and disorder by ensuring that door supervisors are properly licensed and, in partnership with police and other agencies, that security companies are not being used as fronts for serious and organised criminal activity. This may include making specific enquiries or visiting premises through intelligence led operations in conjunction with the police, local authorities and other partner agencies. Similarly, the provision of requirements for door supervision may be appropriate to ensure that people who are drunk, drug dealers or people carrying firearms do not enter the premises and ensuring that the police are kept informed.
- 2.3 Conditions should be targeted on deterrence and preventing crime and disorder including the prevention of illegal working in licensed premises. For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television (CCTV) cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally. Some licence holders may wish to have cameras on their premises for the prevention of crime directed against the business itself, its staff, or its customers. But any condition may require a broader approach, and it may be appropriate to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly covered and there is no subsequent dispute over the terms of the condition.
- 2.4 The inclusion of radio links and ring-round phone systems should be considered an appropriate condition for public houses, bars and nightclubs operating in city and town centre leisure areas with a high density of licensed premises. These systems allow managers of licensed premises to communicate instantly with the police and facilitate a rapid response to any disorder which may be endangering the customers and staff on the premises.

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

Public safety

- 2.7 Licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the 2003 Act. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning. Conditions relating to public safety may also promote the crime and disorder objective as noted above. There will of course be occasions when a public safety condition could incidentally benefit a person's health more generally, but it should not be the purpose of the condition as this would be outside the licensing authority's powers (be ultra vires) under the 2003 Act. Conditions should not be imposed on a premises licence or club premises certificate which relate to cleanliness or hygiene.

- 2.8 A number of matters should be considered in relation to public safety. These may include:

- Fire safety;
- Ensuring appropriate access for emergency services such as ambulances;
- Good communication with local authorities and emergency services, for
- example communications networks with the police and signing up for local incident alerts;
- Ensuring the presence of trained first aiders on the premises and appropriate first aid kits;
- Ensuring the safety of people when leaving the premises (for example, through the provision of information on late-night transportation);
- Ensuring appropriate and frequent waste disposal, particularly of glass bottles;
- Ensuring appropriate limits on the maximum capacity of the premises; and
- Considering the use of CCTV in and around the premises.

- 2.9 The measures that are appropriate to promote public safety will vary between premises and the matters listed above may not apply in all cases. Applicants should consider when making their application which steps it is appropriate to take to promote the public safety objective and demonstrate how they achieve that.

Public nuisance

- 2.15 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. 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.
- 9.10 Licensing authorities should consider providing advice on their website about how any person can make representation to them.

Disclosure of personal details of persons making representations

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

Hearings

- 9.31 If the licensing authority decides that representations are relevant, it must hold a hearing to consider them. The need for a hearing can only be avoided with the agreement of the licensing authority, where the applicant and all persons who made representations have given notice to the authority that they consider a hearing to be unnecessary.

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

- 9.42 Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be.
- 9.43 The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.
- 9.44 Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. While this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the

factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters. As with the consideration of licence variations, the licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business. Further advice on determining what is appropriate when imposing conditions on a licence or certificate is provided in Chapter 10. The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination

Imposed Conditions

10.8 The licensing authority may not impose any conditions unless its discretion has been engaged following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives.

10.9 It is possible that, in some cases no additional conditions 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.

The cumulative impact of a concentration of licensed premises

What is cumulative impact?

14.20 The concept of “Cumulative impact” has been described within this guidance and used by licensing authorities within their statements of licensing policy since the commencement of the 2003 Act. ‘Cumulative impact assessments’ were introduced in the 2003 Act by the Policing and Crime Act 2017, with effect from 6 April 2018. Cumulative impact is the potential impact on the promotion of the licensing objectives of a number of licensed premises concentrated in one area.

14.21 In some areas where the number, type or density of licensed premises, such as those selling alcohol or providing late night refreshment, is high or exceptional, serious problems of nuisance and disorder may arise outside or some distance from those premises. Such problems generally occur as a result of large numbers of drinkers being

concentrated in an area, for example when leaving premises at peak times or when queuing at fast food outlets or for public transport.

14.22 Queuing in itself may lead to conflict, disorder and anti-social behaviour. Moreover, large concentrations of people may also attract criminal activities such as drug dealing, pick pocketing and street robbery. Local services such as public transport, public lavatory provision and street cleaning may not be able to meet the demand posed by such concentrations of drinkers leading to issues such as street fouling, littering, traffic and public nuisance caused by concentrations of people who cannot be effectively dispersed quickly.

14.23 Variable licensing hours may facilitate a more gradual dispersal of customers from premises. However, in some cases, the impact on surrounding areas of the behaviour of the customers of all premises taken together will be greater than the impact of customers of individual premises. These conditions are more likely to arise in town and city centres, but may also arise in other urban centres and the suburbs, for example on smaller high streets with high concentrations of licensed premises.

History

12. Members of the Licensing Sub-Committee may wish to be aware that Mr Daniel Hill has held a premises licence authorising the sale of alcohol, regulated entertainment and late night refreshment for One Hundred since March 2014. From March 2014 the end time for licensable activities was 03:00am until a variation to the licence was granted in January 2016 with conditions including a last entry time of 02:30am and an end time for licensable activities of 03:45am. A subsequent variation in January 2018 removed the last entry time condition and the current licence authorises licensable activities until 03:45am.

Determination

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

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

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

Marie Malt

Senior Licensing Officer
Environmental Health - Licensing

7th February 2020

Appendixes:

1. Copy of current Premises Licence.
2. Copy of Variation application.
3. Representations from Norfolk Constabulary.
4. Representation from Community Safety & Neighbourhood Nuisance.
5. Representation from Waste & Recycling Manager.
6. Representations from Cllr Bambridge.
7. Location and street view plan of One Hundred, 100 Norfolk Street, King's Lynn.


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 (April 2018)

LICENSING ACT 2003 WNPL009516
PREMISES LICENCE

LICENSING AUTHORITY

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



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

COPY

Part 1 – Premises Details

<p>One Hundred</p> <p>100 Norfolk Street King's Lynn Norfolk PE30 1AQ</p>	
<p>Telephone Number:</p>	

<p>Where the Licence is time limited the dates:</p>	<p>Not applicable</p>
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Licensable Activities authorised by the licence:

the sale of alcohol by retail
 provision of late night refreshment
 a performance of live music
 similar to live, recorded music & dance
 any playing of recorded music

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

<p>the sale of alcohol by retail</p>	<table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left; border-bottom: 1px solid black;">Description</th> <th style="text-align: left; border-bottom: 1px solid black;">From To</th> </tr> </thead> <tbody> <tr> <td>Thursday to Saturday</td> <td>11:00 - 03:45</td> </tr> <tr> <td>Sunday to Wednesday</td> <td>11:00 - 00:30</td> </tr> </tbody> </table>	Description	From To	Thursday to Saturday	11:00 - 03:45	Sunday to Wednesday	11:00 - 00:30
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<p>Non-Standard Timings To include those days on which Christmas Eve, New Year's Eve, & Bank Holiday Sundays fall - from 11:00 am to 04:00am.</p>							
<p>provision of late night refreshment (Indoors)</p>	<table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left; border-bottom: 1px solid black;">Description</th> <th style="text-align: left; border-bottom: 1px solid black;">From To</th> </tr> </thead> <tbody> <tr> <td>Thursday to Saturday</td> <td>23:00 - 03:45</td> </tr> <tr> <td>Sunday to Wednesday</td> <td>23:00 - 00:30</td> </tr> </tbody> </table>	Description	From To	Thursday to Saturday	23:00 - 03:45	Sunday to Wednesday	23:00 - 00:30
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a performance of live music (Indoors)

Description	From To
Thursday to Saturday	11:00 - 03:45
Sunday to Wednesday	11:00 - 00:30

Non-Standard Timings

To include those days on which Christmas Eve, New Year's Eve, & Bank Holiday Sundays fall - from 11:00 am to 04:00am.

similar to live, recorded music & dance (Indoors)

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To include those days on which Christmas Eve, New Year's Eve, & Bank Holiday Sundays fall - from 11:00 am to 04:00am.

any playing of recorded music (Indoors)

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Non-Standard Timings

To include those days on which Christmas Eve, New Year's Eve, & Bank Holiday Sundays fall - from 11:00 am to 04:00am.

The opening hours of the premises:

Thursday Friday & Saturday	11:00	04:00
Sunday to Wednesday	11:00	01:00

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

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

Part 2

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

Mr Daniel Keith Hill

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:

Mr Daniel Keith Hill

COPY

Personal Licence number and issuing authority of Personal Licence held by Designated Premises Supervisor (where the premises authorises for the supply of alcohol):

**Personal licence Number:
Licensing Authority:**

Licence Number: WNPA010230
Licensing Authority: Kings Lynn And West Norfolk

COPY



Original Issue date of Premises Licence: 20th March 2014

Date of last change: 22nd January 2018

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

ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either a holographic mark, or an ultraviolet feature.

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

- (a) beer or cider: ½ pint;
- (b) gin, rum, vodka or whisky: 25ml or 35ml; and
- (c) still wine in a glass: 125ml;

COPY

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

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

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

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

8. Under Section 21 of the Licensing Act 2003 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.

ANNEX 2 – CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

9. The Licence Holder will ensure that an 'anti-drug policy' is in place at the venue and that a written copy of that policy is available for inspection by representatives of the Police or the Licensing Authority upon reasonable request.

10. A CCTV system must be installed at the premises to provide recorded images in digital format for a continuous period of at least 28 days. Cameras will be positioned in order that images can be recorded in all public areas of the premises including the inside and outside of all public entrances to the venue. Cameras must be capable of providing images to an evidential standard and lighting must be of an appropriate level to facilitate this requirement. The CCTV system must be maintained in good working order and operated at all times when the premises are open for business. Sufficient numbers of staff must be on duty and trained in its operation. CCTV images must be capable of being downloaded in digital format and provided to representatives of the Police or the Licensing Authority upon reasonable request.

11. The premises licence holder shall formulate and comply with a written "Door Staff Deployment Plan" which must be agreed with the Police. A signed copy of the relevant document will be available for inspection at the premises at all times. Any changes to the "Door Staff Deployment Plan" must be made in agreement with the Police and a copy must

be sent to the Police and the Licensing Authority within 7 days and form the detail with regard to this condition.

12. An intruder alarm system must be installed at the premise which meets current British Standards. The system must have the capability of notifying a named key holder in the case of activation. The system must be maintained in good working order at all times.

13. The Licence Holder must keep and maintain a written 'Incident and Refusals' log at the premises. This log must be available for inspection by representatives of the Police or the Licensing Authority upon reasonable request.

14. 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.

15. 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.

16. No deliveries shall be made to the premises before 08:00 hours or after 18:00 hours Monday to Saturday and at no time on Sundays and public and bank holidays.

17. All external windows and doors must be closed during any provision for indoor regulated entertainment with the exception of normal access and egress.

18. From 02.30 hrs the number of persons permitted to congregate outside the front of the premises for smoking purposes will be limited to 6 persons at any one time. The licence holder will ensure that these persons are supervised and controlled by on duty door staff and management personnel.

19. The Licence Holder will ensure that the Challenge 25 identification initiative is in visible operation at the premises at all times.

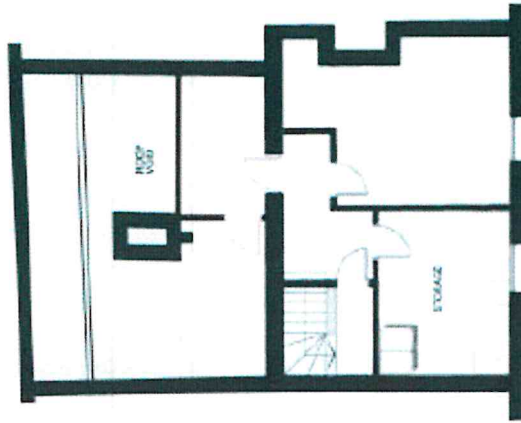
ANNEX 3 – CONDITIONS ATTACHED AFTER A HEARING

Not applicable - no hearing held

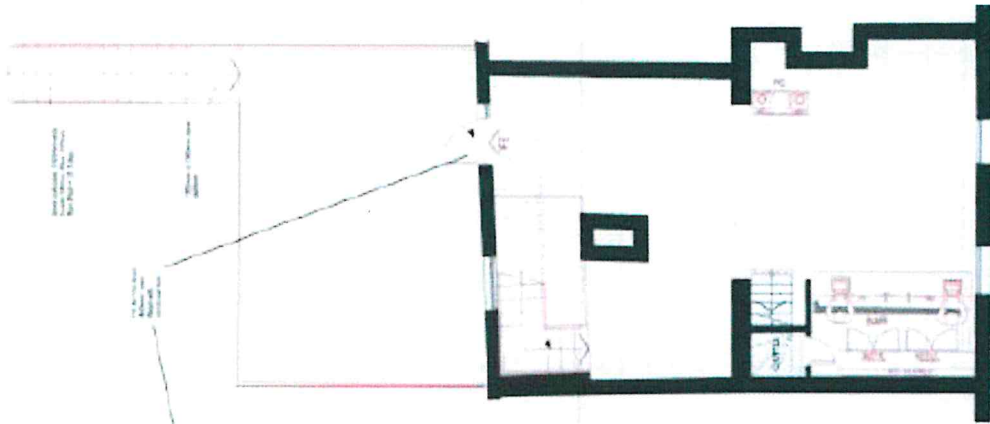
ANNEX 4 – AUTHORISED PLANS

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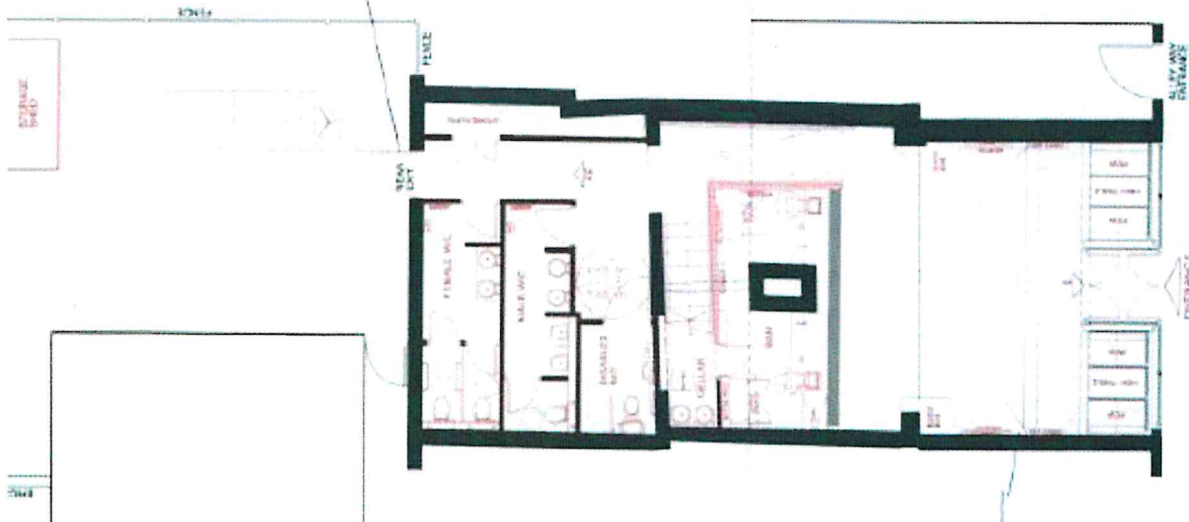
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SECOND FLOOR PLAN
SCALE 1:50 @ A1



FIRST FLOOR PLAN
SCALE 1:50 @ A1



GROUND FLOOR PLAN
SCALE 1:50 @ A1

PREMISES LICENCE SUMMARY

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



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

Part 1 – Premises Details

One Hundred

100 Norfolk Street
King's Lynn
Norfolk
PE30 1AQ

COPY

Telephone Number:

Where the Licence is time limited the dates:

Not applicable

Licensable Activities authorised by the licence:

the sale of alcohol by retail
provision of late night refreshment
a performance of live music
similar to live, recorded music & dance
any playing of recorded music

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On Bank and Public Holidays for England the hours shall be permitted from 11pm to 3am. This includes any Sunday occurring immediately prior to a bank Holiday Monday. On New Year's Eve an additional 1 hour is permitted.

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

Part 2

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

Mr Daniel Keith Hill

Registered number of holder, for example company number, charity number (where applicable)

Name of designated premises supervisor where the premises licence authorises the supply of alcohol:

Mr Daniel Keith Hill

State whether access to the premises by children is restricted or prohibited:

None stated

COPY



Your ref no: Form ref:
PDMZLHDW

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

Appendix 2 to
Report to Licensing Sub-Committee
Re: One Hundred
Dated 7th February 2020

Page: Coversheet

This form was started at:	18/12/2019 18:00:55
This form was completed at:	18/12/2019 19:10:12
Internal form classification:	N / A
Openprocess state:	

Page: Tell us who you are

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

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

Page: Tell us about the individual applicants

How many individual applicants are there? 1

Section: Individual applicant details

Title	MR
Full forename (s)	DANIEL KEITH
Surname	HILL
Date of birth (dd/mm/yyyy)	01/10/1979
Nationality	BRITISH

As part of this application the applicant needs to demonstrate their right to work in the United Kingdom. At the end of this form there is the opportunity to upload the relevant documents.

Home address line 1
Home address line 2
Home address line 3
Home address line 4
Postcode
Daytime telephone number
Mobile telephone number
Email address

Page: Tell us about the premises

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

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

What are you applying for? vary an existing premises licence

Section: Vary an existing premises licence

I being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described below.

Premises licence number	WNPL009516
Name of premises or business	ONE HUNDRED
Address line 1	100 NORFOLK STREET
Address line 2	KINGS LYNN
Address line 3	NORFOLK
Address line 4	
Postcode	PE30 1AQ
Telephone number at the premises	

Do you want the proposed variation to have effect as soon as possible? Yes

Please describe briefly the nature of the proposed variation
TO INCREASE PERMITTED HOURS FOR ALL CURRENT REGULATED ENTERTAINMENT PERMISSIONS, LATE NIGHT REFRESHMENT AND THE RETAIL SALE OF ALCOHOL BY ONE HOUR ON FRIDAYS AND SATURDAYS. THIS EXTRA HOUR TO INCLUDE CURRENT NON-STANDARD TIMINGS FOR CHRISTMAS EVE, NEW YEAR'S EVE AND BANK HOLIDAY SUNDAYS.

What is the non-domestic rateable value (NDRV) of the premises? £4,301 - £33,000

If you're unsure of the non-domestic rateable value you can double check this on the [GOV.UK](https://www.gov.uk) website. **If the premises hasn't been set a non-domestic rateable value by the valuation office, then please select the lowest band.**

How many people are expected to attend the premises at any one time? 4,999 or less

If you have 30,000 or more people attending at any one time, you will need to contact us.

What you will need to pay

The application fee for a non-rateable value between £4,301 - £33,000 is:

£190.00

Annual payments

Each premises licence we grant will need to pay an **annual fee**. We will invoice you annually on the date when the first licence was issued.

Where do you want your annual invoice sent to? Applicant's address

Page: Tell us which licensable activities

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

A licence is not required for:

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

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

A licence is not required for:

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

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

performances of dance at the premises?

Will you be providing late night refreshment at the premises? Yes

Late night refreshment is only licensable between the hours of 11pm and 5am.

Will you be selling or supplying alcohol at the premises? Yes

Page: Provision of live music

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

Section: Monday

Start time 11:00
End time 00:30

Section: Tuesday

Start time 11:00
End time 00:30

Section: Wednesday

Start time 11:00
End time 00:30

Section: Thursday

Start time 11:00
End time 03:45

Section: Friday

Start time 11:00
End time 04:45

Section: Saturday

Start time 11:00
End time 04:45

Section: Sunday

Start time 11:00
End time 00:30

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

Please provide further details here

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

Where you intend to use the premises for the provision of live music at different times to those listed above, please specify below: CHRISTMAS EVE, NEW YEAR'S EVE AND BANK HOLIDAY SUNDAYS - TIMINGS TO START FROM 11:00 AND END AT 04:45

Page: Provision of recorded music

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

Section: Monday

Start time 11:00
End time 00:30

Section: Tuesday

Start time 11:00
End time 00:30

Section: Wednesday

Start time 11:00
End time 00:30

Section: Thursday

Start time 11:00
End time 03:45

Section: Friday

Start time 11:00
End time 04:45

Section: Saturday

Start time 11:00
End time 04:45

Section: Sunday

Start time 11:00
End time 00:30

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

Please provide further details here

Please state any seasonal variations for the provision of recorded music

Where you intend to use the premises for the provision of recorded music at different times to those listed above, please specify below: CHRISTMAS EVE, NEW YEAR'S EVE AND BANK HOLIDAY SUNDAYS - TIMINGS TO START FROM 11:00 AND END AT 04:45

Page: Provision of anything of a similar description to live music, recorded music or performances of dance

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

Section: Monday

Start time 11:00
End time 00:30

Section: Tuesday

Start time 11:00
End time 00:30

Section: Wednesday

Start time 11:00
End time 00:30

Section: Thursday

Start time 11:00
End time 03:45

Section: Friday

Start time 11:00
End time 04:45

Section: Saturday

Start time 11:00
End time 04:45

Section: Sunday

Start time 11:00
End time 00:30

Will the provision of anything of a similar description to live music, recorded music or performances of dance take place indoors, outdoors or both? Indoors

Please provide further details here

Please state any seasonal variations for the provision of anything of a similar description to live music, recorded music or performances of dance

Where you intend to use the premises for the provision of anything of a similar description to live music, recorded music or performances of dance at different times to those listed above, please specify below:

CHRISTMAS EVE, NEW YEAR'S EVE AND BANK HOLIDAY SUNDAYS - TIMINGS TO START FROM 11:00 AND END AT 04:45

Page: Provision of late night refreshment

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

Section: Monday

Start time 23:00

End time 00:30

Section: Tuesday

Start time 23:00

End time 00:30

Section: Wednesday

Start time 23:00

End time 00:30

Section: Thursday

Start time 23:00

End time 03:45

Section: Friday

Start time 23:00

End time 04:45

Section: Saturday

Start time 23:00

End time 04:45

Section: Sunday

Start time 23:00

End time 00:30

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

Please provide further details here

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

Where you intend to use the premises for the provision of late night refreshment at different times to those listed above, please specify below: CHRISTMAS EVE, NEW YEAR'S EVE AND BANK HOLIDAY SUNDAYS - TIMINGS TO START FROM 23:00 AND END AT 04:45

Page: Provision of alcohol

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

Section: Monday

Start time 11:00
End time 00:30

Section: Tuesday

Start time 11:00
End time 00:30

Section: Wednesday

Start time 11:00
End time 00:30

Section: Thursday

Start time 11:00
End time 03:45

Section: Friday

Start time 11:00
End time 04:45

Section: Saturday

Start 11:00
End time 04:45

Section: Sunday

Start time 11:00
End time 00:30

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

Please state any seasonal variations for the provision of alcohol

Where you intend to use the premises for the provision of alcohol at different times to those listed above, please specify below: CHRISTMAS EVE, NEW YEAR'S EVE AND BANK HOLIDAY SUNDAYS - TIMINGS TO START FROM 11:00 AND END AT 04:45

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

Are you the proposed Designated Premises Supervisor (DPS)?	Yes
---	-----

Section: Please tell us more about yourself

Please tell us your date of birth (dd/mm/yyyy)	01/10/1979
---	------------

Please tell us your nationality	BRITISH
--	---------

Do you currently hold a personal licence?	Yes
--	-----

Personal licence number	WNPA010230
--------------------------------	------------

Personal licence issuing authority	BOROUGH COUNCIL OF KINGS LYNN & WEST NORFOLK
---	--

Page: Tell us the premises opening hours

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

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

Section: Monday

Start time	11:00
End time	01:00

Section: Tuesday

Start time	11:00
End time	01:00

Section: Wednesday

Start time	11:00
End time	01:00

Section: Thursday

Start time	11:00
End time	04:00

Section: Friday

Start time	11:00
End time	05:00

Section: Saturday

Start time	11:00
End time	05:00

Section: Sunday

Start time	11:00
End time	01:00

Please tell us about any seasonal variations

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

CHRISTMAS EVE, NEW YEAR'S EVE AND BANK HOLIDAY SUNDAYS - TIMINGS TO START FROM 11:00 AND END AT 05:00

Page: Tell us about the operating schedule

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

NONE

Please describe the steps you intend to take to promote the four licensing objectives:

General - List here the steps you will take to promote all four of the licensing objectives

IT IS NOT CONSIDERED THAT THERE WILL BE ANY NEED TO ADD TO THE MEASURES ALREADY ROBUSTLY EMPLOYED AT THE PREMISES AND WHICH ARE CONDITIONED WITHIN THE CURRENT PREMISES LICENCE.

The prevention of crime and disorder

IT IS NOT CONSIDERED THAT THERE WILL BE ANY NEED TO ADD TO THE MEASURES ALREADY ROBUSTLY EMPLOYED AT THE PREMISES AND WHICH ARE CONDITIONED WITHIN THE CURRENT PREMISES LICENCE.

Public safety

IT IS NOT CONSIDERED THAT THERE WILL BE ANY NEED TO ADD TO THE MEASURES ALREADY ROBUSTLY EMPLOYED AT THE PREMISES AND WHICH ARE CONDITIONED WITHIN THE CURRENT PREMISES LICENCE.

The prevention of public nuisance

IT IS NOT CONSIDERED THAT THERE WILL BE ANY NEED TO ADD TO THE MEASURES ALREADY ROBUSTLY EMPLOYED AT THE PREMISES AND WHICH ARE CONDITIONED WITHIN THE CURRENT PREMISES LICENCE.

The protection of children from harm

IT IS NOT CONSIDERED THAT THERE WILL BE ANY NEED TO ADD TO THE MEASURES ALREADY ROBUSTLY EMPLOYED AT THE PREMISES AND WHICH ARE CONDITIONED WITHIN THE CURRENT PREMISES LICENCE.

Page: Documents checklist - varying a premises licence

Checklist

- ✓ I understand that I must now advertise the application both in the newspaper and on the premises
- ✓ I will send a copy of the advert once it has appeared in the newspaper
- ✓ I understand that I must send my certificate of service, certificate of display and original premises licence to the Borough Council of King's Lynn and West Norfolk
- ✓ I understand that if I do not comply with the above requirements my variation may be rejected

When varying your premises licence, you need to provide the following information:

You can use the following upload facility to provide a copy of the set to scale plans for the premises (if the layout has changed):

Uploaded files*

* If empty, no files were uploaded

Please use this box to tell us anything else

Your ref no: Form ref:
PDMZLHDW

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

Page: Payment summary

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

Page: Declaration and payment

Review your answers

Before clicking 'submit' you must review all of the answers you've provided. **Once your form has been submitted, you cannot make any changes.** If you need to make any amendments to this form, then click 'previous' (you will need to click the declaration box first). Please click on the following link to double check your answers.

[Open a read only view of the answers you have given \(this will open in a new window\)](#)

Privacy notice

The Council has a duty to process and store your personal information safely and securely in line with data protection legislation, which here means the General Data Protection Regulations (Regulation (EC) 2016/679 which is in force from 25 May 2018) (GDPR) and any national implementing laws, regulations and secondary legislation, as amended or updated from time to time, in the UK and then any successor legislation to the GDPR.

The Borough Council of King's Lynn and West Norfolk (the Council), of Kings Court, Chapel Street, King's Lynn, Norfolk, PE30 1EX is the data controller for the purposes of the GDPR and associated domestic law.

We will use your personal information for the purposes of the provision of the licensing services. The processing of this information is necessary for the Council to undertake a public task, i.e. the processing is necessary for the Council to perform a task in the public interest or for its official functions, and the task or function has a clear basis in law, in this case the Licensing Act 2003, as amended.

Your data may be shared between Council departments and other agencies where there is lawful authority to do so.

Your information will be kept strictly confidential. It will be stored separately from other information in a secure, password-protected database on the Council's computer system.

Your personal information will be kept for as long as you require a licence and for a period after the service is terminated. You can find more information about our retention policy on the [privacy notice](#) page. We will only use your data within the terms of data protection laws, will delete your data securely and only keep it for as long as necessary. We will review dates for keeping personal data in the future and if necessary update these privacy notices.

You may see copies of the data held about you and ask for it to be corrected or deleted.

You can find more information about Data Protection and the Council's Data Protection Officer, on our [Data Protection](#) page.

If you are unhappy with the way your personal information is being handled you can contact the [Independent Information Commissioner](#).

Declaration

Please read this declaration carefully before you press submit.

- I certify to the best of my knowledge and belief, the information supplied by me on this form is accurate
- I understand that it is an offence under section 158 of the Licensing Act 2003 to make a false statement in or in connection with this application. Those who make a false statement may be liable on summary conviction to a fine of any amount
- I understand that it is an offence under section 24B of the Immigration Act 1971 for a person to work when they know, or have reasonable cause to believe, that they are disqualified from doing so by reason of their immigration status. Those

who employ an adult without leave or who is subject to conditions as to employment will be liable to a civil penalty under Section 15 of the Immigration, Asylum and Nationality Act 2006 and pursuant to Section 21 of the same Act, will be committing an offence where they do so in the knowledge, or with reasonable cause believe, that the employee is disqualified

- I understand the personal information collected on this form will be used by the Borough Council of King's Lynn and West Norfolk to process my request, and deliver the service
- I understand the personal information will only be disclosed to the Norfolk Constabulary Licensing Team and the Home Office in connection with delivering this service
- I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work related to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK

You can find out more detailed information about our Privacy Policy, on our [privacy notice page](#).

I confirm that all of the details I have provided are correct and I understand that the information provided on this form is subject to the provisions of the above privacy notice.

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



NORFOLK
CONSTABULARY
Our Priority is You

Licensing Team,
Borough Council for Kings Lynn and West
Norfolk
Kings Court,
Chapel Street,
Kings Lynn,
Norfolk,
NR30 1EX

The Licensing Team

Bethel Street Police Station
Norwich
Norfolk
NR2 1NN

Tel: 01603 276093

Fax: 01603 276025

Email: licensingteam@norfolk.pnn.police.uk

www.norfolk.police.uk

Non-Emergency Tel: 101

Date: 13th January 2020

Bar 100, Norfolk Street, Kings Lynn

Dear Licensing Team,

This letter is to confirm police have received the application for a variation to the premises licence at Bar 100, Norfolk Street, Kings Lynn.

Police raise an objection to the granting of the extension applied for, based on the threat to the Crime and Disorder licensing objective.

Bar 100 currently suffers bouts of crime and disorder. These episodes cause trauma for victims and witnesses. Most assaults are of a minor nature with no weapons used, and quickly resolved by the security team at the premises. The premise is visited by police patrols each Friday and Saturday when operating. The DPS is a member of the town's pub watch scheme where police statistics are shared and troublemakers from the "banned list" discussed.

Any further extension of the hours at Bar 100 will make it the latest opening venue on Norfolk Street. This will make it the final destination venue for revellers from other bars, most of whom are already affected by alcohol.

Police assert the risk of increased bouts of disorder and other offences being committed will be significantly increased if an extension is permitted.

I will present a full list of relevant incidents to support this objection in time for the licensing sub-committee

Yours sincerely,

Chris Brooks,
Police licensing officer

CC- Police licensing team
Applicant and DPS Daniel HILL



NORFOLK

CONSTABULARY

Our Priority is You

Licensing Team,
Borough Council for Kings Lynn and West
Norfolk
Kings Court,
Chapel Street,
Kings Lynn,
Norfolk,
NR30 1EX

The Licensing Team

Bethel Street Police Station
Norwich
Norfolk
NR2 1NN

Tel: 01603 276093

Fax: 01603 276025

Email: licensingteam@norfolk.pnn.police.uk

www.norfolk.police.uk

Non-Emergency Tel: 101

Date: 13th January 2020

Bar 100, Norfolk Street, Kings Lynn

Dear Licensing Team,

This letter is to confirm police have received the application for a variation to the premises licence at Bar 100, Norfolk Street, Kings Lynn.

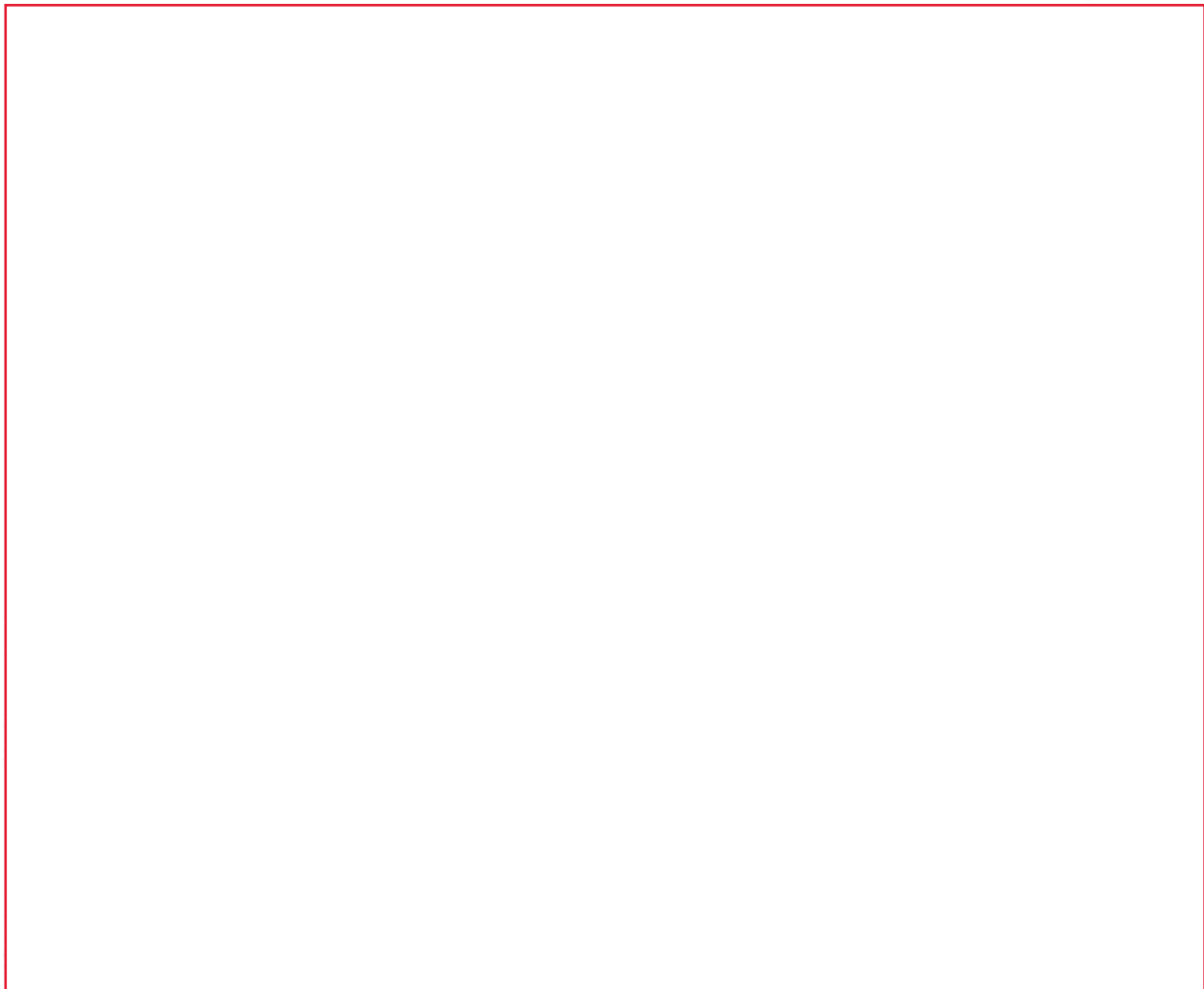
Police raise an objection to the granting of the extension applied for, based on the threat to the Crime and Disorder licensing objective.

Bar 100 currently suffers bouts of crime and disorder. These episodes cause trauma for victims and witnesses. Most assaults are of a minor nature with no weapons used, and quickly resolved by the security team at the premises. The premise is visited by police patrols each Friday and Saturday when operating. The DPS is a member of the town's pub watch scheme where police statistics are shared and troublemakers from the "banned list" discussed.

Any further extension of the hours at Bar 100 will make it the latest opening venue on Norfolk Street. This will make it the final destination venue for revellers from other bars, most of whom are already affected by alcohol.

Police assert the risk of increased bouts of disorder and other offences being committed will be significantly increased if an extension is granted.

Some examples of recent disorder, allegations of customers being over intoxicated and other problems at Bar 100 are listed below: -



IN CLOSING

The applicant seeks to extend the operation at Bar 100, allowing revellers already affected by consumption of alcohol, more opportunities to fall victim; or commit, or witness offences at these premises. He offers no additional measures to tackle the potential for further violence or disorder. He hasn't tested the water for the proposed later operation by using TENS to measure the impact of such an extension.

The door team are vigilant when checking the sobriety of customers entering the venue. Despite this attention a high number of patrons are ejected from the premises drunk. Many of these are then arrested for being drunk and disorderly. This demonstrates a policy at the bar for providing alcohol beyond many patrons' tolerable limit

Police assert the extension of hours at Bar 100 will create more conflict at the door when staff make refusals of entry. The last customer entry time was removed from the premises licence after a minor variation on 8th January 2018. This was agreed after a trial period covered by TENS, to determine if conflict at the door would be reduced by not making as many refusals for entry. The trial worked and the last entry time was removed. Any extension of the operating hours will mean making more refusals and increasing conflict at the door, when customers from earlier venues, affected by alcohol, arrive at Bar 100. This has high potential to undermine the prevention of crime and disorder licensing objective, and hours should remain set at the current limit.

Yours sincerely,

Chris Brooks,
Police licensing officer

CC- Police licensing team
Applicant and DPS Daniel HILL

RESTRICTED (when complete)

WITNESS STATEMENT

Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

URN:

Statement of: Alan STAFF

Age : Over 18 (if over 18 insert 'over 18') Occupation: Police Sergeant 3034

This statement (consisting of 3 pages(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that if it is tendered in evidence I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Signature: Alan Staff

Date: 20/01/2020

I am Police Sergeant 3034 STAFF of NORFOLK Police, currently stationed at KINGS LYNN.
I have been a police officer in KINGS LYNN for 18 years, a Sergeant for 14 years. I have

[Large empty red-bordered box for statement content]

Signature:

Witnessed by:

RESTRICTED (when complete)

RESTRICTED (when complete)

Continuation of Statement of : Alan STAFF

Page 2 of 3

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Signature:

Witnessed by:

63
RESTRICTED (when complete)

RESTRICTED (when complete)

Continuation of Statement of : Alan STAFF

[Empty red-bordered box for content]

Signature:

Witnessed by:

RESTRICTED (when complete)

From: Suzi Pimlott
Sent: 20 January 2020 12:09:45 (UTC) Dublin, Edinburgh, Lisbon, London
To: EH Licensing
Subject: One Hundred, 100 Norfolk Street *OFFICIAL - *

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

Dear Licensing Team

Application for the Variation of a Premises Licence
One Hundred, 100 Norfolk Street, King's Lynn, Norfolk, PE30 1AQ

Please find below the comments from the Community Safety and Neighbourhood Nuisance Team on this variation of a premises licence application. I have assessed this application against Section 182 of the Licensing Act 2003, and therefore my comments take into consideration the protection of local residents and the public from noise and anti-social behaviour. The relevant licensing objectives are 1) public safety and 2) the prevention of public nuisance; this application will have a detrimental effect on these objectives.

This team did receive and investigate a noise complaint over four years ago at One Hundred, but this was as a result of an operational issue which was promptly resolved. Our involvement with the premises has continued on and off in relation to both planning and licensing applications and the applicant has always listened to our advice and worked with us in order to mitigate noise emanating from the premises.

Our concerns now, however, are that extending the opening hours on Friday and Saturdays by an additional hour will have a number of impacts on activities in Norfolk Street, the wider area of the town and routes out of town, through residential areas. We consider that the main impacts will be the effect of the licensable activities at this premises on:

persons living in Norfolk Street, who, due to the activities already occurring as a result of the night time economy, are subjected to noise and anti-social behaviour until past 04:15 hours currently, meaning they only have a break and period of respite until 06:00 hours when the council street cleaning operatives commence work to remove litter, vomit and urine from Norfolk Street. With the premises remaining open until 05:00 hours, this further reduces any potential for peace and quiet for residents;

persons residing in residential streets likely to be on the routes home for persons leaving the club on foot, upon whom there will be a similar impact and level of disturbance from late night revellers returning home past their properties, making noise, behaving drunkenly/anti-socially and dropping litter, who will also have a reduced period of respite and quiet sleep time before they may have to get up for work or other activities;

the effect on those persons working in the area, including volunteers in the SOS bus located in Norfolk Street on Friday and Saturday evenings to provide support to late night revellers on a number of social, physical and mental wellbeing issues;

the effect on surrounding businesses who trade during the day and may have staff who open up early, and may encounter damage to the premises or even public safety concerns due to lingering drunken revellers;

the increased levels and/or prolonged periods of littering, street fouling, traffic (taxis or personal vehicles collecting people) and public nuisance;

the effect on Council street cleaning operatives commencing work at 06:00 hours who may have additional cleaning tasks imposed upon them as a result of the additional trading hour, combined with unnecessary pressure or difficulty in undertaking their work/unhindered access to clear up, or even unwanted attention, verbal abuse or personal safety issues from pedestrians or others under the influence of alcohol and/or drugs, if the overnight revellers have not dispersed from Norfolk

Street – Paragraph 14.22 of Section 182 of the Licensing Act 2003 refers (“Local services such as public transport, public lavatory provision and street cleaning may not be able to meet the demand posed by such concentrations of drinkers leading to issues such as street fouling, littering, traffic and public nuisance caused by concentrations of people who cannot be effectively dispersed quickly”). Norfolk Street is normally tackled first thing in the morning, particularly at weekends, due to the night time economy and because it is one of the main pedestrian access roads into town. Taking into account drinking up time in the club, people getting something to eat and/or queuing for taxis, it is highly likely overnight revellers will not have left the area.

The provision of late night refreshment until 04:45 hours Saturdays and Sundays will impact beyond this time, as customers leaving at a later hour could be involved in alcohol-fuelled crime and disorder in the night-time economy, such as at fast-food takeaways where late-night drinkers congregate. With One Hundred opening later on the two peak days of the week, this is only likely to encourage other similar licensed establishments to follow suit and extend their opening hours. Cumulatively, this will further impact adversely on residents and local businesses due to noise and activities from overnight drinkers, and additionally there will be a knock-on effect leading to fast food outlets extending their hours to supply the additional demand for takeaway food. Norfolk Street is located in a small town, not a large city, and the infrastructure and resources are not in place to cope. It is unreasonable for townsfolk enjoying sleep in their own homes to have a further reduced period of respite from activities in or associated with premises in Norfolk Street. Paragraph 14.23 of Section 182 states that “variable licensing hours may facilitate a more gradual dispersal of customers from premises. However, in some cases, the impact on surrounding areas of the behaviour of the customers of all premises taken together will be greater than the impact of customers of individual premises. These conditions are more likely to arise in town and city centres, but may also arise in other urban centres and the suburbs, for example on smaller high streets with high concentrations of licensed premises.” This is very relevant to Norfolk Street. Allowing an extension of hours at One Hundred will set a precedent and other licensed premises in Norfolk Street are highly likely to follow suit.

It is relevant to stress that whilst littering and noise nuisance are the major concerns, light pollution from external and internal lighting of the numerous ‘night time economy’ premises along Norfolk Street, plus noxious smells from smokers of tobacco and other substances as well as the fast food takeaways could also impact on residents, particularly in the summer when people require outside air flow through their homes.

Paragraph 14.21 of Section 182 states “In some areas where the number, type or density of licensed premises, such as those selling alcohol or providing late night refreshment, is high or exceptional, serious problems of nuisance and disorder may arise outside or some distance from those premises. Such problems generally occur as a result of large numbers of drinkers being concentrated in an area, for example when leaving premises at peak times or when queuing at fast food outlets or for public transport”. Whilst the proposed extension of opening hours on Fridays and Saturdays are unlikely to have any impact inside One Hundred, our concerns are the numerous impacts once customers leave the premises, given the other drinking establishments, the fast food outlets and the taxi premises located in Norfolk Street.

For all the reasons stated above, the Community Safety & Neighbourhood Nuisance Team are objecting to the variation of the premises licence for One Hundred.

Kind regards

Suzi Pimlott (Mrs)

Senior Community Safety & Neighbourhood Nuisance Officer
Community Safety & Neighbourhood Nuisance Team
Borough Council of King's Lynn and West Norfolk

From: Barry Brandford
Sent: 20 January 2020 11:15:52 (UTC) Dublin, Edinburgh, Lisbon, London
To: EH Licensing; Vicki Hopps
Cc: Nathan Johnson; John Hussey; Suzi Pimlott
Subject: 19/02515/LA_VAR | Variation of a Premises Licence | Open for Consultation | 100 Norfolk Street King's Lynn Norfolk PE30 1AQ

Good morning

The application has been reviewed by managers within the Public Open Spaces and Recycling and Waste Management Services.

Broadly, the proposal is for significantly later closing hours on two nights and these have been considered against the operations of the services and the Statement of Licensing Policy adopted by the council. The most relevant paragraphs are 9.1 and 9.2 and on that basis we object.

Street cleansing operations commence at 6 am and involve the use of heavy plant to cleanse the highway. The safe operation of this plant requires the separation of the vehicles from members of the public where people may be intoxicated the risk of accidents and injuries is significantly increased as the perception of risk is reduced. The same conditions apply to the use of manual cleansing. The presence of persons who may remain in the area of the premises will impede the safe and efficient cleansing of the streets. There is concern that those persons who are intoxicated will hinder and become abusive to street cleaning staff. The risk of conflict will be increased if customers of the premises are then waiting for taxis of using late night refreshment premises.

The council and other waste collection contractors collect waste from premises on Norfolk Street with collections undertaken by the council commencing at 6 am and other contractors may commence earlier. Norfolk Street is a relatively narrow highway with limited carriageway width. Collections are made using vehicles of up to 26 Tonnes gross vehicle weight. The presence of persons who may be intoxicated will create risks to the public and to collection staff. The loss of judgement with regard to safety may mean that patrons of the premises may make poor judgements. The use of automatic lifting equipment creates risk of entanglement and lifting in to the compaction mechanism of the vehicle. There are also concerns that the increased volume of taxis may make progress along Norfolk Street more difficult without encroaching on to the pavement or other areas where pedestrians may be present. This may lead to increased risk of conflict between the public and collection teams.

The waste industry is also aware of the risk of persons entering large wheeled bins to sleep and that such judgements are increased by the risk of alcohol consumption and there are concerns that later opening hours may make this a more significant risk. The major retail areas around Norfolk Street have many such bins. Being ejected from a bin in to the rear of a waste collection vehicle invariably leads to fatalities. It is not always possible to detect people who sleep in bins before emptying despite the best efforts of both public and commercial waste operators.

On the basis that we have seen no arrangements to protect persons leaving the premises from accidents and others who may be affected by immediate harms the Recycling and Waste Management Team and additionally the Public Open Space Team both object to the proposal.

If you require any further details please do not hesitate to contact me.

Kind Regards

Barry Brandford
Waste and Recycling Manager
Borough Council of King's Lynn & West Norfolk



16th January 2020

Attention Licensing Dept

100 Norfolk Street - Variation of premises licence

I am extremely concerned about this application for a change to the closing time to 4.45am. I would like to know what justification there is for this? Other premises are open until 3.45am and 4am and wonder if this is more than late enough? This could set a precedent for others to apply and I ask do we really want to allow what will almost become a 24 hour opportunity to purchase alcohol especially when there are already problems with street drinking around the Town Centre.

Norfolk Street has become the area for late night drinking and has to be policed because it has become a trouble spot. Although Norfolk Street is mainly retail, there are many flats above shops as well as residential in the yards off Norfolk Street, flats at Hopmans Court etc.

My reasons for objecting are:

The prevention of public nuisance – residents in the area (Norfolk Street/Austin Street and other streets nearby) advise me that they have witnessed urinating, vomiting, sexual activity, shouting, screaming, fighting and are aware of defecating occurring, drug dealing and I'm sure the Council's Clean-up team can attest to the inordinate amount of debris left behind on a Friday and Saturday night.

The prevention of crime and disorder – I have no figures but I hear verbally from Police officers of the need for their presence at weekends. The Police also post on Twitter about assaults on them, spitting and other problems.

Public safety- residents tell me that they feel unsafe especially because the fighting and drug dealing spreads into nearby streets. Residents have had windows broken in the night and the SOS bus has to be present during the "night-time economy". They offer first aid, safe sex advice (free condoms, femidoms), needle exchange and hot drinks for warmth on cold nights.

I am unable to back this up with names and addresses of residents and there is no time for me to canvass but I can assure you I have, over several years, been made aware of these issues. Only last week a High Street resident mentioned his surprise at how bad the ASB is when he went to collect his partner who had met some work colleagues in Norfolk Street.

Cllr. Lesley Bambridge
St Margaret's with St Nicholas Ward

100 Norfolk Street

Since my original objection, I would like to add the following:

At a recent Environment and Community Panel, I asked Superintendent Dave Buckley, how many officers are on duty to cover the night time economy at weekends. He replied that there is a sergeant and 10 officers mostly on a Saturday night but often on a Friday night also. I have been advised subsequently that this leaves no officers spare for other duties other those at the custody suite at Saddlebow.

I had an informal chat with a local police officer today who said how useful the SOS bus when officers were attacked.

There are people living above shops such as immediately next door at No 99A and 99B flats also at 78 and opposite at 39A and more.

Received from Cllr Bambridge
by email on 2nd February 2020.
November.

Plan showing One Hundred, 100 Norfolk Street, King's Lynn, Norfolk, PE30 1AQ

