

# Borough Council of King's Lynn & West Norfolk

## Report to Licensing Sub-Committee under the Licensing Act 2003

Date of Hearing: 5<sup>th</sup> February 2019

### Application for Grant of a Premises Licence

- The Vault, 18 Gaultree Square, Emneth, Wisbech, PE14 8DD
- Applicant – Mr Lloyd Jeremy Groves

### Introduction

1. A premises licence is required under the Licensing Act 2003 (the 'Act') for the sale of alcohol, regulated entertainment or for the provision of late night refreshment (i.e. the supply of hot food and drink between 11pm and 5am). The four licensing objectives to be considered when determining the application, and relevant representations, are:

- the prevention of crime & disorder,
- public safety,
- the prevention of public nuisance, and
- the protection of children from harm

### The Application

2. Mr Groves has made an application under Section 17 of the Act for the licensable activities of 'sale of alcohol by retail', 'playing of recorded music and 'late night refreshment'. A copy of the application (including a plan of the layout of the premises) is attached at Appendix 1 and if granted would allow the premises to operate as follows:

<u>Licensable Activity</u>	<u>Days</u>	<u>Times</u>
<b>Sale of Alcohol by Retail</b> (for consumption on the premises only)	Monday to Saturday	8am – 12 midnight
	Xmas Eve & New Year's Eve	8am – 01.30am the following day
<b>Recorded Music</b> (indoors only)	Monday to Saturday	8am – 12 midnight
	Xmas Eve & New Year's Eve	8am – 02.00am the following day
<b>Late Night Refreshment*</b>	Monday to Saturday	11pm – 00:30am the following day
	Xmas Eve & New Year's Eve	11pm – 02.00am the following day

\*Late Night Refreshment is only licensable between 11pm and 5am

## **Mandatory Conditions**

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

- (a) Under Section 19(2) of the Licensing Act 2003, no supply of alcohol shall be made under this premises licence at a time when there is no designated premises supervisor in respect of the premises licence, or at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- (b) Under Section 19(3) of the Licensing Act 2003 every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
- (c) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises. In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises:
  - (i) games or other activities which require or encourage, or are designed to require or encourage, individuals to drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or drink as much alcohol as possible (whether within a time limit or otherwise);
  - (ii) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
  - (iii) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
  - (iv) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;

- (v) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
- (d) The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
- (e) The premises licence holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol. The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either a holographic mark, or an ultraviolet feature.
- (f) the designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (g) The responsible person must ensure that where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:
  - (i) beer or cider: ½ pint;
  - (ii) gin, rum, vodka or whisky: 25ml or 35ml; andThese measures must be displayed in a menu, price list or other printed material which is available to customers on the premises and if a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.
- (h) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price. For the purposes of this condition 'duty' is to be construed in accordance with the Alcoholic Liquor Duties Act 1979; 'permitted price' is the price found by applying the formula -  $P = D + (D \times V)$  where; P is the permitted price; D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol; and V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol. A 'relevant

person' means the holder of the premises licence, the designated premises supervisor (if any) in respect of such a licence, or the personal licence holder who makes or authorises a supply of alcohol under such a licence. 'Valued added tax' means value added tax charged in accordance with the Value Added Tax Act 1994.

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

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

### **Conditions Consistent with the Operating Schedule (Proposed Conditions)**

5. The following conditions have been identified from the operating schedule (page 11 on the application) to promote the licensing objectives.

- (a) The DPS shall maintain a refusals/incidents register. That register will be made available to officers of the responsible authorities on request.
- (b) A digital CCTV system shall be maintained at the premises covering all public areas which is capable of recording images for a continuous period of at least 28 days. Images must be capable of being downloaded in digital format upon reasonable request from representatives of the Police or the Licensing Authority. All staff on duty at the premises must be trained in the use of the system and be able to comply with any such request. The system will be maintained in good working order at all times. A CCTV monitor will be positioned so that a member of staff will be capable of seeing images from the cameras.
- (c) There will be notices on display at the premises advising customers to keep noise down by leaving the premises quietly.
- (d) No children will be allowed on the premises unless accompanied by an adult.

### **Representation from Responsible Authorities**

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

6. The Borough Council's Community Safety & Neighbourhood Nuisance team have submitted an objection to the application. A copy of their email of objection dated the 11<sup>th</sup> January 2019 is attached at Appendix 2.

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

- Norfolk Constabulary
- Norfolk Fire Service;
- Norfolk Trading Standards;

- Norfolk Safeguarding Children's Board;
- Public Health;
- Planning (BCKLWN);
- Environmental Health (BCKLWN);
- Licensing Authority (BCKLWN);
- Home Office (Alcohol Team).

### **Representations from 'Other Persons'**

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

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

### **Notices**

9. The applicant is responsible for advertising the application by way of a notice in a specified form at the premises for not less than 28 consecutive days and in a local newspaper on at least one occasion. The Public Notice appeared in the 'Wisbech Standard' on Friday the 28<sup>th</sup> December 2018 and should have been displayed on the premises up to and including the 16<sup>th</sup> January 2019.

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

### **Plans**

11. A plan showing the location and street view of 18 Gaultree Square in relation to the representations received from 'other persons' is attached as Appendix 4.

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

12. The current Statement of Licensing Policy under the Act was approved by Full Council on the 26<sup>th</sup> November 2015. The following extracts may be relevant to this application and assist the Sub-Committee:

#### **3.0 Fundamental principles**

3.1 The 2003 Act requires that the Council carries out its various licensing functions so as to promote the following four licensing objectives:

- (a) the prevention of crime and disorder,
- (b) public safety,
- (c) the prevention of public nuisance, and
- (d) the protection of children from harm.

3.2 Nothing in this 'Statement of Policy' will:

- (a) undermine the right of any individual to apply under the terms of the 2003 Act for a variety of permissions and to have any such application considered on its own merits;
- (b) override the right of any person to make representations on an application.

- 3.3 Every application will be dealt with impartially and on its individual merits. The Borough Council will not refuse to grant or vary an application unless it has received a representation from a responsible authority, such as the police or an environmental health officer, or other person, such as a local resident or local business, which is a relevant representation.
- 3.4 Licensing is about regulating licensable activities on licensed premises and any conditions that are attached to premises licences or club premises certificates will be focused on matters which are within the control of the individual licensee or club, i.e. the premises and its vicinity.
- 3.5 Whether or not incidents can be regarded as being “in the vicinity” of licensed premises is a question of fact and will depend on the particular circumstances of the case. In cases of dispute, the question will ultimately be decided by the courts. The Borough Council, in addressing this matter, will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned.
- 3.6 Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned. Nonetheless, it is a key aspect of such control and licensing law will always be part of a holistic approach to the management of the evening and night-time economy throughout the borough.

## **5.0 Licensing Hours**

- 5.1 With regard to licensing hours, due consideration will be given to the individual merits of an application. The Borough Council recognises that, in some circumstances, flexible licensing hours for the sale of alcohol can help to ensure that the concentrations of customers leaving premises simultaneously are avoided. This can help to reduce the friction at late night fast food outlets, taxi ranks and other sources of transport which could lead to disorder and disturbance.
- 5.2 The Borough Council wants to ensure that licensing hours do not inhibit the development of thriving and safe night-time local economies. This is important for investment, local employment and attractive to domestic and international tourists. Providing consumers with greater choice and flexibility is an important consideration, but should always be balanced carefully against the duty to promote the four licensing objectives and the rights of local residents to peace and quiet.

## **10.0 Prevention of Public Nuisance**

- 10.1 Licensed premises, especially those operating late at night and early in the morning can cause a range of nuisances which impact on people or businesses in the vicinity. The concerns will mainly relate to noise but

could also include light pollution and noxious smells. The Borough Council expect operating schedules to satisfactorily address these issues, as appropriate.

## **17.0 Conditions**

- 17.1 The Borough Council will not impose conditions unless it has received a representation from a responsible authority, such as the police or an environmental health officer, or other persons, such as a local resident or local business, which is a relevant representation, or is offered in the applicant's Operating Schedule. Any conditions will be proportional and appropriate to achieve the licensing objectives.

## **Guidance Issued Under Section 182 of the Licensing Act 2003**

*Under Section 4 of the Act, Licensing Authorities must have regard to guidance issued under Section 182. The current Guidance was issued by the Home Office in March 2015 and offers advice to Licensing authorities on the discharge of their functions under the Act.*

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

### **Licensing Objectives and Aims**

- 1.2 The legislation provides a clear focus on the promotion of four statutory objectives which must be addressed when licensing functions are undertaken.
- 1.3 The licensing objectives are:
- The prevention of crime and disorder;
  - Public safety;
  - The prevention of public nuisance; and
  - The protection of children from harm.
- 1.4 Each objective is of equal importance. There are no other statutory licensing objectives, so that the promotion of the four objectives is a paramount consideration at all times.
- 1.5 However, the legislation also supports a number of other key aims and purposes. These are vitally important and should be principal aims for everyone involved in licensing work. They include:
- Protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises;
  - Giving the police and licensing authorities the powers they need to effectively manage and police the night-time economy and take action against those premises that are causing problems;
  - Recognising the important role which pubs and other licensed premises play in our local communities by minimising the regulatory burden on business, encouraging innovation and supporting responsible premises;
  - Providing a regulatory framework for alcohol which reflects the needs of local communities and empowers local authorities to make and enforce decisions about the most appropriate licensing strategies for their local area; and

- Encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may affect them.

### **Licence Conditions – General Principles**

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

- must be appropriate for the promotion of the licensing objectives;
- must be precise and enforceable;
- must be unambiguous and clear in what they intend to achieve;
- should not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation;
- must be tailored to the individual type, location and characteristics of the premises and events concerned;
- should not be standardised and may be unlawful when it cannot be demonstrated that they are appropriate for the promotion of the licensing objectives in an individual case;
- should not replicate offences set out in the 2003 Act or other legislation;
- should be proportionate, justifiable and be capable of being met, (for example, whilst beer glasses may be available in toughened glass, wine glasses may not);
- cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff, but may impact on the behaviour of customers in the immediate vicinity of the premises or as they enter or leave; and
- should be written in a prescriptive format.

### **Each application on its own merits**

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

### **Public nuisance**

2.14 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and



working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.

- 2.15 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.
- 2.16 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 15). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.
- 2.17 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.
- 2.18 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be

appropriate to address any disturbance anticipated as customers enter and leave.

- 2.19 Measures to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.
- 2.20 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.

### **Determining Applications**

- 9.1 When a licensing authority receives an application for a new premises licence or an application to vary an existing premises licence, it must determine whether the application has been made in accordance with section 17 of the 2003 Act, and in accordance with regulations made under sections 17(3) to (6), 34, 42, 54 and 55 of the 2003 Act. It must similarly determine applications for the grant of club premises certificates made in accordance with section 71 of the 2003 Act, and in accordance with regulations made under sections 71(4) to (7), 84, 91 and 92 of the 2003 Act. This means that the licensing authority must consider among other things whether the application has been properly advertised in accordance with those regulations.

### **Where Representations Are Made**

- 9.3 Where a representation concerning the licensing objectives is made by a responsible authority about a proposed operating schedule and it is relevant, (see paragraphs 9.4 to 9.10 below) the licensing authority's discretion will be engaged. It will also be engaged if another person makes relevant representations to the licensing authority, which are also not frivolous or vexatious (see paragraphs 9.4 to 9.10 below). Relevant representations can be made in opposition to, or in support of, an application and can be made by any individual, body or business that has grounds to do so.

### **Relevant, vexatious and frivolous representations**

- 9.4 A representation is "relevant" if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. For example, a representation from a local businessperson about the commercial damage caused by competition from new licensed premises would not be relevant. On the other hand, a representation by a businessperson that nuisance caused by new

premises would deter customers from entering the local area, and the steps proposed by the applicant to prevent that nuisance were inadequate, would be relevant. In other words, representations should relate to the impact of licensable activities carried on from premises on the objectives. For representations in relation to variations to be relevant, they should be confined to the subject matter of the variation. There is no requirement for a responsible authority or other person to produce a recorded history of problems at premises to support their representations, and in fact this would not be possible for new premises.

- 9.5 It is for the licensing authority to determine whether a representation (other than a representation from responsible authority) is frivolous or vexatious on the basis of what might ordinarily be considered to be vexatious or frivolous. A representation may be considered to be vexatious if it appears to be intended to cause aggravation or annoyance, whether to a competitor or other person, without reasonable cause or justification. Vexatious circumstances may arise because of disputes between rival businesses and local knowledge will therefore be invaluable in considering such matters. Licensing authorities can consider the main effect of the representation, and whether any inconvenience or expense caused by it could reasonably be considered to be proportionate.
- 9.6 Frivolous representations would be essentially categorised by a lack of seriousness. Frivolous representations would concern issues which, at most, are minor and in relation to which no remedial steps would be warranted or proportionate.
- 9.7 Any person who is aggrieved by a rejection of their representations on either of these grounds may lodge a complaint through the local authority's corporate complaints procedure. A person may also challenge the authority's decision by way of judicial review.
- 9.8 Licensing authorities should not take decisions about whether representations are frivolous, vexatious or relevant to the licensing objectives on the basis of any political judgement. This may be difficult for councillors who receive complaints from residents within their own wards. If consideration is not to be delegated, contrary to the recommendation in this Guidance, an assessment should be prepared by officials for consideration by the sub-committee before any decision is taken that necessitates a hearing. Any councillor who considers that their own interests are such that they are unable to consider the matter independently should disqualify themselves.
- 9.9 It is recommended that, in borderline cases, the benefit of the doubt about any aspect of a representation should be given to the person making that representation. The subsequent hearing would then provide an opportunity for the person or body making the representation to amplify and clarify it.

### **Disclosure of personal details of persons making representations**

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

### **Hearings**

9.32 Responsible authorities should try to conclude any discussions with the applicant in good time before the hearing. If the application is amended at the last moment, the licensing committee should consider giving other persons time to address the revised application before the hearing commences.

9.33 Regulations made under the 2003 Act require that representations must be withdrawn 24 hours before the first day of any hearing. If they are withdrawn after this time, the hearing must proceed and the representations may be withdrawn orally at that hearing. However, where discussions between an applicant and those making representations are taking place and it is likely that all parties are on the point of reaching agreement, the licensing authority may wish to use the power given within the hearings regulations to extend time limits, if it considers this to be in the public interest.

9.34 Applicants should be encouraged to contact responsible authorities before formulating their applications so that the mediation process may begin before the statutory time limits come into effect after submission of an application. The hearing process must meet the requirements of regulations made under the 2003 Act. Where matters arise which are not covered by the regulations, licensing authorities may make arrangements as they see fit as long as they are lawful.

9.35 There is no requirement in the 2003 Act for responsible authorities that have made representations to attend, but it is generally good practice and assists committees in reaching more informed decisions. Where several responsible authorities within a local authority have made representations on an application, a single local authority officer may represent them at the hearing if the responsible authorities and the licensing authority agree. This local authority officer representing other responsible authorities may be a licensing officer, but only if this licensing officer is acting as a responsible authority on behalf of the licensing authority and has had no role in the licensing determination process. This is to ensure that the responsible authorities are represented by an independent officer separate from the licensing determination process.

9.37 As a matter of practice, licensing authorities should seek to focus the hearing on the steps considered appropriate to promote the particular licensing objective or objectives that have given rise to the specific representation and avoid straying into undisputed areas. A responsible authority or other person may choose to rely on their written representation. They may not add further representations to those

disclosed to the applicant prior to the hearing, but they may expand on their existing representation.

- 9.38 In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the licensing authority must give appropriate weight to:
- the steps that are appropriate to promote the licensing objectives;
  - the representations (including supporting information) presented by all the parties;
  - this Guidance;
  - its own statement of licensing policy.
- 9.39 The licensing authority should give its decision within five working days of the conclusion of the hearing (or immediately in certain specified cases) and provide reasons to support it. This will be important if there is an appeal by any of the parties. Notification of a decision must be accompanied by information on the right of the party to appeal. After considering all the relevant issues, the licensing authority may grant the application subject to such conditions that are consistent with the operating schedule. Any conditions imposed must be appropriate for the promotion of the licensing objectives; there is no power for the licensing authority to attach a condition that is merely aspirational. For example, conditions may not be attached which relate solely to the health of customers rather than their direct physical safety. Any conditions added to the licence must be those imposed at the hearing or those agreed when a hearing has not been necessary.
- 9.40 Alternatively, the licensing authority may refuse the application on the grounds that this is appropriate for the promotion of the licensing objectives. It may also refuse to specify a designated premises supervisor and/or only allow certain requested licensable activities. In the interests of transparency, the licensing authority should publish hearings procedures in full on its website to ensure that those involved have the most current information.

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

- 9.42 Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be.
- 9.43 The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.
- 9.44 Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. While this does not

therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters. As with the consideration of licence variations, the licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business. Further advice on determining what is appropriate when imposing conditions on a licence or certificate is provided in Chapter 10. The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination

### **Imposed Conditions**

- 10.8 The licensing authority may not impose any conditions unless its discretion has been engaged following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives.
- 10.9 It is possible that, in certain cases, where there are other legislative provisions which are relevant and must be observed by the applicant, no additional conditions are appropriate to promote the licensing objectives.

### **Proportionality**

- 10.10 The 2003 Act requires that licensing conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises concerned. Conditions should be determined on a case by case basis and standardised conditions which ignore these individual aspects should be avoided. Licensing authorities and other responsible authorities should be alive to the indirect costs that can arise because of conditions. These could be a deterrent to holding events that are valuable to the community or for the funding of good and important causes. Licensing authorities should therefore ensure that any conditions they impose are only those which are appropriate for the promotion of the licensing objectives.

### **Overview of circumstances in which entertainment activities are not licensable**

- 16.5 There are a number of exemptions that mean that a licence (or other authorisation) under the 2003 Act is not required. This Guidance cannot give examples of every eventuality or possible entertainment activity that is not licensable. However, the following activities are examples of entertainment which are not licensable:

- Morris dancing (or similar);
- Incidental music – the performance of live music or the playing of recorded music if it is incidental to some other activity;
- Incidental film – an exhibition of moving pictures if it is incidental to some other activity;
- A spontaneous performance of music, singing or dancing;
- Films for advertisement, information, education or in museums or art galleries;
- Television or radio broadcasts – as long as the programme is live and simultaneous;
- Games played in pubs, youth clubs etc. (e.g. pool, darts and table tennis);
- Stand-up comedy; and
- Provision of entertainment facilities (e.g. dance floors).

16.6 As a result of deregulatory changes that have amended the 2003 Act, no licence is required for the following activities:

- Plays: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for an event between 08.00 and 23.00 on any day, provided that those present do not exceed 1000.
- Boxing or wrestling entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Live music: no licence permission is required for:
  - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
  - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that does not have a licence, provided that the audience does not exceed 500.
- Recorded Music: no licence permission is required for:
  - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500

## **History**

14. Members of the Licensing Sub-Committee may wish to be aware that 18 Gaultree Square is currently operating as a Butchers shop.

## **Determination**

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

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

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

## **Marie Malt**

Senior Licensing Officer  
Environmental Health - Licensing  
23<sup>rd</sup> January 2019

### Appendix:

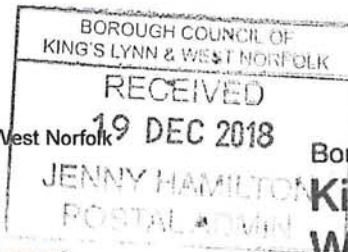
1. Copy of Application and plan of layout.
2. Community Safety & Neighbourhood Nuisance email dated 11<sup>th</sup> January 2019.
3. Copies of Representations from 'other persons'.
4. Location Map & Street view.

### Background Papers:

1. The Licensing Act 2003
2. Borough Council's Statement of Licensing Policy (26 November 2015)
3. Guidance issued under Section 182 of the Licensing Act 2003 (April 2017)



Environmental Health - Licensing  
 Borough Council of King's Lynn & West Norfolk  
 King's Court  
 Chapel Street  
 King's Lynn, PE30 1EX  
 Tel: 01553 616200  
 Email: [ehlicensing@west-norfolk.gov.uk](mailto:ehlicensing@west-norfolk.gov.uk)  
[www.west-norfolk.gov.uk](http://www.west-norfolk.gov.uk)



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



Appendix 1 to  
 Report to Licensing Sub-Committee  
 Re: The Vault, 18 Gaultree Square  
 Dated 23rd January 2019

## Licensing Act 2003

### Application for a Premises Licence

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

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

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

- **Environmental Health - Licensing**, Borough Council of King's Lynn and West Norfolk, King's Court, Chapel Street, King's Lynn, Norfolk, PE30 1EX.
- and copies to the following:-
- **Norfolk Constabulary Licensing Team**, Bethel Street Police Station, Bethel Street, Norwich, Norfolk, NR2 1NN.
  - **Fire Safety Office**, Norfolk Fire Service Western Area, Kilhams Way, King's Lynn, PE30 2HY
  - **Norfolk Children's Safeguarding Board**, Room 60, Lower Ground, County Hall, Martineau Lane, Norwich, NR1 2DH
  - **Norfolk Trading Standards**, Consumer Operations Manager, Norfolk County Council Trading Standards, County Hall, Martineau Lane, Norwich, NR1 2UD
  - **Planning**, Borough Council of King's Lynn and West Norfolk, King's Court, Chapel Street, King's Lynn, Norfolk, PE30 1EX
  - **Health & Safety**, Environmental Health & Housing, Borough Council of King's Lynn and West Norfolk, King's Court, Chapel Street, King's Lynn, Norfolk, PE30 1EX
  - **Community Safety & Neighbourhood Nuisance**, Environmental Health & Housing, Borough Council of King's Lynn and West Norfolk, King's Court, Chapel Street, King's Lynn, Norfolk, PE30 1EX
  - **Public Health Director**, Norfolk County Council, County Hall, Martineau Lane, Norwich, NR1 2DH
  - **Alcohol Licensing Team**, Home Office, Lunar House, 40 Wellesley Road, Croydon, CR9 2BY [where applications are for Sale of Alcohol and/or Late Night Refreshment]

I/We LLLOYD JEREMY GROVES  
 (insert name(s) of applicant(s))

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

**Part 1 – Premises Details**

Name, postal address of premises or, if none, ordnance survey map reference, or description	
18 GAULTREE SQUARE EMNETH	
Post town: <u>WISBECH</u>	Postcode: <u>PE14 8DD</u>
Telephone number at premises (if any):	
Non-domestic rateable value of premises:	£ <u>2200</u>

## Part 2 – Applicant Details

Please state whether you are applying for a premises licence as - Please tick ✓ yes as appropriate:

- |   |                                     |                             |
|---|-------------------------------------|-----------------------------|
| a) an individual or individuals*  | <input checked="" type="checkbox"/> | please complete section (A) |
| b) a person other than an individual*   |                                     |                             |
| i. As a limited company;  | <input type="checkbox"/>            | please complete section (B) |
| ii. As a partnership;   | <input type="checkbox"/>            | please complete section (B) |
| iii. As an unincorporated association; or   | <input type="checkbox"/>            | please complete section (B) |
| iv. Other (for example a statutory corporation)   | <input type="checkbox"/>            | please complete section (B) |
| c) A recognised club  | <input type="checkbox"/>            | please complete section (B) |
| d) A charity  | <input type="checkbox"/>            | please complete section (B) |
| e) The proprietor of an educational establishment   | <input type="checkbox"/>            | please complete section (B) |
| f) A health service body  | <input type="checkbox"/>            | please complete section (B) |
| g) A person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital | <input type="checkbox"/>            | please complete section (B) |
| h) The chief officer of a police force in England and Wales   | <input type="checkbox"/>            | please complete section (B) |

\*If you are applying as a person described in (a) or (b) please confirm by ticking ✓ yes to one box below:

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

### (A) Individual Applicants (fill in as applicable)

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

Surname

First name(s)

I am 18 years old or over - please tick ✓ if yes

Date of Birth:

Nationality:	<input type="text"/>		
Current postal address if different from premises address	<input type="text"/>		
Post Town:	<input type="text"/>	Post Code:	<input type="text"/>

Daytime telephone number:	<input type="text"/>
---------------------------	----------------------

Email address (optional):	<input type="text"/>
---------------------------	----------------------

**Second Individual Applicant (if applicable)**

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

**Surname**

**First names**

I am 18 years old or over - please tick  if yes

Date of Birth: \_\_\_ / \_\_\_ / \_\_\_

Nationality:	<input type="text"/>
--------------	----------------------

Current postal address if different from premises address:	<input type="text"/>
--	----------------------

Post Town:	<input type="text"/>	Post Code:	<input type="text"/>
------------	----------------------	------------	----------------------

Daytime telephone number:	<input type="text"/>
---------------------------	----------------------

Email address (optional):	<input type="text"/>
---------------------------	----------------------

**(B) Other Applicants**

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

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

### Part 3 – Operating Schedule

When do you want the premises licence to start?

01, 03, 2019

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

..... / ..... / .....

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

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

BISTRO BAR, SEATING A MAXIMUM OF 30 PERSONS AT A TIME, OR MAXIMUM OF 50 PERSONS IN TOTAL

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

**Provision of regulated entertainment** (Please read guidance note 2)

please tick ✓ yes

- |   |                                     |                                 |
|---|-------------------------------------|---------------------------------|
| a) Plays  | <input type="checkbox"/>            | (if ticking yes, fill in box A) |
| b) Films  | <input type="checkbox"/>            | (if ticking yes, fill in box B) |
| c) Indoor Sporting Events   | <input type="checkbox"/>            | (if ticking yes, fill in box C) |
| d) Boxing or Wrestling Entertainment  | <input type="checkbox"/>            | (if ticking yes, fill in box D) |
| e) Live Music   | <input type="checkbox"/>            | (if ticking yes, fill in box E) |
| f) Recorded Music   | <input checked="" type="checkbox"/> | (if ticking yes, fill in box F) |
| g) Performance of Dance   | <input type="checkbox"/>            | (if ticking yes, fill in box G) |
| h) Anything or a similar description to that falling within (e), (f) or (g) | <input type="checkbox"/>            | (if ticking yes, fill in box H) |

**Provision of late night refreshment**  (if ticking yes, fill in box I)

**Sale by retail of alcohol**  (if ticking yes, fill in box J)

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

**A**

<b>Plays</b> Standard days and timings (please read guidance note 7)			Will the performance of a play take place indoors or outdoors or both – please tick ✓ (please read guidance note 3)	Indoors	
<b>Day</b>	<b>Start</b>	<b>Finish</b>		Outdoors	
Mon			Please give further details here (please read guidance note 4)	Both	
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 5)		
Thur					
Fri			Non-standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

**B**

<b>Films</b> Standard days and timings (please read guidance note 7)			Will the exhibition of film take place indoors or outdoors or both – please tick ✓ (please read guidance note 3)	Indoors	
<b>Day</b>	<b>Start</b>	<b>Finish</b>		Outdoors	
Mon			Please give further details here (please read guidance note 4)	Both	
Tue					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 5)		
Thur					
Fri			Non-standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

**C**

<b>Indoor sporting events</b> Standard timings (please read guidance note 7)			Please give further details here (please read guidance note 4)
Day	Start	Finish	
Mon			State any seasonal variation (please read guidance note 5)
Tue			
Wed			
Thur			Non-standard timings. Where you intend to use the premises at different times to those listed in the column on the left, please list (please read guidance note 6)
Fri			
Sat			
Sun			

**D**

<b>A boxing or wrestling entertainment</b> Standard timings (please read guidance note 7)			Will the boxing or wrestling entertainment take place indoors, outdoors or both – please tick ✓ (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 4)	Both	
Tue					
Wed					
Thur			Non-standard timings. Where you intend to use the premises at different times to those listed in the column on the left, please list (please read guidance note 6)		
Fri					
Sat					
Sun					

**E**

Performance of live music Standard timings (please read guidance note 7)			Will the performance of live music take place indoors, outdoors or both – please tick ✓ (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 4)	Both	
Tue					
Wed			State any seasonal variation (please read guidance note 5)		
Thur					
Fri			Non-standard timings. Where you intend to use the premises at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

**F**

Playing of recorded music Standard timings (please read guidance note 7)			Will the playing of recorded music take place indoors, outdoors or both – please tick ✓ (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	
Mon	0800	0001	Please give further details here (please read guidance note 4)	Both	
Tue	0800	0001			
Wed	0800	0001	State any seasonal variation (please read guidance note 5) <i>Seasonal variation would be 0800-0200 for xmas eve and new years eve</i>		
Thur	0800	0001			
Fri	0800	0001	Non-standard timings. Where you intend to use the premises at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat	0800	0001			
Sun					

## G

<b>Performance of dance</b> Standard timings (please read guidance note 7)			Will the performance of dance take place indoors, outdoors or both – please tick ✓ (please read guidance note 3)	
Day	Start	Finish	Indoors	
Mon			Outdoors	
Tue			Both	
Wed			Please give further details here (please read guidance note 4)	
Thur			State any seasonal variation (please read guidance note 5)	
Fri			Non-standard timings. Where you intend to use the premises at different times to those listed in the column on the left, please list (please read guidance note 6)	
Sat				
Sun				

## H

<b>Entertainment of a similar description to that falling within (e), (f) or (g)</b> Standard timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing:	
Day	Start	Finish	Will the entertainment take place indoors, outdoors or both – please tick ✓ (please read guidance note 3)	
Mon			Indoor	
Tue			Outdoor	
Wed			Both	
Thur			Please give further details here (please read guidance note 4)	
Fri			State any seasonal variation (please read guidance note 5)	
Sat			Non-standard timings. Where you intend to use the premises at different times to those listed in the column on the left, please list (please read guidance note 6)	
Sun				



<b>Late night refreshment</b> Standard timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors, outdoors or both – please tick ✓ (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	Please give further details here (please read guidance note 4)		
Mon	2300	00 <del>30</del> 30	State any seasonal variation (please read guidance note 5) Seasonal variation would be from 2300 - 0200 on XMAS eve and New Years eve		
Tue	2300	00 <del>30</del> 30			
Wed	2300	00 <del>30</del> 30			
Thur	2300	00 <del>30</del> 30			
Fri	2300	00 <del>30</del> 30			
Sat	2300	00 <del>30</del> 30			
Sun					

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

J

<b>Supply of alcohol</b> Standard timings (please read guidance note 7)			Will the sale of alcohol be for consumption – please tick ✓ (please read guidance note 8)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	State any seasonal variation (please read guidance note 5)		
Mon	0800	0001	Seasonal variation would be from 0800 - 0130 for XMAS EVE and New Years Eve.		
Tue	0800	0001			
Wed	0800	0001			
Thur	0800	0001			
Fri	0800	0001			
Sat	0800	0001			
Sun					

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (DPS). (Please see declaration about the entitlement to work in the checklist at the end of the form):

Full Name:	LLOYD JEREMY GROVES
Date of Birth:	<input style="border: 1px solid red;" type="text"/>

Address:		<input type="text"/>	
Post Town:	<input type="text"/>	Post Code:	<input type="text"/>
Personal Licence number (if known):		<input type="text"/>	
Issuing licensing authority (if known):		<input type="text"/>	

**K**

Please highlight any services, activities, entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9)

NIL

**L**

<b>Hours premises are open to the public</b> Standard timings (please read guidance note 7)			State any seasonal variation (please read guidance note 5)
Day	Start	Finish	<p>SEASONAL VARIATION WOULD BE FROM 0800 - 0200 ON XMAS EVE and New Years EVE</p> <p>Non-standard timings. Where you intend to use the premises at different times to those listed in the column on the left, please list (please read guidance note 6)</p> <p>AS ABOVE.</p>
Mon	0800	0030	
Tue	0800	0030	
Wed	0800	0030	
Thur	0800	0030	
Fri	0800	0030	
Sat	0800	0030	
Sun			

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

a) **General**– all four licensing objectives (b, c, d, e) (please read guidance note 10)

REGULAR TRAINING AND MEETINGS WITH STAFF TO  
DISCUSS OBJECTIVES  
ALL STEPS LISTED BELOW

b) **The prevention of crime and disorder**

CHECK 25  
REGULAR STAFF TRAINING ON LICENSING LAWS  
REFUSALS BOOK  
INCIDENT, LOG BOOK.  
CCTV TO BE KEPT FOR 28 DAYS unless Required by Police

c) **Public safety**

CCTV TO BE INSTALLED ON PREMISES  
Remote intruder alarm to be installed  
Fire alarms to be installed, Regular DRILLS TO BE PRACTICED  
ACCESS WAYS TO BE KEPT CLEAR AT ALL TIMES

d) **The prevention of public nuisance**

NOISE / volume of music kept to legal levels  
NOTICES ADVISING CUSTOMERS TO KEEP NOISE DOWN ON  
LEAVING.  
Neighbours to be informed of any Planned events.  
BIN TO BE PROVIDED FOR SMOKES.  
SMOKING AREA TO THE REAR OF THE PREMISES TO KEEP STREET CLEAN.

e) **The protection of children from harm**

NO CHILDREN ALLOWED ON PREMISES unless with a Suitable  
adult.  
STAFF TRAINING.  
SAFEGUARDING PRINCIPLES

## Part 4 – Signatures (please read guidance note 11)

### Checklist

Please tick/yes

- I have made or enclosed payment of the fee. Cheques should be made payable to 'BCKLWN': *ALREADY ENCLOSED WITH ONLINE APPLICATION.*
- I have enclosed two sets of plans of the premises: *ALREADY ENCLOSED WITH ONLINE APPLICATION*
- I have sent you the original application and copies including the plan to the 'responsible authorities' (details on front page): *ALREADY ENCLOSED WITH ONLINE APPLICATION*
- I have enclosed the consent form completed by the individual I wish to be premises supervisor (if applicable):
- I will send / I enclose my Certificate of Service:
- I understand that I must now advertise the application both in a newspaper and on the premises:
- I will send / I enclose the Certificate of Display:
- I will send a copy of the advert once it has appeared in the newspaper
- I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15). Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships. *ENCLOSED PREVIOUSLY WITH ONLINE APPLICATION*
- I understand that if I do not comply with the above requirements my application may be rejected:

**It is an offence under section 158 of the Licensing Act 2003 to make a false statement in or in connection with this application. Those who make a false statement may be liable on summary conviction to a fine of any amount.**

**It is an offence under Section 24B of the Immigration Act 1971 for a person to work when they know, or have reasonable cause to believe, that they are disqualified from doing so by reason of their immigration status. Those who employ an adult without leave or who is subject to conditions as to employment will be liable to a civil penalty under Section 15 of the Immigration, Asylum and Nationality Act 2006 and pursuant to Section 21 of the same Act, will be committing an offence where they do so in the knowledge, or with reasonable cause believe, that the employee is disqualified.**

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

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

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

Your data will be used for this specific purpose and may be passed to such third parties, including Council departments and other agencies where there is lawful authority to do so, including for the purposes of preventing or detecting fraud or other crimes.

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

Your personal information will be kept for as long as you require a licence and for a period after the service is terminated. You can find more information about our retention policy on the [privacy notice](https://www.west-norfolk.gov.uk/privacy) page which can be found at the following link <https://www.west-norfolk.gov.uk/privacy>. We will only use your data within the terms of data protection laws, will delete your data securely and only keep it for as long as necessary. We will review dates for keeping personal data in the future and if necessary update these privacy notices.

You have a number of rights available to you, including the right to see copies of all the data held about you by the Council, to ask for it to be corrected, updated or deleted, to request the Council to restrict what it does with your data in certain circumstances, to object to what the Council may do with your data, and to data portability.

Please note that these rights are not absolute and that there are circumstances where they do not apply or the Council's obligations may override these rights. If this is the case, you will be informed of this.

You can find more information about Data Protection and the Council's Data Protection Officer, on our [Data Protection](https://www.west-norfolk.gov.uk/dataprotection) page which can be found at the following link <https://www.west-norfolk.gov.uk/dataprotection>

If you are unhappy with the way your personal information is being handled you can contact the [Independent Information Commissioner, website: https://ico.org.uk/](https://ico.org.uk/).

*Signature of applicant or applicant's solicitor or other duly authorised agent. (See guidance note 12) If signing on behalf of the applicant please state in what capacity.*

- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships]. I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work related to the carrying on of a licensable activity) and that that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).
- The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please read note 15).

Signature: ....  ... Date: 17 Dec 2018

Capacity: APPLICANT

*Where the premises licence is jointly held signature of 2<sup>nd</sup> applicant (the current premises licence holder) or 2<sup>nd</sup> applicant's solicitor or other authorised agent. (Please read guidance note 13) If signing on behalf of the applicant please state in what capacity.*

Signature: ..... Date: .....

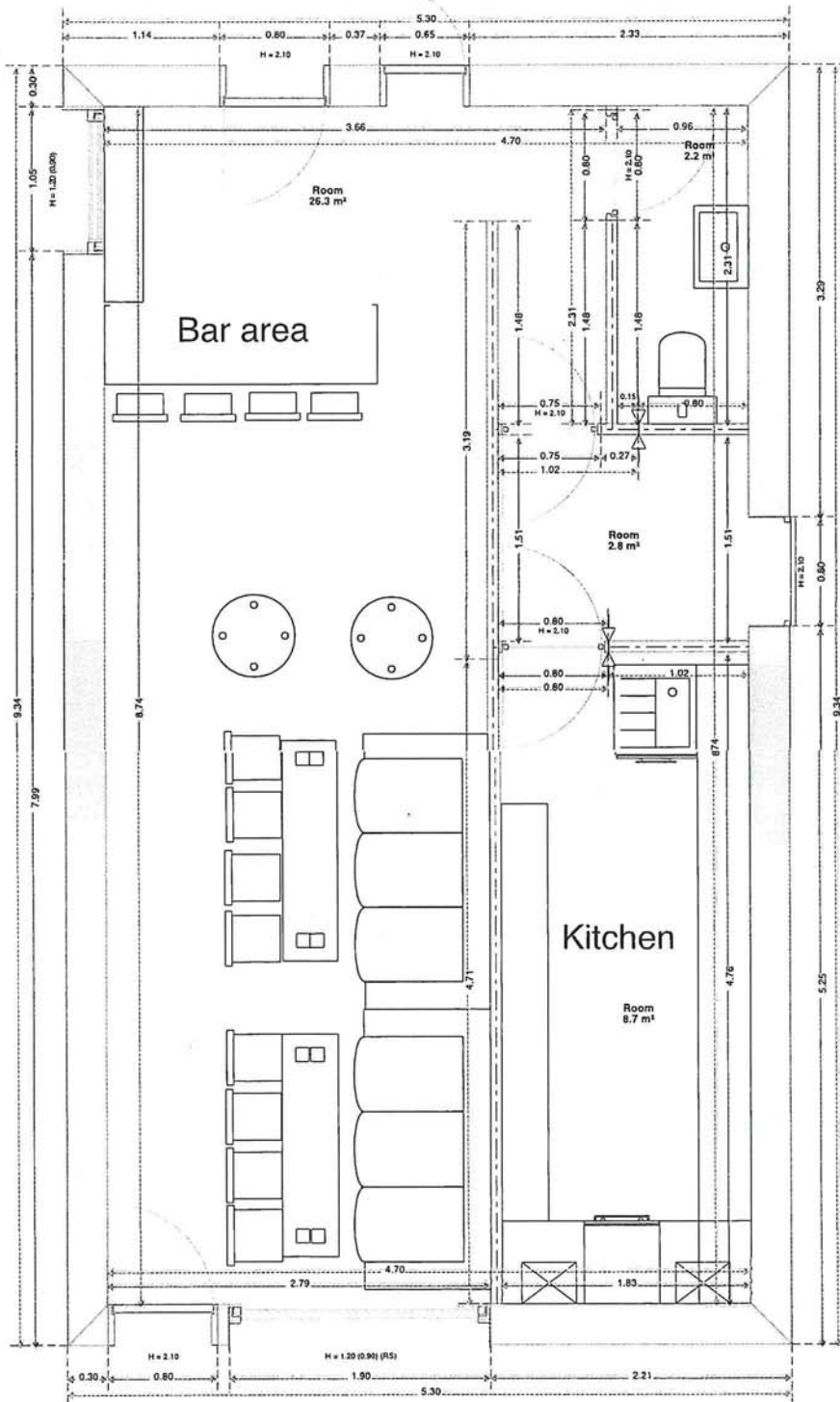
Capacity: .....

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 14)	
<b>Name:</b>	<b>Address:</b>
If you prefer us to correspond with you by e-mail your email address (optional):	

**Notes for Guidance**

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. In terms of specific regulated entertainments please note that:
  - Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
  - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
  - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
  - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
  - Live music: no licence permission is required for:
    - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
    - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
    - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
    - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
    - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
  - Recorded Music: no licence permission is required for:

Storeroom



Side door/fire exit

Main door/fire exit

ROAD

Scale 1:50

**Marie Malt**

---

**From:** Suzi Pimlott  
**Sent:** 11 January 2019 15:30  
**To:** EH Licensing  
**Cc:** Marie Malt  
**Subject:** Application for a premises Licence - 18 Gaultree Square \*OFFICIAL - \*

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

Dear team

We object to this application for a premises licence at 18 Gaultree Square, Emneth.

I further advise that a planning application has been submitted for this premises which we have also objected to. Our grounds for objection are that this premises is within a terrace of attached buildings and those either side are residential dwellings. Our role is to protect the residential amenity of the occupiers of these dwellings, and whilst we are not against the principle of such a premises, this is a wholly inappropriate location for a premises which could play live music until 2300 hours, pre-recorded music until midnight, accommodate as many as 50 people and function as an eating and drinking establishment with the associated noise, vibrations, odour and activities.

In considering the planning application, we discussed whether we could control the use of the site via planning conditions. We concluded that this was disproportionate to the proposed small scale business as it would require a large amount of expensive and extensive structural work internally to mitigate against noise and vibrations, it would be restrictive to the operation of the business and ultimately there are no suitable control measures for attenuating people noise from customers. Even if work was done to try and address internal noise/vibrations, it would be unfair to ask the applicant to undertake this, knowing that people noise will be outside their control. The latter would ultimately be a cause of complaint and, based on our experience, constitute a nuisance.

We have therefore considered whether suitable conditions could be attached to the premises licence, and our conclusions are as above. The measures required for the design of the building and relative to the operation of the business would be too restrictive to make it a viable proposition.

The plan provided within the submitted details does not show any external areas, yet the applicant states there is a rear smoking area - section M d) of the application form refers. Is there a rear yard? If nothing is available, this will mean waste cannot be stored externally. Use of such an area by the customers and staff would adversely impact on the amenity of neighbours. Deliveries, staff and customers coming and going all day and into the night would disturb neighbours and impact on their quality of life.

To summarise, even if we could recommend conditions to control the operation of the premises and design of the building, it is disproportionate in terms of the work and initial outlay which would be required to address all these aspects, plus we remain convinced that this premises will adversely impact on the adjoining residents in spite of any measures put in place, given their sheer proximity.

I stress we are not against a Bistro in Emneth, but this is not the right location - sandwiched between and attached to residential dwellings.

Kind regards

**Suzi Pimlott (Mrs)**  
*Senior Community Safety & Neighbourhood Nuisance Officer*  
Community Safety & Neighbourhood Nuisance Team  
Borough Council of King's Lynn and West Norfolk



**Marie Malt**

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**From:** EH Licensing  
**Sent:** 22 December 2018 14:41  
**To:** John Gilbraith; Vicki Hopps; Marie Malt; Brian Isted  
**Subject:** FW: 18/01649/LA\_PRE  
**Attachments:** OBJECTION\_-\_16\_GAULTREE\_SQUARE-4364491.tif

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**From:** [REDACTED]  
**Sent:** 22 December 2018 14:41:14 (UTC) Dublin, Edinburgh, Lisbon, London  
**To:** EH Licensing  
**Subject:** 18/01649/LA\_PRE

To whom it may concern,

re: Mr Lloyd Jeremy Groves proposed Bistro The Vault 18 Gaultree Square.

Ref: 18/01649/LA\_PRE

I object 100% for any licence to be granted to Mr Groves at this address. I have no doubt that he is a law abiding citizen. This objection is not about Mr Groves but the placing of his proposed Bistro 4inches away from my home.

I work as a Teacher in a special needs school, I have arthritis which affects my mobility and have a blue badge. The pain I suffer already disturbs my sleep. I also suffer from depression and I am worried about my sanity as it is unstable at the moment due to family illness and stress from work. The thought of being woken up seven days a week from people coming and going and leaving after midnight in a silent neighbourhood is devastating to me and my elderly aunt who lives with me. She is worrying about loosing sleep from the noise. I have objected to planning and enclose my reasons, which I also think affect licencing.

Further contemplating proposed Bistro and looking again at the plans I have thought of some more questions/objections.

Is there only going to be one toilet for staff and customers? and as mentioned before where is the overflow going to be?

Where is the waste food going to be kept and the waste bins?

I am still confused re side door fire exit and the front brown door how are they going to get out. There are many doors for customers to go through to find exit especially if proposed Bistro fills with smoke. The drawings look like the fire exit is in my bathroom according to measurements.

What is happening to the upstairs flat? they have only ever had one way in and out. There has been a lot of work going on in the flat upstairs in the flat, I know this because the van has been parked outside of my house. There is no proper fire escape. Is it to be let out to DSS as it has been in the past.

Mr Groves visited here yesterday but I have flu and told my aunt that there was not going to be any beer only wine and that he would see to it that no drunken behaviour would be allowed, however he will not be their 24/7 and a licence is a licence and once one is granted its easier to get a full licence especially when he wishes to sell the property down the line.

He didn't assure us about parking by customers or even staff parking.

You cannot expect staff or customers not to talk when leaving the premises which equals noise.

Again I say that this is a residential area with the majority surrounding the proposed Bistro being elderly.

Please find attached my objections although I can see we are already stitched up by the Parish Council and Highways none of which live near this building. I feel really let down and walked over and I don't need this crap on my front door. I doubt Mr Groves would either

Thank You

[Redacted signature box]



Proposed Bistro 18 Gaultree Square Emneth PE14 8DD

- Reference 18/02159/F
- Alternative Reference PP-07462394

To whom it may concern

### 1. Residential Area

- ⚡ This is a residential area where either elderly or disabled people, in some cases both, occupy 8 of the 10 homes. In fact, three more O.A.P homes are planned prior to government planning permission, which will mean that the elderly, disabled, or both will occupy 11 out of 13 homes.
- ⚡ The proposed Bistro will disturb the sleep of the elderly as the majority sleep in the rooms at the front of their homes. Some of them suffer from illness and chronic pain why should they suffer from sleeplessness from a noisy business that is not placed in the correct area.
- ⚡ I have my grandchildren to stay regularly and they sleep in two bedrooms, they are very light sleepers, especially the younger ones aged 1,2 and 5 at noises which they are not used to and from rowdy or drunken behavior which, they are also not used to, they will become frightened and cry and will not return to sleep.

### 2. House Values

- ⓘ ⚡ Our house values will fall and they will be difficult to sell. We live in family homes and most buyers will not want their children living next door to a Bistro.
- ⚡ I would not have purchased my house if the Bistro had been there over 20 years ago!

- ✚ At present, these are our homes, places where we live. A place where we are supposed to be able to relax, sleep, read and live in peace. We purchased the house knowing it was next door to a butchers and so expected some disruption. At times it has been difficult to park, however the butchers had standard shop hours not the hours of a bistro.

### 3. Plans

- i** ✚ I do not understand the plans at all, on the plan as it is now it does not show the metal cold room at the back nor does it show the brown door which is at the other side of the main door the main door and next to my house and which I presume is their second fire escape.
- ✚ The brown door or any door doesn't show on any plans as it is, or proposed, does this mean that it will be an open ally way for teenagers and customers to congregate in?

### 4. Fire

- i** There is no access to the back of the property.
  - ✚ How safe is it to have both fire escapes either side of the kitchen?
  - ✚ More likely to have a fire than a butchers which means my house will go up too as the kitchen is near me.
  - ✚ Is the building fitted with fire retardant walls and ceilings?
  - ✚ Emergency exit from the flat above?

### 5. Parking

- i** ✚ According to Mr Curtis (Parish Councilor) and present owner of the building in question the Central Hall car park is only for the use of Central Hall customers and not for general parking.
- ✚ Most people near the proposed site have no off-road parking! This means that there are not enough parking spaces for both residents and Bistro workers and customers!

- ✚ This means that we probably won't be able to park anywhere else near to our homes!
- ✚ If they use the central hall car park where are the central hall customers going to park, it will be Chaos!
- ✚ If cars are parked on both sides of the road it will cause a traffic problem, possibly not allowing emergency vehicles proper access.
- ✚ There are barely any streetlights so even if there is a space the chances of our cars being damaged are very high. I had my car damaged recently by a man on a motorbike who hit my car in daylight on a Saturday afternoon who misjudged the space while visiting the butchers.
- ✚ In fact my car was hit today 10/12/18 at 4-35pm in the dark outside of my home!
- ✚ I have a Blue Badge and due to arthritis find it difficult to walk far, this is such a worry for me as walking causes great pain and if I cannot park near to my home I will be in trouble.
- ✚ My parents are also Blue Badge holders, my father has severe damage to his sciatic hip and cannot walk far as well as emphysema and cancer which is being treated as palliative.
- ✚ My mother has arthritis and vascular dementia neither can walk well and fall over how am I able to care for them if we can't park or if I have to go to their home and when I return I cannot park.
- ✚ I also suffer from depression and am on medication, which is not working at the moment and this whole thing is causing me extra added stress which is so so hard, I need to concentrate on my mum and dad and am having to spend the time doing this.

## 6. Smoking

- ✚ Where are the smokers going to smoke? Are they smoking out the front?
- ✚ Which would include smoking in front of my house and Mr and Mrs Belemy's! They will be talking, shouting smoke coming in through the windows as we sleep with our windows open all year round.

- ✚ They will leave bottles out the front and could well be broken and someone hurt, or damage to properties or cars.
- ✚ My dog will go bananas and bark continuously because he knows that people shouldn't be hanging around outside! He's 12 and is now set in his ways

## 7. Noise

- ✚ There will be additional noise from cars and people going in and out of the Bistro until late at night/early mornings, which is normal for a Bistro. There will be themed nights as Mr Groves will need to make a profit after all that's what a business is for.
- ✚ I have had no end of problems from the central hall especially when let to people out of the village. I have had so much noise and damage to my car.
- ✚ There will be people who will find the proposed Bistro an easy target for Burglaries for the alcohol. This will make the alarms go off and they go on for hours

## 8. Smell

- ✚ There will be a constant smell of food! I love having the back door and my windows open, I love the smell of fresh air. Food cooking makes me feel sick!

## 9. Deliveries

- ✚ The noise of food and alcohol including crates at any hour cause disruption to as well parking

## 10. Violence

- ⬇ When people waited for taxi's after events at the Central Hall they very often fought and caused damage to surrounding homes and cars. This could happen when people wait outside the proposed Bistro and damage could be again caused to our homes and vehicles.

## Public Houses

- ⬇ We already have a pub in the village, we did have two but there wasn't enough business for two pubs. There are also two shops that sell alcohol in the village, one next door but one from the proposed Bistro, why do we need an out let for more alcohol.

## And Finally

- ⬇ Where is our parish council? Are they voting for a Bistro because they want to support their colleague instead of looking out for the elderly of their village who are vulnerable at the best of times.
- ⬇ I have lived and co run a pub and know how disruptive they can be and the long hours they keep.
- ⬇ I am not against a Bistro just the positioning of it. Why would anyone put a Bistro smack bang in the middle of an elderly residential area it just doesn't make sense. There is an old pub up for sale and a garage which would supply its own parking and in both places still within the village it doesn't cause the disruption or upset as the proposed site.

Thank you

Yours faithfully

Jackie Boxall

- 5
- \* I would also like to know where the toilets are
  - \* Also what is happening to the upstairs flat as I haven't seen any plans for this
  - \* Emergency exit for flat
- Thankyou

ATTN MARIE MALT

BOROUGH COUNCIL OF  
KING'S LYNN & WEST NORFOLK

RECEIVED

08 JAN 2019

C. SMITH  
POSTAL ADMIN

REF 18 GAULTREE SQ  
EMNETH.

6th Jan 2019.

HOPING THAT THE FOLLOWING IS MORE RELEVANT

- \* PUBLIC NUISANCE  
NOISE AND POLLUTION  
MY DAUGHTER'S BEDROOM IS AT THE FRONT OF THE HOUSE ON THE ROADSIDE NEXT TO N°18 SHE IS A MOBILE CARER AND GOES IN AND OUT AT VARIOUS TIMES OF THE DAY BETWEEN 6.30AM & 10PM IF THE BISTRO BAR GOES AHEAD THERE IS BOUND TO BE PEOPLE AND TRAFFIC AT ALL HOURS DISTURBING ANYBODY IN OUR HOUSE.
- \* THE SMOKING AREA FOR THE BISTRO WILL BE AT THE REAR OF N°18, OUR UPSTAIRS REAR WINDOW OVERLOOKS THE SMOKING AREA APPROX 3 YARDS AWAY
- \* MY WIFE & I IN OUR EIGHTIES ARE HAVING SLEEPLESS NIGHTS & MY DAUGHTER WANTS TO MOVE I HAVE LIVED IN EMNETH FOR OVER 81 YEARS AND NEVER HAD A PROBLEM WITH ANYBODY UNTIL NOW AND I WOULD LIKE TO ADVISE YOU THAT I AM NEITHER VEXATIOUS OR FRIVOLOUS AS YOU SUGGESTED IN YOUR LAST LETTER.
- \* PUBLIC SAFETY  
CAR PARKING IS A BIG PROBLEM, I HAVE ROOM FOR 3 CARS IN MY YARD AND ARE BEING BLOCKED IN SEVERAL TIMES A DAY. ON THE OPPOSITE SIDE OF THE ROAD CARS REGULARLY PARK ON THE PAVEMENT, MAKING IT UNSAFE FOR PROMS WHEELCHAIRS & CHILDREN HAVING TO GO ONTO THE ROAD TO GET BY THE CARS



\* THE PREVENTION OF CRIME AND DISORDER  
& PROTECTION OF CHILDREN.

WE DO NOT KNOW WHAT WILL HAPPEN

WE HAVE A WEAK COUNCIL  
AND NO VILLAGE POLICE

\* PLEASE CHECK WITH YOUR PLANNING  
DEPARTMENT REGARDING SEWAGE FROM N°18

YOURS FAITHFULLY





20 Gaultree Square

The Vault  
18 Gaultree Square

16 Gaultree Square

