

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



Licensing Committee

Agenda

Tuesday, 29th March, 2022

at 3.05 pm or upon the rising of the Licensing and Appeals Board Meeting which starts at 3.00pm, whichever is the later.

in the

**Assembly Room
Town Hall
Saturday Market Place
King's Lynn**



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

Friday 18 March 2022

Dear Member

Licensing Committee

You are invited to attend a meeting of the above-mentioned Sub Committee which will be held on **Tuesday, 29th March, 2022 at 3.05 pm** in the **Assembly Room, 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. Members Present under Standing Order 34

5. Minutes (Pages 5 - 70)

To approve as a correct record the below minutes:

16th April 2019 – Full Meeting

13th June 2019 – Sub-Committee Hearing (Sandell, Bambridge and Whitby)

18th February 2020 – Sub-Committee Hearing (Sandell, Manning and Parish)

4th August 2020 – Sub-Committee Hearing (Sandell, D Tyler and Whitby)

18th November 2020 – Sub-Committee Hearing (Sandell, Bambridge and Rust)

25th February 2021 – Sub Committee Hearing (Sandell, D Tyler and Parish)

21st July 2021 – Sub-Committee Hearing (Nockolds, D Tyler and Whitby)

24th August 2021 – Sub-Committee Hearing (Nockolds, Crofts and Sampson)

6. Any other Business

7. Date of the next meeting

To be advised.

After the meeting, Members will receive a briefing and update from officers.

To:

Licensing Committee: Councillors A Bubb, C J Crofts (Vice-Chair), A Holmes, C Hudson, C Manning, C Morley, S Nash, E Nockolds (Chair), T Parish, J Rust, C Sampson, Mrs V Spikings, A Tyler, D Tyler and D Whitby

Officers:

Marie Malt, Senior Licensing Officer

Johanna Riches, Licensing Officer

Craig Pease, Licensing Enforcement Officer

BOROUGH COUNCIL OF KING'S LYNN & WEST NORFOLK

LICENSING COMMITTEE

**Minutes from the Meeting of the Licensing Committee held on Tuesday,
16th April, 2019 at 5.30 pm in the Card Room - Town Hall, Saturday Market
Place, King's Lynn PE30 5DQ**

PRESENT: Councillors C J Crofts (Chairman), Miss L Bambridge, A Bubb, M Hopkins, G Howman, C Sampson, D Tyler, Mrs M Wilkinson and Mrs S Young.

OFFICERS:

Vicki Hopps – Environmental Health Manager

Marie Malt – Senior Licensing Officer

1 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Manning, Tilbrook, Sandell and White.

2 MINUTES

RESOLVED: The minutes from the following meetings were agreed as a correct record and signed by the Chairman:

2nd May 2018 – Full meeting of the Committee.
13th September 2018 – Sub Committee Hearing
5th February 2019 – Sub Committee Hearing
27th February 2019 – Sub Committee Hearing.

3 ITEMS OF URGENT BUSINESS

There was no urgent business.

4 DECLARATIONS OF INTERESTS

There was no declarations of interest.

5 MEMBERS PRESENT UNDER STANDING ORDER 34

None.

6 CHAIRMANS CORRESPONDENCE

None.

7 EXCLUSION OF PRESS AND PUBLIC

RESOLVED: That under Section 100(A)(4) of the Local Government Act, 1972, the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A to the Act.

8 **REVIEW OF SUB-COMMITTEE HEARINGS DURING THE YEAR AND UPDATE FROM THE LICENSING OFFICER**

The Senior Licensing Officer provided the Committee with an update.

RETURN TO OPEN SESSION

9 **ANY OTHER BUSINESS**

There was none.

10 **DATE OF THE NEXT MEETING**

To be scheduled as required.

The meeting closed at 5.50 pm

BOROUGH COUNCIL OF KING'S LYNN & WEST NORFOLK

LICENSING COMMITTEE

**Minutes from the Meeting of the Licensing Committee held on Thursday,
13th June, 2019 at 11.30 am in the Card Room - Town Hall, Saturday Market
Place, King's Lynn PE30 5DQ**

PRESENT: Councillors Miss S Sandell (Chairman), L Bambridge and D Whitby

OFFICERS:

Jake Currier – Legal Advisor
Octavia Holman – Legal Advisor
Marie Malt – Senior Licensing Officer
Rebecca Parker – Democratic Services Officer
Jo Riches - Licensing Officer

OTHER COUNCILLORS IN ATTENDANCE: Councillors Holmes, Howman, Hudson and Morley.

1 APOLOGIES FOR ABSENCE

There were no apologies for absence.

2 ITEMS OF URGENT BUSINESS

There was no urgent business.

3 DECLARATIONS OF INTERESTS

There was no declarations of interest.

**4 TO CONSIDER AN APPLICATION FOR A PREMISES LICENCE FOR
MRH GAYWOOD, 1-5 LYNN ROAD, KING'S LYNN**

The Chairman welcomed everyone to the Hearing and declared that the Sub-Committee was sitting to consider an application for a premises licence in respect of MRH Gaywood, 1-5 Lynn Road, King's Lynn. She introduced the Sub-Committee, the Borough Council officers and the Legal Advisors and explained their roles.

Those present were advised that some new Members of the Licensing Committee had attended the Sub-Committee Hearing to observe for training purposes. The Members would take no part in the proceedings.

Robert Botkai and Simon Field, present on behalf of the applicant, introduced themselves.

Mr and Mrs Ridley introduced themselves.

All parties confirmed that fifteen minutes would be sufficient to present their case.

5 **PROCEDURE WHICH WILL BE FOLLOWED AT THE HEARING**

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

6 **REPORT OF THE LICENSING OFFICER**

At the request of the Chairman, the Senior Licensing Officer presented her report to the Sub-Committee. The Senior Licensing Officer explained that the applicant had made an application under Section 17 of the Act for the licensable activities of sale of alcohol by retail for consumption off the premises and the provision of late night refreshments.

The Senior Licensing Officer informed the Sub-Committee of the following:

- The four Licensing Objectives.
- The operating hours applied for.
- Mandatory Conditions
- Conditions consistent with the operating schedule.
- Conditions put forward by the Applicant
- Notice of the application had been displayed on the premises and in a local newspaper.
- Plan of the premises and map showing the location of the 'other persons'.
- Relevant extracts from the Councils Licensing Policy
- Relevant extracts from the Section 182 Guidance

The Sub-Committee was informed that no representations had been received from the Responsible Authorities. One representation had been received from 'other persons' which had been included in the report.

The Senior Licensing Officer requested that the Sub-Committee had regard to the written material contained in the Agenda and the representations put forward at the Hearing and dispose of the matter by using one of the methods outlined in her report. She reminded the Sub-Committee that reasons for their decision should be given as all parties had a right to appeal to the Magistrates Court.

The Chairman invited questions to the Senior Licensing Officer from all parties. Robert Botkai referred to Section 182 guidance which had been contained within the report and referred to paragraph 10.15 of the

guidance which had not been included in the Senior Licensing Officers report which stated that "Shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours."

7 **THE APPLICANT'S CASE**

At the request of the Chairman, Robert Botkai, on behalf of the applicant presented his case.

He thanked the Senior Licensing Officer for making reference to the relevant sections of the Section 182 Guidance and Council's Licensing Policy.

Robert Botkai explained that the petrol garage was currently open 24hrs and a window hatch was often used overnight. He explained that the area was quiet at night time.

The Sub-Committee was informed that Malthurst Limited was currently carrying out a programme of applications to licence their premises and jointly with Motorfield Group over 550 of their premises were now licensed. He explained that the company also had experience in dealing with any issues quickly.

Robert Botkai reminded the Sub-Committee that no representations had been received from any of the Responsible Authorities.

The Sub-Committee were also referred to paragraph 5.3 of the Borough Council's Statement of Licensing Policy which stated that "with regard to shops, stores and supermarkets, it is the policy of the Borough Council that such premises should be free to provided sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are very good reasons for restricting those hours." Robert Botkai explained that if the Sub-Committee were minded to refuse the application, they would need to provide evidence that the granting of the licence would undermine the four Licensing objectives.

It was his understanding that the 'other persons' did not object to the provision of late night refreshment, nor to the sale of alcohol, they just wanted to see the hours restricted. Robert Botkai explained that the provision of late night refreshment would involve the sale of hot drinks.

Robert Botkai explained that some of the other premises which he had been involved in getting licensed had also gone to Hearing. The main reason that residents had objected to the applications was because of residents fear of what could happen once the licence had granted,

however in reality their fears had not materialised. He also stated that there was no evidence of antisocial behaviour or other issues within the vicinity of the premises at the moment.

The Sub-Committee was informed that any residents with concerns would be provided with contact details for the Area Manager and were encouraged to contact them if they had any issues. Robert Botkai explained that there were over 500 licensed premises within the company and he was only aware of problems with one premises, and in this instance swift action had been taken to remedy the problem by working with the local Licensing Authority and temporarily suspending the licence.

Robert Botkai stated that the area was quiet at the moment and he did not expect this to change because of alcohol off sales. He requested that the Sub-Committee give regard to the Council's Statement of Licensing Policy and Section 182 Guidance and grant the application as applied for.

He also referred to the conditions that the applicant had put forward.

The Chairman invited questions from all parties.

The Senior Licensing Officer asked if all sales overnight were conducted through the hatch. It was explained that it was staff discretion as to whether to use the hatch, however if the Sub-Committee were minded to they could add a condition to the licence to require all sales between 11pm and 5am to be carried out through the hatch.

Councillor Bambridge asked how any noise issues would be dealt with. Robert Botkai explained that there was no evidence that noise was currently an issue. He explained that the purchase of alcohol would be for off sales only. There was signage at the premises to say smoking and the use of mobile phones was prohibited. Staff did have access to a loud speaker and would ring the police if there were serious issues.

Councillor Whitby asked if there was any signage regarding the consumption of alcohol. It was explained that there were some in the store and the location of the signage could be looked at so that it was visible when being served at the window hatch. Robert Botkai suggested that a notice could be put up asking customers to respect neighbours and leave quietly.

8

THE OTHER PERSONS CASE

At the request of the Chairman, Mr and Mrs Ridley presented their case. Mr Ridley explained that they objected to the 24 hour sale of alcohol under the prevention of crime and disorder and public nuisance

licensing objectives. He explained that they had no objection to the selling of alcohol, but it was not necessary for it to be sold 24 hours.

Mr and Mrs Ridley feared that people returning from a night out in the town centre would stop at the premises to purchase alcohol. They also had concerns about noise, aggressive behaviour and vandalism on the forecourt, to which their bedroom windows and front door faced.

Mr and Mrs Ridley stated that the granting of the licence would encourage antisocial behaviour which would be detrimental to their wellbeing and quality of life.

8 am to 11pm was suggested by Mr and Mrs Ridley as more appropriate times for selling of alcohol at the premises.

The Chairman invited questions from all parties.

The Chairman asked if the area was quiet at the moment and if there had been any incidents. Mrs Ridley commented that she had found a sleeping bag against a wall recently. She was concerned that the ability to purchase alcohol 24 hours would attract people with drinking problems, especially if everywhere else was shut. She also commented that Tesco's was open until midnight and often people congregated in the vicinity to drink. Mrs Ridley referred to Mr Botkai's experience in that there had not been problems with other petrol stations and Mrs Ridley commented that this could be because they were not surrounded by residential properties.

Mrs Ridley commented that their property was right on the forecourt so people could congregate round their car and in front of their door until early hours of the morning.

The Senior Licensing Officer referred to the voluntary condition suggested by the applicant in that all sales between the hours of 11pm and 5am would be carried out through the window hatch and she asked Mr and Mrs Ridley if this would alleviate any of their concerns. Mrs Ridley stated that it would make no difference.

9

SUMMING UP - LICENSING OFFICER

The Senior Licensing Officer summed up her case. She reminded the Panel that this was an application for a new premises licence and that the Sub-Committee needed to focus on the four licensing objectives when determining the application.

She referred to the mandatory conditions, conditions consistent with the operating schedule and the Section 182 Guidance.

The Senior Licensing Officer requested that the Sub-Committee consider the written information and the information put forward at the Hearing and determine the application by using one of the methods as set out in her report. She reminded the Panel that full reasons for their decision must be given as there was provision for all parties to appeal to the Magistrates Court against the decision.

10 **SUMMING UP - OTHER PERSONS**

Mr and Mrs Ridley stated that they had nothing further to add.

11 **SUMMING UP - APPLICANT**

Mr Botkai summed up his case. He referred to the hours that Mr and Mrs Ridley considered suitable for the sale of alcohol. He also explained that an additional condition, to ensure the entrance door to the shop was closed to customers between 11pm and 5am and any sales between these times will be made through the payment window, would be acceptable.

Mr Botkai also explained that Mr and Mrs Ridley, and any other neighbouring residents with concerns, could be provided with contact details for the Area Manager should any issues arise.

Mr Botkai stated that there was no reported antisocial behaviour in the area at the moment and should the Sub-Committee be minded to refuse the application, they would need to provide evidence that the granting of the licence would undermine the licensing objectives. He reminded those present that there had not been any objections from any of the Responsible Authorities.

Mr Botkai requested that the Sub-Committee grant the application as applied for.

12 **OUTSTANDING MATTERS**

The Legal Advisor stated that there was no outstanding matters.

13 **REACHING A DECISION**

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

14 **DECISION**

The Decision of the Sub-Committee was read out:

FINDINGS

The Panel considered the evidence in the report, as well as the written and oral evidence of all parties put forward at the Hearing. The Panel is mindful of the objections made against the granting of a 24 hour premises licence, particularly the concerns about noise and individuals congregating at early hours of the morning.

The Panel must have consideration of the Council's licensing policy and specifically paragraph 5.3, which states that premises should be free to sell alcohol during their opening hours unless there is good reason to the contrary. Although the Panel consider the objection put forward, the Panel are conscious of the absence of objections from any Responsible Authorities that were notified of the application, such as the Police etc.

Equally, the Panel consider that the lack of any previous or ongoing issues at the premises, as well as the Applicant's proposed procedures to combat any nuisance is of significance in the determination of this application. Accordingly, the Panel have considered the licensing objectives, particularly the possibility of any crime and disorder arising from the granting of a licence, and consider that based on the circumstances and evidence presented before them, the licence should be granted. However, this licence will be subject to certain conditions as specified in the Operating Schedule and those stated below:

Conditions:

1. The entrance door is to be closed to customers between the hours of 11pm and 5am. Any sales made between these times shall be made through the night payment window.
2. Signage shall be affixed next to or around the night payment window stating that customers must leave quietly and respect the neighbours of surrounding properties.

DETERMINATION

The Panel having due consideration to the evidence provided, hereby determines that the Applicant should be granted a licence subject to the conditions as described above.

The meeting closed at 12.58 pm

BOROUGH COUNCIL OF KING'S LYNN & WEST NORFOLK

LICENSING COMMITTEE

**Minutes from the Meeting of the Licensing Committee held on Tuesday,
18th February, 2020 at 10.00 am in the Council Chamber - Town Hall,
Saturday Market Place, King's Lynn PE30 5DQ**

PRESENT: Councillors S Sandell (Chair), C Manning and T Parish.

OFFICERS:

Jo Furner – Legal Advisor
Vicki Hopps – Environmental Health Manager
Rebecca Parker – Democratic Services Officer

APPLICANT: Mr Daniel Hill, represented by Mr Tony Grover

RESPONSIBLE AUTHORITIES:

Mark Whitmore – Community Safety and Neighbourhood Nuisance
Chris Brooks – Norfolk Constabulary
Richard Spinks – Norfolk Constabulary
Andy Owens – Norfolk Constabulary

OTHER PERSONS:

Councillor Lesley Bambridge
Barry Brandford

OBSERVING:

Stuart Ashworth – Assistant Director
Nathan Johnson – Public Open Space Manager
John Hussey – Operations Manager

1 **APOLOGIES FOR ABSENCE**

There were no apologies for absence.

2 **ITEMS OF URGENT BUSINESS**

There was no urgent business.

3 **DECLARATIONS OF INTERESTS**

There was no declarations of interest.

4 **TO CONSIDER A VARIATION APPLICATION FOR BAR 100,
NORFOLK STREET, KING'S LYNN.**

The Chair welcomed everyone to the meeting and declared that the Sub-Committee was sitting to consider a variation application for Bar One Hundred, 100 Norfolk Street, King's Lynn. She introduced the Sub-Committee, the Borough Council officers and the Legal Advisor and explained their roles.

The Chair explained that the meeting was being held in public and should any parties have any confidential matters to discuss, they should inform her.

The Applicant, Mr Daniel Hill and his representative Mr Tony Grover introduced themselves.

The representatives from Norfolk Constabulary, Chris Brooks, Richard Spinks and Andy Owens introduced themselves.

The representative from the Community Safety and Neighbourhood Nuisance Team, Mark Whitmore, introduced himself.

The other persons present, Councillor Lesley Bambridge and Barry Brandford introduced themselves.

Tony Grover requested permission to submit additional evidence to the Sub-Committee on behalf of the Licence Holder, which was a document that had been produced by the Police over the weekend in relation to the Pub Watch scheme. The Chair granted permission and a copies were provided to the Sub-Committee.

The Chair asked all parties if fifteen minutes would be sufficient to present their case. Tony Grover, on behalf of the applicant requested an extension. The Chair granted all parties twenty minutes to present their case.

5 **PROCEDURE WHICH WILL BE FOLLOWED AT THE HEARING**

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

6 **REPORT OF THE LICENSING OFFICER**

At the request of the Chair, the Environmental Health Manager presented her report to the Sub-Committee. She explained that the applicant had made an application to vary the times of licensable activities at the premises and provided detail of the changes applied for. The Environmental Health Manager informed the Sub-Committee of the following:

- The four Licensing Objectives
- The operating hours applied for
- Mandatory Conditions

- Conditions consistent with the operating schedule
- Notice of the application had been displayed on the premises and in a local newspaper
- Relevant extracts from the Councils Licensing Policy
- Relevant extracts from the Section 182 Guidance

The Sub-Committee was informed that representations had been received from two Responsible Authorities; Norfolk Constabulary and the Borough Council's Community Safety and Neighbourhood Nuisance Team. Copies of their representations had been included in the Agenda.

Two representations had been received from 'other persons'; Councillor Lesley Bambridge and Barry Brandford. Copies of their representations had been included in the Agenda.

The Environmental Health Manager requested that the Sub-Committee had regard to the written material included in the Agenda and the representations put forward at the Hearing and dispose of the matter by using one of the methods outlined in the report. She reminded the Sub-Committee that reasons for their decision must be given as all parties had a right to appeal to the Magistrates Court.

The Chair invited questions to the Environmental Health Manager from all parties. There were no questions.

7

THE APPLICANT'S CASE

At the request of the Chairman, Tony Grover, on behalf of Daniel Hill, presented his case.

He explained that the premises was situated in Norfolk Street alongside other premises such as Dr Thirstys and Bar and Beyond. He pointed out that Bar and Beyond was directly opposite Bar One Hundred.

Tony Grover informed the Sub-Committee that the Licence Holder of Bar One Hundred had implemented a maximum capacity of 180 at the venue, although the venue could take up to 230 people. He explained that the Licence Holder would like to extend the opening hours by one hour on Friday and Saturday nights and Bank Holidays. This would be an extension from 3.45am to 4.45am with the premises closed by 5.00am.

The reason for the request was to allow some flexibility and Tony Grover stated that the opening time would only be extended if there was a good atmosphere in the venue and it would not be the norm to do it every weekend.

It was explained that a Temporary Event Notice would not be feasible as this was something that would have to be planned for and the Licence Holder wanted flexibility. Tony Grover explained that the Licence Holder 'ran a tight ship' and Members were aware of the Mandatory Conditions that had been placed on his Licence, which included the necessity for an anti-drug policy, operational CCTV when the premises was open for business, noise management plan and a door staff deployment plan. It was explained that the Licence Holder had more door staff than was required in the plan and he kept all the necessary records for the police.

The Sub-Committee was also referred to the condition relating to only allowing six people outside to smoke after 2.30am. It was explained that the door staff controlled this and in the last two years there had been no intervention from the Police or any other Responsible Authority to challenge the Licence.

Tony Grover explained that the Licence Holder had followed best practice by consulting Norfolk Constabulary and the Borough Council on potential changes to his licence and had met with the Senior Licensing Officer and Chris Brooks from Norfolk Constabulary. Tony Grover stated that at that time they didn't require any changes to conditions and instead they praised the Licence Holder. Subsequently the variation application was submitted. Tony Grover felt that the Police had now had a change of heart since meeting with the Licence Holder.

Tony Grover referred to two letters of support which he had submitted to the Sub-Committee for consideration in advance of the Hearing.

Tony Grover then referred to the letters of objection which had been included in the Agenda. He felt that this was scaremongering and was not based on fact or evidence. He referred to the Police objection and informed those present that he used to be a Police officer and dealt with the night time economy in a supervisory role. He felt that the representations submitted by the Police contained discrepancies and there was a lack of supporting evidence.

Tony Grover stated that the Police representations mainly concerned matters of Police resource and this was not a matter for the Licensing Sub-Committee to consider.

Daniel Hill referred to some of the incidents reported by the Police and he explained that in some cases these had not been followed up by the Police and he only held CCTV records for thirty days so could not go back and check. Tony Grover stated that any incidents attributable to the premises were all dealt with promptly and correctly by door and bar staff.

Daniel Hill stated that Bar and Beyond had a capacity of 500 and a lot of people from there could congregate outside Bar One Hundred, so

not all incidents were perhaps attributable to Bar One Hundred and CCTV would be required for clarification.

Tony Grover referred to the letter of support received from the Taxi Office and stated that this highlighted the positive effect of staggering closing times along Norfolk Street. The Chair asked for clarification from the Legal Advisor as to if the letter of support could be accepted as it was felt that the Taxi Office could benefit financially from the extended hours. The Legal Advisor stated that it could be accepted, but it was up to the Sub-Committee on how much weight they should give to it.

Daniel Hill stated that there was no taxi pickups from outside Bar One Hundred, customers were required to walk to the taxi office.

Tony Grover informed the Sub-Committee that the Licence Holder was prepared to offer a condition regarding the last entry time, should the additional hour be granted. He could restrict entry from 3.15am, which was 45 minutes before a lot of the other venues closed.

Tony Grover concluded that he would like the Sub-Committee to consider the discrepancies in the information provided by the Police and the lack of supporting evidence, the letters of support received and the Section 182 Guidance which stated that decisions should be based on evidence.

The Chair thanked Tony Grover and Daniel Hill for their report and invited questions from all parties.

The Environmental Health Manager referred to the condition offered by the Licence Holder, and asked when, during the evening would the decision would be made to open later and how would this be communicated to staff and customers. Daniel Hill stated that a decision would be made by 3.00am. A sign could then be put up in the window saying that 3.15am would be last entry.

The Environmental Health Manager asked what the Licence Holder would do if there was a big rush of customers at 3.15am. Daniel Hill explained that there was a core customer base and there was not usually an influx of young people at the venue. His patrons were usually thirty plus. Daniel Hill also referred to the extra doormen and the marshal for smokers. Daniel Hill also stated that he was selective on who came into his venue.

Andy Owens from the Police, referred to a variation application made in January 2018 for the premises which removed the last entry time and he asked if this was because of conflict on the door. He understood that there were issues with customers congregating outside when they had been refused entry. Daniel Hill stated that there was no conflict on the door and the previous application to remove the last entry time was

because some staff from other venues came to Bar One Hundred after their shift and he felt it was unfair to refuse them entry.

Andy Owens stated that the reality would be that Bar One Hundred would become a last destination venue and, even if door staff were proactive, there would be additional conflict. Tony Grover stated that the decision as to whether to open later could be made by 3.00am and would only be on rare occasions. The venue would make contact with the Police if this was happening and would also put signs up. He acknowledged that there may be some people taking advantage, but there would not be a large influx of customers.

Daniel Hill stated that a Temporary Event Notice had been applied for by the venue last year, but the Police had objected to this and it had not been granted.

Chris Brooks explained that there would be a risk if the opening time was extended as currently there was a tolerable level of incidents.

Councillor Parish commented that although the Licence Holder stated that opening late would not be a regular occurrence, if the variation application was granted, there would be no control over this and there would be nothing to stop the venue opening for an additional hour every weekend. Daniel Hill explained that he had offered to the Police and the Borough Council to limit the extended openings to 12 a year, but was informed by the Borough Council that this was not something that could be conditioned. Chris Brooks stated that he would not have agreed to 12 openings per year.

Councillor Sandell asked if the venue had a dedicated smoking area and Daniel Hill explained that there was an area at the rear of the premises but this could not be used because of concerns raised previously by the Borough Council's Community Safety and Neighbourhood Nuisance team relating to noise. He explained that he had asked Norfolk County Council Highways for barriers outside the front of the premises, but these had not been forthcoming.

Councillor Sandell asked how the smoking area out of the front was controlled. Daniel Hill explained that door staff and the marshal controlled this and regular customers were aware of the arrangements.

Councillor Sandell asked if regular meetings were held with door staff and Daniel Hill explained that he queried if some of the incidents reported by the Police were attributable to his premises as he had not received reports from his staff, or a follow up from the Police.

Mark Whitmore from the Borough Council's Community Safety and Neighbourhood Nuisance Team presented his case to the Sub-Committee. He explained that the residents of Norfolk Street needed protecting and the additional hour of opening would have a detrimental effect on them. He also made reference to litter, vomit and urine which was left in the surrounding area, antisocial behaviour of people leaving Norfolk Street in the early hours and the impact this could have on residents who were trying to sleep. The additional hour would also mean that there would still be people out on Norfolk Street into the very early hours and this would have an impact on street cleaning operations which commenced at 6.00am.

The Chair invited questions from all parties.

Daniel Hill referred to the letter of support received from the taxi office and explained that the majority of his customers got taxis home, and the staggered closing times would have a positive impact on the amount of people waiting around Norfolk Street.

Tony Grover asked if Mark Whitmore's case was based on detailed studies on when and where problems occurred. Mark Whitmore stated that he was unaware of any specific studies but had experience of the night time economy in the town centre.

Tony Grover asked if there was a way to clarify the source of litter, vomit and urine on the way out of town. Mark Whitmore explained that the Borough Council's Waste and Recycling Manager who was present at the Hearing may be able to provide clarification on this, but it was generally accepted that this came from the night time economy. Mark Whitmore explained that it was not unreasonable to suggest that the additional hour applied for would cause disturbance to residents and street cleaning operations.

Tony Grover asked if the Community Safety and Neighbourhood Nuisance Team had received any concerns from residents of Norfolk Street regarding this application. Mark Whitmore explained that none had been received directly, but it was the role of his team to consider the impact that this application could have on residents, even if they may not have considered the implications themselves.

Tony Grover asked if the Community Safety and Neighbourhood Nuisance Team had received any complaints in the past relating to Bar One Hundred. Mark Whitmore explained that the last discussion the team had had with the venue was following complaints regarding the use of the rear smoking area.

Barry Brandford asked Mark Whitmore if he would consider the areas in the town centre to be affected by litter, vomit and urine to include Norfolk Street, Albert Street, the surrounding car parks, Vancouver Quarter, the shopping area and White Lion Yard. Mark Whitmore

agreed that all of these surrounding areas were impacted by the night time economy.

9 **RESPONSIBLE AUTHORITIES CASE - NORFOLK POLICE**

Chris Brooks referred to the representations made by the Police, which had been included in the Agenda. He stated that these were accurate.

He stated that there were incidents occurring at the premises, but at present these were at a tolerable level. He referred to the list of incidents which had been included in the Agenda.

The Chair invited questions from all parties.

Daniel Hill referred to an incident which took place at the weekend and the Police explained that this was an ongoing investigation, so could not be discussed.

The Environmental Health Manager asked the Police how often they visited Bar One Hundred. Chris Brooks stated that no formal interventions had been required recently as there was a tolerable level of disorder, however there was a Police presence on Norfolk Street on Friday and Saturday nights. He explained that he had not visited the premises since the meeting with the Senior Licensing Officer which Daniel Hill had referred to earlier in the Hearing.

The Environmental Health Manager asked if the Police looked at the incident book when they visited the premises. Chris Brooks stated that he could look at the book if required. He explained that Daniel Hill was a proactive member of Pub Watch, which was where Licence Holders shared information and intelligence and received a report from the Police.

Chris Brooks explained that the Police also visited the venue when it was open and if there were any problems they would be reported to him.

10 **OTHER PERSONS CASE - BARRY BRANDFORD - WASTE AND RECYCLING MANAGER, BOROUGH COUNCIL**

Barry Brandford presented his case and explained that the Borough Council had to deal with the 'aftermath' of the night time economy at Norfolk Street. This included litter, food waste, vomit and urine all around the surrounding area.

He stated that the Borough Council started street cleaning operations at 6.00am and if the opening time of Bar One Hundred was extended, then the street cleaning team were more likely to come into contact with individuals who were intoxicated. He explained that this could increase the risk of assault on staff.

He also explained that the Council used heavy plant for street cleaning operations and this could present a danger to people who were intoxicated and therefore less aware of risks. Following extended opening times on Bank Holidays, there could also be waste collections and trade waste collections along Norfolk Street, which also started very early in the morning.

Barry Brandford referred to incidents in other parts of the country where there had been fatalities as a result of people sleeping in bins which had then been collected.

In conclusion he stated that he was concerned that extending the opening hours would result in intoxicated persons coming into contact with the street cleaners and heavy plant, which could pose a risk to the street cleaners and the intoxicated individuals.

The Chair invited questions from all parties.

Daniel Hill referred to his response to these concerns which he had submitted in advance of the Hearing.

Tony Grover asked if the street cleaning operations always started at 6.00am and Barry Brandford confirmed that they did. Daniel Hill queried this as he commented that on his CCTV system the earliest he had seen street cleaning taking place along Norfolk Street was 7.13am. Tony Grover asked if checks were carried out to ensure that staff were there at that time and it was explained that a team leader would be on duty.

Tony Grover referred to the concern raised regarding people sleeping in bins. He asked if the Council checked to ensure that bins were locked. Barry Brandford explained that checks were carried out to ensure that bins were lockable, but they could easily be compromised.

Daniel Hill asked Barry Brandford if he was aware of anyone sleeping in bins in this area within the last three years and Barry Brandford explained that there had been incidents. Daniel Hill queried this as he knew someone who worked for the waste collection service who was unaware of any incidents.

11

OTHER PERSONS CASE - COUNCILLOR LESLEY BAMBRIDGE

Councillor Lesley Bambridge informed those present that she was Ward Member for the town centre and also participated in the St Margaret's and St Nicholas Forum. She explained that she was objecting to the application on behalf of local residents. She acknowledged that you couldn't always determine which venue incidents were coming from, but antisocial behaviour resulting from the night time economy was excessive and as a result did not make the

town centre an attractive place. She was concerned about the reputation of the town centre and stated that Norfolk Street was a 'no go' area for some people. She also received lots of complaints from residents about the night time economy.

Councillor Bambridge explained that antisocial behaviour was not restricted to Norfolk Street, although this was the main area of the town centre for the night time economy, it had a knock on effect on surrounding areas when people left to go home. Councillor Bambridge referred to future opportunities for the town centre, such as the benefits of the Heritage Action Zone and she did not want this to be put at risk because of antisocial behaviour as a result of the night time economy.

The Chair invited questions from all parties.

Daniel Hill asked if the complaints that Councillor Bambridge had received related to young people and Councillor Bambridge explained that the age group was not often specified.

12 **SUMMING UP - LICENSING OFFICER**

The Environmental Health Manager summed up her case. She reminded the Sub-Committee that this was a variation application and that the Sub-Committee needed to consider this case on its own merits and impartially. She explained that they should focus on the impact of those living and working in the area and balance this against the four licensing objectives as well as considering the positive impact staggered closing times could sometimes have.

The Environmental Health Manager requested that the Sub-Committee consider all the information put forward at the hearing and determine the application by using one of the methods as set out in her report. She reminded the Panel that full reasons for their decision must be given as there was provision for all parties to appeal to the magistrates against the decision.

13 **SUMMING UP - POLICE**

Andy Owens stated that the Police objected to this application and by making this venue a 'last destination venue' it would greatly alter the dynamics of the current venue and its customer base. He stated that there would be confrontation on the door and this would increase the amount of incidents requiring Police intervention and undermine the four Licensing Objectives.

He referred to the previous application to remove the last entry time and he stated that this had had a positive impact, however the Licence Holder had indicated that he would like to reinstate a last entry time should he be granted the additional hour.

He explained that incidents were currently at a tolerable level and required little formal intervention from the police, but the additional hour would alter the dynamics and increase levels of intoxication and incidents.

Andy Owens stated that altering the dynamics of Bar One Hundred would affect Norfolk Street as a whole and would increase conflict on the door, especially if this was a last destination venue and there were more people being refused entry.

14 **SUMMING UP - COMMUNITY SAFETY AND NEIGHBOURHOOD NUISANCE**

Mark Whitmore summed up his case. He explained that his primary concern was the impact that the additional hour would have on the current and future residents of Norfolk Street and surrounding areas.

15 **SUMMING UP - BARRY BRANDFORD - WASTE AND RECYCLING MANAGER**

Barry Brandford summed up his case. He explained that the Borough Council had a duty to protect its employees and he objected to the application under the prevention of crime and disorder and the public safety licensing objectives.

16 **SUMMING UP - COUNCILLOR LESLEY BAMBRIDGE**

Councillor Lesley Bambridge stated that she had nothing further to add.

17 **SUMMING UP - APPLICANT**

Tony Grover stated that the concerns raised at the Hearing could be attributable to any premises along Norfolk Street. He also referred to the lack of formal interventions required by the police. He explained that the evidence provided by the police was insufficient and there were discrepancies in their reports.

He stated that Bar One Hundred was well run and the additional hour opening would only be used on an occasional basis, with signs being put up and the Police being notified. He reiterated that Police resource was not a matter for this Sub-Committee to consider.

Tony Grover referred to the letters of support which had been submitted to the Sub-Committee in advance of the Hearing.

Tony Grover asked the Sub-Committee to grant the application and give the Licence Holder the opportunity to prove that he could continue to operate a well-run bar. He reminded the Sub-Committee that there

was the opportunity for individuals to call the licence in for review in the future if required.

18 **OUTSTANDING MATTERS**

The Legal Advisor stated that there were no outstanding matters.

19 **REACHING A DECISION**

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

20 **DECISION**

The Decision of the Sub-Committee was read out as follows:

FINDINGS AND DETERMINATION

The Sub Committee considered the evidence in the report, as well as the written and oral evidence of all parties put forward at the Hearing.

The Sub-Committee are not questioning Applicant's management of the Premises and cooperation with other agencies. The Applicant went to lengths to challenge the accuracy of some of the police reports of crime and disorder, highlighting that some of the incidents did not involve patrons of his establishment and that were incidents have arisen the cooperation that has been offered with the other agencies involved. The Sub-Committee do not dispute this and commend him. However, the Sub-Committee must consider the bigger picture. And whilst it is accepted that not all of the disorder occurring on Norfolk Street arises from the Premises, the point the police are trying to make is that some disorder is inevitable, and extending that window for disorder adversely undermines the crime and disorder objective. The police are considered to be the experts when it comes to the Crime and Disorder Objective, and whilst it is accepted that there cannot be evidence of what will occur, the police are in the best position to consider what might reasonably occur based on their experiences generally, and of the knowledge and interventions in this particular area. It is their considered opinion that later licensing and closing times will lead to a longer period of disorder, must be given great weight.

The Sub-Committee do not dispute that currently the Applicant is selective as to whom is permitted entry to the Premises, and that his cliental are not the 18-25 age range, but 30 plus, but it is not unreasonable to assume, as the Police suggest, that there may be a change in dynamics of the Premises as a result of later operating hours. The Sub-Committee take note that the Applicant is not

proposing to operate the extended hours on a regular basis, but wants it for the flexibility to be able to keep the Premises open longer where they are having a busy night for example. If the Sub-Committee were to grant the licence as applied for, there is little to prevent this becoming the norm at a later date.

The Sub-Committee share concerns about how adhoc extensions can be managed to prevent an influx of party goers, and to ensure that additional policing etc., can be managed where there is an unplanned extended opening. The Sub-Committee are grateful to the Applicant for suggesting that he would be prepared to have a condition which restricted last entry to 3:15, that being 45 minutes prior to the other venues closing, and also suggest that he would accept a condition restricting the number of occasions where an extension in licensable activities might take place. However, they share the concerns as to how this might be policed and managed in such a way that would give other agencies sufficient opportunity to provide support, but also prevent an influx of party goers who may gravitate to the Premises in anticipation of a later opening.

The Council's Community Safety and Neighbourhood Nuisance team, who can be considered experts in dealing with nuisance, also contend that the extended opening time will lead to increased periods of nuisance, including littering, street fowling, traffic and public nuisance, not only in Norfolk Street itself but in other areas beyond. The Council's Open Spaces and Waste Management teams confirmed having to clear up litter, vomit, urine from Norfolk Street and surrounding areas arising from the night time economy. The Panel note that there have been no objections by members of the public either of noise nuisance presently or concerns that they may arise further, but Councillor Lesley Bambridge talks as to how she has listened to concerns generally about the night time economy and its effects on other residents. It is reasonable that any existing nuisance caused would continue later if later opening hours were available.

In terms of public safety, the Sub-Committee are persuaded by the argument that a later closing time could impact on the public safety of the employees of the Council, specifically street cleaners, who might be confronted by persons who are intoxicated.

The Sub-Committee are mindful of the letter of support received from Connect Cars (K.L) that spreading the closing times on Norfolk Street would significantly decrease customer waiting times and the numbers of persons congregating as a result, and the Statutory Guidance does support variable licensing hours to facilitate a more gradual dispersal of customers, however, this isn't something currently undertaken in this area.

Accordingly, for the reasons stated above the application is refused.

The meeting closed at 2.00 pm

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

Minutes from the Meeting of the Licensing Committee held on Tuesday, 4th August, 2020 at 10.00 am in the Remote Meeting on Zoom and available for the public to view on WestNorfolkBC on You Tube - Zoom and You Tube

PRESENT: Councillors S Sandell (Chair), D Tyler and D Whitby.

OFFICERS:

Marie Malt – Senior Licensing Officer

Hema Patel – Legal Advisor

INTERESTED PARTIES PRESENT:

Mr Hoskins

Mr Curran

Mr Waters

Councillor Long

Councillor Kunes

1 APOLOGIES FOR ABSENCE

There were no apologies for absence.

2 ITEMS OF URGENT BUSINESS

There was no urgent business.

3 DECLARATIONS OF INTERESTS

There was no declarations of interest.

4 TO CONSIDER AN APPLICATION FOR WHAT A HOOT, KING'S LYNN

[Click here to view the You Tube recording of this item.](#)

The Chair welcomed everyone to the meeting and declared that the Sub-Committee was sitting to consider an application for a premises licence in respect of What a Hoot, 7a King Street. She introduced the Sub-Committee, the Borough Council officers and the Legal Advisor and explained their roles.

The Chair explained that the meeting was being broadcast to You Tube.

A roll call was held and all parties were asked if fifteen minutes would be sufficient to present their case.

5 **PROCEDURE WHICH WILL BE FOLLOWED AT THE HEARING**

[Click here to view the You Tube recording of this item.](#)

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

Those present were informed that as the meeting was being held remotely, the decision would not be read out at the Hearing, but would follow in writing within five working days.

6 **VIDEO OF THE PREMISES**

[Click here to view the video which was shown at the Hearing.](#)

The Sub-Committee were shown a video of the premises and surrounding area.

7 **REPORT OF THE LICENSING OFFICER**

[Click here to view the You Tube recording of this item.](#)

At the request of the Chair, the Licensing Officer presented her report to the Sub-Committee as set out in the Agenda.

Questions were invited from all parties. The Licensing Officer responded to questions from the Chair relating to conditions and transferal of licences.

The Licensing Officer responded to questions from the Legal Advisor to clarify the operating hours. It was clarified that operating hours on Sundays and Bank Holidays was 8pm.

It was also clarified that conditions had been agreed with the Council's Community Safety and Neighbourhood Nuisance Team, Norfolk Constabulary and some had been offered by the applicant.

It was also clarified that Responsible Authorities had conducted the necessary site visits as appropriate.

8 **THE APPLICANT'S CASE**

[Click here to view the You Tube recording of this item.](#)

At the request of the Chair, the Applicant, Jason Crown presented his case to the Sub-Committee.

Questions were invited from all parties.

The Applicant responded to questions from Mr Hoskins relating to the location chosen for the distillery, changes to the operation of the premises since the grant of the planning application and operating hours. Mr Hoskins also asked a question about the proportion of revenue which would be achieved through the extended operation. It was clarified that this was not relative to the Licensing regime.

9 **INTERESTED PARTIES CASE**

a) Mr Hoskins

[Click here to view the You Tube recording of this item.](#)

Mr Hoskins presented his case to the Sub-Committee and responded to questions from all parties.

The Licensing Officer asked what sort of Licence Mr Hoskins would find acceptable for the premises. He explained that it should be off licence only until about 6pm in the evening.

The Chair clarified arrangements for site visits and explained that the video was presented at the Hearing as a site visit could not be conducted during the Coronavirus pandemic. She also asked Mr Hoskins questions about why he did not object to the planning application, and he explained that he did not have any objections to the distillery and workshop, but this was not the place for an 'on licence' premises.

b) Mr Curran

[Click here to view the You Tube recording for this item.](#)

Mr Curran presented his case to the Sub-Committee and responded to questions from all parties.

The Applicant, Mr Crown asked Mr Curran why he thought that the other objectors did not attend the Hearing if they felt strongly against the application. Mr Curran explained that some did not feel comfortable appearing on You Tube, however their written representations would still be taken into consideration.

Mr Curran also referred to a window on the party wall which had not been acknowledged in the planning application or the licensing application. The Applicant explained that the floor level of 7a King Street was approximately four feet lower than the adjoining property, therefore it was eight or nine feet in the air, meaning that no one from 7a King Street could look out of it as it was too high.

c) Councillor Long

[Click here to view the You tube recording of this item.](#)

Councillor Long spoke in support of the application. There were no questions to Councillor Long.

d) Councillor Kunes

[Click here to view the You Tube recording of this item.](#)

Councillor Kunes spoke in support of the application. There were no questions to Councillor Kunes.

10 **SUMMING UP - LICENSING OFFICER**

[Click here to view the You Tube recording of this item.](#)

11 **SUMMING UP - INTERESTED PARTIES**

[Click here to view the You Tube recording of this item.](#)

12 **SUMMING UP - THE APPLICANT**

[Click here to view the You Tube recording of this item.](#)

13 **OUTSTANDING MATTERS**

[Click here to view the You Tube recording for this item.](#)

The Legal Advisor outlined the outstanding matters. She also provided detail of the Legal advice she would be providing to the Sub-Committee Members whilst they retired to make their decision.

The Chair made reference to the window referred to by Mr Curran. It was suggested that the Sub-Committee use Google Maps to view the area. Mr Curran explained that this would not be visible from Google Street view and asked if there was a way that the Council could accommodate a site visit to his property to view the window which faced his garden.

The Legal Advisor provided information on the options available to the Sub-Committee.

14 **DECISION NOTICE**

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

After the meeting, the decision was sent out to all parties. A copy of the Decision Notice is attached.

The meeting closed at 11.50 am

LICENSING SUB-COMMITTEE**DETERMINATION NOTICE**

Date of Hearing	4th August 2020 at 10.00am
Sub-Committee Members	Councillors S Sandell (Chair), D Tyler and D Whitby
Legal Adviser	Hema Patel
Licensing Officer	Marie Malt, Senior Licensing Officer
Democratic Services Officer	Rebecca Parker
Applicant's Name	Jason Crown (accompanied by Nicky Crown)
Other Persons present	Paul Hoskins Marcus Curran Councillor Brian Long Councillor Paul Kunes Robert Waters
Premises Address	WhataHoot Ltd, 7a King Street, King's Lynn, PE30 1ET
Application	Application for a Premises Licence

APPLICATION

Kings Lynn and West Norfolk Borough Council, being the relevant licensing authority, received an application for a Premises Licence for WhataHoot Ltd, 7a King Street, King's Lynn, Norfolk, PE30 1ET.

During the 28 day representation period, the Council received representations from the following:

RESPONSIBLE AUTHORITIES

There were no representations from any of the responsible authorities to consider.

OTHER PERSONS

There were thirty seven representations from 'Other Persons' to consider. Twenty one were objections and sixteen were supporting the application. Details of the representations were attached to the Licensing Officer's report before the Licensing Sub-Committee at Appendix 2.

HEARING

On 4th August 2020, a hearing was held to consider the application for the premises licence. Due to the coronavirus (COVID-19) pandemic, the hearing was conducted remotely. The Sub-Committee determined the application with a view to promoting the four licensing objectives. It considered the application on its own merits. In reaching its determination, the Sub-Committee had regard to the following matters:

- The relevant parts of the written and oral evidence before them;
- The Kings Lynn and West Norfolk Borough Council Licensing Policy;

- Statutory Guidance issued under the Licensing Act 2003;
- The Human Rights Act 1998.

The Sub-Committee listened to all the evidence and submissions. It heard from:

- The Licensing Officer;
- The Applicant;
- Paul Hoskins;
- Marcus Curran;
- Councillor Brian Long;
- Councillor Paul Kunes.

SUMMARY OF EVIDENCE

The Licensing Officer presented her report and answered questions from all parties. She outlined that a number of responsible authorities had attended the premises. She highlighted that Norfolk Constabulary had initially raised representations in relation to CCTV and incidents and refusals but confirmed that conditions had been agreed with the Applicant. Conditions were also proposed by CSNN and agreed with the Applicant.

In relation to the 'conditions consistent with the operating schedule,' the Licensing Officer explained that conditions (a) and (b) (set out on page 10 of the Licensing Officer's report) replicate one another.

Furthermore, for the avoidance of doubt, the Licensing Officer also confirmed that there was an administrative error at page 7 of her report which outlined the agreed condition, 'Sale of Alcohol by Retail Off the premises,' as:

Monday to Saturday: 9am-11pm
Sundays & Bank/Public Holidays: 10am-10pm.

However, this should have been outlined as:

Monday to Saturday: 9am-11pm
Sundays & Bank/Public Holidays: 10am-8pm.

The Licensing Officer confirmed that item (h) of the 'conditions consistent with the operating schedule' (page 10 of the Licensing Officer's Report) sets out the agreed Sunday & Bank/Public Holidays times as 10:00-20:00 in relation to the sale of alcohol for consumption off the premises.

The Applicant presented his case and answered questions from all parties. He provided a background to the business and is hopeful that it will draw visitors into the town. However, he understood that are concerns and highlighted that he has adjusted the application to take account of these concerns. He reassured all those present that he has considered the four licensing objectives and explained the measures he had implemented, some of which were of great personal cost.

The 'Other Persons' present presented their case and answered questions from all parties.

The two objectors present expressed their concerns that the premises was in an unsuitable location given that it was in a predominantly residential area.

Mr Hoskins raised concerns relating to the potential for anti-social behaviour, safety factors in and around the premises and public nuisance. He stated that the potential for disruption and disturbance is real. He also pointed out that the premises adjoins his property and that there are three windows that sit in the garden wall.

Mr Curran raised issues namely in relation to the fact that the premises directly adjoins his property. He was largely concerned with the windows of the premises, one of which he stated is sizeable and overlooks his garden. He was therefore concerned on the impact this would have on the enjoyment of his residential amenity and the ability to enjoy his garden in peace and quiet. He was disappointed that the Licensing Authority had not visited his premises/garden to see this for themselves.

Councillor Long and Councillor Kunes both outlined their support for the application.

FINDINGS

The Sub-Committee considered the report of the Licensing Officer, a video/virtual tour of the premises, the written representations made and the oral representations put forward at the hearing.

The Sub-Committee were of the view that the Applicant had gone above and beyond and they were impressed by the measures in place at the premises, for example, the biometric access. They felt that the Applicant had been fair and reasonable.

The Sub-Committee also gave weight to the fact that no responsible authorities had made representations. The Panel were of the opinion that representations from responsible authorities are an important consideration and that they should take heed of statutory bodies.

The Sub-Committee considered the views of the 'Other Persons.' The Sub-Committee noted that Mr Curran raised concerns in relation to the location of the windows on the premises and that this would have a negative impact on his right to amenity. Legal advice was provided to the effect that these concerns fell outside the scope of the licensing regime.

The Sub-Committee were referred to the 'Revised Guidance issued under section 182 of the Licensing Act 2003,' namely the section relating to public nuisance which states that,

"Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods."

The Sub-Committee were mindful that public nuisance was raised as a concern on a number of occasions by the other 'Other Persons' and sought to rectify this by reducing the operating hours of the premises and the sale of alcohol (off premises) hours in the late evening.

To that end, the Sub-Committee grants the application but imposes the following conditions.

CONDITIONS

The following conditions were found to be appropriate:

1. The mandatory conditions applicable under the Licensing Act 2003;
2. The conditions consistent with the operating schedule as detailed in the report, save for:
 - The sale of alcohol for consumption off the premises (item (h)); **and**
 - The premises must not be open to, nor offer the sale of alcohol to any persons present other than those with pre-booked gin or cocktail experiences, distillery tours and masterclasses (item (i)).Both are varied and set out in the imposed conditions below;
3. The imposed conditions.

The following additional conditions were imposed by the Sub-Committee:

Condition 1

The premises opening hours shall be:

Monday-Saturday: 09:00-22:30
Sundays: 10:00-22:30.

Condition 2

The hours for the sale of alcohol by retail (for consumption off the premises) shall be:

Monday-Saturday: 09:00-22:00
Sundays & Bank/Public Holidays: 10:00-20:00.

Condition 3

The premises must not be open to, nor offer the sale of alcohol to any persons present other than those with pre-booked gin or cocktail experiences, distillery tours or masterclasses between the hours of:

Monday-Saturday: 17:30-22:00
Sundays & Bank/Public Holidays: 16:00-20:00.

The Sub-Committee impose these conditions to promote the prevention of public nuisance.

The Sub-Committee noted the concerns of Mr Curran with regards to the impact on the enjoyment of his residential amenity. Whilst not a condition, the Applicant is expected to be vigilant of his neighbours.

DETERMINATION

The Sub-Committee does grant the application subject to the conditions as detailed above.

RIGHT OF APPEAL

There is a right of appeal against this decision to the Magistrates' Court. An appeal must be commenced within 21 days beginning with the day on which you receive notification of the

decision. You may wish to seek independent legal advice from a solicitor or the Citizens Advice Bureau regarding this.

Signed.....S. Sandell.....
Councillor Sam Sandell (on behalf of the Licensing Committee)

Date: 7th August 2020

BOROUGH COUNCIL OF KING'S LYNN & WEST NORFOLK

LICENSING COMMITTEE

Minutes from the Meeting of the Licensing Committee held on Wednesday, 18th November, 2020 at 10.00 am as a Remote Meeting on Zoom and available for the public to view on WestNorfolkBC on You Tube - Zoom and You Tube

PRESENT:

SUB COMMITTEE: Councillors S Sandell (Chair), L Bambridge and J Rust

OFFICERS:

Marie Malt – Senior Licensing Officer
Hema Patel – Legal Advisor
Rebecca Parker – Democratic Services Officer

APPLICANT:

Thomas Janes, accompanied by Jack Norton

INTERESTED PARTIES:

Cliff Anderson – representing Northwold Parish Council, B Hills, J Martin, A Herman and W Rodwell.
Peter and Mamie Willis
Tim MacMullen
Adam Parkin
Paul and Victoria Plumridge – also representing Ilona Moss
Louisa Knapp
Councillor Tom Ryves – representing Sheena Randall

1 **APOLOGIES FOR ABSENCE**

There were no apologies for absence.

2 **ITEMS OF URGENT BUSINESS**

There was no urgent business.

3 **DECLARATIONS OF INTERESTS**

There was no declarations of interest.

4 **TO CONSIDER AN APPLICATION FOR A PREMISES LICENCE FOR DOVE BARN, THETFORD ROAD, NORTHWOLD**

[Click here to view the recording of this item.](#)

The Chair welcomed everyone to the meeting and declared that the Sub-Committee was sitting to consider an application for a premises licence in respect of Dove Barn, Thetford Road, Northwold.

The Sub-Committee, the Borough Council officers and the Legal Advisor were introduced and explained their roles.

The Chair explained that the meeting was being broadcast to You Tube.

A roll call was held and all parties were asked if fifteen minutes would be sufficient to present their case.

Mr Anderson indicated that he was representing several Interested Parties and requested an extension of time. The Chair permitted fifteen minutes per interested party he was representing.

5 **PROCEDURE WHICH WILL BE FOLLOWED AT THE HEARING**

[Click here to view the recording of this item.](#)

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

She referred to the additional correspondence ('Report marked to follow on the Agenda and/or Supplementary Documents') which had been circulated to all the parties and correspondence from Norfolk Wildlife Trust which had been sent by Mr Anderson the evening before the Hearing.

Those present were informed that, as the meeting was being held remotely, the decision would not be read out at the Hearing, but would follow in writing within five working days.

6 **REPORT OF THE LICENSING OFFICER**

[Click here to view the recording of this item.](#)

At the request of the Chair, the Licensing Officer presented her report to the Sub-Committee as set out in the Agenda.

The Licensing Officer highlighted the additional conditions put forward by the Applicant and changes to the licence as agreed between the Applicant and the Community Safety and Neighbourhood Nuisance Team.

Questions were invited from all parties and the Licensing Officer responded to questions from Interested Parties relating to acoustic assessments, the additional conditions put forward by the Licence Holder, conditions agreed with the Community Safety and

Neighbourhood Nuisance Team, the marquee, Temporary Event Notices, public safety and public health issues.

The Licensing Officer provided clarification to all parties as appropriate relating to the conditions put forward by the applicant and Community Safety and Neighbourhood Nuisance and Public Health issues.

The Licensing Officer responded to questions from the Sub-Committee relating to the representations put forward by all parties.

The Licensing Officer provided clarification that there would be a maximum of twelve events per a year, no more than two per month and only on a Friday and Saturday.

7 **THE APPLICANTS CASE**

[Click here to view the recording of this item.](#)

At the request of the Chair, the Applicant, Mr Thomas Janes presented his case to the Sub-Committee. He indicated that he had nothing to add to the statements which had been submitted in advance of the Hearing.

Questions were invited from all parties.

The Licensing Officer asked Mr Janes if he could provide an overview of the activities plans and he provided a summary of what he wanted to achieve.

The Applicant responded to questions from Interested Parties relating to the event which had previously been held in September, the Applicants plans for the future of the site, the types of events he would be holding, the type of music to be played, the limit of 300 people at each event, access to the site and highways and boundary issues.

The Applicant responded to questions from the Sub-Committee regarding the event held in September.

A ten minute comfort break was held at 11.30am.

The Sub-Committee reconvened at 11.40am.

8 **INTERESTED PARTIES CASE**

a) Cliff Anderson – representing Northwold Parish Council, B Hills, J Martin, A Sherman and W Rodwell

[Click here to view the recording of this item.](#)

Cliff Anderson presented his case and responded to questions from all parties. He also referred to the additional correspondence he had submitted, which had been circulated in advance of the Hearing.

Mr Anderson responded to questions from the Applicant and the Sub-Committee relating to issues resulting from the previous event, DBS checks and traffic issues.

Mr Anderson then put forward the case of those people he was representing who were not present at the Hearing.

[Click here to view the recording of this item.](#)

b) Peter and Mamie Willis

[Click here to view the recording of this item.](#)

Peter and Mamie Willis presented their case and responded to questions from the Sub-Committee relating to the adjacent licensed venue which hosted weddings.

c) Tim MacMullen

[Click here to view the recording of this item.](#)

Tim MacMullen presented his case and responded to questions from the Sub-Committee relating to the speed of traffic on the A134.

d) Adam Parkin

[Click here to view the recording of this item.](#)

Adam Parkin presented his case and responded to questions from the Sub-Committee relating to the A134.

e) Paul and Victoria Plumridge

[Click here to view the recording of this item.](#)

Paul and Victoria Plumridge started to present their case, however the Licensing Officer had technical difficulties and dropped out of the Hearing.

The Chair decided to adjourn the Hearing for a lunch break at 12.54pm. She explained that Mr and Mrs Plumridge would be able to restart presentation of their case when the Sub-Committee reconvened.

At 12.54pm the Sub-Committee resolved to continue to sit beyond three hours.

The Sub Committee adjourned at 12.54pm and reconvened at 1.40pm.

On reconvening the Democratic Services Officer conducted a roll call of attendees. [Click here to view.](#)

Mr and Mrs Plumridge presented their case. [Click here to view.](#)

Mr and Mrs Plumridge responded to questions from the Applicant regarding sound travelling and trees surrounding the location.

f) Louisa Knapp

[Click here to view the recording of this item.](#)

Louisa Knapp presented her case and responded to questions from all parties.

g) Councillor Ryves – representing Sheena Randall

[Click here to view the recording of this item.](#)

Councillor Ryves presented the case on behalf of Sheena Randall.

Councillor Ryves responded to a question from the Sub-Committee regarding statutory consultees.

9 **SUMMING UP - THE LICENSING OFFICER**

[Click here to view the You Tube Recording of this item.](#)

10 **SUMMING UP - INTERESTED PARTIES.**

a) Cliff Anderson

[Click here to view the recording of this item.](#)

b) Peter and Mamie Willis

[Click here to view the recording of this item.](#)

c) Tim MacMullen

[Click here to view the recording of this item.](#)

d) Adam Parkin

[Click here to view the recording of this item](#)

e) Paul and Victoria Plumridge

[Click here to view the recording of this item.](#)

f) Louisa Knapp

[Click here to view the recording of this item.](#)

g) Councillor Ryves

[Click here to view the recording of this item.](#)

11 **SUMMING UP - THE APPLICANT**

[Click here to view the You Tube recording for this item.](#)

12 **OUTSTANDING MATTERS**

[Click here to view the You Tube recording for this item.](#)

The Legal Advisor outlined the outstanding matters. She also provided detail of the Legal Advice she would be providing to the Sub-Committee Members whilst they retired to make their decision.

13 **DECISION NOTICE**

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

After the Hearing the Decision Notice was circulated to all parties. A copy of the decision notice is attached.

The meeting closed at 2.36 pm

LICENSING SUB-COMMITTEE**DETERMINATION NOTICE**

Date of Hearing	18th November 2020 at 10:00am
Sub-Committee Members	Councillors S Sandell (Chair), L Bambridge and J Rust
Legal Adviser	Hema Patel
Licensing Officers	Marie Malt Johanna Riches (observing)
Democratic Services Officers	Rebecca Parker Sam Winter (observing)
Administration Assistant	Lauren Steele (observing)
Applicant's Name	Thomas Janes (accompanied by Jack Norton)
Other Persons present:	Cliff Anderson Peter & Mamie Wills Tim MacMullen Adam Parkin Victoria & Paul Plumridge Louisa Knapp Cllr Ryves
Premises Address	Dove Barn, Thetford Road, Northwold, Norfolk, IP26 5LU
Application	Application for a Premises Licence

APPLICATION

Kings Lynn and West Norfolk Borough Council, being the relevant licensing authority, received an application for a Premises Licence for Dove Barn, Thetford Road, Northwold, Norfolk, IP26 5LU.

During the 28 day representation period, the Council received representations from the following:

RESPONSIBLE AUTHORITIES

There were no representations from any of the responsible authorities to consider.

OTHER PERSONS

There were fifty eight representations from 'Other Persons' to consider. All fifty eight representations received were objections to the application. Details of the representations were attached to the Licensing Officer's report before the Licensing Sub-Committee at Appendix 2.

HEARING

On 18th November 2020, a hearing was held to consider the application for the premises licence. Due to the coronavirus ('COVID-19') pandemic, the hearing was conducted remotely. The Sub-Committee determined the application with a view to promoting the four licensing objectives. It

considered the application on its own merits. In reaching its determination, the Sub-Committee had regard to the following matters:

- The relevant parts of the written and oral evidence before them;
- The Kings Lynn and West Norfolk Borough Council Licensing Policy;
- Statutory Guidance issued under the Licensing Act 2003.

The Sub-Committee listened to all the evidence and submissions. It heard from:

- The Licensing Officer;
- The Applicant;
- Cliff Anderson (representing Northwold and Whittington Parish Council, Brian Hills, John Martin, Anne Sherman and Warwick Rodwell);
- Peter & Mamie Wills;
- Tim MacMullen;
- Adam Parkin;
- Victoria & Paul Plumridge (also representing Ilona Moss);
- Louisa Knapp;
- Cllr Ryves (representing Sheena Randall).

SUMMARY OF EVIDENCE

The Licensing Officer presented her report and briefly outlined the documents contained in 'Reports marked to follow on the Agenda and/or Supplementary Documents.' The Licensing Officer explained that whilst there were no representations from any of the Responsible Authorities to consider a report was received from the Traffic Management Officer at Norfolk Constabulary. The Licensing Officer answered questions from all parties.

The Applicant referred the Sub-Committee to the written statement which he submitted rather than making any oral representations. The Applicant answered questions from all parties.

The 'Other Persons' present or their representative presented their case and responded to questions from all parties. Their concerns predominantly related to highway safety on the A134, the entrance and exit points to and from the site, noise nuisance and alcohol and drug consumption. It was also submitted that the fence surrounding the premises is dilapidated and allows easy access onto adjacent properties giving rise to the potential for crime and disorder on those properties.

The 'Other Persons' or their representative talked about their experience of an event hosted by the Applicant on 19th September 2020 which took place on the premises under a Temporary Event Notice ('TEN'). There had been noise nuisance (as a result of music as well as amplified shouting) attendees trespassing onto residents' land and in some instances urinating on residents' land.

Representations were made to the effect that there is already a licensed wedding venue, Wellington Wood, directly neighbouring the new premises. Mr & Mrs Plumridge, who run this business, stated that they do not oppose wedding celebration events but were concerned about

the ramifications of noise interruptions, nuisance and safety with easy trespass onto their site and disturbance to the weddings that are held outdoors on their premises.

Concerns were also raised as to events taking place in the midst of the COVID-19 pandemic.

Legal advice was provided to the effect that concerns relating to highway safety and COVID-19 fall outside of the scope of the licensing regime. In response to the COVID-19 concerns specifically, reference was made to the 'Revised Guidance issued under section 182 of the Licensing Act 2003' namely, the section relating to public safety which states that:

"This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation."

FINDINGS

The Sub-Committee considered the report of the Licensing Officer, the Reports marked to follow on the Agenda and/or Supplementary Documents, the written representations submitted and the oral representations put forward at the hearing.

The Sub-Committee noted that the Applicant hosted an event under a TEN earlier this year but were inclined to cast this from their minds and focused on the application before them.

The Sub-Committee reflected on the concerns of the 'Other Persons.' They recognised that whilst the conditions consistent with the operating schedule (proposed conditions) would only enable the licensable activities to take place for a maximum of two days per calendar month, there is still a potential for disturbance. The Sub-Committee considered the impact that noise nuisance would have on the residents, particularly in a rural setting. They also placed weight on the effect this would have on the neighbouring wedding business, Wellington Wood.

As well as the prevention of public nuisance, the Sub-Committee were also mindful of public safety and the prevention of the crime and disorder.

The Sub-Committee acknowledged that the Applicant had made an attempt to reassure the local residents but felt that they could not completely disregard the concerns raised.

To that end, the Sub-Committee grants the application but imposes the following conditions.

CONDITIONS

The following conditions were found to be appropriate:

1. The mandatory conditions applicable under the Licensing Act 2003;
2. The conditions consistent with the operating schedule (proposed conditions) as detailed on pages 9-11 of the Licensing Officer's report, **save for:**
 - Prior to the commencement of any licensable activities including the provision of recorded and live music at any time, an acoustic assessment shall be carried out which includes a site specific background noise survey, an assessment of predicted noise sources (including vehicle noise on entry and exit), mitigation

recommendations and a detailed noise management plan. The acoustic noise survey and any relevant mitigation measures shall be submitted to and approved by the Community Safety & Neighbourhood Nuisance Team (CSNN) and recommendation implemented before licensable activities, including the provision of live and recorded music at any time shall commence (item (b)); **and**

- Functions or events which include the provision of alcohol, live or recorded music shall not exceed 12 occasions per year and 2 per calendar month (item (c)); **and**
- Functions or events which include the provision of alcohol, live or recorded music shall take place on Fridays or Saturdays only (item (d)); **and**
- The sale of alcohol for consumption on the premises and the provision of live and recorded music, shall be limited to the following times only:

11am until 11pm on Fridays and Saturdays (item (e)).

These conditions are varied and set out in the imposed conditions below;

3. The additional conditions offered up by the Applicant as detailed on page 2 of the Reports marked to follow on the Agenda and/or Supplementary Documents, **save for:**

- Functions or events which include the provision of alcohol, live or recorded music shall be limited to wedding type events only; including weddings, civil partnerships, wedding blessings and renewal of vow celebrations. No music, concert or festival type events can take place under this premises licence (item (2)).

This condition is varied and set out in the imposed conditions below;

4. The imposed conditions.

The following additional conditions were imposed by the Sub-Committee:

Condition 1

Prominent and clear signage shall be displayed at all entry and exit points to the premises requesting guests and staff to respect the needs of local residents and to leave the premises and the area quietly and with consideration.

Condition 2

A professional security company shall be employed by the licence holder whilst licensable activities are taking place at the premises. There must be a minimum of one security staff per fifty guests. Furthermore, at least 50% of the security staff present whilst licensable activities are taking place must be SIA accredited.

Condition 3

The entertainment marquee must be positioned in such a way so that it is not directly adjacent to or bordering a residential property or business.

Condition 4

Prior to the commencement of any licensable activities including the provision of recorded and live music at any time, an acoustic assessment shall be carried out which includes a site specific background noise survey, an assessment of predicted noise sources (including vehicle noise on entry and exit), an assessment of the erection of a fence surrounding the premises (including an assessment of the erection of an acoustic fence where the premises borders the neighbouring business, Wellington Wood), mitigation recommendations and a detailed noise management plan. The acoustic noise survey, assessments and any relevant mitigation measures shall be submitted to and approved by the Community Safety & Neighbourhood Nuisance Team (CSNN) and recommendation implemented before licensable activities, including the provision of live and recorded music at any time shall commence.

Condition 5

Functions or events which include the provision of alcohol, live or recorded music shall not exceed 12 occasions per year and 2 per calendar month and shall not take place over two consecutive days.

Condition 6

Functions or events which include the provision of alcohol, live or recorded music shall take place on Fridays or Saturdays only and shall not take place over two consecutive days.

Condition 7

The sale of alcohol for consumption on the premises and the provision of live and recorded music, shall be limited to the following times only:

11am until 11pm on Fridays and Saturdays

and shall not take place over two consecutive days.

Condition 8

Functions or events which include the provision of alcohol, live or recorded music shall be limited to wedding type events only; including weddings, civil partnerships, wedding blessings and renewal of vow celebrations. No concert, rave or festival type events can take place under this premises licence.

The Sub-Committee impose these conditions to promote the prevention of public nuisance, public safety and the prevention of crime and disorder.

Whilst not a condition, the Sub-Committee encourages the licence holder to communicate with the neighbouring wedding business, Wellington Wood.

The Sub-Committee acknowledges the relevant steps that the Applicant intends to take to promote the four licensing objectives as set out within the operating schedule of his application. He is reminded that should he fail to observe these steps, his licence could be brought back for review by the Sub-Committee.

DETERMINATION

The Sub-Committee grants the application subject to the conditions as detailed above.

RIGHT OF APPEAL

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

Signed.....S. Sandell.....
Councillor Sam Sandell (Chair of the Licensing Committee)

Date: 23rd November 2020

BOROUGH COUNCIL OF KING'S LYNN & WEST NORFOLK

LICENSING COMMITTEE

**Minutes from the Meeting of the Licensing Committee held on Thursday,
25th February, 2021 at 10.00 am in the Remote Meeting on Zoom and
available for the public to view on WestNorfolkBC on You Tube - Zoom and
You Tube**

PRESENT:

SUB-COMMITTEE: Councillors S Sandell (Chair), D Tyler and T Parish

OFFICERS:

Marie Malt – Senior Licensing Officer
Hema Patel – Legal Advisor
Rebecca Parker – Democratic Services

OTHERS:

Licence Holder
Representative from Norfolk Constabulary

1 **ITEMS OF URGENT BUSINESS**

There was no urgent business.

2 **APOLOGIES FOR ABSENCE**

There were no apologies for absence.

3 **DECLARATIONS OF INTERESTS**

There was no declarations of interest.

4 **EXCLUSION OF PRESS AND PUBLIC**

Note: Due to the error which meant the public were not able to watch the end of the debate and the vote to exclude the press and public, the Monitoring Officer has ruled that the decision made by the Sub-Committee cannot stand. This is because it did not meet the legal requirement that it be taken in public.

5 **TO CONSIDER AN APPLICATION TO REVIEW A PERSONAL LICENCE**

The Chair welcomed everyone to the meeting and declared that the Sub-Committee was sitting to consider a review of a Personal Licence.

She introduced the Sub-Committee, the Borough Council officers and the Legal Advisor and explained their roles.

6 **PROCEDURE WHICH WILL BE FOLLOWED AT THE HEARING**

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

7 **REPORT OF THE LICENSING OFFICER**

At the request of the Chair, the Licensing Officer presented her report to the Sub-Committee and responded to questions from all parties.

8 **RESPONSIBLE AUTHORITIES CASE**

At the request of the Chair the representative from Norfolk Constabulary presented his case and responded to questions from all parties.

9 **LICENCE HOLDERS CASE**

At the request of the Chair, the Licence Holder presented his case and responded to questions from all parties.

10 **SUMMING UP**

All parties summed up their case.

11 **OUTSTANDING MATTERS**

The Legal Advisor outlined the outstanding matters and also provided detail of the Legal advice she would be providing to the Sub-Committee whilst they retired to make their decision.

12 **DECISION**

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

After the Hearing the Decision Notice was circulated to all parties.

13 **DECISION NOTICE**

The meeting closed at 10.58 am

BOROUGH COUNCIL OF KING'S LYNN & WEST NORFOLK

LICENSING COMMITTEE

Minutes from the Meeting of the Licensing Committee held on Wednesday, 21st July, 2021 at 12.00 pm in the Assembly Room, Town Hall, Saturday Market Place, King's Lynn PE30 5DQ

PRESENT:

SUB COMMITTEE: Councillors E Nockolds (Chair), D Whitby and D Tyler

OFFICERS:

Vicki Hopp – Environmental Health Manager
Johanna Riches – Licensing Officer
Rebecca Parker – Democratic Services Officer
Hema Patel – Legal Advisor

APPLICANT:

Rachael White, Nick Curtis and Jack Tripp Represented by Tim Cary

INTERESTED PARTIES:

Lesley Randall – Representing Hockwold Cum Wilton Parish Council
Toni Cobbold – Representing self, Pamela Cobbold and Mr and Mrs Brown
Mr and Mrs Pountney

OTHERS:

Councillor P Kunes – Portfolio Holder for Environment
Chris Smith – Norfolk Constabulary
Chris Brooks – Norfolk Constabulary
Nathan Reed – Community Safety and Neighbourhood Nuisance
Jo Reed – Community Safety and Neighbourhood Nuisance

1 **APOLOGIES FOR ABSENCE**

There were no apologies for absence.

2 **ITEMS OF URGENT BUSINESS**

There was no urgent business.

3 **DECLARATIONS OF INTERESTS**

There was no declarations of interest.

4 **TO CONSIDER AN APPLICATION FOR 100 ACRES, COWLES DROVE, HOCKWOLD CUM WILTON**

[Click here to view the recording of this item.](#)

The Chair welcomed everyone to the meeting and declared that the Sub-Committee was sitting to consider an application for a premises licence in respect of Paradise Gardens Hydro and Urban Lifestyle Show, 100 Acres, Cowles Drove, Hockwold cum Wilton.

The Chair informed those present that a site visit had been conducted prior to the Hearing.

The Sub-Committee, the Borough Council officers and the Legal Advisor were introduced and explained their roles.

Representatives from the Police and the Community Safety and Neighbourhood Nuisance Team were also present at the Hearing and introduced themselves.

The Chair explained that the meeting was being broadcast on You Tube.

All parties were introduced and asked if fifteen minutes was sufficient to present their case.

5 **PROCEDURE WHICH WILL BE FOLLOWED AT THE HEARING**

[Click here to view the recording of this item.](#)

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

Those present were informed that the decision would not be read out at the Hearing today, but would follow in writing within five working days.

6 **REPORT OF THE LICENSING OFFICER**

[Click here to view the recording of this item.](#)

At the request of the Chair, the Licensing Officer presented her report to the Sub-Committee as included in the Agenda.

Questions were invited from all parties and the Licensing Officer. There were no questions.

7 **THE APPLICANTS CASE**

[Click here to view the recording of this item.](#)

At the request of the Chair, the Applicant's representative, on behalf of the Applicant presented their case. He provided detail of the Event

Management Plan and the steps the applicant had taken to address resident concerns.

The applicant and the applicants representative responded to questions from all parties.

8 **INTERESTED PARTIES CASE**

a) Lesley Randall – Hockwold Parish Council

[Click here to view the recording of this item](#)

b) Toni Cobbold – representing self, Pamela Cobbold and Mr and Mrs Brown

[Click here to view the recording of this item](#)

c) Mr D and Mrs B Pountney

[Click here to view the recording of this item](#)

The Interested Parties responded to questions from all parties and the Licensing Officer provided detail of the concerns raised by Norfolk Fire and Rescue Service and how these had been considered.

9 **SUMMING UP - THE LICENSING OFFICER**

[Click here to view the recording of this item.](#)

10 **SUMMING UP - INTERESTED PARTIES**

The Interested Parties confirmed that they had nothing further to add.

11 **SUMMING UP - THE APPLICANT**

[Click here to view the recording of this item](#)

12 **OUTSTANDING MATTERS**

[Click here to view the recording of this item.](#)

The Legal Advisor outlined outstanding matters and provided detail of the Legal Advice she would be providing to the Sub-Committee Members whilst they retired to make their decision.

13 **DECISION NOTICE**

The Chair closed the meeting and the Panel retired to consider its decision in private, accompanied by the Democratic Services Officer for administration purposes and the Legal Advisor for specific points of law and procedure.

After the Hearing the decision notice was circulated to all parties. A copy of the decision notice is attached.

The meeting closed at 1.49 pm

LICENSING SUB-COMMITTEE**DETERMINATION NOTICE**

Date of Hearing	21 July 2021 at 12:00pm
Sub-Committee Members	Councillors Nockolds (Chairperson), Don Tyler and David Whitby
Legal Adviser	Hema Patel
Licensing Officers	Vicki Hopps, Environmental Health Manager (covering the licensing function) Johanna Riches, Licensing Officer (observing)
Democratic Services Officer	Rebecca Parker
Applicant's Name	Urban Hydro Ltd Rachel White, Nick Curtis & Jack Tripp Represented by Tim Cary of Leathes Prior Solicitors
Responsible Authorities	Chris Smith – LPC Inspector for Downham Market Chris Brooks – Licensing Officer, Norfolk Constabulary Nathan Reed – Community Safety & Neighbourhood Nuisance Joanne Reed - Community Safety & Neighbourhood Nuisance
Other Persons present	Lesley Randall (representing Hockwold Cum Wilton Parish Council) Toni Cobbold (representing self, Pamela Cobbold and Mr & Mrs Brown) Mr Dennis Pountney Mrs B.D. Pountney
Portfolio holder for licensing	Councillor Paul Kunes
Premises Address	Paradise Gardens Hydro & Urban Lifestyle Show, The 100 Acres, Cowles Drove, Hockwold Cum Wilton, IP26 4JQ
Application	Application for a Premises Licence

APPLICATION

The Borough Council of King's Lynn & West Norfolk ('the Council'), being the relevant licensing authority, received an application for a Premises Licence for Paradise Gardens Hydro and Urban Lifestyle Show, The 100 Acres, Cowles Drove, Hockwold Cum Wilton, IP26 4JQ.

During the 28 day representation period, the Council received representations from the following:

RESPONSIBLE AUTHORITIES

Norfolk Fire & Rescue Service. Details of the representation were attached to the Licensing Officer's report at Appendix 2.

OTHER PERSONS

There were 16 representations from 'Other Persons' to consider. All 16 representations received were objections to the application. Details of the representations were attached to the Licensing Officer's report at Appendix 3.

HEARING

On 21st July 2021, a hearing was held to consider the application for the premises licence. The Sub-Committee determined the application with a view to promoting the four licensing objectives. It considered the application on its own merits. In reaching its determination, the Sub-Committee had regard to the following matters:

- The relevant parts of the written and oral evidence before them;
- The Council's Licensing Policy;
- Statutory Guidance issued under the Licensing Act 2003.

The Sub-Committee listened to all the evidence and submissions. It heard from:

- The Environmental Health Manager (covering the licensing function);
- The Applicant and the Applicant's representative;
- Lesley Randall (representing Hockwold Cum Wilton Parish Council);
- Toni Cobbold (representing self, Pamela Cobbold and Mr & Mrs Brown);
- Mr Dennis Pountney;
- Mrs B.D. Pountney.

SUMMARY OF EVIDENCE

The Environmental Health Manager presented the Licensing Officer's report and outlined the application which had been submitted. A copy of the application was attached to the report at Appendix 1. There were no questions surrounding the Licensing Officer's report.

The Applicant's representative presented the Applicant's case. The Applicant's representative submitted that the event is not primarily a music festival and is not comparable to an illegal rave. On the contrary, it is a properly controlled festival. The Applicant's representative referred the Sub-Committee to the Event Management Plan ('EMP') and explained that the same deals with every issue that could arise for an event of this nature. The Applicant's representative acknowledged that the prospect of a festival is disconcerting but repeated that it would be a properly run and managed festival by operators who have experience of running such events.

The Applicant has engaged, at significant expense, a raft of experienced contractors to assist them with what is proposed including, stewards, medical services and traffic management. Furthermore, there will be properly licensed security staff on site and in the immediate area. The Applicant's representative noted the concerns raised by local residents about the behaviour of attendees away from the site and submitted that the Council's licensing policy provides that this is not the licence holder's responsibility. Nevertheless, the Applicant feels that it is their responsibility. The Applicant has no wish to cause difficulties or problems to their neighbours and is taking steps to ensure the surrounding area is properly controlled and managed in so far as they can.

A specialist traffic company has been engaged and a detailed proposal has been put forward to manage the traffic. Properly accredited traffic marshals will be positioned at the junction with Station Road and further down Cowles Drove. Furthermore, stewards will be placed along Cowles Drove to ensure attendees do not litter the highway and do not park vehicles along the road.

The Applicant's representative highlighted that there are restrictions on the hours of alcohol sales, entertainment and late night refreshment. In terms of the hours of music, the Applicant is taking various steps as identified in the EMP to limit noise exposure at the boundary of the site. The restrictions in place will be monitored to keep nuisance to near neighbours to a minimum.

The Applicant and the Applicant's representative answered questions from all parties.

The 'Other Persons' presented their case and answered the question put to them.

Lesley Randall submitted that the Parish Council's concerns largely related to access to the site from the B1112 which has a speed limit of 60mph, traffic congestion and the safety of the residents of Hockwold cum Wilton, namely, those who reside along Cowles Drove as there is no Police presence or patrol in the area, no security and no street lighting.

Toni Cobbold also raised concerns relating to street lighting along the Drove. She explained that the Drove consists of uneven surfaces with dykes running all the way down and queried whether there would be fences and barriers in place. Toni Cobbold informed the Sub-Committee of a fire which recently occurred along the Drove and explained that they were unable to enter or leave the Drove for 24 hours. During this incident, the fire service had to go into the village to fill the engines due to lack of water and the hydrant on the Drove was unable to give sufficient water. Among other things, her other concerns related to pedestrian access along the Drove, substance abuse, anti-social behaviour and trespassing.

Mr Pountney submitted that that there is insufficient room for a tractor and a car to pass safely on Cowles Drove. In addition, the question was raised as to how pedestrians will safely move along the Drove. Mr Pountney drew the Sub-Committee's attention to the fact that Cowles Drove is an unadopted road and talked in some detail regarding the Highways Act 1980. He described the condition of the road, stating that the consistency changes with the weather, and explained that when wet conditions prevail it is almost impossible to pass on foot. For the sake of public safety, it is not only relevant that people on the site are kept safe, but it is imperative that those trying to access and leave the site are just as important.

Mrs Poutney noted that the marshals would only be available until 10:00pm. She expressed her concerns about attendees wandering along an unmade road and was particularly concerned given that there are dykes along the Drove and no lighting. She also highlighted that, in the event of an emergency, there is only one bridge which gives access to and from the site. She described the bridge stating that it has no sides and is only wide enough for one vehicle.

Norfolk Fire & Rescue Service ('NFRS') were not present. The Legal Advisor explained that she had liaised with NFRS in respect of their representation. The Legal Adviser sought clarification that NFRS were not objecting to the application but simply highlighting their concerns which would be dealt with by way of the Safety Advisory Group and separate legislation, namely, The Regulatory Reform (Fire Safety) Order 2005. NFRS advised that they had considered the risk assessment and there were no issues, save for several additions which were being actioned.

While representatives from Norfolk Police and the Council's Community Safety and Neighbourhood Nuisance team were in attendance, it should be noted that they made no objections or representations and were simply present to assist with any queries.

The parties all summed up.

FINDINGS

The Sub-Committee considered the report of the Licensing Officer and the oral representations put forward at the hearing.

The Sub-Committee were of the view that the Applicant had put forward a strong case and, without any other evidence to persuade them otherwise, could not see that the licensing objectives were damaged. They felt that once on site the event will be well controlled.

R. (on the application of Daniel Thwaites Plc) v Wirral Borough Magistrates' Court [2008] EWHC 383 (Admin) recognises that significant weight should be placed on the views of Responsible Authorities because they are experts in their fields and therefore have particular responsibility in those areas. The Sub-Committee noted that no representations had been made by the Responsible Authorities (save for Norfolk Fire & Rescue Service). In the absence of representations, there was no expert information available to the Sub-Committee from which they could form a view.

The Sub-Committee considered 'the protection of children from harm' objective and whether this could be addressed further. The Sub-Committee were referred to the EMP, namely paragraph 22, 'Lost Children Policy,' and were satisfied with the protocol in place.

The Sub-Committee had regard to the concerns raised by the 'Other Persons' and wanted to ensure that the residents feel secure without being overly burdensome on the Applicant.

It is for the reasons set out above that the Sub-Committee grants the application but imposes the following conditions.

CONDITIONS

The following conditions were found to be appropriate:

1. The mandatory conditions applicable under the Licensing Act 2003;
2. The conditions consistent with the operating schedule (proposed conditions) as detailed on pages 10-12 of the Licensing Officer's report, **save for:**
 - The license shall authorise a cumulative maximum attendance of the event of up to 8,000 to include all public weekend tickets, day tickets as well as staff and complimentary performer passes (item (g)).

This condition is varied and set out in the imposed conditions below.

3. The proposed amendment to item (f) of the conditions consistent with the operating schedule (proposed conditions) as offered up by the Applicant. For the avoidance of doubt, this condition will replace item (f) and states:
 - CSAS accredited traffic management staff must be present along Cowles Drove between 10am and 10pm Thursday to Sunday and from 9am to 2pm on Monday to assist with the flow of traffic.

4. The imposed conditions.

The following additional conditions were imposed by the Sub-Committee:

Condition 1

The licence holder must ensure that the documents specified in the representation received from Norfolk Fire & Rescue Service dated 01 July 2021 (Appendix 2 of the Licensing Officer's report) are also copied to the Council.

Condition 2

In accordance with section 21 Licensing Act 2003, each individual member of security staff carrying out a security activity must be licensed by the Security Industry Authority ('SIA') under the Private Security Industry Act 2001, or be entitled to carry out that security activity by virtue of section 4 of that Act.

Condition 3

Subject to confirmation from the relevant fire and rescue authority, the license shall authorise a cumulative maximum attendance of the event of up to 8,000 to include all public weekend tickets, day tickets as well as staff and complimentary performer passes.

Whilst not a condition, the Sub-Committee recommends advance online sales of day tickets rather than 'on the day' ticket sales. The Sub-Committee feel this is important to assist with congestion on the road and to enable attendees to expediently access the site.

DETERMINATION

The Sub-Committee grants the application subject to the conditions as detailed above.

RIGHT OF APPEAL

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

Signed.....E. Nockolds.....

Date: 26 July 2021

Councillor Elizabeth Nockolds (Chairperson of the Licensing Committee)

BOROUGH COUNCIL OF KING'S LYNN & WEST NORFOLK

LICENSING SUB COMMITTEE HEARING

Minutes from the Meeting of the Licensing Committee held on Tuesday, 24th August, 2021 at 10.00 am in the Assembly Room, Town Hall, Saturday Market Place, King's Lynn PE30 5DQ

PRESENT:

SUB COMMITTEE: Councillors E Nockolds (Chair), C J Crofts (Vice Chair) and C Sampson.

OFFICERS:

Johanna Riches – Licensing Officer
Marie Malt – Senior Licensing Officer
Hema Patel – Legal Advisor
Rebecca Parker – Democratic Services Officer

APPLICANT:

Mr S Carter, represented by Mr J Jackson and Mr J Noble.

INTERESTED PARTIES:

Mr and Mrs Johnson
Mrs Carter
Mr and Mrs Wills
Mr White

OTHERS:

Councillor P Kunes – Portfolio Holder for Environment

1 **APOLOGIES FOR ABSENCE**

There were no apologies for absence.

2 **ITEMS OF URGENT BUSINESS**

There was no urgent business.

3 **DECLARATIONS OF INTERESTS**

There was no declarations of interest.

4 **TO CONSIDER AN APPLICATION FOR CROFT COUNTRY CLUB, GREENEND, LOTT'S BRIDGE, THREE HOLES, PE14 9JD**

[Click here to view the recording of this item.](#)

The Chair welcomed everyone to the meeting and declared that the Sub-Committee was sitting to consider an application for a premises licence in respect of Croft Country Club, Green End, Lott's Bridge, Three Holes and advised that the meeting was being broadcast on You Tube.

The Sub-Committee, Borough Council officers and the Legal Advisor were introduced and explained their roles.

All parties were introduced and confirmed that fifteen minutes was sufficient to present their case.

5 **PROCEDURE WHICH WILL BE FOLLOWED AT THE HEARING**

[Click here to view the recording of this item.](#)

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

She made reference to the additional correspondence which had been circulated in advance of the Hearing and the representation which should not be considered as it was received out of time.

She also made the Sub-Committee aware that the applicant had indicated that he would like to circulate some additional correspondence to the Sub-Committee which he would refer to whilst presenting his case which related to a leaflet which had been circulated to nearby residents and decibel readings from previous events. All parties present at the hearing agreed that the correspondence could be considered and did not require an adjournment as the applicant had explained that he would explain the additional correspondence whilst presenting his case.

Those present were informed that the decision would not be read out at the Hearing today, but would follow in writing within five working days.

6 **REPORT OF THE LICENSING OFFICER**

[Click here to view the recording of this item.](#)

At the request of the Chair, the Licensing Officer presented her report to the Sub-Committee as included in the Agenda.

Questions to the Licensing Officer were invited from all parties and the Licensing Officer provided detail of why the application had only now come before the Sub-Committee. She explained that the site bordered Fenland and the Borough Council thought that the site had been licensed by Fenland, however the licensed area was within the Borough Council of King's Lynn and West Norfolk.

7 **THE APPLICANTS CASE**

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At the request of the Chair, the Applicant's representative, Mr Jackson, presented the case on behalf of the applicant. He provided detail of the additional correspondence which had been circulated to the Panel and related to a leaflet which had been circulated to nearby residents in opposition to the application and referred to decibel readings which had been taken during a previous event.

The applicant and applicant's representative responded to questions from all parties and confirmed that all visits to the site had to be pre-booked and he was happy that this could be added to the licence as a condition if required. Details of the amount of attendees at events was provided as well as information on how events were advertised. It was also confirmed that no alcohol was sold on site, but as it was a self-catering site visitors could bring their own.

8 **INTERESTED PARTIES CASE**

[Click here to view the recording of this item.](#)

The Interested Parties presented their case.

Dick Johnson commented that he had not heard any disturbances from the site. He explained that it was important to encourage visitors to the area.

Clifford White commented that he travelled from Leicestershire to attend this Hearing and support the applicant. He visited the site regularly and commented that he frequented local businesses and restaurants, as did many of the visitors to the campsite.

Reference was also made to the charity events held on site and the impact of lockdowns.

The Interested Parties responded to questions from all parties. It was explained that a complaint had been made about a nearby premises, but it was not certain that the premises in question was Croft Country Club.

9 **SUMMING UP - THE LICENSING OFFICER**

[Click here to view the recording of this item.](#)

10 **SUMMING UP - INTERESTED PARTIES**

[Click here to view the recording of this item.](#)

11 **SUMMING UP - THE APPLICANT**

[Click here to view the recording of this item.](#)

12 **OUTSTANDING MATTERS**

[Click here to view the recording of this item.](#)

The Legal Advisor outlined outstanding matters and provided detail of the Legal Advice she would be providing to the Sub-Committee Members whilst they retired to make their decision.

13 **DECISION NOTICE**

The Chair closed the meeting and the Panel retired to consider its decision in private, accompanied by the Democratic Services Officer for administration purposes and the Legal Advisor for specific points of law and procedure.

After the Hearing the decision notice was circulated to all parties. A copy of the decision notice is attached.

The meeting closed at 11.09 am

LICENSING SUB-COMMITTEE**DETERMINATION NOTICE**

Date of Hearing	24 August 2021
Sub-Committee Members	Councillors Nockolds (Chairperson), Chris Crofts and Colin Sampson
Legal Adviser	Hema Patel
Licensing Officers	Johanna Riches (Licensing Officer) Marie Malt (Senior Licensing Officer)
Democratic Services Officer	Rebecca Parker
Applicants	Jane Carter (not present) and Stephen Carter (present) John Jackson (Applicants' Representative) James Doble (supporting Applicants' Representative)
Other Persons	Frances and Richard Johnson Catherine Carter Theresa and Colin Wills Clifford White
Portfolio holder for licensing	Councillor Paul Kunes
Premises Address	Croft Country Club, Green End, Lott's Bridge, Three Holes, Wisbech, PE14 9JD
Application	Application for a Premises Licence

APPLICATION

The Borough Council of King's Lynn and West Norfolk ('the Council'), being the relevant licensing authority, received an application for a Premises Licence for Croft Country Club, Green End, Lott's Bridge, Three Holes, Wisbech, PE14 9JD ('the Club').

During the 28 day representation period, which ended on 28 July 2021, the Council received representations from the following:

RESPONSIBLE AUTHORITIES

There were no representations from any of the responsible authorities to consider.

OTHER PERSONS

There were eighteen representations from 'Other Persons' to consider. Of those representations, three were objections to the application and fifteen were supporting the application. Details of the representations were attached to the Senior Licensing Officer's report before the Licensing Sub-Committee at Appendix 2.

Subsequent the agenda being published, the Senior Licensing Officer became aware that one of the representations appended to her report was in fact received following the expiry of the consultation period. The Senior Licensing Officer communicated this error in writing to all parties

in advance of the hearing and asked that the content of this particular representation be disregarded.

HEARING

On 24 August 2021, a hearing was held to consider the application for the premises licence. The Sub-Committee determined the application with a view to promoting the four licensing objectives. It considered the application on its own merits. In reaching its determination, the Sub-Committee had regard to the following matters:

- The relevant parts of the written and oral evidence before them;
- The Council's Licensing Policy;
- Statutory Guidance issued under the Licensing Act 2003.

The Sub-Committee listened to all the evidence and submissions. It heard from:

- The Licensing Officer;
- The Applicants' Representative;
- Richard Johnson;
- Clifford White.

SUMMARY OF EVIDENCE

The Licensing Officer presented the Senior Licensing Officer's report and outlined the application that had been submitted. A copy of the application was attached to the report at Appendix 1. She explained that the Applicants made an application for the licensable activities of live music and recorded music and advised the Sub-Committee that there are no related mandatory conditions.

The Licensing Officer answered the questions put forward.

The Applicants' Representative circulated additional documents at the start of the hearing and later presented the Applicants' case. He explained that the Club has been operating for 30 years and has been providing live and pre-recorded music entertainment for around 20 years with no complaints or objections that they are aware of.

He explained that the site is ordinarily open from the end of March until the end of September/beginning of October. He informed the Sub-Committee that the majority of events are held indoors and that 2-3 events are held outdoors each year - this has been normal practice for 15-16 years. However, the Coronavirus ('COVID-19') outbreak caused some problems with regards to indoor entertainment. Prior to receiving notification of objection from the Council there have been four Saturday events this year. Since then, they have applied for three Temporary Event Notices ('TENs') which have been granted and they have had two subsequent events which, as far as they are aware, did not give rise to any complaints.

The Applicants do not feel that the indoor music will have a nuisance effect on the neighbouring properties and described the building materials that the clubhouse is made up of. The Applicants' Representative referred the Sub-Committee to the document labelled '2' and

explained that they had undertaken two separate decibel tests on site – one in relation to pre-recorded music in the clubhouse and the other in relation to the TEN event on 31 July 2021.

In relation to public nuisance and anti-social behaviour, the Applicants' Representative informed the Sub-Committee that access to the site must be pre-booked and that it is not open to the general public. Moreover, they do not serve alcohol and explained that site users bring their own food and drink. At the end of an event, site users return to their unit rather than leaving the site and upsetting neighbouring properties.

With regards to the outdoor stage, the Applicants' Representative submitted that the only building that it directly faces is Primrose Hall which is the Applicants' residence. He also made reference to an objecting comment that the site is flat and open land but refuted this by explaining that there are a number of buildings, trees and hedges which act as some form of sound barrier.

The Applicants' Representative highlighted that they are not seeking an all-day licence. He provided examples of past events and informed the Sub-Committee of the usual start and finish times of those events. He also explained that around February of each year the Applicants publicise details of their entertainment programme and indicate the weekends on which there will be live music and, in particular, outdoor events.

The Applicants' Representative and the present Applicant answered questions from all parties.

The 'Other Persons' present, who were all supporters to the application, presented their case.

Richard Johnson explained that they also run a holiday park within a mile of the Club and feels strongly that the Club should be able to operate in the manner that it has done in the past. It is very important to the local community to have holiday makers who support the tourism in the small part of West Norfolk. Mr Johnson added that at no point have they or their holiday makers experienced disturbance from the Club.

Clifford White informed the Sub-Committee that he had travelled from Leicestershire to support the licence being granted if that helped to show his commitment to the Club. Mr White is a member of the Club and frequents it on weekends and the odd week. Mr White spends a lot of money in local restaurants and shops – he is not alone in this, there are many people like him who spend a lot of money in the local area. From a charity point of view, the events held by the Club generate significant funds for charities. The music is the key for that to continue. Like his own business, Mr White is sure that the Club has struggled through COVID-19 and made reference to recovery.

The additional 'Other Persons' present had nothing further to add and there were no questions for those present.

No persons objecting to the application were present. In their written representations, the objectors described their experiences with loud music and primarily raised concerns about public nuisance in a quiet and peaceful area. There were also concerns as to the finish time of the music. Additional correspondence received from objectors stated that they have no objection to the continuation of indoor music events but object to outdoor music events. They expressed their concerns that a large number of music events during the year would impact significantly on their ability to use their holiday cabin in the adjacent compound.

The parties all summed up.

FINDINGS

The Sub-Committee considered the report of the Licensing Officer, the written representations submitted and the oral representations put forward at the hearing.

The Sub-Committee felt it was a pity that the objectors did not attend the hearing as they were unable to put questions to them.

The Sub-Committee had regard to the fact that the Applicants recently held an event authorised under a TEN without any problems. In the Sub-Committee's view, this demonstrated that the Applicants are able to hold a full licence. Furthermore, the Club appears to be well organised with everyone on site pre-booked.

The Sub-Committee considered that the Club is a specialist organisation and therefore has tighter controls than an ordinary Country Club. Essentially, the Sub-Committee were of the view that the Club is well regulated.

Accordingly, the Sub-Committee grants the application but imposes the following conditions.

CONDITIONS

The following conditions were found to be appropriate:

1. The conditions consistent with the operating schedule (proposed conditions) as detailed on page 9 of the Senior Licensing Officer's report, save for:

- Item (c)

Provision of recorded music indoors will only be permitted –

Monday to Thursday	12:00 Noon – 23:00hrs
Friday	12:00 Noon – 00:00hrs
Saturday	12:00 Noon – 01:00hrs
Sunday	12:00 Noon – 22:30hrs
Bank Holiday Sundays	12:00 Noon – 23:00hrs

This condition is varied and set out in the imposed conditions below.

2. The imposed conditions.

The following additional conditions were imposed by the Sub-Committee:

Condition 1

The licence holder must publish details of all their evening events including the start and finish time of each event.

The Sub-Committee impose this condition so that individuals in the area are aware of the Club's events.

Condition 2

Provision of recorded music indoors will only be permitted –

Monday to Thursday	12:00 Noon – 23:00hrs
Friday	12:00 Noon – 00:00hrs
Saturday	12:00 Noon – 01:00hrs
Sunday	12:00 Noon – 23:00hrs
Bank Holiday Sundays	12:00 Noon – 23:00hrs

The Sub-Committee revise this condition for ease of administration.

DETERMINATION

The Sub-Committee does grant the application subject to the conditions as detailed.

RIGHT OF APPEAL

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

Signed.....E. Nockolds.....
Councillor Elizabeth Nockolds
(Chairperson of the Licensing Sub-Committee)

Date: 27 August 2021