

# Public Document Pack



## LICENSING SUB-COMMITTEE

LOCATION OF HEARING:  
**VIRTUAL TEAMS MEETING**

DATE AND TIME OF HEARING:  
**FRIDAY, 14 APRIL 2023 10.00 AM**

## LICENSING ACT 2003 NOTICE OF HEARING

In accordance with Regulation 6(1) of the Licensing Act 2003 (Hearings) Regulations 2005, the Licensing Authority of Mid Suffolk District Council hereby gives notice that a hearing of a Sub-Committee of the Authority's Licensing and Regulatory Committee has been arranged as set out above in order to determine the following application:

### Application

<b>Applicant:</b>	Greene King Retailing Ltd
<b>Application date:</b>	15 <sup>th</sup> February 2023
<b>Premises:</b>	The Swan, 9 High Street, Needham Market IP6 8AL

Please ensure that the attached 'Attendance at Hearing Notice' is completed and returned.

### Sub-Committee Members

Members	Reserve Member
Paul Ekpenyong Kathie Guthrie Dave Muller	TBC

This meeting will be broadcast live to YouTube and will be capable of repeated viewing. The entirety of the meeting will be filmed except for confidential or exempt items. If you attend the meeting in person, you will be deemed to have consented to being filmed and to the possible use of the images and sound recordings for webcasting/ training purposes.

The Council, members of the public and the press may record/film/photograph or broadcast this meeting when the public and the press are not lawfully excluded.

## AGENDA

### PART 1

#### MATTERS TO BE CONSIDERED WITH THE PRESS AND PUBLIC PRESENT

Page(s)

- 1 **WELCOME - LEGAL ADVISOR TO THE SUB-COMMITTEE**
- 2 **ELECTION OF CHAIRMAN FOR HEARING (IF APPROPRIATE)**

3 **APOLOGIES FOR ABSENCE**

4 **DECLARATION OF INTERESTS BY COUNCILLORS**

5 **M/LASub/22/1 LICENSING ACT 2003 - HEARING TO DETERMINE AN APPLICATION TO VARY A PREMISES LICENCE UNDER SECTION 34 OF THE LICENSING ACT 2003** 5 - 42

Report from the Licensing Team attached.

6 **EXCLUSION OF THE PUBLIC (WHICH TERM INCLUDES THE PRESS)**

Sub-Committee deliberations to be held in closed session.

To consider whether, pursuant to Part 1 of Schedule 12A of the Local Government Act 1972, the public should be excluded from the meeting for the business specified above on the grounds that if the public were present during this item, it is likely that there would be the disclosure to them of exempt information as indicated against the item.

7 **RE-ADMITTANCE OF THE PUBLIC (WHICH TERM INCLUDES THE PRESS)**

**Webcasting/ Live Streaming**

The Webcast of the meeting will be available to view on the Councils YouTube page: [https://www.youtube.com/channel/UCSWf\\_0D13zmegAf5Qv\\_aZSg](https://www.youtube.com/channel/UCSWf_0D13zmegAf5Qv_aZSg)

For more information about this meeting, including access arrangements and facilities for people with disabilities, please contact the Committee Officer on: 01473 296373 or Email: [Committees@baberghmidsuffolk.gov.uk](mailto:Committees@baberghmidsuffolk.gov.uk)

## Introduction to Public Meetings

Babergh/Mid Suffolk District Councils are committed to Open Government. The proceedings of this meeting are open to the public, apart from any confidential or exempt items which may have to be considered in the absence of the press and public.

### **Protocol for Virtual Meetings**

Live Streaming:

1. The meeting will be held on TEAMS and speakers will be able to join via invite only. Any person who wishes to speak at the meeting must contact Committee Services at: [committees@baberghmidsuffolk.gov.uk](mailto:committees@baberghmidsuffolk.gov.uk) at least 24 hours before the start of the meeting.
2. The meeting will be live streamed and will be available to view on the Council's YouTube page as detailed below:

[https://www.youtube.com/channel/UCSWf\\_0D13zmegAf5Qv\\_aZSg](https://www.youtube.com/channel/UCSWf_0D13zmegAf5Qv_aZSg)

**Note – if you join the meeting from a mobile phone after the meeting has started, your mobile number may be visible on the screen.**

Recording of proceedings:

1. Proceedings will be conducted in video format.
2. A second Governance Officer will be present and will control the TEAMS call and Livestreaming.

Disclosable Pecuniary Interests:

A Councillor declaring a disclosable pecuniary interest will not be permitted to participate further in the meeting or vote on the item. Where practicable the Councillor will leave the virtual meeting, including by moving to a 'lobby' space and be invited to re-join the meeting by the Committee Officer at the appropriate time. Where it is not practicable for the Councillor to leave the virtual meeting, the Committee Officer will ensure that the Councillor's microphone is muted for the duration of the item.

Confidential items:

The Public and Press may be Excluded from the meeting by resolution in accordance with normal procedural rules. The Committee Officer will ensure that any members of the public and press are disconnected from the meeting and the livestream will cease.

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# Agenda Item 5

## MID SUFFOLK DISTRICT COUNCIL

<b>From: Kate Pearsall – Licensing Team Leader</b>	<b>Report Number: M/LASub/22/1</b>
<b>To: Licensing Sub-Committee</b>	<b>Date of meeting: 14 April 2023</b>

### HEARING TO DETERMINE AN APPLICATION TO VARY A PREMISES LICENCE UNDER SECTION 34 OF THE LICENSING ACT 2003

#### 1. Purpose of Report

- 1.1 To report information to the Sub-Committee to enable the determination of an application made to vary premises licence MPL0313 - on issue in respect of The Swan, 9 High Street, Needham Market IP6 8AL.

#### 2. Recommendations

- 2.1 The Sub-Committee must, having regard to the representations made, take such of the steps below (if any) as it considers appropriate for the promotion of the licensing objectives:

- to modify the conditions of the licence;
- to reject the whole or part of the application;

and for this purpose, the conditions of the licence are modified if any of them are altered or omitted or any new condition is added.

The Sub-Committee is able to determine the variation application.

#### 3. Financial Implications

- 3.1 There is a statutory right of appeal to the magistrates' court for any party aggrieved by the decision taken by the Licensing Authority.

#### 4. Risk Management

- 4.1 None, other than those that inherently apply to the Licensing Authority when carrying out its licensing functions. The four licensing objectives are prevention of crime and disorder, public safety, prevention of public nuisance and protection of children from harm.

#### 5. Consultations

- 5.1 The application made has been subject to the statutory consultation period as prescribed by regulation. The notices advertising the application have been on display at the premises and published (East Anglian Daily Times: 22 February 2023 edition).

## 6. Equality Analysis

6.1 There are no equality impacts arising directly from the matters contained within this report.

## 7. Shared Service / Partnership Implications

7.1 Not applicable.

## 8. Key Information

8.1 The hearing is to determine an application made to VARY an existing premises licence (number MPL0313) made under section 34 of the Licensing Act 2003. For ease of reference a summary of the existing premises licence permissions is attached as **Appendix A**.

8.2 The application has been submitted by the premises licence holder:

### **Greene King Retailing Ltd**

For licensed premises:

### **The Swan, 9 High Street, Needham Market IP6 8AL**

The Designated Premises Supervisor (DPS) is:

**Katie Martin** (personal licence holder 05/00034/LAPER)

8.3 The variation application was submitted on 15<sup>th</sup> February 2023.

8.4 The premises licence holders are seeking to diversify and update their current premises licence entitlements.

8.5 The full application attached as **Appendix B** specifies the full proposals of the variation. **Appendix C** indicates the location of the proposed outside bar.

8.6 Swan, Needham Market has benefitted from a premises licence issued by Mid Suffolk District Council since November 2005.

8.7 A hearing is necessary to determine the application following receipt of relevant 1 representation which have not been withdrawn. The Licensing Authority must carry out its functions under the Act with a view to promoting the licensing objectives, which are:

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

8.8 In carrying out its licensing functions, the Licensing Authority must have regard to its Statement of Licensing Policy published under section 5 of the Act, and any guidance issued by the Secretary of State under section 182 of the Act. The adopted Statement of Licensing Policy does not contain any Cumulative Impact Policy for any specific area of the district, as there is no evidential basis for it. However, the Licensing Authority is empowered to create a special policy should circumstances require it.

The Licensing Authority's approach to this is specified in section 5 of the local Statement of Licensing Policy.

- 8.9 Where revisions are made to the legislation or guidance issued by the Secretary of State, there may be a period of time when the local Statement of Licensing Policy is inconsistent with these revisions. In these circumstances, the Licensing Authority will have regard, and give appropriate weight, to the relevant changes, guidance and its own Statement of Licensing Policy.
- 8.10 The Sub-Committee will also be aware of Human Rights Act 1998 considerations - specifically Article 6 and Articles 8 and 1 of Protocol 1 when determining applications for the variation of an existing licence.
- 8.11 Section 1.9 of the Council's Statement of Licensing Policy guides that the licensing process can only seek to control those measures within the control of the licensee or certificate holder (and their staff/agents). Licensing law is not a mechanism for the general control of anti-social behaviour by individuals once they are away from such premises and beyond the direct control of the licence holder, nor is it a cure-all for community problems. If a licence holder has taken all appropriate steps to promote the licensing objectives whilst carrying on authorised licensable activities, and there is no causal link established between problem issues in the locality and a specific premises then it is unlikely that licensing processes are the mechanism to address them.
- 8.12 Paragraph 14.19 of Secretary of State Guidance issued under section 182 of the Licensing Act 2003 states that "there can be confusion about the difference between the "need" for premises and the "cumulative impact" of premises on the licensing objectives, for example, on crime and disorder. "Need" concerns the commercial demand for another pub or restaurant or hotel and is a matter for the planning authority and for the market. This is not a matter for a licensing authority in discharging its licensing functions or for its statement of licensing policy.
- 8.13 The Licensing Authority's general approach to considering licensing hours is contained within section 6 of the local Statement of Licensing Policy, and section 7 guides on relevant representations.

## **9. Representations**

- 9.1 The Licensing Authority has received no representations from the Responsible Authorities under the Licensing Act 2003.
- 9.2 There has been 1 representation received made by 'other persons'. This is attached as **Appendix C** to this report.

## 10. Appendices

Title	Location
A. Summary of premises licence MPL0313	Attached
B. Variation application (section 34)	Attached
C. Amended plan of the premises	Attached
D. Representations received from 'other persons'	Attached

## 11. Background Documents

- Licensing Act 2003
- Guidance issued by Secretary of State under Section 182 of the Licensing Act 2003 (December 2022)
- Statement of Licensing Policy (2021-2026)

### Authorship:

Kay Sanders  
Licensing Officer

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# APPENDIX A



MID SUFFOLK DISTRICT COUNCIL  
Licensing Authority  
Endeavour House, 8 Russell Road  
Ipswich IP1 2BX  
Website: [www.midsuffolk.gov.uk](http://www.midsuffolk.gov.uk)  
Switchboard: 0300 123 4000  
Email: [licensing@midsuffolk.gov.uk](mailto:licensing@midsuffolk.gov.uk)

Licensing Act 2003

## Premises Licence

### Part 1 - Premises Details

# MPL0313

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

The Swan  
9 High Street  
Needham Market  
Ipswich IP6 8AL

TELEPHONE NUMBER N/A

#### WHERE THE LICENCE IS TIME LIMITED THE DATES

This Licence was issued with effect from: 20 April 2022

#### LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- Live Music – Indoors
- Recorded Music – Indoors
- Entertainment facilities for dancing - Indoors
- Sale or Supply of Alcohol – ON & OFF the Premises

# APPENDIX A

## THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

### STANDARD TIMINGS

**a) Performance of Live Music - Indoors**

Hours authorised: 19:00hrs until 24:00hrs (Friday to Saturday)

**b) Entertainment facilities for dancing - Indoors**

Hours authorised: 19:00hrs until 24:00hrs (Friday to Saturday)

**c) Sale or Supply of Alcohol – ON the Premises**

Hours authorised: 11:00hrs until 23:30hrs (Sunday)  
11:00hrs until 24:30hrs (Monday to Thursday)  
11:00hrs until 01:00hrs (Friday to Saturday)

**d) Sale or Supply of Alcohol – OFF the Premises**

Hours authorised: 11:00hrs until 23:30hrs (Sunday)  
11:00hrs until 24:00hrs (Monday to Thursday)  
11:00hrs until 01:30hrs (Friday to Saturday)

### SEASONAL VARIATIONS / NON-STANDARD TIMINGS

**Christmas Eve, Christmas Day, Boxing Day, New Year's Eve, New Year's Day, Good Friday, Easter Saturday, Sunday and Monday, and all other bank holidays.**

- Live Music – Indoors 19:00hrs until 01:00hrs
- Playing of recorded music – Indoors 19:00hrs until 01:00hrs
- Entertainment facilities for dancing – Indoors 19:00hrs until 01:00hrs

**Sale or Supply of Alcohol – ON & OFF Sales - Christmas Eve, Christmas Day, Boxing Day, New Year's Day, Good Friday, Easter Saturday, Sunday and Monday, and all other bank holidays.**

- 11:00hrs until 01:00hrs the following morning and,
- 11:00hrs until 00.30hrs the following morning on a Sunday before a Bank Holiday Monday

#### **New Year's Eve**

- Sale or Supply of Alcohol – ON & OFF Sales – On New Year's Eve, from the end of the permitted hours on New Year's Eve to the start of the permitted hours on the following day (or, if no permitted hours on the following day, until midnight on 31<sup>st</sup> December)

**Special Occasions e.g. birthdays and anniversaries, maximum of 12 events per annum**

- Live Music – Indoors 19:00hrs until 24:00hrs
- Playing of recorded music – Indoors 19:00hrs until 24:00hrs
- Entertainment facilities for dancing – Indoors 19:00hrs until 24:00hrs

# APPENDIX A

## THE OPENING HOURS OF THE PREMISES

### STANDARD TIMINGS

Monday to Thursday	11:00hrs until 01:00hrs
Friday to Saturday	11:00hrs until 01:30hrs
Sunday	11:00hrs until 24:00hrs

### SEASONAL VARIATIONS / NON-STANDARD TIMINGS

**Christmas Eve, Christmas Day, Boxing Day, New Year's Day, Good Friday, Easter Saturday, Sunday and Monday, and all other bank holidays**

- 11:00hrs until 01:30hrs and
- 11.00hrs until 01:00hrs the following morning on any Sunday before a Bank Holiday

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

**Supply of alcohol (for consumption both ON & OFF the premises)**

## Part 2

### NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND E-MAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

**Greene King Retailing Limited  
Westgate Brewery  
Bury St Edmunds  
Suffolk  
IP33 1QT**

Telephone number: 01284 763222

### REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

**Registered company number: 5265451**

### NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

**Katie Martin**

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

**Personal Licence number: 05/00034/LAPER  
Issued by: Chelmsford City Council**

# APPENDIX A



## CONDITIONS ATTACHED TO THE ISSUE OF: PREMISES LICENCE MPL0313

### Annex 1- Mandatory Conditions

The following conditions in Annex 1 are mandatory under the provisions of the Licensing Act 2003:

- 1.1 Alcohol shall not be sold or supplied:
  - (a) At any time when there is no designated premises supervisor in respect of the premises licence, or
  - (b) At any time when the designated premises supervisor does not hold a personal licence or his/her personal licence is suspended
- 1.2 Every sale or supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
- 1.3 The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises -

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to –

- (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).

- 1.4 The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
- 1.5 (a) 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.

# APPENDIX A

(b) 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.

(c) 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 -

- (i) a holographic mark, or
- (ii) an ultraviolet feature.

1.6 The responsible person must ensure that –

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures –

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

(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.

1.7 The relevant person (the holder of the premises licence, the designated premises supervisor (if any) in respect of such a licence, the personal licence holder who makes or authorises a supply of alcohol under such a licence, or any member or officer of a club present on the premises in a capacity which enables the member or officer to prevent the supply in question) shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

For the purposes of this condition “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979, “permitted price” is the price found by applying the formula -

$$P = D + (D \times V)$$

where - (i) **P** is the permitted price, (ii) **D** is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and (iii) **V** is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;  
[“value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994]

## Annex 2 - Conditions consistent with the operating schedule

The premises licence holder shall ensure that all members of staff are trained in the basic law relating to the sale/supply of alcohol.

No illegal drugs shall be permitted on the premises, and all staff and patrons shall be made aware of a zero tolerance to drugs on the premises.

The premises licence holder or their nominated representative shall participate in any active local Pub Watch scheme.

The premises licence holder shall ensure the premises are adequately illuminated, during the hours of darkness, whilst the premises are being used for licensable activities.

# APPENDIX A

A suitable CCTV system shall be installed and maintained on the licensed premises.

All appliances and emergency lights shall be checked and serviced regularly and all portable electrical equipment shall be inspected and PAT tested at least annually.

Contact details of local licensed taxi and private hire operators shall be made available for patrons at the licensed premises.

The premises licence holder shall ensure that empty drinking vessels are regularly collected.

All interior trading areas and toilets shall be monitored by staff on duty whilst the premises are being used for licensable activities.

Staff shall monitor the activity of patrons leaving the premises and remind them to act in a responsible manner and consider the needs of neighbours.

The premises licence holder shall ensure that adequate provision is made for the collection and disposal of waste and litter at the licensed premises

The premises licence holder shall ensure that offensive smells from the licensed premises are not permitted so as to cause a nuisance to nearby properties and the premises are properly vented.

Children shall be accompanied by a responsible adult at all times.

The premises licence holder shall adopt a 'Challenge 25' proof of age scheme. The premises licence holder shall operate a requirement for the production of a passport, UK photo card driving licence or PASS accredited photo card, where the individual requesting the supply of alcohol appears to be under the age of 25.

Children shall not be permitted in bar areas of the licensed premises after 20:00hrs save for access or egress or unless passing through to use the toilet.

## **Annex 3 - Conditions attached after a hearing by the licensing authority**

1. There is to be no sale or supply of alcohol in the external drinking area as shown on the plan lodged with the application after 23.00 on any day.
2. There is to be no consumption of alcohol in the external drinking area as shown on the plan lodged with the application after 23.30 on any day.
3. The applicant is to erect at least two signs in a prominent position near the entry and exit points to the premises asking patrons to leave quietly and respect local residents.
4. The applicant is to collect and remove all glasses from the external drinking area as shown on the plan lodged with the application prior to the premises closing each day
5. There is to be no regulated entertainment outdoors after 23.00 on any day.
6. All external doors and windows are to be kept closed during the staging of regulated entertainment indoors at the premises (except when patrons are entering or exiting the premises).
7. Mr Gerry Wynne is to become the Designated Premises Supervisor instead of the named on the original application.

# APPENDIX A

## ANNEX 4 - PLANS

Attached

AUTHORISED OFFICER  
MPL0313



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**Application to vary a premises licence under the Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

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

You may wish to keep a copy of the completed form for your records.

I/We Greene King Retailing Limited

*(Insert name(s) of applicant)*

**being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below**

<b>Premises licence number</b> MPL0313
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**Part 1 – Premises Details**

Postal address of premises or, if none, ordnance survey map reference or description  Swan 9 High Street			
Post town	Needham Market	Postcode	IP6 8AL

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£44,000.00 – Band C

**Part 2 – Applicant details**

Daytime contact telephone number			
E-mail address (optional)			
Current postal address if different from premises address	Westgate Brewery		
Post town	Bury St Edmunds	Postcode	IP33 1QT

**Part 3 - Variation**

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible?  Yes  No

If not, from what date do you want the variation to take effect?

DD	MM	YYYY

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1)  Yes  No

**Please describe briefly the nature of the proposed variation** (Please see guidance note 2)

This is an application to change the layout and design of the premises in accordance with the submitted plan, drawing number 21A. The changes include the addition of an external bar servery.

To add the following conditions to the premises licence:

The garden bar will only be used between the hours of 11.00 hours and 23.00 hours daily.

The garden bar will be supervised at all times when in use.

The garden bar will be inaccessible to customers when not in use to ensure they do not have access to any alcohol.

Children shall not be permitted on the premises after 21.00 hours unless partaking in a meal or function, when they shall be permitted to remain until the end of that meal or function.

To remove the following conditions from the premises licence:

Mr Gerry Wynne is to become the Designated Premises Supervisor instead of the named on the original application.

Children shall not be permitted in bar areas of the licensed premises after 20.00 hours save for access and egress or unless passing through to use the toilet.

The opening hours and licensable activities authorised by the premises licence are to remain unaltered.

Any part of the variation application that changes the plan/layout at the premises to be of no effect until the work has been completed.

Any part of the variation application that changes the plan/layout at the premises to be of no effect until the work has been completed.

Locations of fire safety equipment subject to change in accordance with the requirements of the responsible authorities or following a risk assessment.

Any detail shown on the plan that is not required by the licensing plan regulations is indicative only and subject to change.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

#### Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

- | <b>Provision of regulated entertainment (Please see guidance note 3)</b>                                    | <b>Please tick all that apply</b> |
|---|-----------------------------------|
| a) plays (if ticking yes, fill in box A)  | <input type="checkbox"/>          |
| b) films (if ticking yes, fill in box B)  | <input type="checkbox"/>          |
| c) indoor sporting events (if ticking yes, fill in box C)   | <input type="checkbox"/>          |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D)  | <input type="checkbox"/>          |
| e) live music (if ticking yes, fill in box E)   | <input type="checkbox"/>          |
| f) recorded music (if ticking yes, fill in box F)   | <input type="checkbox"/>          |
| g) performances of dance (if ticking yes, fill in box G)  | <input type="checkbox"/>          |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input type="checkbox"/>          |

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

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

**In all cases complete boxes K, L and M**

A

Plays Standard days and timings (please read guidance note 8)			Will the performance of a play take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 5)		
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 6)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 7)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 8)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>						
				Outdoors	<input type="checkbox"/>						
				Both	<input type="checkbox"/>						
Day	Start	Finish	Please give further details here (please read guidance note 5)								
Mon											
Tue											
Wed						State any seasonal variations for the exhibition of films (please read guidance note 6)					
Thur											
Fri									Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 7)		
Sat											
Sun											

C

Indoor sporting events Standard days and timings (please read guidance note 8)			Please give further details (please read guidance note 5)
Day	Start	Finish	
Mon			State any seasonal variations for indoor sporting events (please read guidance note 6)
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 8)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	Please give further details here (please read guidance note 5)					
Mon								
Tue								
Wed						State any seasonal variations for boxing or wrestling entertainment (please read guidance note 6)		
Thur								
Fri						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 7)		
Sat								
Sun								



E

Live music Standard days and timings (please read guidance note 8)			Will the performance of live music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	Please give further details here (please read guidance note 5)					
Mon								
Tue								
Wed						State any seasonal variations for the performance of live music (please read guidance note 6)		
Thur								
Fri						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 7)		
Sat								
Sun								

F

Recorded music Standard days and timings (please read guidance note 8)			Will the playing of recorded music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	Please give further details here (please read guidance note 5)					
Mon								
Tue								
Wed						State any seasonal variations for the playing of recorded music (please read guidance note 6)		
Thur								
Fri			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 (please read guidance note 7)					
Sat								
Sun								

G

Performances of dance Standard days and timings (please read guidance note 8)			Will the performance of dance take place <b>indoors or outdoors or both – please tick</b> (please read guidance note 4)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon			<b><u>Please give further details here</u></b> (please read guidance note 5)		
Tue					
Wed			<b><u>State any seasonal variations for the performance of dance</u></b> (please read guidance note 6)		
Thur					
Fri			<b><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></b> (please read guidance note 7)		
Sat					
Sun					

H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 8)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<b><u>Will this entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 4)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<b><u>Please give further details here</u></b> (please read guidance note 5)		
Wed			<b><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u></b> (please read guidance note 6)		
Thur			<b><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u></b> (please read guidance note 7)		
Fri					
Sat					
Sun					

1

<b>Late night refreshment</b> Standard days and timings (please read guidance note 8)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</b> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<b>Please give further details here</b> (please read guidance note 5)		
Tue					
Wed			<b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 6)		
Thur					
Fri			<b>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</b> (please read guidance note 7)		
Sat					
Sun					

J

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 8)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 9)	On the premises	<input type="checkbox"/>			
				Off the premises	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<b><u>State any seasonal variations for the supply of alcohol</u></b> (please read guidance note 6)					
Mon								
Tue								
Wed								
Thur						<b><u>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</u></b> (please read guidance note 7)  As per the existing premises licence.		
Fri								
Sat								
Sun								

K

<p><b>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</b> (please read guidance note 10).</p>
--



L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			<u>State any seasonal variations</u> (please read guidance note 6)
Day	Start	Finish	
Mon			<b><u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u></b> (please read guidance note 7)
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			



Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

Mr Gerry Wynne is to become the Designated Premises Supervisor instead of the named on the original application.

Children shall not be permitted in bar areas of the licensed premises after 20.00 hours save for access and egress or unless passing through to use the toilet.

Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

**M** Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

**a) General – all four licensing objectives (b, c, d and e) (please read guidance note 11)**

As per the existing premises licence.

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

As per the existing premises licence.

**c) Public safety**

As per the existing premises licence.

**d) The prevention of public nuisance**

The garden bar will only be used between the hours of 11.00 hours and 23.00 hours daily.

The garden bar will be supervised at all times when in use.

The garden bar will be inaccessible to customers when not in use to ensure they do not have access to any alcohol.

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

Children shall not be permitted on the premises after 21.00 hours unless partaking in a meal or function, when they shall be permitted to remain until the end of that meal or function.

Checklist:


**Please tick to indicate agreement**

- I have made or enclosed payment of the fee; or
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy.
- I have sent copies of this application and the plan to responsible authorities and others where applicable. **Online submission**
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.
- I understand that if I do not comply with the above requirements my application will be rejected.

**IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.**

**Part 5 – Signatures** (please read guidance note 12)

**Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent** (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	15 February 2023
Capacity	Solicitor to applicant

**Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent** (please read guidance note 14). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

**Contact name (where not previously given) and address for correspondence associated with this application** (please read guidance note 15)

TLT Solicitors  
One Redcliff Street

<b>Post town</b>	Bristol	<b>Post code</b>	BS1 6TP
<b>Telephone number (if any)</b>			

If you would prefer us to correspond with you by e-mail, your e-mail address (optional)

### Notes for Guidance

**This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.**

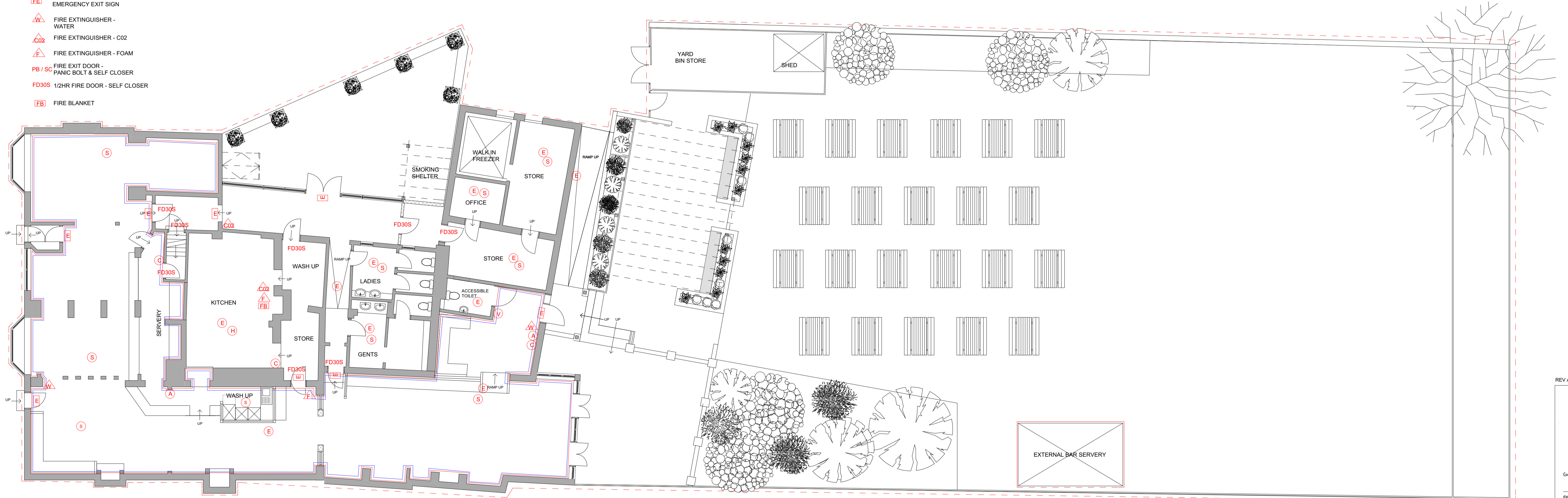
1. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable for the late night levy
2. Describe the premises. For example, the type of premises, its general situation and layout and any other information which could be relevant to the licensing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

- on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
    - 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.
  - Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
  - Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
    - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
    - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
    - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
    - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
4. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
  5. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
  6. For example (but not exclusively), where the activity will occur on additional days during the summer months.
  7. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
  8. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.
  9. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
  10. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
  11. Please list here steps you will take to promote all four licensing objectives together.

12. The application form must be signed.
13. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
14. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
15. This is the address which we shall use to correspond with you about this application.

APPENDIX C

- V VISUAL ALARM
  - E ILLUMINATED EMERGENCY EXIT BOX
  - E EMERGENCY LIGHT
  - A FIRE ALARM SOUNDER
  - C FIRE ALARM CALL POINT
  - S SMOKE DETECTOR
  - H HEAT DETECTOR
  - FE NON ILLUMINATED EMERGENCY EXIT SIGN
  - △ FIRE EXTINGUISHER - WATER
  - △ FIRE EXTINGUISHER - CO2
  - △ FIRE EXTINGUISHER - FOAM
  - PB / SC FIRE EXIT DOOR - PANIC BOLT & SELF CLOSER
  - FD30S 1/2HR FIRE DOOR - SELF CLOSER
  - FB FIRE BLANKET
- AREA FOR SALE OR SUPPLY OF ALCOHOL
  - - - - AREA FOR CONSUMPTION OF ALCOHOL
  - AREA FOR LIVE AND RECORDED MUSIC



REV A - 82

PROJECT	THE SWAN
LOCATION	NEEDHAM MARKET
DRAWING	LICENSING - PROPOSED PLAN
DATE	JANUARY 2023
SCALE	1:100 @ A1
DRAWN BY	JLC
PROJECT NO	GK 288
DRAWING NO	21A

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 and schedules of work.

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LICENSING - PLAN AS PROPOSED

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13 High Street  
Needham Market  
Suffolk IP6 8AL

7 March 2023

Mid Suffolk District Council Licencing Authority

Endeavour House

8 Russell Road

IPSWICH IP1 2BX

Dear Sirs

Application for Addition to Drawing NO.21A of External Bar Servery

Swan Public House Needham Market

Dear Sirs,

I wish to object to the above variation to the existing licence as displayed on the door post of the Pub.

My garden runs the whole length of the Swan garden and as I live next door but one to the Pub I am used to hearing some noise from the Pub garden, but during the summer when we all want to enjoy a summers evening it can be a nuisance when things get a bit rowdy. I am very concerned that the external bar could be open from 11am to 11pm.

Surely alcohol doesn't need to be sold from 11 am as that is coffee time. 12noon is the usual time to start serving alcohol.

More concerning is serving until 11pm from the external bar that will result in people staying in the garden until late and staff having to clear up in the garden much later thus creating more noise until about midnight.

As this is a residential area I do think that some thought should be given to the families that are close by and that the proposed servery bar should only be open for alcohol over the weekend and only when there is a special function. Are people too lazy to go inside the pub to buy a drink?

Please would you consider this application very carefully about the opening times of the external bar.

Although I live next door but one to the Swan I received no letter about this application. The public notice was displayed on a door post obscured until recently by scaffolding and I only noticed it by chance.

Yours sincerely

Sally Griffiths

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## **NEW OR VARIATION APPLICATION HEARING PROCEDURE (PREMISES OR MEMBER’S CLUB)**

**NOTE:** References to the ‘Applicant’ may also apply to an existing licence holder if the hearing consideration relates to a licence already on issue (for example a variation)

1. The Council’s Licensing Officer will present a report to the Sub-Committee outlining details of the application and reasons for the hearing including representations/objections made. The Licensing Officer may then, through the Chair, be questioned on his report by any party to the hearing.
2. The Applicant (and/or his advocate/representative) will then present their case in support of the application they have made. The Applicant calls any witnesses (if applicable). The Applicant and witnesses (if any) may then, through the Chair, be questioned by any party to the hearing.
3. Responsible Authorities (and/or his advocate/representative) will then present their case in support of their representations. The Responsible Authorities call any witnesses (if applicable). The Responsible Authorities and witnesses (if any) may then, through the Chair, be questioned by any party to the hearing.
4. REPEAT STEP 3 FOR EACH RESPONSIBLE AUTHORITY.
5. Other Persons objecting (and/or his advocate/representative) will then present their case in support of their representations. Other Persons call any witnesses (if applicable). Other Persons and witnesses (if any) may then, through the Chair, be questioned by any party to the hearing.
6. REPEAT STEP 5 FOR EACH OTHER PERSON OBJECTING.
7. The Chairman may then allow additional questioning/ clarification of any of the parties in the order indicated by him.
8. The Council’s Licensing Officer gives any closing comments to the Sub-Committee.
9. The Applicant (and/or their advocate) gives any closing address to the Sub-Committee.
10. The Sub-Committee retires to deliberate in private session. All parties will then be called back into the meeting for the announcement of the decision and reasons for the decision will be given by the Chairman or Legal Advisor to the Sub-Committee (in some cases the Sub-Committee may decide to defer making a decision in accordance with any regulatory timeframe). The full written notification of the decision and rights of appeal will follow forthwith.

### **NOTES:**

- (a) The hearing will take the form of an informal discussion led by the Licensing Authority.
- (b) The Sub-Committee Chairman and, with his consent, any Member of the Sub-Committee may at any time question the Applicant, Responsible Authorities, Other Persons, Licensing Officer or any witnesses. The Sub-Committee Chairman may deviate from this procedure as he considers necessary or appropriate, to allow a discussion to flow and to allow all parties fair and equal opportunity to raise all points they may wish to make.
- (c) At all times during proceedings due regard shall be had to The Licensing Act 2003 (Hearings) Regulations 2005.

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# Rights of a Party

## Licensing Act 2003 (Hearings) Regulations 2005 - regs. 15 & 16

### 15. Right of Attendance, assistance and representation at the hearing

**Hearing to be public** The licensing authority may exclude the public from all or part of a hearing where it considers that the public interest in so doing outweighs the public interest in the hearing, or that part of the hearing, taking place in public.

**Party to the hearing** This is a person to whom the notice of hearing is given. This may be the applicant, or a person or body who has made a relevant representation or submitted an objection notice.

**Assistance** A party may attend the hearing and may be assisted or represented by any person, whether or not that person is legally qualified.

**Disruptive Behaviour** The licensing authority may, if they consider any person attending the hearing is behaving in a disruptive manner:

- Require them to leave the hearing
- Refuse to permit that person to return
- Permit the person to return only on such conditions as the authority may specify.

A person who is excluded may submit (in writing, before the end of the hearing) any information which they would have been entitled to give orally, had they not been required to leave.

### 16. Representations and Supporting Information

At the hearing a party will be entitled to:

- If you have been notified of any points upon which the Licensing Authority is seeking clarification, you will be entitled to respond, giving any further information in support of your application, representation or notice.
- Address the hearing.
- If given permission by the authority, question any other parties.

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