

Licensing Sub-Committee - Premises and Gambling



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Friday, 3 May 2024

A meeting of the **Licensing Sub-Committee - Premises and Gambling** of North Norfolk District Council will be held in the **Council Chamber - Council Offices** on **Tuesday, 21 May 2024** at **10.00 am**.

Although this meeting is open to the Public, due to the requirements of the Licensing Act 2003, only parties to the hearing are allowed to speak at the sub-committee (through their representative as appropriate)

Further information on the procedure is available through Democratic Services, Tel: 01263 516108, Email: lauren.gregory@north-norfolk.gov.uk.

Anyone attending this meeting may take photographs, film or audio-record the proceedings and report on the meeting. Anyone wishing to do so must inform the Chairman. If you are a member of the public and you wish to speak on an item on the agenda, please be aware that you may be filmed or photographed.

Emma Denny
Democratic Services Manager

To: Cllr H Blathwayt, Cllr P Porter and Cllr E Vardy

All other Members of the Council for information.
Members of the Management Team, appropriate Officers, Press and Public



**If you have any special requirements in order
to attend this meeting, please let us know in advance**
If you would like any document in large print, audio, Braille, alternative format or in
a different language please contact us

Chief Executive: Steve Blatch
Tel 01263 513811 **Fax** 01263 515042 **Minicom** 01263 516005
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A G E N D A

1. CHAIRMAN'S INTRODUCTION (Pages 1 - 4)

2. TO RECEIVE APOLOGIES FOR ABSENCE

3. ITEMS OF URGENT BUSINESS

To determine any other items of business which the Chairman decides should be considered as a matter of urgency pursuant to Section 100B(4)(b) of the Local Government Act 1972.

4. DECLARATIONS OF INTEREST (Pages 5 - 10)

Members are asked at this stage to declare any interests that they may have in any of the following items on the agenda. The Code of Conduct for Members requires that declarations include the nature of the interest and whether it is a disclosable pecuniary interest.

5. APPLICATION FOR A NEW PREMISES LICENCE - BARN DRIFT, OLD WOMANS LANE, CLEY-NEXT-THE-SEA, NORFOLK, NR25 7AZ (Pages 11 - 84)

6. EXCLUSION OF PRESS AND PUBLIC

To pass the following resolution, if necessary:

“That under Section 100A(4) of the Local Government Act 1972 the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 1 of Part I of Schedule 12A (as amended) to the Act.”



North Norfolk District Council

The Licensing Committee (Premises and Gambling) - Procedure to be followed at the Hearing

This Procedure and protocol is governed by; the following legislation:

- The Licensing Act 2003 (Hearings) Regulations 2005 and the Licensing Act 2003 (Hearings) (Amendment) Regulations 2005.
- The Gambling Act (Proceedings of Licensing Committees and Sub Committees) (Premises Licences and Provisional Statements) (England and Wales) Regulations 2007.

Introductions

1. The **Chair** of the Sub-Committee should read out a statement declaring under which capacity the Committee is sitting.

The **Chair** must outline that this Sub-Committee is sitting to consider matters under the Licensing Act 2003 and/or Gambling Act 2005.

2. The **Chair** will introduce themselves and the Members of the Committee.
3. The **Chair** will then introduce and explain the respective roles of;
 - (i) the Democratic Services Officer;
 - (ii) the Licensing Officer;
 - (iii) the Legal Advisor to the Committee
4. **The Chair** should invite all those present to introduce themselves and ask them to indicate if they wish to speak during the hearing. (Only those persons who have made representations may address the Sub-Committee)
5. Each party will be asked by the **Chair** whether 15 minutes is sufficient for the presentation of his/her/body's case. (Agreement on the length of time given for each speaker is at the discretion of the Chair).
6. The **Legal Advisor** explains the procedure that will be followed at the meeting. All parties to note that any requests or issues should be directed through the Chair.

The Application

7. The **Licensing Officer** outlines the application to the Committee by presenting their report making proper reference to any relevant Licensing Policy and Statutory Guidance.
8. The Committee may ask questions of the Licensing Officer with regards to their report.

9. The **Licensing Officer** will invite questions from all parties to clarify the content of their report.

Presentation of Case / Submissions from Parties

10. In the order of firstly **Applicant**, secondly **Responsible Authority** and thirdly **Other Persons** (or in the case of a review the relevant person), each party shall be invited to undertake the following:
 - (i) Set out their case;
 - (ii) Call Witnesses in support of their case (provided notification of the witnesses has previously been given to the Council);
 - (iii) Introduce documentary evidence in support of their case (provided notification of the documentary evidence has previously been given to the Council); and
 - (iv) Respond to any questions asked of them by Members of the Licensing Sub-Committee.
11. At the Sub-Committee and Chair's discretion each party may ask questions of other parties by directing them through the Chair. (please note witnesses may not put questions to other parties)
12. The Sub-Committee shall have the absolute discretion to restrict the number of witnesses and documents that any party can introduce, or the time spent on submissions or oral evidence, to ensure the proper running of the hearing. Where there are a number of persons with similar representations, a spokesperson may be chosen to speak.
13. Any witnesses that any party is seeking to call that have not previously been notified to the Council, in advance of the hearing, shall only be allowed with the consent of all other parties at the hearing. The Sub-Committee shall have the sole discretion to refuse to allow any witnesses to be heard, even where the consent of all parties has been given. In reaching the decision the Sub-Committee may consider any circumstances they believe to be relevant, and will have regard to the relevance of the evidence to the matters before the Committee.
14. Any documents that any party is seeking to adduce that have not previously been notified to the Council, in advance of the hearing, shall only be allowed with the consent of all other parties at the hearing. The Sub-Committee shall have the sole discretion to refuse to allow any documents to be adduced, even where the consent of all parties has been given. In reaching the decision the Sub-Committee may consider any circumstances they believe to be relevant, and will have regard to the relevance of the evidence to the matters before the Committee.

Closing Submissions

15. The **Chair** shall invite each of the parties to present a closing submission, of no more than 5 minutes, to the Sub-Committee, in the order of
 - firstly **the Responsible Authority/ or Responsible Authorities;**
 - secondly **Other Persons;**
 - thirdly, the **Licensing Officer**
 - lastly the **Applicant (or their representative)**

Each party may comment upon what has been said but no new evidence should be introduced.

16. At the end of the Closing Submissions the **Chair** may ask the **Legal Advisor** if there is any clarification or points they wish to make or advise the Committee of.

Reaching and Making a Decision

17. The **Chair** will ask the Council's Legal Advisor to address the Committee on any outstanding matters.
18. The **Chair** will then thank all those who have spoken and invite the Committee to retire to consider the application, accompanied by the Legal Advisor and Democratic Services Officer (who will take no part in the decision).
19. The Committee will then consider the case and evidence before them at the hearing and will seek to reach a decision with reasons for the decision.
20. Once a decision has been made, the **Chair** will invite the **Legal Advisor** to announce in public any legal advice they have given in private.
21. The **Chair** will read out the decision and the reasons for the decision, or in some cases, advise that the decision will be notified to parties at a later date. Where appropriate, the **Chair** will ask the Licensing Officer for any comments on their decision prior to any final determination.
22. The **Chair** will explain that all parties will be notified of the outcome of the decision and reasons for the decision in writing.
23. If the Committee is unable to reach a decision on the day, the **Chair** will explain that all parties will be notified as soon as possible (but within 5 working days or other time period as set out in the Licensing Act 2003 or related regulations) of the decision and the reasons for such.

NOTE

A decision may be deferred to:-

1. Receive further documentation referred to in the meeting
 2. Enable a site visit to take place
 3. Invite the Applicant or his representative to appear if they had not done so at the meeting (only once)
- No further debate may be heard on further documentation or at a site visit
 - Adjournments should generally be granted if to refuse would deny applicant a fair hearing.

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Registering interests

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in "The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012". You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

"Disclosable Pecuniary Interest" means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

"Partner" means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A 'sensitive interest' is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.
3. Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

Non participation in case of disclosable pecuniary interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.
5. Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it

Disclosure of Other Registerable Interests

6. Where a matter arises at a meeting which **directly relates** to one of your Other Registerable Interests (as set out in **Table 2**), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Disclosure of Non-Registerable Interests

7. Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.
8. Where a matter arises at a meeting which **affects** –
 - a. your own financial interest or well-being;
 - b. a financial interest or well-being of a relative, close associate; or
 - c. a body included in those you need to disclose under Other Registrable Interests as set out in **Table 2**

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied

9. Where a matter **affects** your financial interest or well-being:
 - a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
 - b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

10. Where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must make sure that any written statement of that decision records the existence and nature of your interest.

Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain. [Any unpaid directorship.]
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the

	<p>councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council —</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land and Property	<p>Any beneficial interest in land which is within the area of the council.</p> <p>'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (alone or jointly with another) a right to occupy or to receive income.</p>
Licenses	<p>Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer</p>
Corporate tenancies	<p>Any tenancy where (to the councillor's knowledge)—</p> <p>(a) the landlord is the council; and</p> <p>(b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.</p>
Securities	<p>Any beneficial interest in securities* of a body where—</p> <p>(a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were</p>

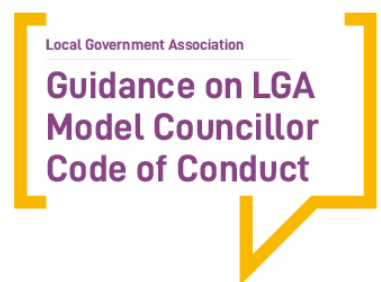
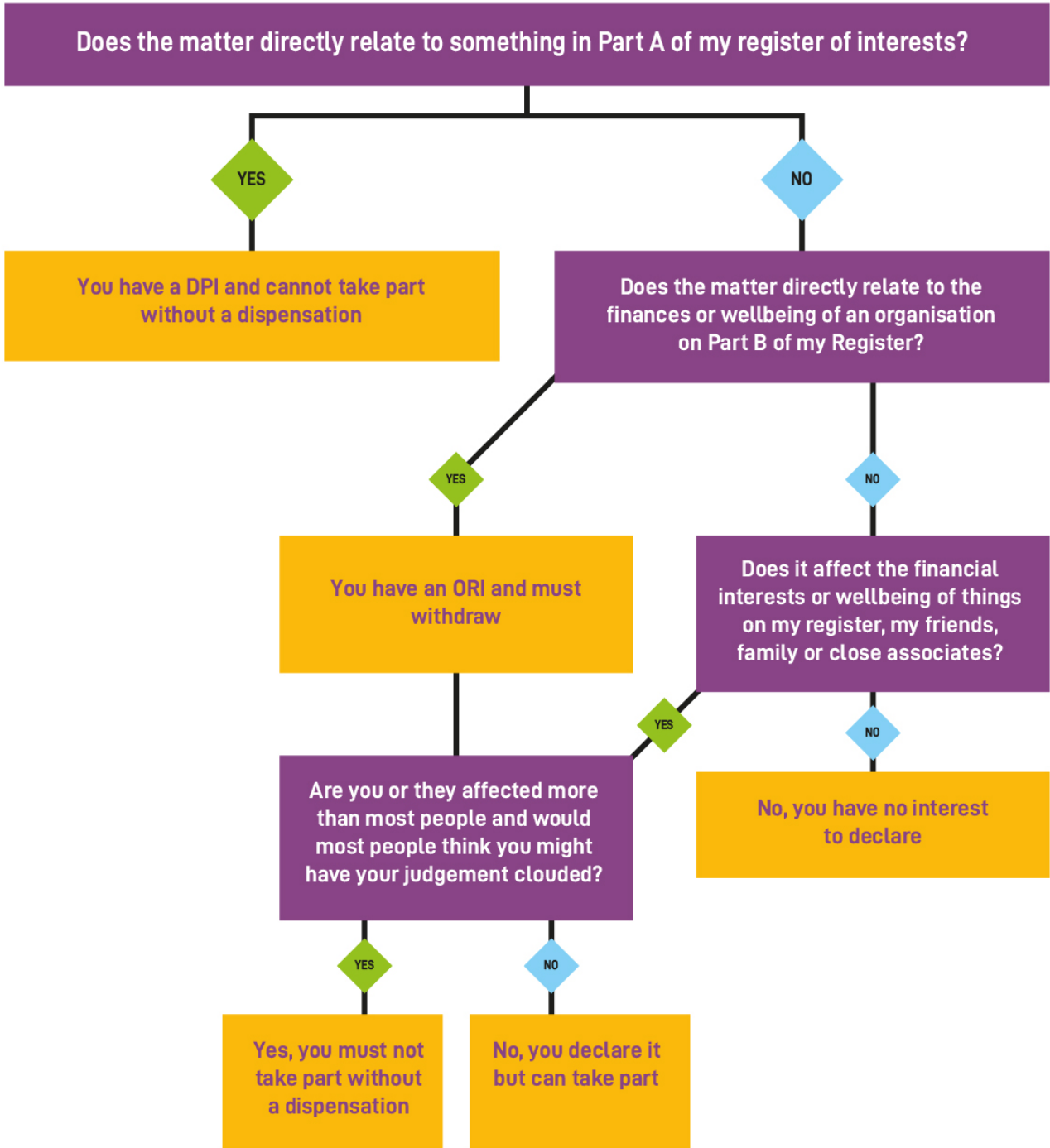
	spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.
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* 'director' includes a member of the committee of management of an industrial and provident society.

* 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Table 2: Other Registrable Interests

<p>You have a personal interest in any business of your authority where it relates to or is likely to affect:</p> <ul style="list-style-type: none"> a) any body of which you are in general control or management and to which you are nominated or appointed by your authority b) any body <ul style="list-style-type: none"> (i) exercising functions of a public nature (ii) any body directed to charitable purposes or (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)



Agenda Item 5

Licensing Sub Committee		
Author's Title	Licensing Enforcement Officer	
Are there back ground papers	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Exempt	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Ward(s) affected?		
Responsible Members	Cllr P Fisher – Chairman Licensing Committee Cllr C Ringer – Portfolio Holder (Licensing)	
Contact Officer	Nicky Davison	
E-mail address	Nicky.davison@north-norfolk.gov.uk	
Telephone number	01263 516291	
Are there Non Electronic Appendices	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
List of Background Papers and Appendices	North Norfolk District Council Licensing Policy Statutory Guidance issued by the Home Office Appendices to the report containing copies of correspondence from Responsible Authorities and Other Persons Application and Current Application Form	

This report has been subject to the following processes:

Consultation with:		
Head of Financial Services (S151 Officer)	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not apt
Solicitor to the Council/Legal	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not apt
Others:	Head of Environmental Health	

File Location:	M3 Database WK/240001782
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Application for a new Premises Licence - Barn Drift, Old Womans Lane, Cley-next-the-Sea, Norfolk, NR25 7AZ

- Summary:** This is an application for a new Premises Licence
- Conclusions:** That Members consider and determine the case from the written and oral information provided.
- Recommendations:** That Members consider and determine this case

CLLr P Fisher – Chairman
Licensing Committee

Ward(s) affected: Coastal Ward

Contact Officer, telephone
number, and e-mail:

Nicky Davison

01263 516291

nicky.davison@north-norfolk.gov.uk

1. Jurisdiction

- 1.1. North Norfolk District Council is the Licensing Authority under the Licensing Act 2003 in respect of Premises licences for the sale of alcohol or regulated entertainment. Where a valid application for a premises licence or variation is received and relevant representations are made, before determining the application, the authority must hold a hearing to consider the case.
- 1.2. The four licensing objectives to be considered when determining the application, and relevant representations, are:
 - a. the prevention of crime & disorder
 - b. public safety
 - c. the prevention of public nuisance, and
 - d. the protection of children from harm

2. The Application

- 2.1 Mrs Alice Atkinson has made an application for a new Premises Licence for premises known as Barn Drift and the Hangar, Old Womens Lane, Cley-next-the-Sea, NR25 7AZ. The application form can be seen in **Appendix A**. The proposed site plan of the whole premises to be licensed together with the ground floor plan of the main building and the floor plan of the 'Hangar' can be seen in **Appendix B**. The red outline on the plans relates to the proposed area where the proposed licensable activities will take place.

- 2.2 The Premises are used as a self-catering holiday let and event venue for private events. The main dwelling comprises 8 bedrooms with the capacity to sleep up to 16 guests, kitchen, drawing room and dining room. Bedroom 8 can also act as a second sitting room. The drawing room and dining room are licensed for ceremonies. The outside garden area comprises three adjoining, separate walled gardens set within larger grounds. The application also includes a single storey brick 'Hangar' measuring 9 metres by 12 metres with a tin roof. The Hangar provides an open plan area with Aga, sink and one w/c provision. This is located opposite the main dwelling house across the established farm track. The Hangar is licensed for wedding ceremonies also. The 'Hangar' sits on one acre of lawn which offers camping provision.
- 2.3 The applicant has confirmed that the events are managed by the proposed Designated Premises Supervisor 'Michelle Stocker, and that noise level monitoring is performed at events by Security Officers on a half-hourly basis. The security is currently being provided by Phoenix Security. Copies of the noise log sheets completed by this security company for events held in September 2023 and December 2023 are attached as **Appendix D**.
- 2.4 Temporary Event Notices have been used to notify licensable activities taking place from this premises for previous events held.
- 2.5 The applicant seeks permission to operate as follows:

Licensable activity	Days	Times
Opening Hours	Monday to Sunday	12:00 - 01:00 Indoors and outdoors
Live Music	Monday to Sunday	12:00 - 00:00 Indoors and outdoors
Recorded Music	Monday to Sunday	12:00 - 00:00 Indoors and outdoors
Late Night Refreshment	Monday to Sunday	12:00 - 01:00 Indoors and outdoors
Sale of Alcohol On Premises Sale of Alcohol Off Premises	Monday to Sunday	12:00 - 01:00 Indoors and outdoors

3. Conditions

3.1 The premises licence is subject to the following mandatory conditions:

- a. **LIP001** No supply of alcohol may be made under the 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 the personal licence is suspended.
- b. **LIP002** Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
- c. **LIP003** Where a premises licence includes the condition that at specified times one or more individuals must be at the premises to carry out a security activity; each such individual must be licensed by the Security Industry Authority.
- d. **LIP004** Where a premises licence authorises the exhibition of films, the admission of children to the exhibition of any film to be restricted in accordance with this section.
- e. **LIP006**
 - (1) 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.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - (i) 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
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise

anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

- f. **LIP008** The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
- g. **LIP009**
- (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) 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.
 - (3) 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) a holographic mark, or
 - (b) an ultraviolet feature.
- i. **LIP010** 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: 25ml or 35ml; and
 - iii) still wine in a glass: 125ml; and
 - b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.
- j. **LIP011** 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.

- 3.2 The licence will be subject to the following conditions which are consistent with the operating schedule:
- a. **LICD25** Variation /video equipment will be installed outside the premises and maintained in working order.
 - b. Independent security firm on site providing trained and experienced security staff at every event.
 - c. A Challenge 25 Policy shall operate in this premises in relation to the sale of alcohol.
 - d. All staff shall be trained in this Policy. This training shall be documented and made available to Responsible Authorities upon request.

4. Representations from Responsible Authorities

- 4.1 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.
- 4.2 The following comments have been received from the Responsible Authorities and can be seen in **Appendix C**:

Responsible Authority	Comments	Date
Fire Service	Application acknowledged and referral to guidance documents: Small and Medium Places of Assembly and Large Places of Assembly	07/03/2024
Licensing Team Norfolk Constabulary	With the additional conditions agreed below on the application to promote the crime and disorder licensing objective, there are no police objections. 1. A Challenge 25 Policy shall operate in this premises in relation to the sale of alcohol. 2. All staff shall be trained in this Policy. This training shall be documented and made available to Responsible Authorities upon request.	13/03/2024
EH - Commercial	No objection.	11/03/2024

Responsible Authority	Comments	Date
EH - Environmental Protection	No objection subject to the agreement of conditions listed in the consultation response.	27/03/2024
EH - Licensing	No objection subject to the conditions offered by the applicant, Police and Environmental Protection.	03/04/2024
Primary Care Trust, N C C	Nil response	
Norfolk Safeguarding Childrens Board	Nil response	
Trading Standards Service	Nil response	
Home Office (Immigration Enforcement)	Nil response	
Planning Dept	Objection received based on planning permission restrictions.	04/04/2024

4.2 The Environmental Protection Officer has no objection subject to the following conditions to be agreed by the applicant:

- a. **PN02** The premises shall be arranged to minimise the risk of noise nuisance to nearby properties.
- b. **PN04** Noise emanating from the premises as a result of regulated entertainment shall not exceed 45 dBA as measured 1 metre from any residential dwelling.
- c. **PN07** The doors and windows at Barn Drift shall be fitted with double or secondary glazing in order to improve the sound attenuation of the premises.
- d. **PN10** All external doors and windows must be kept closed, other than for access and egress, in all rooms when events involving amplified music or speech are taking place.
- e. **PN14** Prominent, clear notices shall be displayed at all exits requesting customers to respect the needs of local residents and leave the premises and the area quietly.
- f. **PN16** External events must not continue beyond 23:00hrs without prior approval of the Licensing Authority.
- g. **PN20** The Designated Premises Supervisor or a nominated representative shall have full control at all times over the sound

amplification equipment to the main stage. The volume shall be adjusted according to the requirements of the Licensing Authority/Responsible Authority.

- h. **PN22** The designated premises supervisor or nominated representative shall ensure that no nuisance is caused by noise emanating from the premises by implementing a Self-Policing Policy which shall include sound checks inside and out.
- i. **PN30** Any artificial lighting on the premises must not cause nuisance due to glare unless it is considered necessary by the Police to prevent crime and disorder.

4.3 The applicant has agreed to some of the conditions listed above. Please refer to the applicant’s response in **Appendix D**. The applicant is seeking external events to cease at midnight and therefore does not agree to condition **PN16** - External events must not continue beyond 23:00hrs without prior approval of the Licensing Authority.

5. Representations from Other Persons

5.1 Section 17(5) of the Act describes other persons as persons who live, or are involved in business, in the relevant licensing authority’s area and who are likely to be affected by it. Representations made must relate to the licensing objectives.

5.2 There has been four representations received from other persons concerning this application. The representations relate to the prevention of public nuisance objective under the Licensing Act 2003. Copies of all the correspondence is attached for information. See the table below and **Appendix C**.

Representations from Other Persons

Name	Representation	Date
Councillor Victoria Holliday Objection 1	Prevention of public nuisance	27/03/2024
Cley Parish Council Objection 2	Prevention of public nuisance	26/03/2024
Kathryn Lord and David McNeight Objection 3	Prevention of public nuisance	02/04/2024
William Martin Objection 4	Prevention of public nuisance	02/04/2024

6. Notices

6.1 The applicant is responsible for advertising the application by way of a notice in the specified form at the premises for not less than 28 consecutive days and in a local newspaper. The Public Notice appeared in the North Norfolk

News on the 7th March 2024 and a Notice should have been displayed on the premises until 4th April 2024.

7. Plans

- 7.1 Location plans showing the general location of the premises is attached at **Appendix D**.

8. North Norfolk District Council Licensing Policy

- 8.1 The current Statement of Licensing Policy was approved by Council on 17 November 2021 and became effective on 31 January 2022 and the following extracts may be relevant to this application:

3.0 Main Principles

3.1 Nothing in the 'Statement of Policy' will:

- undermine the rights of any person to apply under the 2003 Act for a variety of permissions and have the application considered on its individual merits, and/or
- override the right of any person to make representations on any application or seek a review of a licence or certificate where they are permitted to do so under the 2003 Act

3.2 Licensing is about the control of licensed premises, qualifying clubs and temporary events within the terms of the 2003 Act, and conditions that are attached to licences, certificates will be focused on matters which are within the control of individual licensee or club, i.e. the premises and its vicinity.

3.3 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 dispute, the question will ultimately be decided by the courts. When considering these conditions, the Council will primarily focus on the direct impact of the activities taking place at licensed premises on members of the public living, working or engaged in normal activity in the area concerned.

3.4 The Council acknowledges that the licensing function cannot be used for the general control of anti-social behaviour by individuals once they are beyond the direct control of the licensee of any premises concerned. In this respect, the Council recognises that, apart from the licensing function, there are a number of other mechanisms available for addressing issues of unruly behaviour that can occur away from licensed premises, including:

- planning and environmental health controls
- ongoing measures to create a safe and clean environment in these areas in partnership with local businesses, transport operators and other Council Departments
- designation of parts of the District as places where alcohol may not be consumed publicly

- regular liaison with Police on law enforcement issues regarding disorder and anti-social behaviour, including the issue of fixed penalty notices, prosecution of those selling alcohol to people who are drunk; confiscation of alcohol from adults and children in designated areas and instantly closing down licensed premises or temporary events on the grounds of disorder, or likelihood of disorder or excessive noise from the premises
- the power of the police, other responsible authority or a local resident or business or District Councillor to seek a review of the licence or certificate

4 Crime and Disorder

4.1 The Council acknowledges that the Police are the main source of advice on crime and disorder.

4.2 Licensed premises, especially those offering late night/early morning entertainment, alcohol and refreshment for large numbers of people, can be a source of crime and disorder problems. The Council will expect Operating Schedules to satisfactorily address these issues from the design of the premises through to the daily operation of the business.

5 Public Safety

5.1 Licence holders have a responsibility to ensure the safety of those using their premises, as part of their duties under the 2003 Act. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation. Physical safety included the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning.

5.2 A number of matters should be considered in relation to public safety, these could include;

- Fire safety
- Ensuring appropriate access for emergency services such as ambulances
- Good communication with local authorities and emergency services
- Ensuring the presence of trained first aiders on the premises and appropriate first aid kits
- Ensuring the safety of people when leaving the premises (for example through the provision of information on late-night transportation)
- Ensuring appropriate and frequent waste disposal, particularly of glass bottles
- Ensuring appropriate limits on the maximum capacity of the premises; and

- Considering the use of CCTV

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

6 Prevention of Public Nuisance

6.1 Licensed premises, especially those operating late at night and in the early hours of the morning, can cause a range of nuisances impacting on people living, working or sleeping in the vicinity of the premises.

6.2 The concerns mainly relate to noise nuisance, light pollution and noxious smells and due regard will be taken of the impact these may have. The Council will expect Operating Schedules to satisfactorily address these issues. Applicants are advised to seek advice from the Council's Health and Pollution Enforcement Officers before preparing their plans and Schedules.

6.3 The Council will consider attaching Conditions to licences and permissions to prevent public nuisance, and these may include Conditions drawn from the Model Pool of Conditions relating to 'Public Nuisance'.

7 Prevention of Harm to Children

7.1 The wide range of premises that require licensing means that children can be expected to visit many of these, often on their own, for food and/or entertainment.

7.2 The 2003 Act makes it an offence to permit children under the age of 16 who are not accompanied by an adult to be present on premises being used exclusively or primarily for supply of alcohol for consumption on those premises under the authorisation of a premises licence, club premises certificate or where that activity is carried on under the authority of a temporary event notice.

7.3 In addition, it is an offence to permit the presence of children under 16 who are not accompanied by an adult between midnight and 5am at other premises supplying alcohol for consumption on the premises under the authority of any premises licence, club premises certificate or temporary event notice. Outside of these hours, the offence does not prevent the admission of unaccompanied children under 16 to the wide variety of premises where the consumption of alcohol is not the exclusive or primary activity. Between 5am and midnight the offence

would not necessarily apply to many restaurants, hotels, cinemas and even many pubs where the main business activity is the consumption of both food and drink. This does not mean that children should automatically be admitted to such premises and the following paragraphs are therefore of great importance notwithstanding the new offences created by the 2003 Act. (See the Licensing Policy for further detail)

10 Standard Conditions

10.1 Conditions attached to licences or certificates will be tailored to the individual style and characteristics of the particular premises and events concerned.

10.2 However, where considered appropriate, and necessary for the promotion of the Licensing Objectives, the Council will consider attaching Conditions drawn from the relevant Model Pools of Conditions and from any published Local Pool of Conditions

9. Guidance Issued under section 182 of the Licensing Act 2003

- 9.1 The current Guidance was issued by the Home Office in December 2023 and offers advice to Licensing authorities on the discharge of their functions under the Licensing Act 2003.
- 9.2 The following extracts may be relevant to this application and assist the panel:

Licensing 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,
- 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

Crime and Disorder

2.1 Licensing Authorities should look to the police as the main source of advice on crime and disorder. They should also seek to involve the local Community Safety Partnership (CSP).

2.3 Conditions should be targeted on deterrence and preventing crime and disorder including the prevention of illegal working in licensed premises (see paragraph 10.10). For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television (CCTV) cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally. Some licence holders may wish to have cameras on their premises for the prevention of crime directed against the business itself, its staff, or its customers. But any condition may require a broader approach, and it may be appropriate to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly covered and there is no subsequent dispute over the terms of the condition.

Public Safety

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

Conditions should not be imposed on a premises licence or club premises certificate which relate to cleanliness or hygiene.

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

- Fire safety;
- Ensuring appropriate access for emergency services such as ambulances;
- Good communication with local authorities and emergency services, for example communications networks with the police and signing up for local incident alerts (see paragraph 2.4 above);
- Ensuring the presence of trained first aiders on the premises and appropriate first aid kits;
- Ensuring the safety of people when leaving the premises (for example, through the provision of information on late-night transportation);
- Ensuring appropriate and frequent waste disposal, particularly of glass bottles;
- Ensuring appropriate limits on the maximum capacity of the premises (see paragraphs 2.12-2.13, and Chapter 10; and
- Considering the use of CCTV in and around the premises (as noted in paragraph 2.3 above, this may also assist with promoting the crime and disorder objective).

Public Nuisance

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

2.16 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.

2.17 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. 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 very expensive to purchase and install and are likely to be a considerable burden for smaller venues.

2.18 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.

2.19 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 11pm and 8am. 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.

2.20 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.

2.21 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.

7 Prevention of Harm to Children

7.1 The wide range of premises that require licensing means that children can be expected to visit many of these, often on their own, for food and/or entertainment.

7.2 The 2003 Act makes it an offence to permit children under the age of 16 who are not accompanied by an adult to be present on premises being used exclusively or primarily for supply of alcohol for consumption on those premises under the authorisation of a premises licence, club premises certificate or where that activity is carried on under the authority of a temporary event notice.

7.3 In addition, it is an offence to permit the presence of children under 16 who are not accompanied by an adult between midnight and 5am at other premises supplying alcohol for consumption on the premises under the authority of any premises licence, club premises certificate or temporary event notice. Outside of these hours, the offence does not prevent the admission of unaccompanied children under 16 to the wide variety of premises where the consumption of alcohol is not the exclusive or primary activity. Between 5am and midnight the offence would not necessarily apply to many restaurants, hotels, cinemas and even many pubs where the main business activity is the consumption of both food and drink. This does not mean that children should automatically be admitted to such premises and the following paragraphs are therefore of great importance notwithstanding the new offences created by the 2003 Act. (See the Licensing Policy for further detail)

Determining applications

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.

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.

9.9 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.

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.

Conditions attached to Premises Licences

10.2 Conditions include any limitations or restrictions attached to a licence or certificate and essentially are the steps or actions that the holder of the premises licence or the club premises certificate will be required to take or refrain from taking in relation to the carrying on of licensable activities at the premises in question. Failure to comply with any condition attached to a licence or certificate is a criminal offence, which on conviction is punishable by an unlimited fine or up to six months' imprisonment. The courts have made clear that it is particularly important that conditions which are imprecise or difficult for a licence holder to observe should be avoided.

10.3 There are three types of condition that may be attached to a licence or certificate: proposed, imposed and mandatory. Each of these categories is described in more detail below

Proposed Conditions

10.4 The conditions that are appropriate for the promotion of the licensing objectives should emerge initially from the risk assessment carried out by a prospective licence or certificate holder, which they should carry out before making their application for a premises licence or club premises certificate. This would be translated into the steps

recorded in the operating schedule or club operating schedule, which must also set out the proposed hours during which licensable activities will be conducted and any other hours during which the premises will be open to the public.

10.5 It is not acceptable for licensing authorities to simply replicate the wording from an applicant's operating schedule. A condition should be interpreted in accordance with the applicant's intention

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. This provision also applies to minor variations.

10.9 It is possible that in some cases no additional conditions are appropriate to promote the licensing objectives.

Proportionality

10.10 The 2003 Act requires that licensing conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises concerned. Conditions should be determined on a case by case basis and standardised conditions which ignore these individual aspects should be avoided. For example, conditions should not be used to implement general policy in a given area such as the use of CCTV, polycarbonate drinking vessels or identity scanners where they would not be appropriate to the specific premises. 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.

Hours of trading

10.13 The Government acknowledges that different licensing strategies may be appropriate for the promotion of the licensing objectives in different areas. The 2003 Act gives the licensing authority power to make decisions about the hours during which the premises can conduct licensable activities as part of the implementation of its licensing policy statement. Licensing authorities are best placed to make decisions about appropriate opening hours in their areas based on their local knowledge and in consultation with responsible authorities. However, licensing authorities must always consider each application and must not impose predetermined licensed opening hours, without giving individual consideration to the merits of each application.

10.15 Shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours.

Overview of circumstances in which entertainment activities are not licensable

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.
 - 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:

– any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.

– any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.

– any playing of recorded music between 08.00 and 23.00 on any day, at the 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 proprietor or (iii) the health care provider for the hospital.

Private Events

16.13 Events held in private are not licensable unless those attending are charged for the entertainment with a view to making a profit (including raising money for charity). For example, where a party is held for friends in a private dwelling featuring amplified live music, if a charge or contribution is made solely to cover the costs of the entertainment, the activity is not regulated entertainment. Similarly, any charge made to the organiser of a private event by musicians, other performers, or their agents does not of itself make that entertainment licensable – it would only do so if the guests attending were themselves charged by the organiser for that entertainment with a view to achieving a profit. The fact that this might inadvertently result in the organiser making a profit would be irrelevant, as long as there had not been an intention to make a profit.

6.14 Schedule 1 to the 2003 Act also makes it clear that before entertainment is regarded as being provided for consideration, a charge has to be:

- made by or on behalf of a person concerned with the organisation or management of the entertainment; and
- paid by or on behalf of some or all of the persons for whom the entertainment is provided

10. Determination

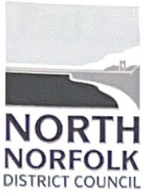
- 10.1 The Sub Committee are requested to consider the application, representations, and determine this application.
- 10.2 When considering this application, the Sub Committee will need to have regard to the North Norfolk District Council Licensing Policy and to statutory guidance under the Licensing Act 2003 issued by the Secretary of State.
- 10.3 In determining the application for a Premises Licence the Sub Committee may take the following actions:
 - h. Grant the application
 - i. Grant the application subject to conditions relevant to the promotion of the licensing objectives
 - j. Refuse the application
- 10.4 This application must be determined and notified to the applicant within 5 working days from the conclusion of the hearing. Reasons for the Panel's decision must be given as both the applicant and objectors have a right of appeal against that decision to the Magistrates Court.
- 10.5 There is a right of appeal to the decision of the Sub Committee to the Magistrates court within 21 days.

Appendices:

- A. Copy of Application
- B. Plan of Premises
- C. Letters/emails of objection or support from Responsible Authorities/ 'Other Persons'
- D. Location Plan

Background Papers:

1. The Licensing Act 2003
2. North Norfolk District Council Statement of Licensing Policy (approved 17 November 2021)
3. Guidance issued under section 182 of the Licensing Act 2003 (December 2023)
4. The Legislative Reform (Entertainment Licensing) Order 2014



Licensing Team
 North Norfolk District Council
 Council Offices
 Holt Road
 Cromer
 Norfolk
 NR27 9EN

Reference number

(office use only)

Schedule 2

Application for a premises licence to be granted under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance booklet.

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.

I/we ALICE ATKINSON apply for a
 (Insert name(s) of applicant)
 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 this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description	
BARN DRIFT AND THE HANGAR OLD WOMAN'S LANE CLEY HOLT NORFOLK	
Post town	Post code
HOLT	NR 25 7AZ
Telephone number of Premises (if any)	
07966 828 326	

Non-domestic rateable value of premises

£ 12,500

(This can be obtained from the Valuation Office website www.voa.gov.uk)

Part 2 – Applicant Details

In state whether you are applying for a premises licence as

Please tick ✓

a) An individual or individuals*	<input checked="" type="checkbox"/> Please complete Section A
b) A person other than an individual* <ul style="list-style-type: none"> i. as a limited company ii. as a partnership iii. as an unincorporated association iv. other (for example a statutory corporation) 	<input type="checkbox"/> Please complete Section B <input type="checkbox"/> Please complete Section B <input type="checkbox"/> Please complete Section B <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) An individual who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales	<input type="checkbox"/> Please complete Section B
ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England	<input type="checkbox"/> Please complete Section B
h) The Chief Officer of Police 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:

- 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

Please tick ✓ yes

SECTION A – INDIVIDUAL APPLICANTS (fill in as applicable)

Mr Mrs Miss Ms Other title
(please state)

Surname First names

Date of Birth Yes

Nationality I am 18 years old or over

Current residential address if different from premises address

Post Town: Postcode:

Daytime contact telephone number

E-mail address (optional)

Second individual applicant (if applicable)

Mr Mrs Miss Ms Other title
(please state)

Surname First names

Date of Birth Yes

Nationality I am 18 years old or over

Current residential address if different from premises address

Post Town: Postcode:

Daytime contact telephone number

E-mail address (optional)

Part

Section B – OTHER APPLICANTS

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

When

If you
who

Please

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

1) Pays (if taking you, fill in Box A)
2) Pays (if taking you, fill in Box B)
3) Pays (if taking you, fill in Box C)
4) Pays (if taking you, fill in Box D)
5) Pays (if taking you, fill in Box E)
6) Pays (if taking you, fill in Box F)
7) Pays (if taking you, fill in Box G)
8) Pays (if taking you, fill in Box H)
9) Pays (if taking you, fill in Box I)
10) Pays (if taking you, fill in Box J)
11) Pays (if taking you, fill in Box K)
12) Pays (if taking you, fill in Box L)
13) Pays (if taking you, fill in Box M)
14) Pays (if taking you, fill in Box N)
15) Pays (if taking you, fill in Box O)
16) Pays (if taking you, fill in Box P)
17) Pays (if taking you, fill in Box Q)
18) Pays (if taking you, fill in Box R)
19) Pays (if taking you, fill in Box S)
20) Pays (if taking you, fill in Box T)
21) Pays (if taking you, fill in Box U)
22) Pays (if taking you, fill in Box V)
23) Pays (if taking you, fill in Box W)
24) Pays (if taking you, fill in Box X)
25) Pays (if taking you, fill in Box Y)
26) Pays (if taking you, fill in Box Z)

IN ALL CASES PLEASE COMPLETE BOXES K, L AND M

Part 3 – Operating Schedule

When do you want the premises licence to start?

Day	Month	Year
22	04	2024

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

Day	Month	Year

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

SELF CATERING HOLIDAY LET AND EVENT VENUE SURROUNDED BY WOODLAND AND ARABLE FIELDS, USED FOR SMALL PRIVATE EVENTS. THE HOUSE SLEEPS 16.

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

N/A

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

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedule 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick any that apply

- a) Plays (if ticking yes, fill in **Box A**).....
- b) Films (if ticking yes, fill in **Box B**).....
- c) Indoor sporting events (if ticking yes, fill in **Box C**).....
- d) Boxing or wrestling entertainment (if ticking yes, fill in **Box D**).....
- e) Live music (If ticking yes, fill in **Box E**).....
- f) Recorded music (if ticking yes, fill in **Box F**).....
- g) Performances of dance (if ticking yes, fill in **Box G**).....
- h) Anything of a similar description to that falling within e,f or g (if ticking yes, fill in **Box H**)...

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

The supply of hot food or hot drink to the public for consumption on or off the premises between 11.00pm and 5.00am.

Supply of alcohol (if ticking yes, fill in **Box J**).....

IN ALL CASES PLEASE COMPLETE BOXES K, L AND M

Box A Plays 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	
Day	Start	Finish		Outdoors	
				Both	
Mon			<u>Please give further details here</u> (read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for performing plays</u> (read guidance note 5)		
Thur					
Fri			<u>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</u> (read guidance note 6)		
Sat					
Sun					
Box B Films Standard days and timings (Please read guidance note 7)			Will the exhibition of films take place indoors or outdoors or both – please tick ✓ (Please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
				Both	
Mon			<u>Please give further details here</u> (read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for exhibition of films</u> (read guidance note 5)		
Thur					
Fri			<u>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</u> (read guidance note 6)		
Sat					
Sun					

Box C Indoor sporting events Standard days and timings (Please read guidance note 7)				
Day	Start	Finish	<u>Please give further details here</u> (read guidance note 4)	
Mon			<p>INDIFFERENTLY AND ONLY SOMETIMES - AMPLIFIED</p> <p>NO VARIATION</p> <p>NONE</p>	
Tue				
Wed				
Thur				
Fri				
Sat				
Sun				
			<u>State any seasonal variations for indoor sporting events</u> (read guidance note 5)	
			Non standard timings. Where you intend to use the premises for the indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 6)	
Box D Boxing or wrestling entertainment Standard days and timings (Please read guidance note 7)			Indoors	
			Outdoors	
			Both	
Day	Start	Finish	<u>Please give further details here</u> (read guidance note 4)	
Mon			<p>INDIFFERENTLY AND ONLY SOMETIMES - AMPLIFIED</p> <p>NO VARIATION</p> <p>NONE</p>	
Tue				
Wed				
Thur				
Fri				
Sat				
Sun				
			<u>State any seasonal variations for boxing or wrestling entertainment</u> (read guidance note 5)	
			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 6)	

Box E Live music Standard days and timings (Please read guidance note 7)			Will the performance of live music take place indoors or outdoors or both – please tick ✓ (Please read guidance note 3)	Indoors	
				Outdoors	
				Both	✓
Day	Start	Finish	Please give further details here (read guidance note 4)		
Mon	12:00	00:00			
Tue	12:00	00:00			
Wed	12:00	00:00	State any seasonal variations for the performance of live music (read guidance note 5)		
Thur	12:00	00:00	NO VARIATION		
Fri	12:00	00:00	Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat	12:00	00:00	NONE		
Sun	12:00	00:00			

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

Box F Recorded music Standard days and timings (Please read guidance note 7)			Will the playing of recorded music take place indoors or outdoors or both – please tick ✓ (Please read guidance note 3)	Indoors	
				Outdoors	
				Both	✓
Day	Start	Finish	<u>Please give further details here</u> (read guidance note 4)		
Mon	12:00	00:00			
Tue	12:00	00:00			
Wed	12:00	00:00	<u>State any seasonal variations for playing recorded music</u> (read guidance note 5)		
Thur	12:00	00:00	NO VARIATION		
Fri	12:00	00:00			
Sat	12:00	00:00	<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sun	12:00	00:00	NONE		
Box G Performance of dance Standard days and timings (Please read guidance note 7)			Will the performance of dance take place indoors or outdoors or both – please tick ✓ (Please read guidance note 3)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish	<u>Please give further details here</u> (read guidance note 4)		
Mon					
Tue			<u>State any seasonal variations for performance of dance</u> (read guidance note 5)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Fri					
Sat					
Sun					

Box H Anything of a similar description to that falling within e, f or g Standard days and timings (Please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick ✓ (Please read guidance note 3)	Indoors	
Mon				Outdoors	
				Both	
Tue			Please give further details here (read guidance note 4)		
Wed			State any seasonal variations for entertainment of a similar description to that falling within e, f or g (read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the entertainment of similar description to that falling within e, f or g at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

Box 1 Late night refreshment Standard days and timings (Please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick ✓ (Please read guidance note 3)	Indoors				
				Outdoors				
				Both	✓			
Day	Start	Finish	<u>Please give further details here</u> (read guidance note 4)					
Mon	12:00		ALCOHOL SERVED AT PRIVATE EVENTS OFTEN WITH FOOD					
		01:00						
Tue	12:00							
		01:00						
Wed	12:00					<u>State any seasonal variations for the provision of late night refreshment</u> (read guidance note 5)		
	12:00	01:00				NO SEASONAL VARIATION BUT AS A SELF CATERING HOLIDAY LET WITH 3 NIGHT MINIMUM STAY WE ARE FREQUENTLY CLOSED FOR CLEANING		
Thur	12:00							
		01:00						
Fri	12:00		<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 6)					
		01:00						
Sat	12:00		EACH EVENT HAS IT'S OWN START + FINISH TIME SO WE HAVE LISTED THE MAXIMUM.					
		01:00						
Sun	12:00							
		01:00						

Name of Premises: ...
 Address: ...
 Postcode: ...
 Personal Licence number, if known: ...
 Issuing licensing authority, if known: ...

Box J Supply of alcohol Standard days and timings (Please read guidance note 7)			Will the supply of alcohol be for consumption – please tick ✓ (Please read guidance note 8)	On premises
				Off premises
				Both
Day	Start	Finish		<input checked="" type="checkbox"/>
Mon	12:00	01:00	State any seasonal variations for the supply of alcohol (read guidance note 5) NO VARIATION	
Tue	12:00	01:00		
Wed	12:00	01:00		
Thur	12:00	01:00		
Fri	12:00	01:00		
Sat	12:00	01:00		
Sun	12:00	01:00		
			Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (read guidance note 6)	

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

Name MICHELLE STOCKER
Date of Birth 29:04:1969
Address BRAMBL COTTAGE
..... MILL STREET ELSING NORFOLK
Postcode NR20 3EQ
Personal Licence number, if known, 000006865
Issuing licensing authority, if known N.NDC

THE PREMISES IS FOR PRIVATE HIRE ONLY;
THEREFORE THERE'S NO TIME RESTRICTION
EXCEPT FOR AMPLIFIED MUSIC WHICH
ENDS ALWAYS AT MIDNIGHT.

Box K

Please highlight any adult entertainment or services, activities, other 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)

N/A

Box L
Hours premises are open to the public
 Standard days and timings
 (Please read guidance note 7)

State any seasonal variation (read guidance note 5)

Day	Start	Finish
Mon	12:00	
		01:00
Tue	12:00	
		01:00
Wed	12:00	
		01:00
Thur	12:00	
		01:00
Fri	12:00	
		01:00
Sat	12:00	
		01:00
Sun	12:00	
		01:00

N/A

Non standard timings. Where you intend to use the premises to be open to the public at different times to those listed in the column on the left, please list (please read guidance note 6)

N/A

N.B. THE PREMESIS IS FOR PRIVATE HIRE ONLY;
 THEREFORE THERE'S NO TIME RESTRICTION
 EXCEPT FOR AMPLIFIED MUSIC WHICH
 ENDS ALWAYS AT MIDNIGHT.

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)

I SPEAK EXTENSIVELY WITH ALL EVENT ORGANISERS PRIOR TO ALL EVENTS AND MEET ON SITE TO MAKE CLEAR THAT WE HAVE ZERO TOLERANCE OF BAD BEHAVIOUR

b) The prevention of crime and disorder

I HAVE AN INDEPENDANT SECURITY FIRM ON SITE PROVIDING TRINED AND EXPERIENCED SECURITY STAFF AT EVERY EVENT.

c) Public safety

I HAVE REGULAR SERVICES AND HEALTH AND SAFETY CHECKS CARRIED OUT. CCTV AND EMERGENCY LIGHTING IN SITU.

d) The prevention of public nuisance

SECURITY STAFF PREVENT THIS IN THE RARE EVENT OF THREAT

e) The protection of children from harm

WE PROMOTE FAMILY AND HEALTHY EVENTS ONLY

CHECKLIST

Please tick to indicate agreement

- I have made or enclosed payment of the fee
- I have enclosed a plan of the premises.....
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I have enclosed the consent form completed by the individual I wish to be premises supervisor, if applicable *N/A*
- I understand that I must now advertise my application
- I understand that if I do not comply with the above requirements or my application is not completed correctly, my application will be rejected.....
- [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 have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15). *N/A*

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 TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 4 – Signatures

Please read guidance note 11

Signature of applicant (the proposed current premises licence holder) 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.**

Declaration	<ul style="list-style-type: none">• [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] 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 relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (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 see note 15)
--------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Signature 

Date 29:02:24

Capacity OWNER OPERATOR

For joint applications, signature of 2nd applicant or 2nd 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 postal address for correspondence associated with this application** (please read guidance note 14)

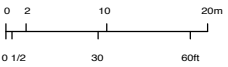
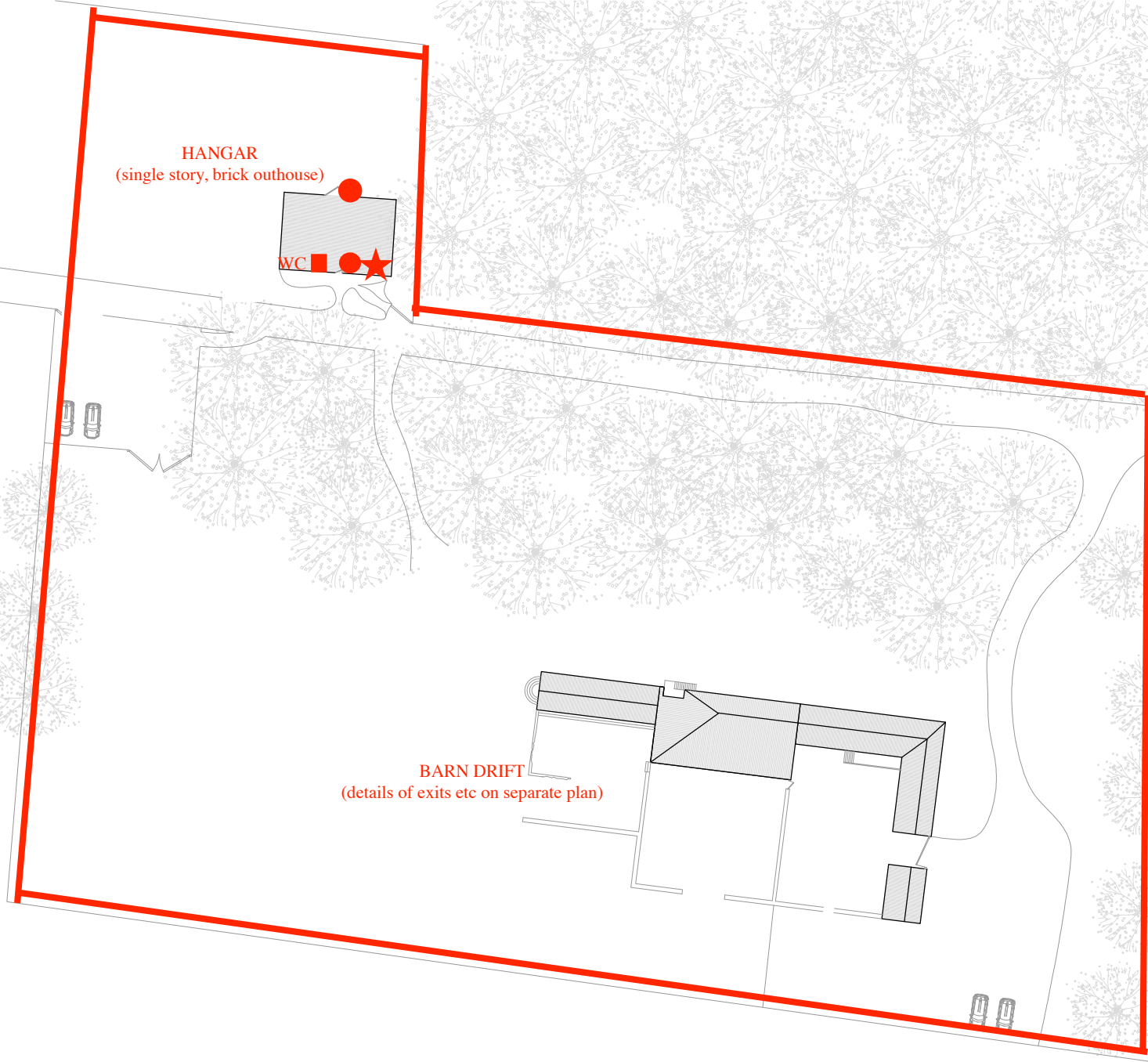
Post Town:	Postcode:

Daytime contact telephone number

E-mail address (optional)



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BARN DRIFT
Cley, Norfolk, NR25 7AZ

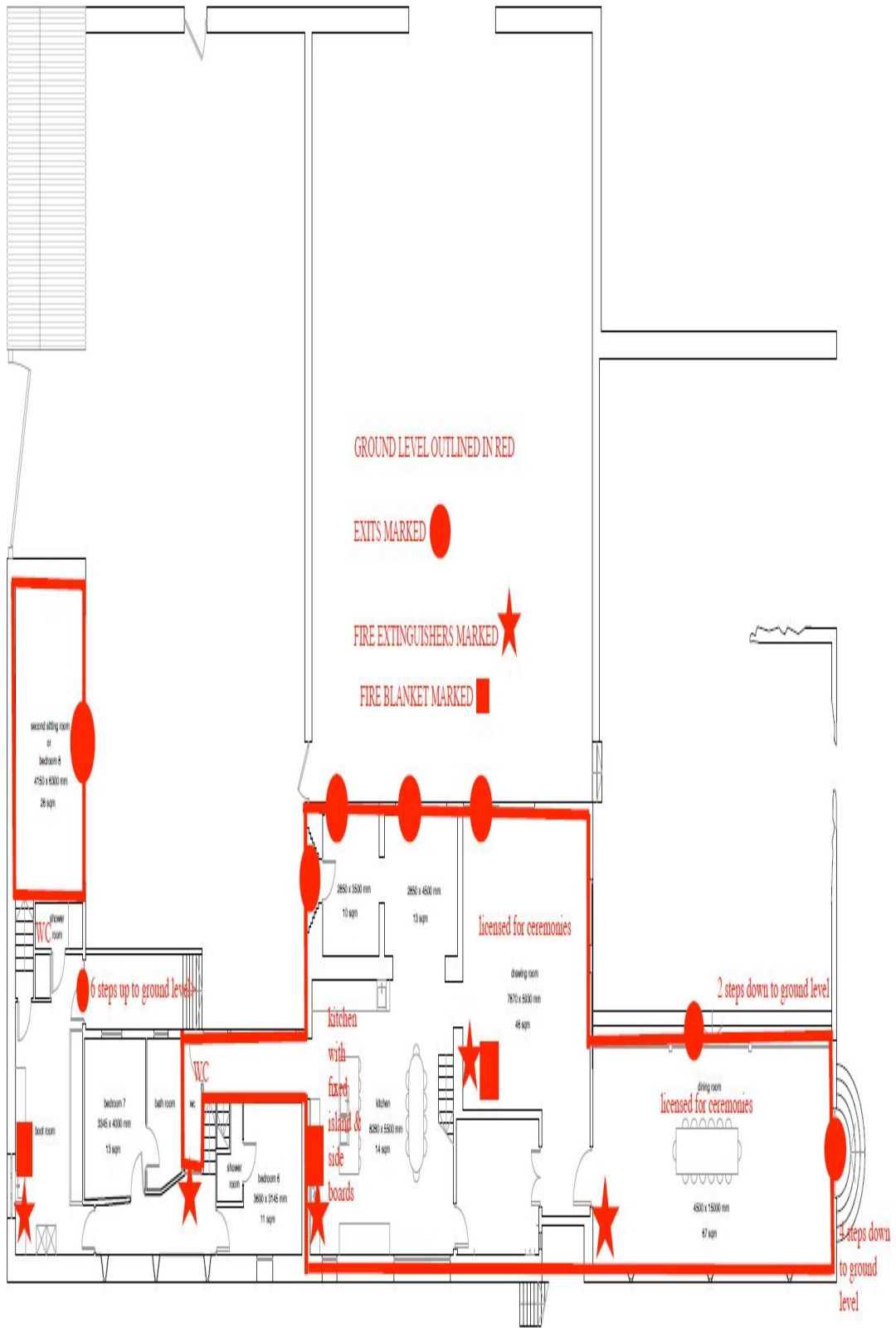
SITE PLAN
Aerial

Scale 1:750

A4

1

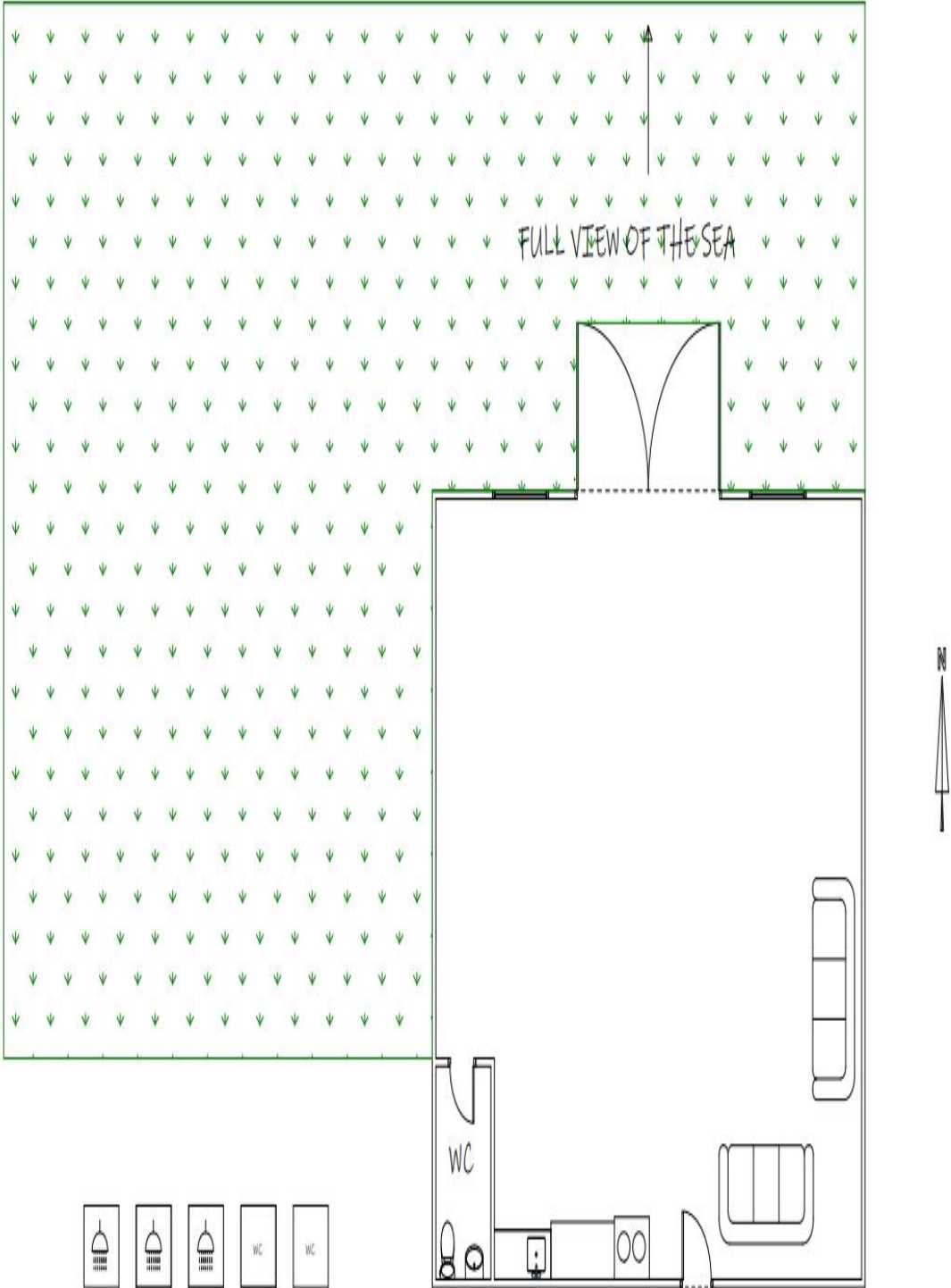
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To the West is an acre of lawn, with about 20 yards lawn to the North

THE HANGER



Loos & Showers

Internal measurements
9530 Mts X 12200 Mts

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Cllr Victoria Holliday – Coastal Ward

Dear Licensing

The community objects strongly to this application.

Barn Drift has been operating under TENS for many years. I am not sure The Hangar has been included until now.

There has been considerable feedback of noise nuisance from previous events. Many residents have called into the NNDC OOH service, and more complained to the Parish Council. I have had frequent communications with EH about the noise nuisance.

Music from noon till midnight is felt to be too extensive for this peaceful rural location. Midnight is too late. The application says music will be 'infrequent and only sometimes amplified'. That is not our experience to date. In residents' experience, the music is frequently amplified and prevents residents from the peaceful enjoyment of their homes.

The provision of alcohol and late-night refreshment till 1am is considered too late as it is also associated with noise nuisance and will again prevent residents from the peaceful enjoyment of their homes.

There is concern The Hangar is now included in the application for a premises licence. This is closer to the village than Barn Drift and will increase noise nuisance.

In conclusion, on behalf of the community I strongly object to the application. If it is approved, the community asks that music and late-night refreshment cease no later than 11.30.

Thank you very much indeed.

Vbw

Cley Parish Council

Dear Sir/Madam,

Cley Parish Council discussed the above Licensing Application at their last Parish Council Meeting. Several members of the public expressed their concerns regarding the application during Public Question Time and Cllrs have asked that I contact you to share their concerns and ensure they are taken into consideration before granting any future license for Barn Drift.

In the past Barn Drift has attracted Ibiza style party nights, the sound from which travels throughout the village and not only proves an intolerable disturbance for residents but must also have a negative impact on the nearby wildlife on the marshes. Residents and Cllrs have asked that any noise is kept to a minimum and therefore a 11.30pm curfew to any event would be welcomed. Concerns have been raised about the late-night refreshment license, could this attract trade from offsite? Could this license encourage late night drinking and further add to the late noise complaints ? Cllrs certainly felt this could be the case.

Cllrs have asked that Barn Drift is added to the Environmental Watchlist to reassure residents that their concerns are being taken seriously and swift action will be taken, if noise disturbances become a problem again this summer.

Kind Regards,

Mrs Gemma Harrison

Cley Parish Clerk

Kathryn Lord & David McNeight

Objection to loud music

Barn Drift and the Hanger are both regularly used for private wedding parties which have considerably higher numbers of people gathering than indicated/ suggested on the application.

In past experiences of weddings held at the venue, particularly during summer months when outside spaces are used and windows/doors are open the noise (amplified or non amplified music, recorded or live and party guests) carries to populated areas of the village in Cley. We therefore object to the extended hours on the application due to public nuisance. We do not object to the business activity of private parties by holiday rentals but as a popular wedding venue, which this is, the noise can be a blight and a real disturbance.

If alcohol is also sold/supplied later this will increase the likelihood of parties continuing and extending past the license agreed timescales. Late night music and party sounds have been allowed to take place in the past, with a temporary license in place. We would therefore request licenses are only issued based on earlier times.

Regards

Kathryn Lord & David McNeight

Sperberry House, Coast Road, Cley-next the Sea

William Martin

To the North Norfolk District Council,

I present below my strong objections to certain elements of the following application:

Bam Drift, Old Woman's Lane, Cley, NR25 7AZ

New variation application: WK/240001782

The application requests permission to play recorded and/or live music inside or outside the buildings from Sunday through Saturday, from 12 noon to 12 midnight.

In light of the disrespectful past actions of the users of Bam Drift:

1 . Barn Drift should not be allowed to play any recorded or live music outside at any time as the volume at which they play music is unacceptably.

2 Furthermore, they have often played loud music well past midnight. There must be a tighter limit placed on any music played. I propose to 6pm Please note that I have been kept awake at night in my home due to the loud music generated at Bam Drift even though I have had all of my windows and doors closed. Kindly note that I have filed complaints previously with North Norfolk District Council.

It is very important for the North Norfolk District Council to consider the context in which this application is being made:

Cley-next-the-Sea is a quiet conservation area in particular it is a space preserved for migrating birds. It is for all of us a very special place to live. Many people work very hard to preserve a safe environment for the residents and birds and seek to minimise pollution in any form. The amount of noise pollution that this application would add through loud music until late in the evening would be excessive and would work against all our efforts of preservation and conservation.

Bam Drift would be used primarily as a party venue for people who do not live in Cley-next-the-Sea. Local council tax payers should not have to live with such interference, annoyance and disrespectful behaviour that reduces our quality of life. It makes no sense that all of the local residents should suffer so that one local business person can benefit financially while ruining the quality of life for everyone else. Local residents and council tax payers are all looking to North Norfolk District Council for protection from such selfish, commercially-minded behaviour.

It is important to note that Bam Drift is located next to farmland. As such, any loud noise generated at Bam Drift carries very far without any noise cancellation. The complete lack of any noise cancellation contributes significantly to this noise pollution problem.

I have highlighted above my primary areas of objection. Kindly let me know if there is anything more I can do to help support our efforts to preserve our quality of life in North Norfolk.

Thank you.

Sincerely,

William Martin

Beach House, Coast Road, Cley-next-the-sea

Group Manager EasternFriars Lane
GREAT YARMOUTH
NR30 2RP
Tel: 0300 123 1669North Norfolk District Council
Licensing Department
Holt Road
Cromer
NorfolkWebsite: www.norfolk.gov.uk/safety/norfolk-fire-and-rescue-servicePlease ask for: Sally Green
Direct Dial: 0300 123 1259
Email: sally.green@norfolk.gov.uk
My Ref: 00065289
Your Ref:

07 March 2024

Dear Madam

The Regulatory Reform (Fire Safety) Order 2005**With reference to – Licensing Act 2003****Premises: Barn Drift, Old Womans Lane, Cley Next The Sea, NR25 7TY**

I acknowledge receipt of the application for the above premises.

As these premises fall within the scope of the Regulatory Reform (Fire Safety) Order 2005, I would like to draw your attention to the following guidance documents:

Small and Medium Places of Assembly: This guide is for all employers, managers, occupiers, and owners of small (accommodating up to 60 people) and medium (accommodating up to 300 people) places of assembly including: Public houses; Clubs; Village halls; Community centres; Libraries; Marquees; Churches; and other places of worship or study. ISBN 13: 978 1 85112 820 4**Large Places of Assembly:** This guide is for all employers, managers, occupiers, and owners of larger premises where more than 300 people could gather including: Shopping Centres (not the individual shop unit), Night Clubs and Public Houses, Exhibition and Conference Centres, Sports Stadia, Marquees, Museums, Libraries, Churches, Cathedrals and other places of worship or study. ISBN 13: 978 1 85112 821 1

Both of these publications are available to download from;

<https://www.norfolk.gov.uk/safety/norfolk-fire-and-rescue-service/safety-in-your-business/business-regulations-fire/fire-safety-risk-assessment-guidance>

It is necessary where material alterations are proposed to comply with the Building Regulations 2000. In this case an application must be submitted to the Local Building Control Authority or an Approved Inspector.

Should you require any further assistance please do not hesitate to contact me on the number shown above.

Yours faithfully



Sally Green
Fire Safety Officer
For Chief Officer

Dear licensing team,

This email confirms police have received the application for a premises licence and the DPS consent form for the above premises.

With the additional conditions agreed below on the application to promote the crime and disorder licensing objective, there are no police objections.

Chris Brooks

Licensing Officer

Norfolk Constabulary

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Dear licensing,

I have no objections to this premises new variation application.

Regards

Sue Webb

Sue Webb

Senior Public Protection Officer

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I have reviewed the previous complaints about this venue and I am aware of concerns from the Parish Council. I have spoken with the management and obtained evidence showing that sound levels are monitored regularly and kept to acceptable levels. Also, Regulated Entertainment is only permitted until midnight. However, in the interests of the prevention of Public Nuisance, I recommend the following Licensing Conditions ;

PN02 The premises shall be arranged to minimise the risk of noise nuisance to nearby properties.

PN04 Noise emanating from the premises as a result of regulated entertainment shall not exceed 45 dBA as measured 1 metre from any residential dwelling.

PN07 The doors and windows at Barn Drift shall be fitted with double or secondary glazing in order to improve the sound attenuation of the premises.

PN10 All external doors and windows must be kept closed, other than for access and egress, in all rooms when events involving amplified music or speech are taking place.

PN14 Prominent, clear notices shall be displayed at all exits requesting customers to respect the needs of local residents and leave the premises and the area quietly.

PN16 External events must not continue beyond 23:00hrs without prior approval of the Licensing Authority.

PN20 The Designated Premises Supervisor or a nominated representative shall have full control at all times over the sound amplification equipment to the main stage. The volume shall be adjusted according to the requirements of the Licensing Authority/Responsible Authority.

PN22 The designated premises supervisor or nominated representative shall ensure that no nuisance is caused by noise emanating from the premises by implementing a Self Policing Policy which shall include sound checks inside and out.

PN30 Any artificial lighting on the premises must not cause nuisance due to glare unless it is considered necessary by the Police to prevent crime and disorder.

Due to the nature of the proposed entertainment and the hours proposed within this application, there is unlikely to be any negative environmental impact in relation to noise and, assuming the implementation of the above Conditions, I have no objections to this proposal.

G Hughes EPO 27/03/24

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NNDC Ref: IB/24/0518
Date: 04th April 2024

Registered: 11th March 2024

Licensing
NNDC
Holt Rd
Cromer
NR27 9EN

Proposal: Premises licence - consultation by Licensing
Location: Barn Drift and The Hanger, Old Womans Lane, Cley-next-the-sea, Holt, Norfolk, NR25 7AZ

Dear Licensing

I write in response to your consultation received on 11th March 2024 in respect of the above application for a premises licence. My comments are as follows:

Planning permission PF/07/0355 was granted on 23 April 2007 for the conversion of the barn (Barn Drift) to one unit of holiday accommodation. Condition 5 of this permission restricts the use of the premises to holiday accommodation purposes only. There was a subsequent further planning permission PF/11/0013 to convert a garage to habitable accommodation and erect a garage but this did not change the authorised use of the property.

The planning officer's report in respect of planning application PF/19/0469 (for a proposed single-storey extension & alterations to provide dining room and external fire escape from first floor) which was approved, refer to the fact that Barn Drift was granted a licence for the solemnisation of marriage and civil partnerships. It was understood that the licence allowed for up to 28 events in any year which was consistent with permitted development rights for temporary changes of use. It appears that the current licensing application is not for a limited number of events. Furthermore, notwithstanding the comments in the planning officer's report there are no permitted development rights available within the Town and Country Planning (General Permitted Development) (England) Order 2015 that would allow for such a temporary change of use.

From the general description of the premises in part 3 of the application form which in addition to holiday let refers to 'event venue', the local planning authority is concerned that the premises is being used or is proposed to be used for purposes beyond the scope of the existing permission, such that a material change of use to a mixed use is or will be occurring which would require planning permission. A planning application PF/18/1397 for the change of use from a holiday let (C3) to mixed use of holiday let (C3) and wedding venue, along with extensions and alterations and the conversion of the hangar/storage building to holiday accommodation, was withdrawn. There were a number of objections to that application including from Norfolk County Council Highways, the Council's Landscape and Conservation officers and Cley Parish Council. There were also public objections and the Council's EHO requested further information be provided particularly in respect of potential noise breakout.

If the application had not been withdrawn, the officer recommendation would have been to refuse the application.

Finally with regards to the building identified as 'Hangar' on the site plan for the Licence application, there is no planning permission for this to be used in association with Barn Drift as it was outside the application site boundaries for the 2007 and 2011 applications as I have referred to above. Whilst it was included in the 2018 application, that was withdrawn.

On the basis of the above, the local planning authority objects to this application.

Yours sincerely

Mr Darryl Watson
Team Leader (Development Management)

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ASSIGNMENT LOG

DATE 9/12/23	DUTY START 20:00	DUTY END	PAGE CHECKED BY MANAGEMENT	INCIDENT REPORTS	ABD23 20
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STAFF ON DUTY					
TIME IN	BADGE NO	EXPIRY DATE	FULL NAME	SIGNATURE	TIME OUT
19:55	015515257481026	29 SEP 2025	ADRIAN VASSALLO		

SEQ NO	TIME	DUTY RECORD	INITIALS
01	19:55	ADRIAN VASSALLO ON SITE	ADV
02	20:00	ADRIAN VASSALLO NOW ON DUTY	ADV
03	19:55	Book on with Adam (Phoenix Events)	ADV
04	20:30	Sound reading taken Bottom of Lake MAX 58.5	ADV
		MIN 56.1 Barn MAX 64.6 MIN 67.0	
05	20:45	High winds are giving base line reading	ADV
06	21:30	Sound reading taken Car Park MAX 67.4	ADV
		MIN 64.7	
07	22:00	Sound reading taken Car Park MAX 57.9 Bottom	ADV
		of Lake MAX 60.0 Barn MIN 55.2	
08	22:30	Sound reading taken Car Park MAX 56.7 Bottom	ADV
		of Lake MAX 63.8 Barn 70.7	
09	23:00	Sound reading taken Car Park MAX 70.6 Bottom	ADV
		of Lake MAX 59.2 Barn MAX 57.7	
10	23:30	The Lady of the House has let us go because of the weather and she felt not much rain would be heard	
11	00:00	Now OF Duty	ADV

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Dear Nicky,

Thanks for calling earlier Nicky, also thanks for sending the recommendations from the Environment Department, please see my replies after each of your point Gary - in bold for clarity. Please don't hesitate to get back in touch with any questions at all.

Yours, Alice

- PN02 The premises shall be arranged to minimise the risk of noise nuisance to nearby properties. Yes, we do this and are fully involved in the planning of every event because of the variables. There is plenty of scope here due to the remote location of Barn Drift and the Hangar, totally surrounded by private land owned by ourselves. I know a lot of people in the village having grown up in Cley, therefore get genuine and regular feedback, several of these people live on Old Womans Lane (e.g. the Woods and Banks families who's homes are the closest to Barn Drift).

- PN04 Noise emanating from the premises as a result of regulated entertainment shall not exceed 45 dBA as measured 1 metre from any residential dwelling. Yes, we easily adhere to this guidance and have the equipment to monitor this as well as staff at all events to instigate this (the nearest home is over 400 meters away).

- PN07 The doors and windows at Barn Drift shall be fitted with double or secondary glazing in order to improve the sound attenuation of the premises. All windows are double glazed since construction in 2009.

- PN10 All external doors and windows must be kept closed, other than for access and egress, in all rooms when events involving amplified music or speech are taking place. Yes in cold weather.

- PN14 Prominent, clear notices shall be displayed at all exits requesting customers to respect the needs of local residents and leave the premises and the area quietly. Yes, we also do this in literature in all bedrooms on site as well as in all literature prior to arrival.

- PN16 External events must not continue beyond 23:00hrs without prior approval of the Licensing Authority. This premises license application and prior agreement with the PC is a midnight end time, any earlier is not viable as a wedding venue. Most summer events enjoy the lawns and have marquees, our guests are booking Barn Drift often because they dont have. Garden at home to accommodate their event. We always monitor amplified noise during events and the set up prior to events (speakers directed away from the village etc. etc).

· PN20 The Designated Premises Supervisor or a nominated representative shall have full control at all times over the sound amplification equipment to the main stage. The volume shall be adjusted according to the requirements of the Licensing Authority/Responsible Authority. We do have full control but there is no main stage, Barn Drift is a small events venue, predominantly used for holiday lets, birthdays and small weddings.

· PN22 The designated premises supervisor or nominated representative shall ensure that no nuisance is caused by noise emanating from the premises by implementing a Self Policing Policy which shall include sound checks inside and out. We do this.

· PN30 Any artificial lighting on the premises must not cause nuisance due to glare unless it is considered necessary by the Police to prevent crime and disorder. There is none beyond existing low voltage lighting at entrances and exits. Some guests bring batterie powered festoon lighting or fairy lights but it is marketed as a rural, green, eco friendly venue with clear night skies and no light pollution at all due to its location.

BARN DRIFT

——CLEY, NORFOLK

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@cleyhangarandbarndriftwild

2019 Winner of The Norfolk and Suffolk Tourism Award

2020 Silver Medal from Green Tourism

2020 Awarded a Leader Grant from The EAFRD for The Dining Room Project

On 26 Apr 2024, at 15:34, Nicky Davison <Nicky.Davison@north-norfolk.gov.uk> wrote:

Dear Alice Atkinson,

Thank you for our telephone conversation today, regarding your application for a premises licence and the requirement for this application to be referred to the Licensing Sub-Committee on Tuesday 21st May 2024. The determination of the Licensing Sub-Committee is necessary, as relevant representations were received within the consultation period.

I will certainly recommend that your application is the first item on the agenda for this Committee, which will commence at 10:00am.

As promised, please see the conditions below, which have been suggested by the Environmental Protection Officer, Mr Gary Hughes, should a licence be granted.

- PN02 The premises shall be arranged to minimise the risk of noise nuisance to nearby properties.
- PN04 Noise emanating from the premises as a result of regulated entertainment shall not exceed 45 dBA as measured 1 metre from any residential dwelling.
- PN07 The doors and windows at Barn Drift shall be fitted with double or secondary glazing in order to improve the sound attenuation of the premises.
- PN10 All external doors and windows must be kept closed, other than for access and egress, in all rooms when events involving amplified music or speech are taking place.
- PN14 Prominent, clear notices shall be displayed at all exits requesting customers to respect the needs of local residents and leave the premises and the area quietly.
- PN16 External events must not continue beyond 23:00hrs without prior approval of the Licensing Authority.
- PN20 The Designated Premises Supervisor or a nominated representative shall have full control at all times over the sound amplification equipment to the main stage. The volume shall be adjusted according to the requirements of the Licensing Authority/Responsible Authority.
- PN22 The designated premises supervisor or nominated representative shall ensure that no nuisance is caused by noise emanating from the premises by implementing a Self Policing Policy which shall include sound checks inside and out.
- PN30 Any artificial lighting on the premises must not cause nuisance due to glare unless it is considered necessary by the Police to prevent crime and disorder.

I would be grateful if you would confirm to either myself or Gary Hughes, if you are in agreement to these conditions being imposed in the event of any licence granted.

Please feel free to contact Gary Hughes, if you wish to discuss these measures.

I hope this information is of assistance.

Kind Regards

Nicky Davison

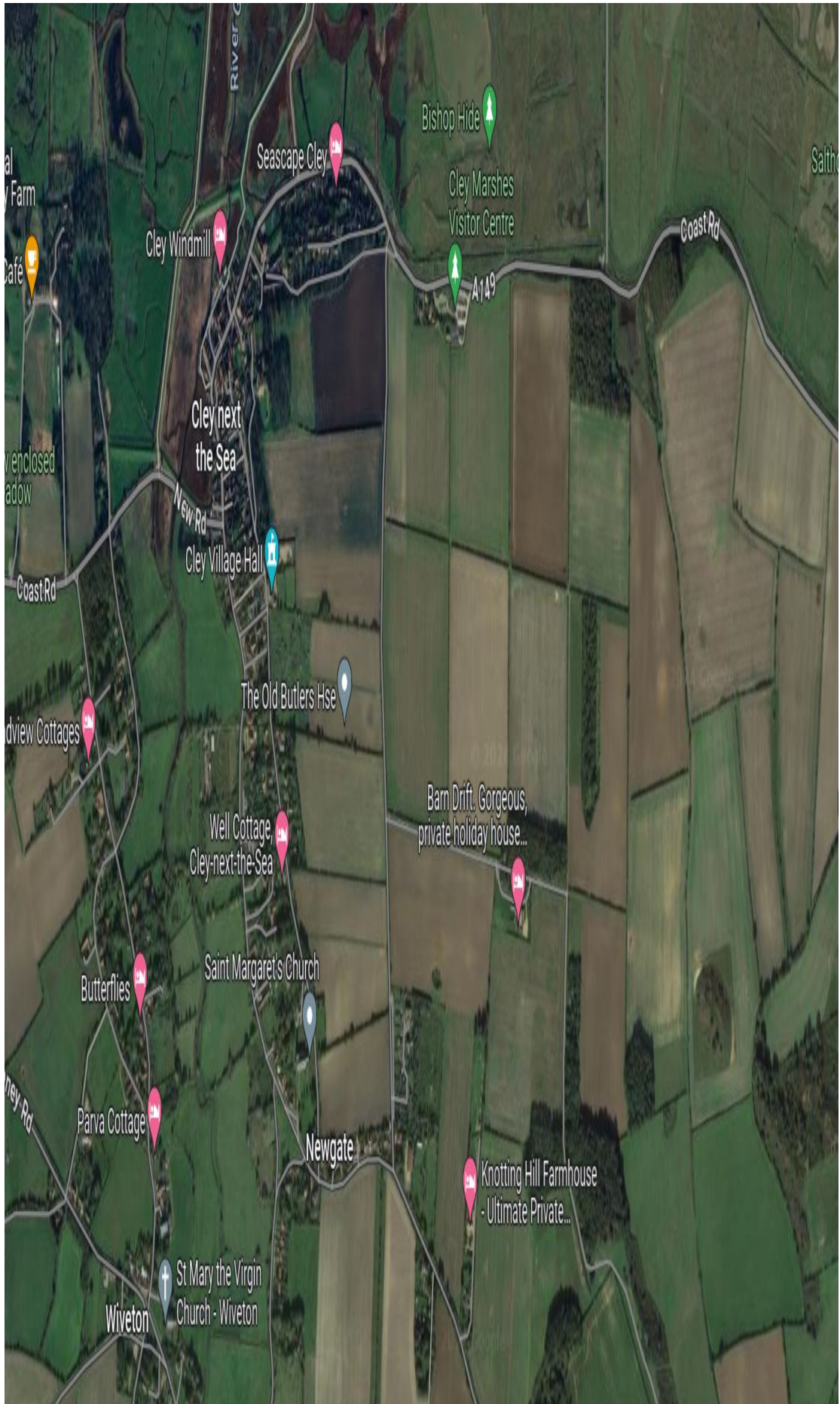
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