

# Borough Council of King's Lynn & West Norfolk

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

Date of Hearing: 2<sup>nd</sup> February 2016

### Application for Grant of a Premises Licence

- The White Hart, 58 Bridge Street, Downham Market PE38 9DH
- Applicant – JD Wetherspoon plc

### 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. JD Wetherspoon plc has made an application under Section 17 of the Act for the licensable activities of 'sale of alcohol by retail' and 'late night refreshment'. A copy of the application is attached at Appendix 1 and if granted would allow the premises to operate as follows:

<u>Licensable Activity</u>	<u>Days</u>	<u>Times</u>
<b>Sale of Alcohol by Retail</b> (for consumption both 'on and 'off' the premises)	Sunday to Wednesday Thursday to Saturday	9am – 12 midnight 9am – 1am
	Christmas Eve/Boxing Day/Maundy Thursday/Sundays preceding Bank Holiday Mondays/New Year's Eve	An addition hour to the above times
<b>Late Night Refreshment*</b>	Sunday to Wednesday Thursday to Saturday	11pm – 12 midnight 11pm – 1am
	Christmas Eve/Boxing Day/Maundy Thursday/Sundays preceding Bank Holiday Mondays/New Year's Eve	An addition hour to the above times

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

## **Mandatory Conditions**

3. The Act provides for the following seven mandatory conditions to be attached to all premises licences authorising the sale of alcohol for consumption 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 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.
- (g) 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)**

4. The following condition has been identified from the operating schedule (Section 18 of 19 on the application) to promote the licensing objectives.

- (a) A digital CCTV system shall be maintained at the premises 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. Members of the management team 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.

### **Representation from Responsible Authorities**

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

5. The Borough Council's Community Safety & Neighbourhood Nuisance team are objecting to the application under the prevention of public nuisance licensing objective. A copy of their letter of the 5<sup>th</sup> January 2016 is attached at Appendix 2.

6. 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).

### **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.*

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

## **Notices**

8. 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 'Lynn News' on Friday the 18<sup>th</sup> December 2015 and should have been displayed on the premises up to and including the 6<sup>th</sup> January 2016.

9. 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**

10. A plan showing the layout of the premises is attached at Appendix 4 and a location plan is attached at Appendix 5 showing the approximate location of the White Hart in relation to the objectors.

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

11. 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.*

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

### **Licensing Objectives and Aims**

1.2 The legislation provides a clear focus on the promotion of four statutory objectives which must be addressed when licensing functions are undertaken.

1.3 The licensing objectives are:

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance; and
- The protection of children from harm.

1.4 Each objective is of equal importance. There are no other statutory licensing objectives, so that the promotion of the four objectives is a paramount consideration at all times.

1.5 However, the legislation also supports a number of other key aims and purposes. These are vitally important and should be principal aims for everyone involved in licensing work. They include:

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

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

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

- must be appropriate for the promotion of the licensing objectives;
- must be precise and enforceable;
- must be unambiguous and clear in what they intend to achieve;

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

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

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

### **Public nuisance**

2.14 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.

2.15 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the



adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.

- 2.16 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 15). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.
- 2.17 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.
- 2.18 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.
- 2.19 Measures to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.
- 2.20 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their

own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.

### **Determining Applications**

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

### **Where Representations Are Made**

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

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

9.4 A representation is "relevant" if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. For example, a representation from a local businessperson about the commercial damage caused by competition from new licensed premises would not be relevant. On the other hand, a representation by a businessperson that nuisance caused by new premises would deter customers from entering the local area, and the steps proposed by the applicant to prevent that nuisance were inadequate, would be relevant. In other words, representations should relate to the impact of licensable activities carried on from premises on the objectives. For representations in relation to variations to be relevant, they should be confined to the subject matter of the variation. There is no requirement for a responsible authority or other person to produce a recorded history of problems at premises to support their representations, and in fact this would not be possible for new premises.

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

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

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

#### **Hearings**

- 9.31 Responsible authorities should try to conclude any discussions with the applicant in good time before the hearing. If the application is amended at the last moment, the licensing committee should consider giving

other persons time to address the revised application before the hearing commences.

- 9.32 Regulations made under the 2003 Act require that representations must be withdrawn 24 hours before the first day of any hearing. If they are withdrawn after this time, the hearing must proceed and the representations may be withdrawn orally at that hearing. However, where discussions between an applicant and those making representations are taking place and it is likely that all parties are on the point of reaching agreement, the licensing authority may wish to use the power given within the hearings regulations to extend time limits, if it considers this to be in the public interest.
- 9.33 Applicants should be encouraged to contact responsible authorities before formulating their applications so that the mediation process may begin before the statutory time limits come into effect after submission of an application. The hearing process must meet the requirements of regulations made under the 2003 Act. Where matters arise which are not covered by the regulations, licensing authorities may make arrangements as they see fit as long as they are lawful.
- 9.34 There is no requirement in the 2003 Act for responsible authorities that have made representations to attend, but it is generally good practice and assists committees in reaching more informed decisions. Where several responsible authorities within a local authority have made representations on an application, a single local authority officer may represent them at the hearing if the responsible authorities and the licensing authority agree. This local authority officer representing other responsible authorities may be a licensing officer, but only if this licensing officer is acting as a responsible authority on behalf of the licensing authority and has had no role in the licensing determination process. This is to ensure that the responsible authorities are represented by an independent officer separate from the licensing determination process.
- 9.36 As a matter of practice, licensing authorities should seek to focus the hearing on the steps considered appropriate to promote the particular licensing objective or objectives that have given rise to the specific representation and avoid straying into undisputed areas. A responsible authority or other person may choose to rely on their written representation. They may not add further representations to those disclosed to the applicant prior to the hearing, but they may expand on their existing representation.
- 9.37 In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the licensing authority must give appropriate weight to:
- the steps that are appropriate to promote the licensing objectives;
  - the representations (including supporting information) presented by all the parties;
  - this Guidance;

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

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

- 9.41 Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be.
- 9.42 The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.
- 9.43 Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. While this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters. As with the consideration of licence variations, the licensing authority should consider wider issues such as other

conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business. Further advice on determining what is appropriate when imposing conditions on a licence or certificate is provided in Chapter 10. The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination

### **Imposed Conditions**

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

10.9 It is possible that, in certain cases, where there are other legislative provisions which are relevant and must be observed by the applicant, no additional conditions are appropriate to promote the licensing objectives.

### **Proportionality**

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

## **History**

13. Members of the Licensing Sub-Committee may wish to be aware that this premises has held a premises licence under the Licensing Act 2003 since 2005 and a copy of that licence is attached at Appendix 6 for information.

## **Determination**

14. 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.

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

**John Gilbraith**

Licensing Manager

Environmental Health - Licensing

21<sup>st</sup> January 2016

Appendixes:

1. Copy of Application.
2. CS&NN letter dated 5<sup>th</sup> January 2016
3. Copies of letters of Representations from 'other persons'.
4. Premises Plan
5. Location Map.
6. Copy of Current Premises Licence.

Background Papers:

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

\* required information

### Section 1 of 19

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

- System reference  This is the unique reference for this application generated by the system.
- Your reference  You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.
- Are you an agent acting on behalf of the applicant? Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.
- Yes  No

### Applicant Details

- \* First name
- \* Family name
- \* E-mail
- Main telephone number  Include country code.
- Other telephone number
- Indicate here if you would prefer not to be contacted by telephone

Are you:

- Applying as a business or organisation, including as a sole trader
- Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

### Applicant Business

- \* Is your business registered in the UK with Companies House?  Yes  No
- \* Registration number
- \* Business name  If your business is registered, use its registered name.
- \* VAT number   Put "none" if you are not registered for VAT.
- \* Legal status



Continued from previous page...

\* Your position in the business

Home country

The country where the headquarters of your business is located.

**Registered Address**

Address registered with Companies House.

\* Building number or name

\* Street

District

\* City or town

County or administrative area

\* Postcode

\* Country

**Section 2 of 19**

**PREMISES DETAILS**

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

**Premises Address**

Are you able to provide a postal address, OS map reference or description of the premises?

- Address     OS map reference     Description

**Postal Address Of Premises**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Further Details**

Telephone number

Non-domestic rateable value of premises (£)

**Section 3 of 19****APPLICATION DETAILS**

In what capacity are you applying for the premises licence?

- An individual or individuals
- A limited company
- A partnership
- An unincorporated association
- A recognised club
- A charity
- The proprietor of an educational establishment
- A health service body
- A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- The chief officer of police of a police force in England and Wales
- Other (for example a statutory corporation)

**Confirm The Following**

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

**Section 4 of 19****NON INDIVIDUAL APPLICANTS**

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

**Non Individual Applicant's Name**

Name

**Details**

Registered number (where applicable)

Description of applicant (for example partnership, company, unincorporated association etc)

Continued from previous page...

Public Limited Company

**Address**

Building number or name   
Street   
District   
City or town   
County or administrative area   
Postcode   
Country

**Contact Details**

E-mail   
Telephone number   
Other telephone number

**Section 5 of 19**

**OPERATING SCHEDULE**

When do you want the premises licence to start?  /  /   
dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end  /  /   
dd mm yyyy

Provide a general description of 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.

Proposed two storey bar/restaurant with customer area, kitchen, cellar and external customer area on the ground floor. Male and female toilets and staff facilities on the first floor.

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

Continued from previous page...

**Section 6 of 19**

**PROVISION OF PLAYS**

Will you be providing plays?

Yes  No

**Section 7 of 19**

**PROVISION OF FILMS**

Will you be providing films?

Yes  No

**Section 8 of 19**

**PROVISION OF INDOOR SPORTING EVENTS**

Will you be providing indoor sporting events?

Yes  No

**Section 9 of 19**

**PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS**

Will you be providing boxing or wrestling entertainments?

Yes  No

**Section 10 of 19**

**PROVISION OF LIVE MUSIC**

Will you be providing live music?

Yes  No

**Section 11 of 19**

**PROVISION OF RECORDED MUSIC**

Will you be providing recorded music?

Yes  No

**Section 12 of 19**

**PROVISION OF PERFORMANCES OF DANCE**

Will you be providing performances of dance?

Yes  No

**Section 13 of 19**

**PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE**

Will you be providing anything similar to live music, recorded music or performances of dance?

Yes  No

**Section 14 of 19**

**LATE NIGHT REFRESHMENT**

Will you be providing late night refreshment?

Continued from previous page...

Yes

No

**Standard Days And Timings**

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.  
(e.g., 16:00) and only give details for the days  
of the week when you intend the premises  
to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the provision of late night refreshment take place indoors or outdoors or both?

Indoors

Outdoors

Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

State any seasonal variations

Continued from previous page...

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the supply of late night refreshments at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Christmas Eve/Boxing Day/Maundy Thursday/Sundays preceding Bank Holiday Mondays/New Year's Eve - an additional hour.

**Section 15 of 19**

**SUPPLY OF ALCOHOL**

Will you be selling or supplying alcohol?

Yes                       No

**Standard Days And Timings**

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.  
(e.g., 16:00) and only give details for the days  
of the week when you intend the premises  
to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

Continued from previous page...

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption:

- On the premises       Off the premises       Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Christmas Eve/Boxing Day/Maundy Thursday/Sundays preceding Bank Holiday Mondays/New Year's Eve - an additional hour.

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

**Name**

First name

Family name

**Enter the contact's address**

Building number or name	
Street	
District	
City or town	
County or administrative area	
Postcode	
Country	

Continued from previous page...

Personal Licence number  
(if known)

30659

Issuing licensing authority  
(if known)

London Borough of Richmond upon Thames

### PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- Electronically, by the proposed designated premises supervisor
- As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

### Section 16 of 19

#### ADULT ENTERTAINMENT

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

Give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

None

### Section 17 of 19

#### HOURS PREMISES ARE OPEN TO THE PUBLIC

##### Standard Days And Timings

MONDAY

Start 07:00

End 00:30

Start

End

Give timings in 24 hour clock.  
(e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start 07:00

End 00:30

Start

End

WEDNESDAY

Start 07:00

End 00:30

Start

End



Continued from previous page...

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Christmas Eve/Boxing Day/Maundy Thursday/Sundays preceding Bank Holiday Mondays/New Year's Eve/the morning BST commences - an additional hour.

**Section 18 of 19**

**LICENSING OBJECTIVES**

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

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

1. The premises licence holder will ensure that all staff at the premises have been trained in accordance with established JD Wetherspoon plc training procedures. Specifically the premises licence holder will ensure that all employees who work front of house are trained in their responsibilities to prevent alcohol being served to anybody who is under the legal age limit or to anyone who appears to be drunk or to anyone who is trying to purchase alcohol on their behalf.

b) The prevention of crime and disorder

1. The premises licence holder will ensure that there are sufficient staffing levels including managers to encourage

**Continued from previous page...**

responsible behaviour on the premises at all times.

2. CCTV shall be installed in the premises. Images will be retained for a minimum of 30 days and will be available to the police upon request. Members of the management team will be trained in the use of the system.

3. Non-alcoholic beverages including soft drinks, water, coffee and tea shall be available at all times, sale by retail of alcohol carried out at the premises.

c) Public safety

See conditions 1 to 3 Box B above

d) The prevention of public nuisance

See conditions 1 to 3 Box B above

e) The protection of children from harm

1. The premises licence holder will operate a "Challenge 21" Policy at all times.

2. Suitable food and non-alcoholic beverages shall be available at all times children are allowed on the premises.

**Section 19 of 19**

**PAYMENT DETAILS**

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Premises Licence Fees are determined by the non domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at [http://www.voa.gov.uk/business\\_rates/index.htm](http://www.voa.gov.uk/business_rates/index.htm)

Band A - No RV to £4300	£100.00
Band B - £4301 to £33000	£190.00
Band C - £33001 to £87000	£315.00
Band D - £87001 to £125000	£450.00*
Band E - £125001 and over	£635.00*

\*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then you are required to pay a higher fee

Band D - £87001 to £12500	£900.00
Band E - £125001 and over	£1,905.00

There is an exemption from the payment of fees in relation to the provision of regulated entertainment at church halls, chapel halls or premises of a similar nature, village halls, parish or community halls, or other premises of a similar nature. The costs associated with these licences will be met by central Government. If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of late night refreshment, a fee will be required.

Schools and sixth form colleges are exempt from the fees associated with the authorisation of regulated entertainment where the entertainment is provided by and at the school or college and for the purposes of the school or college.

Continued from previous page...

If you operate a large event you are subject to ADDITIONAL fees based upon the number in attendance at any one time

Capacity 5000-9999	£1,000.00
Capacity 10000 -14999	£2,000.00
Capacity 15000-19999	£4,000.00
Capacity 20000-29999	£8,000.00
Capacity 30000-39999	£16,000.00
Capacity 40000-49999	£24,000.00
Capacity 50000-59999	£32,000.00
Capacity 60000-69999	£40,000.00
Capacity 70000-79999	£48,000.00
Capacity 80000-89999	£56,000.00
Capacity 90000 and over	£64,000.00

\* Fee amount (£)

## DECLARATION

\* I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the licensing act 2003, to make a false statement in or in connection with this application.

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

\* Full name

\* Capacity

\* Date  /  /   
dd mm yyyy

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/kings-lynn-and-west-norfolk/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

**IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**OFFICE USE ONLY**

Applicant reference number	<input type="text" value="JO/ Downham Market"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

Our ref:MAU 28655  
Please ask for: Andy Poucher  
Direct dial: (01553) 616453  
E-mail: andy.poucher@west-norfolk.gov.uk

Appendix 2 to  
Report to Licensing Sub-Committee  
Re: White Hart, Downham Market  
Dated 21st January 2016

Ms Deborah Hay  
JD Weatherspoon PLC  
Weatherspoon House  
Reeds Crescent  
Watford  
Hertfordshire  
WD24 4QL

**Debbie Gates**  
Executive Director

**Central and Community Services**

5<sup>th</sup> January 2016

Dear Ms Hay

**Premises Licence Application: Weatherspoon, 58 Bridge Street, Downham Market, Norfolk, PE38 9DH**

I am writing to you in connection with the above premises licence application.

It is the responsibility of the Community Safety and Neighbourhood Nuisance team to consider the licensing objective relating to the prevention of public nuisance. Due to the nature of the venue and the sale of alcohol, there is potential for noise disturbance to affect nearby premises.

Following our discussions last month, I would like to offer the following representations which I believe will allow the business to operate as intended but will minimise the likelihood of any adverse impact to nearby premises.

I therefore propose the following conditions be attached to any licence granted:

- Within 28 days from the start date of the licence, a detailed noise management plan shall be submitted to and agreed by the Community Safety and Neighbourhood Nuisance Team at the Borough Council of King's Lynn and West Norfolk and shall be implemented as approved thereafter.
- The licensee shall take appropriate steps to ensure that the customers entering and leaving the premises, and any customers queuing prior to admission, do so in a quiet and orderly manner.
- All external windows and doors must be closed, with the exception of normal access and egress.
- Patrons shall not be permitted to consume drinks in the rear garden after 22.30 between Sunday and Thursday. From 22.30 until close, customers shall only be

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

Chief Executive – **Ray Harding** Deputy Chief Executive – **David Thomason**

permitted to access the restricted area of the garden in order to smoke. The designated restricted area is hatched red as part of this paperwork.

- Patrons shall not be permitted to consume drinks in the rear garden after 23.00 on Friday and Saturday. From 23.00 until close, customers shall only be permitted to access the restricted area of the garden in order to smoke. The designated restricted area is hatched red as part of this paperwork.

## General Guidance

Noise from people can be difficult to control and we would ask you to read and consider the following suggestions. These are not to be attached to your licence but are simply to provide you with information on how to manage the premises effectively without causing an adverse effect on the local community and they could form part of a noise management plan.

- ❖ Signs may be displayed on any entrance and exit to the premises requiring that customers respect the neighbours and do not cause unreasonable disturbance to residents.
- ❖ A regular check will be conducted of any outdoor area to ensure that excessive noise or anti social behaviour is not occurring.
- ❖ Liaising with the Police or other relevant authority if anti social behaviour or noisy activity is occurring that requires their assistance.

By ensuring the above and practising good management there is no reason that any adverse effect or low level nuisance will be experienced by any neighbouring premises'.

However, it must be made clear that the Local Authority do have legislation under the Environmental Protection Act 1990 to prevent any person from causing a nuisance. The Local Authority has powers to serve legal notices, which if breached may result in prosecution and a fine.

I would hope that none of this action would ever be necessary.

**In relation to the recommendations for the licence, please read, sign and return the enclosed agreement form. If you do not agree to the conditions being attached to the licence then please do not send the form back and this letter will be classed as an objection.**

Yours sincerely

Andrew Poucher  
Community Safety and Neighbourhood Nuisance Officer  
Community Safety and Neighbourhood Nuisance Team

**THIS LETTER CAN BE MADE AVAILABLE IN LARGE PRINT AND OTHER LANGUAGES UPON REQUEST.**

Our ref: MAU 28655  
Please ask for: Andrew Poucher  
Direct dial: (01553) 616453  
E-mail: andy.poucher@west-norfolk.gov.uk

Ms Deborah Hay  
JD Weatherspoon PLC  
Weatherspoon House  
Reeds Crescent  
Watford  
Hertfordshire  
WD24 4QL

**Debbie Gates**  
Executive Director

**Central and Community Services**

5<sup>th</sup> January 2016

Dear Ms Hay

**Premises Licence Application: Weatherspoon, 58 Bridge Street, Downham Market, Norfolk, PE38 9DH**

**To the applicant/s: please sign the form below and return either by email to [andy.poucher@west-norfolk.gov.uk](mailto:andy.poucher@west-norfolk.gov.uk) or by post to Andy Poucher, CSNN, King's Court, Chapel Street, King's Lynn, Norfolk, PE30 1EX.**

Recommendations

- Within 28 days from the start date of the licence, a detailed noise management plan shall be submitted to and agreed by the Community Safety and Neighbourhood Nuisance Team at the Borough Council of King's Lynn and West Norfolk and shall be implemented as approved thereafter.
- The licensee shall take appropriate steps to ensure that the customers entering and leaving the premises, and any customers queuing prior to admission, do so in a quiet and orderly manner.
- All external windows and doors must be closed, with the exception of normal access and egress.
- Patrons shall not be permitted to consume drinks in the rear garden after 22.30 between Sunday and Thursday. From 22.30 until close, customers shall only be permitted to access the restricted area of the garden in order to smoke. The designated restricted area is hatched red as part of this paperwork.
- Patrons shall not be permitted to consume drinks in the rear garden after 23.00 on Friday and Saturday. From 23.00 until close, customers shall only be permitted to access the restricted area of the garden in order to smoke. The designated restricted area is hatched red as part of this paperwork.

I/we acknowledge receipt of the Community Safety and Neighbourhood Nuisance team representations dated 5<sup>th</sup> January 2016 in connection with the application for the premises shown above. **I agree with the recommendations suggested in the accompanying letter and I understand that they will be attached to the licence.**

Signed.....

Name.....

Date.....



**Objectors (Other Persons) – White Hart, 58 Bridge Street, Downham Market**

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

Exempt Information

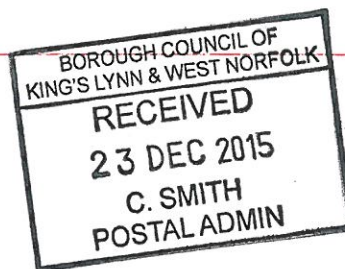


Incorporating Christina Thain & Co.

Our Ref: JG/JCB/PAT0040/0002

Your Ref:

Date: 22 December 2015



**HAWKINS RYAN**  
**SOLICITORS**

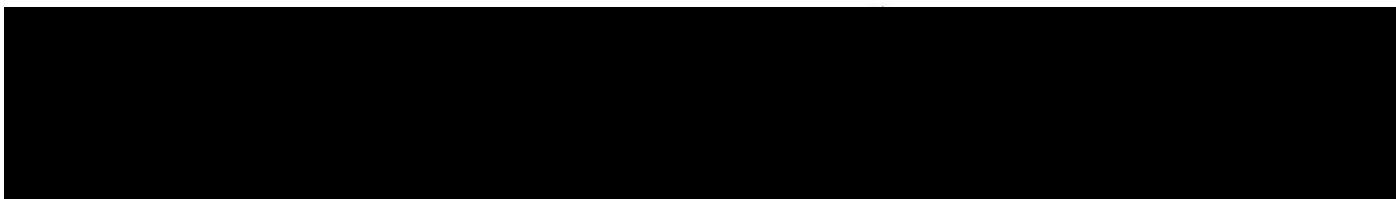
19 Tuesday Market Place  
King's Lynn  
Norfolk PE30 1JW  
Tel 01553 691661  
Fax 01553 691779  
DX 57803  
www.hawkinsryan.com

**DELIVERED BY HAND**

The Licensing Department  
Borough Council of King's Lynn & West Norfolk  
Kings Court  
Chapel Street  
King's Lynn  
Norfolk PE30 1EX

Dear Sirs

**Application by J D Wetherspoon Plc –  
The White Hart 58 Bridge Street Downham Market Norfolk PE38 9DH  
Notice of Application dated 9th December 2015**



Our client objects most strongly to the terms of this application. The subject premises are closely surrounded by residential property on all sides at the heart of the town and this application demonstrates the same completely cavalier attitude to their neighbours that the Applicant displayed in its planning application. If the application is granted, the result will undoubtedly be that there will be significant noise, disturbance, plus possible litter and rowdyism to these surrounding residential premises until possibly 1am or 2am. The Council already employs someone who tours the town emptying litter bins and clearing up the mess from Saturday nights at an early hour on Sunday mornings and the Council should certainly not be doing anything to worsen the present situation.

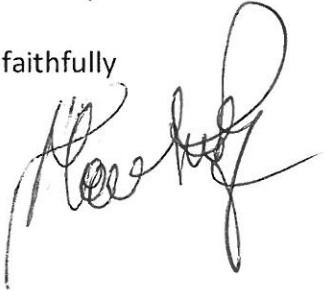
It is idle to suggest that promptly at midnight or 1am the premises will close and all the patrons will walk quietly home having carefully put all their litter in appropriate receptacles. The reality is that people who have been at the White Hart, possibly eating and drinking all evening, will stagger out very late at night, possibly the worse for wear and cause considerable disturbance.

The application to extend refreshment hours is clearly a thinly disguised excuse to sell alcohol during the maximum period in order to maximise profits without regard to the needs or welfare of the neighbouring occupiers.

Our client points out that the maximum night time sound level is supposed to be 30 decibels. There is no way that this level is going to be kept to if the premises are allowed to remain open as proposed, since the noise, music and other disturbance will not suddenly stop at 9pm.

This application should be refused outright. If the Council is minded to grant it, an extension should be limited to 11pm at the latest.

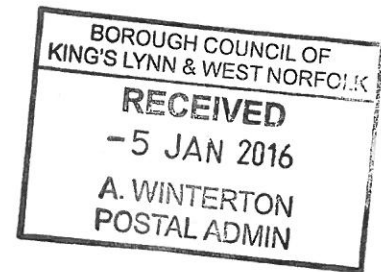
Yours faithfully



E-mail – [John.Gudgeon@hawkinsryan.com](mailto:John.Gudgeon@hawkinsryan.com)

**Hawkins Ryan Christmas Closing**  
***We shall be closed from 12.30pm on Wednesday 23<sup>rd</sup> December 2015***  
***until 9am on Monday 4<sup>th</sup> January 2016.***  
***We wish you a Merry Christmas & a Happy New Year.***

Environmental Health - Licensing,  
Borough Council of King's Lynn & West Norfolk,  
King's Court,  
Chapel Street,  
King's Lynn,  
PE30 1EQ



1st January 2016

Ref: 15/01852/LA\_PRE, New Premises Licence Application, Open for Consultation  
58 Bridge Street, Downham Market, Norfolk, PE38 9DH

Dear Sir/Madam,

With regard to the above licence application we wish to comment regarding several environmental concerns. The planning application 15/01369/F, proposed internal alterations, single storey extension with associated mechanical plant and extract equipment on this public house has been approved and with it sees this site almost triple in size. Extreme caution is needed when considering this new licence, this establishment will change immensely. Once the extension and new large kitchen facility is completed many more patrons both inside and out can be catered for with drinks and hot food which is being proposed for 16 hours a day. This site is surrounded by residential homes and allowing long licensing hours with ability for long opening hours on an operation this size will have a massive environmental impact on neighbouring amenity from kitchen odours to noise disturbance from increased patrons.

The current operation at present is a local drinking pub, serving no hot food and with just 3 benches in the beer garden. It only opens Mon-Fri 3pm to 11pm, Sat 12pm to 11pm and Sun 12pm to 10.30pm. So very different to the opening times proposed from JD Wetherspoons, from 7am - to as late as 1.30pm.

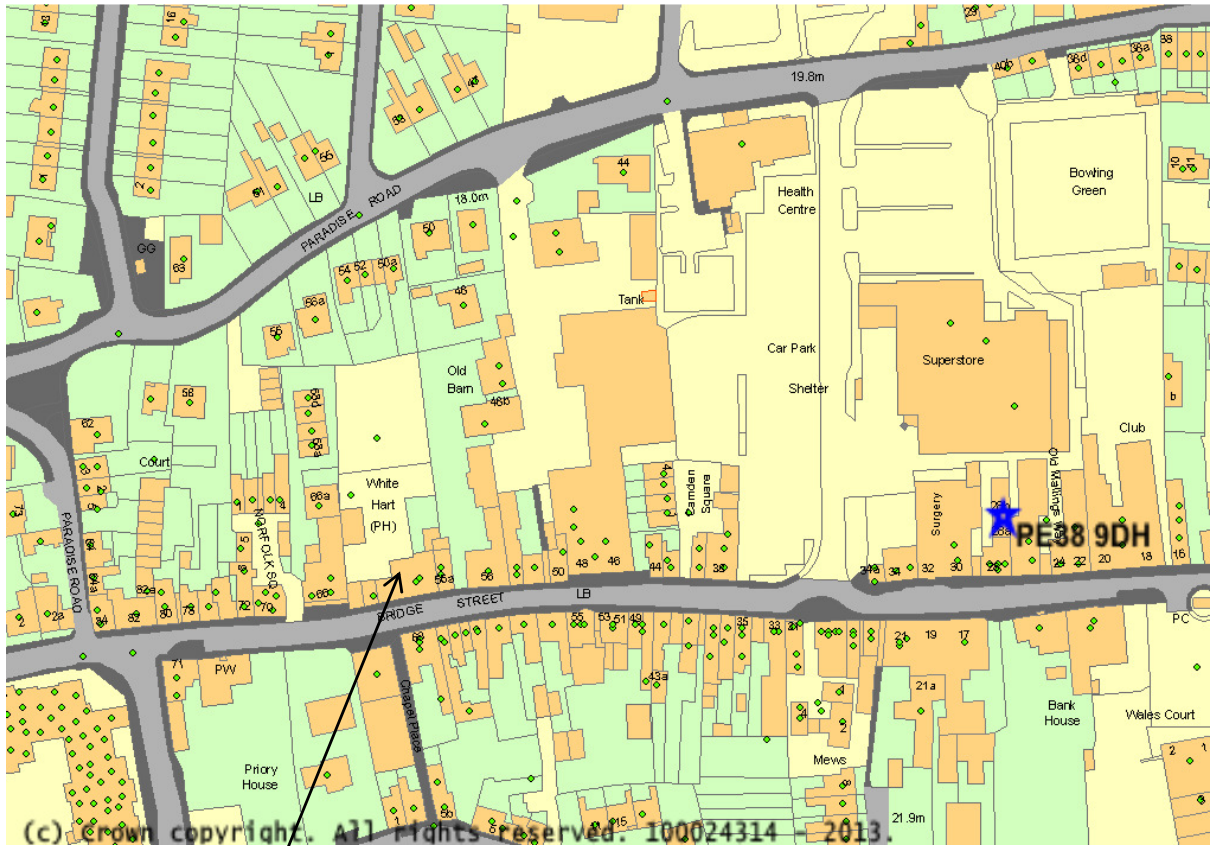
This expansion within this area should be targeting the family market and conditions/restrictions regarding the licence should to be enforced to protect the residents.

- Sale of Alcohol Licence until 00.00hrs only.
- No late night refreshment licence, 11pm is quite late enough. There is no need for hot food after 9pm, the kitchen should be stipulated to close by this time.
- Entertainment and Music in any form should not be permitted anywhere on site.
- Controlled measures for increased patrons leaving the establishment late at night in this residential area.
- The use of the outside areas/beer garden you'd expect to tie in with light nights and warmer weather which is favourable for noise transmission and coincides with the increased use of residential gardens along with the opening of windows. Use of the outside areas/beer garden from the evening into the early hours will mean that patron noise will coincide with a drop in the background noise levels. The exact time residents are looking for enjoyment of their homes and eventually retiring to sleep. Mitigation was proposed in an original noise impact assessment report on the planning application to close the outside areas by 11pm and the beer garden by 9pm with acoustic barrier and canopy. However the applicant chose to remove this going against the advise of the consultant responsible for the report and the CSNN recommendation. The Borough Council of Kings Lynn and West Norfolk's control of noise from licensed premises policy also states consideration should be given to closing beer gardens by 9pm. Please make this a condition of this licence if the application is granted.

Yours faithfully



Location Plan – White Hart, 58 Bridge Street, Downham Market



White Hart

Licensing Act 2003  
**Premises Licence**

WNPL004921

LOCAL AUTHORITY

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



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

Part 1 - Premises Details

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

**White Hart**

58 Bridge Street, Downham Market, Norfolk, PE38 9DJ.

Telephone 01366 387720

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- an exhibition of a film
- an indoor sporting event
- a performance of live music
- any playing of recorded music
- a performance of dance
- entertainment of a similar description to that falling within a performance of live music, any playing of recorded music or a performance of dance
- provision of late night refreshment
- the supply of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
B. Exhibition of films (Indoors)	Monday to Sunday	9:00am	Midnight
C. Indoor sporting event	Monday to Sunday	9:00am	Midnight
F. Playing of recorded music (Indoors)	Sunday	9:00am	12:30am
	Monday to Thursday	9:00am	12:30am
	Friday and Saturday	9:00am	1:30am
	Non Standard Timings:	9:00am	1:30am
	Sunday and Monday on a bank holiday weekends, Christmas Eve & Boxing Day		
	New Years Eve		
	From end of permitted hours on New Year's Eve to start of permitted hours on New Year's Day.		
G. Performance of dance (Indoors)	Monday to Sunday	9:00am	Midnight



Licensing Act 2003  
**Premises Licence**

**WNPL004921**

**THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES continued ...**

Activity (and Area if applicable)	Description	Time From	Time To
H. Entertainment of a similar description to that falling within E, F, or G (Indoors)	Monday to Sunday	9:00am	Midnight
I. Late night refreshment (Indoors)	Sunday	11:00pm	12:30am
	Monday to Thursday	11:00pm	12:30am
	Friday and Saturday	11:00pm	1:30am
	Non Standard Timings:	11:00pm	1:00am
	Sunday and Monday on a bank holiday weekends, Christmas Eve & Boxing Day		
	New Years Eve	11:00pm	5:00am
J. Supply of alcohol for consumption ON and OFF the premises	Sunday	9:00am	Midnight
	From end of permitted hours on New Year's Eve to start of permitted hours on New Year's Day.		
	Monday to Thursday	9:00am	Midnight
	Friday and Saturday	9:00am	1:00am
	Non Standard Timings:	9:00am	1:00am
	Sunday and Monday on a bank holiday weekends, Christmas Eve & Boxing Day		
	New Years Eve		

**THE OPENING HOURS OF THE PREMISES**

Description	Time From	Time To
Sunday	9:00am	12:30am
Monday to Thursday	9:00am	12:30am
Friday and Saturday	9:00am	1:30am
Non Standard Timings:	9:00am	1:30am
Sunday and Monday on a bank holiday weekends, Christmas Eve & Boxing Day		
New Years Eve		
From end of permitted hours on New Year's Eve to start of permitted hours on New Year's Day.		

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

- J. Supply of alcohol for consumption ON and OFF the premises
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Part 2

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

Oak Taverns Ltd 5 Sycamore Drive, Thame, Oxon, OX9 2AT. Telephone 01844 213867 info@oaktaverns.co.uk
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**REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)**

Oak Taverns Ltd	2645556
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**NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL**

Simon Ian Jones COLLINSON	
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Licensing Act 2003

# Premises Licence

# WNPL004921

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

Licence No. 333

Issued by South Oxfordshire

DATE ORIGINALLY ISSUED:

DATE OF LAST CHANGE:

18/05/2007

30/08/2013



WNPL004921/20037

**ANNEXES**

**ANNEX 1 - MANDATORY CONDITIONS**

1. Under Section 19(2) of the Licensing Act 2003, no supply of alcohol may be made under this premises licence at a time when there is no designated premises supervisor in respect of the premises licence, or at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Under Section 19(3) of the Licensing Act 2003 every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. In relation to the sale of alcohol, the responsible person shall take all reasonable steps to ensure that staff do not carry out, arrange or participate in any irresponsible promotions in relation to the premises. An irresponsible promotion means an activity carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children.
4. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.  
  
(2) 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 a holographic mark.
7. The responsible person shall ensure that-
  - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-
    - (i) beer or cider: ½ pint;
    - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
    - (iii) still wine in a glass: 125 ml; and
  - b) customers are made aware of the availability of these measures.

**ANNEX 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE**

8. Regulated entertainment is authorised for indoors only
9. The above restrictions in relation to the supply of alcohol do not prohibit:
  - a) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
  - b) consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises;
  - c) the ordering of alcohol to be consumed off the premises or the despatch by the vendor of the alcohol so ordered;
  - d) the sale of alcohol to a trader or club for the purposes of the trade or club;
  - e) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
  - f) the taking of alcohol from the premises by a person residing there;
  - g) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or
  - h) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

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

10. No new customers are to be admitted to the premises after 2330 hours.
11. Regulated entertainment inside the premises to be terminated by 2400 hours.
12. All windows and doors at the front of the premises to be closed during any regulated entertainment.

