

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

**Minutes of the Licensing Sub Committee Meeting  
held on Wednesday 3<sup>rd</sup> October 2012 at 2.30pm  
in the Committee Suite, King's Court, Chapel Street, King's Lynn**

**PRESENT:**

Sub-Committee Members:	Councillor R Groom (Chairman) Councillor J Loveless Councillor L Scott
Borough Council Officers:	Rachael Edwards - Senior Democratic Services Officer John Gilbraith - Licensing Manager
Legal Advisor:	Emma Duncan
Premises:	Wine Design, 59 Westfields, Tilney St Lawrence
Applicants:	Mr David Robertson Mr Glenn Adams
Responsible Authority:	Tony Grover, Licensing Officer, Norfolk Constabulary

**1. WELCOME AND INTRODUCTIONS**

The Chairman welcomed everyone to the meeting and declared that the Sub-Committee were sitting to consider a premises application in respect of Wine Design, 59 Westfields, Tilney St Lawrence. He introduced the Sub-Committee Members and the Borough Council Officers and explained their roles. He also introduced the Legal Advisor, Emma Duncan. The applicants, Mr Robertson and Mr Adams introduced themselves. Tony Grover, representing Norfolk Constabulary also introduced himself.

**2. THE PROCEDURE**

At the request of the Chairman, the Licensing Manager outlined the procedure that would be followed at the hearing and took over the proceedings. The applicants confirmed that they had received and read a copy of the report.

**3. THE APPLICATION**

The Licensing Manager presented his report and explained that a premises licence was required under the Licensing Act 2003 for the sale of alcohol, regulated entertainment or for the provision of late night refreshment (i.e. the supply of hot food and drink between 11pm and 5am). The four licensing objectives to be considered when determining the application, and relevant representations, were:

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

Mr David Robertson and Mr Glenn Adams had made an application under Section 17 of the Licensing Act 2003 for the licensable activity of 'sale of alcohol by retail'. A copy of the application had been attached at Appendix 1 and if granted would allow the premises to operate as follows:

<b><u>Licensable Activity</u></b>	<b><u>Days</u></b>	<b><u>Times</u></b>
<b>Sale of Alcohol:</b> For consumption off the premises only	Monday to Sunday	24 hours

#### **Mandatory Conditions**

The premises licence, if granted would be subject to the following mandatory conditions:

- Under Section 19(2) of the Licensing Act 2003, no supply of alcohol may be made under this premises licence at a time when there is no designated premises supervisor in respect of the premises licence, or at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- Under Section 19(3) of the Licensing Act 2003 every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
- Under Section 19A of the Licensing Act 2003 the premises licence holder shall ensure that an age verification policy applies to the premises in relation to the sale of alcohol. This policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

#### **Conditions Consistent with the Operating Schedule**

The licence, if granted would be subject to the following condition which was consistent with the operating schedule:

- The licensed premises shall not be open to the general public other than when visiting the householder in a private capacity.

## Representation from Responsible Authorities

Section 13(4) of the Licensing Act 2003 defined the 'Responsible Authorities' as the statutory bodies that must be sent copies of an application. Representations made must relate to the licensing objectives.

The following comments have been received from the Responsible Authorities:

- The Norfolk Constabulary were objecting to the application under the 'Prevention of Crime & Disorder' licensing objective. A copy of their letter of objection dated the 31<sup>st</sup> August 2012 had been attached to the report at Appendix 2.
- Comments from the other responsible authorities were as follows:

<b><u>Responsible Authority</u></b>	<b><u>Comments Received</u></b>
Norfolk Fire Service	None
Norfolk Trading Standards	None
Norfolk Safeguarding Children's Board	None
Public Health	None
Planning (BCKLWN)	None
Health & Safety (BCKLWN)	None
Community Safety & Neighbourhood Nuisance (BCKLWN)	None
Licensing Authority (BCKLWN)	None

## Representations from 'Other Persons'

As well as responsible authorities, any other person can play a role in a number of licensing processes under the Licensing 2003 Act. This included any individual, body or businesses that were entitled to make representations to applications. Representations made must relate to the licensing objectives. There were no representations from 'other persons' to consider.

## Notices

The applicant was 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 Lynn News on Friday 3<sup>rd</sup> August 2012 and should have been displayed on the premises until the 31<sup>st</sup> August 2012.

## **Plans**

A plan of the premises had been attached at Appendix 3.

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

The current Statement of Licensing Policy was approved by full Council on the 25<sup>th</sup> November 2010 and the following extracts may be relevant to the application:

### **3.0 Fundamental principles**

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

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

3.2 Nothing in this 'Statement of Policy' will:

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

3.3 Every application will be dealt with impartially and on its individual merits. The Borough Council will not refuse to grant or vary an application unless it has received a representation from a responsible authority, such as the police or an environmental health officer, or an interested party, such as a local resident or local business, which is a relevant representation.

3.4 Licensing is about regulating licensable activities on licensed premises and any conditions that are attached to premises licences or club premises certificates will be focused on matters which are within the control of the individual licensee or club, i.e. the premises and its vicinity.

### **18.0 Conditions**

18.1 The Borough Council will not impose conditions unless it has received a representation from a responsible authority, such as the police or an environmental health officer, or an interested party, such as a local resident or local business, which is a relevant representation, or is offered in the applicant's Operating Schedule. Any conditions will be proportional and necessary to achieve the Licensing Objectives.

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

Under Section 4 of the Licensing Act 2003, Licensing Authorities must have regard to guidance issued under Section 182. The current Guidance was issued by the Home Office in April 2012 and offered advice to Licensing Authorities on the discharge of their functions under the Act.

The following extracts may be relevant to the application and assist the sub-committee:

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

1.16 Each application must be considered on its own merits and in accordance with the licensing authority's statement of licensing policy where, for example, its effect on cumulative impact is relevant. 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 & Disorder**

2.1 The steps which any licence holder or club might take to prevent crime and disorder are as varied as the premises or clubs where licensable activities take place. Licensing authorities should therefore look to the police as the main source of advice on these matters. They should also seek to involve the local Community Safety Partnership (CSP).

2.2 The Government's expectation is that the police will have a key role in undertaking various tasks such as advising on the installation and monitoring of security devices such as CCTV.

2.16 Conditions on a premises licence are important in setting the parameters within which premises can lawfully operate. The use of wording such as "must", "shall" and "will", is encouraged. Conditions on licences must:

- be precise and enforceable;
- be unambiguous;
- not duplicate other statutory provisions;
- be clear in what they intend to achieve; and,
- be appropriate, proportionate and justifiable.

### **Representations from the Police**

9.12 In their role as a responsible authority, the police are an essential source of advice and information on the impact and potential impact of licensable activities, particularly on the crime and disorder objective. The police have a key role in managing the night-time economy and should have good working relationships with those operating in their local area. The police should be the licensing authority's main source of advice on

matters relating to the promotion of the crime and disorder licensing objective, but may also be able to make relevant representations with regards to the other licensing objectives if they have evidence to support such representations. The licensing authority should accept all reasonable and proportionate representations made by the police unless the authority has evidence that to do so would not be appropriate for the promotion of the licensing objectives. However, it remains incumbent on the police to ensure that their representations can withstand the scrutiny to which they would be subject at a hearing.

### **Hearings**

- 9.29 Regulations made under the 2003 Act require that representations must be withdrawn 24 hours before the first day of any hearing. If they are withdrawn after this time, the hearing must proceed and the representations may be withdrawn orally at that hearing. However, where discussions between an applicant and those making representations are taking place and it is likely that all parties are on the point of reaching agreement, the licensing authority may wish to use the power given within the hearings regulations to extend time limits, if it considers this to be in the public interest.
- 9.33 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.
- 9.34 In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the licensing authority must give appropriate weight to:
- the steps that are appropriate to promote the licensing objectives;
  - the representations (including supporting information) presented by all the parties;
  - this Guidance;
  - its own statement of licensing policy.
- 9.35 The licensing authority should give its decision within 5 working days of the conclusion of the hearing (or immediately in certain specified cases) and provide reasons to support it. This will be important if there is an appeal by any of the parties. Notification of a decision must be accompanied by information on the right of the party to appeal. After considering all the relevant issues, the licensing authority may grant the application subject to such conditions that are consistent with the operating schedule. Any conditions imposed must be appropriate for the promotion of the licensing objectives; there is no power for the licensing authority to attach a condition that is merely aspirational. For example,

conditions may not be attached which relate solely to the health of customers rather than their direct physical safety.

- 9.36 Alternatively, the licensing authority may refuse the application on the grounds that this is appropriate for the promotion of the licensing objectives. It may also refuse to specify a designated premises supervisor and/or only allow certain requested licensable activities. In the interests of transparency, the licensing authority should publish hearings procedures in full on its website to ensure that those involved have the most current information.

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

- 9.38 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.
- 9.39 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.
- 9.40 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. Whilst this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters. As with the consideration of licence variations, the licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business. Further advice on determining what is appropriate when imposing conditions on a licence or certificate is provided in Chapter 10. The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination.

### **Imposed Conditions**

- 10.12 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.

### **Proportionality**

- 10.14 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.
- 10.15 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. Consideration should also be given to wider issues such as conditions already in place that address the potential negative impact on the promotion of the licensing objectives and the track record of the business. The physical safety of those attending such events should remain a primary objective.

### **Questions to the Licensing Manager**

There were no questions to the Licensing Manager.

## **4. THE APPLICANT'S CASE**

Mr Robertson, presented the applicant's case and in doing so, thanked the Licensing Manager for his assistance in preparing their application. He explained that the intention was to design bespoke wine labels for wine bottles. The focus for the business would be weddings, the leisure industry and hospitality events. Mr Robertson explained that he was unaware originally that he could "licence" his own house to use as the location for the business. He explained that he was in full time employment and that his business partner, Mr Adams was at college five days a week and also worked weekends and therefore they would have limited time to dedicate to the business which would be more of a hobby. The aim in the first year was to supply wine for 10 weddings which would amount to approximately 500 bottles. The business would be marketed over the internet. Customers would be visited at their own premises rather than come to the house. However, couriers would be used to deliver the wine to and from the house. Mr Robertson explained that he had been advised by the Licensing Manager to apply for a 24 hour licence to offer the business flexibility.

Mr Robertson explained that he had been visited by PC Gower, Crime Prevention Officer who had made some suggestions in relation to the alcohol store, locking mechanisms and intruder alarms. A quotation had been received to implement the full proposals at a cost of approximately £2.5k which if implemented would make the business unviable.



Orders would be turnaround within a 24/48 hour period and therefore there would be a limited amount of time any stock would be stored on the premises. Mr Robertson explained that they wanted to work in partnership with the police and that they had given each licensing objective due consideration. If the business did grow, the business would relocate to alternative premises but in the interim all necessary security measures would be undertaken. If quantities exceeded the storage capacity, wine would be stocked away from the premises in self storage facilities in King's Lynn at minimum cost.

Mr Robertson explained that he had discussed his proposals with the local shop in the neighbouring village of Terrington St John who had confirmed that they had not suffered from any issues in relation to crime and disorder. Tilney St Lawrence was a quiet village and the house was situated in a cul-de-sac.

Mr Robertson stated that the business was projected to turnover £5k in its first year and with margins of 10%, it would take over 5 years to just pay for the security measures that had been proposed. He explained that they had approached a number of various different bodies to try to obtain funding for start-up businesses.

Mr Robertson explained that the alcohol would be stored in a kitchen cupboard situated under the stairs. The locks to the cupboard would be upgraded. He also stated that he worked in the security industry and was aware of the need for security, however he felt that the police conditions were not proportionate.

### **Questions to the applicant**

In response to a question from the Licensing Manager, Mr Robertson explained that if the wine was stored in a self-storage facility, it would be transported to the house to be labelled and then subsequently dispatched to the customer. The Licensing Manager advised that it was a requirement that the wine was dispatched from the location which was licensed.

Mr Grover questioned how long the wine would be stored at the house once it had been retrieved from the self storage facility. In response, Mr Robertson explained that it would be up to a maximum of 48 hours. Mr Robertson also confirmed that it was their intention that the business would eventually support himself and Mr Adams on a full time basis. He also accepted as the business was to be internet based, it would not just attract locally based customers, but be more of a national company. Mr Robertson also stated that he had tried to obtain a PO Box number for the business to avoid advertising his home address.

Mr Robertson confirmed that he had received and read a copy of the Crime Prevention report. A copy of the report was circulated to Members of the Sub-Committee.

In response to a further question from Mr Grover, Mr Robertson acknowledged that if the business was run from the house it would be considered a commercial premises and the security risk could be considered to be higher.

In response to questions from Members of the Sub-Committee in relation to where the wine would be stored, Mr Robertson confirmed that the original plan was to store it in the spare bedroom (as indicated on the map included as part of the Agenda) but after consulting with the Crime Prevention Officer, it had been decided to store it in the kitchen cupboard which was situated under the stairs. The cupboard had 3 shelves with a storage capacity of approximately 5/6 boxes. He also confirmed that the labelling of the bottles would take place either in the kitchen or living room. In response to a further question, Mr Robertson confirmed that the wine would be transported to him by courier and then to the customer by private car.

Councillor Loveless suggested that the regular appearance of a courier at the house may alert people that a commercial business was being run from the premises. Mr Robertson explained that he had notified his neighbours about their intention to set up a business and they had not raised any objections.

In response to a question from the Chairman, Mr Robertson confirmed that the intention was to use the "office for business" (as marked on the plan) for record keeping and maintaining/accessing the website.

In response to a question raised by the Legal Advisor, Mr Robertson confirmed that there were 6 bottles of wine in each box.

The Licensing Manager referred to page 28 of the Agenda, which outlined the conditions proposed by Norfolk Constabulary, and questioned which conditions that Mr Robertson was willing to agree to. Mr Robertson confirmed that he was willing to agree to Condition 4 (plus sub sections) but was not willing to agree with Conditions 1 and 2. Condition 3 was linked to Condition 2 in that if an intruder alarm was fitted (Condition 2), it would cover the alcohol store (Condition 3). The Licensing Manager advised the Sub-Committee that they should only focus on matters which were in dispute.

## **5. RESPONSIBLE AUTHORITIES CASE - NORFOLK CONSTABULARY**

Mr Grover presented his case stating that the application was for a residential property situated on an estate in a remote area surrounded by other residential properties. The property would be deemed a commercial premises if a business was set up. He explained he had visited the applicant to discuss the application and as part of the normal process, the Crime Prevention Officer would visit and prepare a report. Mr Grover explained that the Police had concerns with the risk to security with alcohol falling into the wrong hands. The business being internet based, had the potential to expand and could grow considerably. Mr Grover referred to the proposed conditions which were based on the risk for a commercial business. He acknowledged that there were numerous recommendations contained within the Crime Prevention Advice Report but explained that he had not considered all of these were necessary for

a business start up. If the business did grow and an alternative premises was required, a further licence would need to be applied for.

Mr Grover referred to the crime prevention report and the observation of PC Gower in that “the home is a solidly constructed 1970’s semi detached brick house with a pitched roof. The home has had replacement exterior PVCu windows and doors fitted several years ago to a low quality domestic standard”. The recommendation to fit a monitored intruder alarm therefore was a sensible proposal which would also cover the alcohol store. It was also important that there was some form of mechanism to alert Mr Robertson or Mr Adams (i.e. alarm to mobile phone) if an intruder entered the property whilst it was unoccupied.

In order to give Members of the Sub-Committee an opportunity to read the Crime Prevention Advice Report in full, the meeting was adjourned for a period of 10 minutes.

On reconvening, the Chairman questioned whether the applicants had been in touch with their local Police Community Support Officers (PCSOs). On clarification, Mr Robertson explained that they had not directly contacted them.

Mr Grover, continued to present his case and again referred back to the report and acknowledged that the recommendations contained within it were not proportionate (changing the doors, installing 6.8mm laminate to vulnerable windows).

Mr Grover referred to the applicant’s application in relation to the steps they intended to take to promote the “prevention of crime and disorder” objective in which they had stipulated that they would “work in partnership with PCSOs” and stated that he was unsure what this actually meant in practice. He explained that if they envisaged that there would be regularly patrols around the premises, the police did not have the resources to carry these out. However, if it meant that they would proactively keep in contact with the PCSOs themselves and seek advice, this would be welcomed.

Mr Grover reiterated that with the business being internet based, there was considerable potential for it to grow. He referred to Condition 4 (page 28) as contained in the Agenda and explained that he had reconsidered the wording to avoid any confusion and to provide clarification. A copy of the reworded condition was circulated to the applicants and Members of the Sub-Committee. The applicants confirmed that they were happy with the revised wording which was as follows:

“The Premises Licence Holder will formulate and comply with a Policy of Terms and Conditions for the “off sale” of alcoholic beverages via the Internet or any other telecommunication method to the licensed premises. Subsequent deliveries of alcoholic beverages will only be allowed in compliance with that policy”.

In conclusion, Mr Grover stated that he had concerns because of the commercial nature of the business being run from a residential property and subsequent associated risks particularly with the potential for the business to grow. He suggested that the conditions proposed were proportionate.

### **Questions to Tony Grover – Licensing Officer**

Mr Robertson stated that he had obtained quotes for a monitored alarm and the cheapest that he could purchase one for was £600. However, he had found an alarm on-line, which also provided a “trigger alert” for £70 - £100 and questioned whether this would be acceptable or whether the alarm needed to be British Standard – Secure by Design. In response, Mr Grover explained that he had previous experience as a Crime Prevention Officer and that in his experience, the quality of alarms varied. The Police did work to British Standard with advice and guidelines from the Home Office Crime Prevention website and therefore the Police would be seeking to achieve the conditions as set out on page 28 of the Agenda.

Mr Robertson referred to the earlier statement in relation to the house in that it “had replacement exterior PVCu windows and doors fitted several years ago to a low quality domestic standard” and suggested that if the windows and doors were changed as outlined in the report, this would in fact have an adverse effect and advertise the property more as a commercial premises. In response, Mr Grover stated that there was no immediate visible difference between residential and commercial windows and doors, there were merely manufactured by different methods and to the untrained eye would look the same.

The Legal Advisor referred to the proposals for storing the wine in the kitchen cupboard under the stairs that would hold a maximum of 5/6 boxes (30 bottles) and suggested that some households would store such quantities as a matter of course. If the applicant’s business expanded and he required more storage he would have to apply for a variation to any licence which limited the storage capacity to 30 bottles. In response, Mr Grover stated that the proposed condition in relation to the alcohol store did not specify that the store had to be located under the stairs only that it should be in a secure store. If the business expanded, there would also need to be provision for any store to be expanded. The Legal Advisor suggested that a condition could be attached to the licence (if granted) to specify that the store would be in the kitchen cupboard located under the stairs and the storage capacity limited to 30 bottles of wine. In response, Mr Grover stated such a condition would be acceptable to the police however, with it being so prescriptive it would be difficult to enforce and would also restrict the applicant if the business did grow. The Legal Advisor suggested that the condition would be easy to enforce because it did stipulate the storage capacity. The Legal Advisor questioned the applicant whether he would be happy for such a condition to be attached to the licence. Mr Robertson confirmed that he was happy for such a condition to form part of the licence. He referred to the average wedding ordering 10 to 50 bottles of wine and if the storage was limited to 30 bottles, and they received an order for 50, 20 bottles would be labelled and immediately sent to the client. Mr Robertson

explained that he had been advised by Environmental Health department not to store the wine on the floor so the maximum capacity to store the wine on the shelves in the cupboard was 30 bottles.

Councillor Loveless referred to the proposed condition two in relation to a monitored intruder alarm and questioned, given the applicants earlier comments, whether the Police were seeking to stipulate a certain standard/make of alarm. In response, Mr Grover stated that it was discretionary.

The applicant confirmed that he did not have any further questions. The Licensing Manager asked whether the applicant felt it was practicable to attach a condition limiting the storage capacity to 30 bottles of wine. The applicant explained that this was the maximum that could be stored in the kitchen cupboard under the stairs. If orders were received for more than 30 bottles, the wine would either be stored in a secure lock up or labelled and shipped immediately to the client. The labels were sourced from a company in Dersingham.

The Licensing Manager suggested that a condition should be attached to the licence which stipulated that no alcohol should be stored on the premises when there was no-one present in the household. Mr Robertson explained that there would always be someone in the house as his wife was at home the majority of the time.

## **6. SUMMING UP**

### **Responsible Authorities**

Mr Grover summed up his case referring to the potential for the business to grow and subsequent security risks involved. He stated that there had been a lot of assumptions made about the business and there was also the potential that things did not always go as planned, i.e. the labels did not turn up and therefore the potential to have to store more than 30 bottles.

### **Applicant**

Mr Robertson summed up his case stating that in reality because both he and Mr Adams had full time occupations, they could only dedicate a limited amount of time to the business so it was not envisaged that they would be inundated with orders. They hopefully had secured their first order supplying 25 bottles of wine to Bar Red for a Christmas dinner. He explained that he was happy for a condition to be attached to the licence to limit the number of bottles of wine that could be stored at the house to 30. The wine which they intended to sell would be high quality and to specific clients who would not want large quantities.

## **7. OUTSTANDING MATTERS**

The Licensing Manager addressed the Sub-Committee and referred to the plan on page 29 of the Agenda which had originally indicated that the spare bedroom would be the wine store, however, it had since transpired that the kitchen cupboard would be the location where the wine was stored. He therefore advised the Sub-Committee that the licensed area should be the whole house. The Licensing Manager also reiterated that Mr Robertson had accepted Condition 4 as proposed by the Police and therefore this should be endorsed by the Sub-Committee in order for it to form part of the licence (if granted). He referred to the Section 182 guidance in that the Police should be the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective, however it was also important to be mindful that any conditions were proportional and necessary and not too onerous on the applicant.

The Licensing Manager therefore requested that having regard to the representations received, the Sub-Committee consider the application, the report and take such steps as it considers appropriate for the promotion of the licensing objectives. These steps were:

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

The Sub-Committee were reminded that full reasons for their decision must be given as both the applicant and objector had a right of appeal against that decision to the Magistrates' Court.

The Legal Advisor addressed the Sub-Committee and concurred with the advice offered by the Licensing Manager but also advised that consideration should be given to whether an unreasonable financial burden was being placed on the applicant.

## **8. REACHING A DECISION**

The Sub-Committee retired to consider their decision in private, accompanied and advised by the Legal Advisor on specific points of law and procedure and the Senior Democratic Services Officer. On all parties returning to the room, at the request of the Chairman, the Legal Advisor explained she had advised the Sub-Committee in relation to conditions that would be enforceable.

## **9. PRELIMINARY DECISION**

The Chairman read out the preliminary decision.

### **Decision**

The Panel's decision is that the application for a premises licence be granted subject to the following conditions:

- Condition 4 as proposed and amended by Norfolk Constabulary.
- Any alcohol stored at the premises will be stored in the alcohol store under the stairs and limited to 30 bottles of wine at any one time.
- The alcohol store will be locked whilst not in use.
- An intruder alarm will be installed at the premises and will be maintained in good working order at all times. The intruder alarm will be set when the premises is unoccupied.

### **Reasons for Decision**

The Panel took into account the report presented by the Licensing Manager, including the licensing objectives, representations from the applicants, Mr Robertson and Mr Adams and the representations from Norfolk Constabulary.

The Panel noted the crime prevention measures contained in the police's suggested conditions.

The Panel also noted that the business was new and very small scale and the financial burden imposed by the proposed conditions.

The Panel decided that some of the conditions proposed by Norfolk Constabulary were not proportionate in relation to the risk to the crime and disorder objective and consequently substituted some conditions which they felt were more appropriate.

### **Comments on the Decision**

At the invitation of the Chairman, the Licensing Manager confirmed he had no comments on the preliminary decision.

## **10. DECISION**

The Chairman therefore confirmed the decision read out the decision as follows:

### **Decision**

The Panel's decision is that the application for a premises licence be granted subject to the following conditions:

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**The meeting closed at 4.40pm**