

BOROUGH COUNCIL OF KING'S LYNN & WEST NORFOLK

LICENSING COMMITTEE

**Minutes from the Meeting of the Licensing Committee held on Thursday,
17th March, 2016 at 10.00 am in the Committee Suite, King's Court, Chapel
Street, King's Lynn**

PRESENT: Councillors C J Crofts (Chairman), Miss L Bambridge, and M Hopkins

OFFICERS:

Noel Doran - Legal Advisor
John Gilbraith - Licensing Manager
Rebecca Parker - Democratic Services Officer

1 **APOLOGIES FOR ABSENCE**

There was none.

2 **ITEMS OF URGENT BUSINESS**

There was none.

3 **DECLARATIONS OF INTERESTS**

There was none.

4 **TO CONSIDER AN APPLICATION FOR BALTIC STORES, 33 OLD
SUNWAY, KING'S LYNN**

The Chairman welcomed everyone to the meeting and declared that the Sub-Committee was sitting to consider an application for a premises licence in respect of Baltic Stores, 33 Old Sunway, King's Lynn.

He introduced the Sub-Committee, the Borough Council officers and the Legal Advisor and explained their roles.

The Applicant introduced himself.

The Responsible Authorities present introduced themselves.

All parties confirmed that fifteen minutes would be sufficient to present their case.

5 **PROCEDURE WHICH WILL BE FOLLOWED AT THE HEARING**

At the request of the Chairman, the Legal Advisor outlined the procedure which would be followed at the Hearing.

6 **REPORT OF THE LICENSING MANAGER**

The Licensing Manager presented his report and provided an overview of the application. In presenting his report, the Licensing Manager referred to the following:

- The application, which had been included within the Licensing Managers Report.
- The mandatory conditions, conditions consistent with the operating schedule and conditions which could be imposed by the Sub-Committee.
- The four objectives of the Licensing Act.
- There had been representations from Norfolk Constabulary and Norfolk Trading Standards.
- The Borough Council's Statement of Licensing Policy and Section 182 Guidance.

The Chairman thanked the Licensing Manager for his report and invited questions from all parties.

In response to a question from Councillor Hopkins, the Licensing Manager confirmed that the Licensable Hours applied for were from 8am to 10pm.

7 **THE APPLICANTS CASE**

The Applicant presented his case, he explained that he had other Licensed Premises and Licences had been granted in the knowledge that he had previous convictions, which he did not feel were relevant to his Business. He stated that he had opened a shop in Grantham and there had been no objections. The Business had been very successful and he had no problems with the Police.

The Applicant explained that he was waiting for a friend to receive his Licence as a Designated Premises Supervisor and he was helping them. The friend would then be involved in the premises in King's Lynn.

The Applicant stated that he had never had problems getting a Licence in the past. He admitted that his convictions showed that he had made mistakes, but they were nothing to do with his Business.

The Chairman thanked the Applicant for presenting his case and invited questions from all parties.

The Licensing Manager explained that the applicant had been contacted by post to ask for confirmation of attendance at the Hearing and asked why he had not responded. The Applicant stated that he received a phone call from the Licensing Department and had

confirmed his attendance then so did not feel it necessary to respond in writing.

In response to a question from Mr Owens, the Applicant explained that his company consisted of a Cash and Carry in Boston, which supplied the other stores and shops in Grantham and Boston and he was looking to expand the business further. The Applicant confirmed that he did import products.

Mr Owens asked for clarification on who would be running the shop in King's Lynn. The Applicant stated that a friend would be running the shop once they got their Designated Premises Supervisor Licence. In response to a further question from Mr Owens, the Applicant explained that he would still be running the shop and all would be involved in decisions relating to the operation of the shop. The Applicant confirmed that the Business was run by a collective family group of people.

Mr Owens referred to one of the shops in Lincolnshire run by the Applicant and asked if an action plan from the Police on improving on compliance with the Licensing Objectives had been introduced. The Applicant explained that he had wanted to extend operating hours at the Premises, but the Police had objected. In response to a question from Mr Owens, the Applicant stated that the Police had not had to come and see him regularly at the Premises. The Applicant stated that he had been running the Business for seven years and had not had any problems.

Mr Owens asked if he had encountered problems with selling alcohol and tobacco to underage children at one of his stores. The Applicant explained that he was unaware as he did not work on the tills. He stated that it was his Partners name on the Licence for the premises in question. Mr Owens referred to the Applicant's previous comment that it was a family business and they all worked together. The Applicant stated that a new Member of staff had served underage customers and had subsequently been sacked.

Mr Brooks asked the Applicant to provide details of the Premises he was involved in. He provided details of premises in Boston and confirmed that some of the premises had now been closed and some with the name Baltic Stores did not belong to him.

8 **RESPONSIBLE AUTHORITIES CASE**

a **Norfolk Constabulary**

Mr Owens informed those present that the Police had objected to the application as they felt that the Licensing Objectives would be undermined, specifically the prevention of crime and disorder and the protection of children from harm. He explained that the Applicant had

been involved with a number of stores in Lincolnshire and he had been liaising with colleagues in Lincolnshire who had expressed concerns. He explained that colleagues from Lincolnshire had visited some of the premises and an action plan had been applied to one of the premises due to breaches of the Licensing Conditions. He explained that underage test purchasers had also been used and they were served alcohol and tobacco. Lincolnshire Constabulary had also found foreign medicines in the store which was a breach of Regulations.

Mr Owens explained that the Applicant had alluded that the Business was run by a number of people and they made collective decisions.

Mr Owens informed the Sub-Committee that he had details of previous convictions and other information from the Police about the setup of the Applicants business operations.

RESOLVED: In accordance with Regulation 14(2) of the Licensing Act 2003 (Hearing Regulations) 2005, the press and public be excluded from the Hearing.

Mr Owens provided the Sub-Committee with extracts from Police Intelligence documents.

Mr Owens and Mr Brooks responded to questions from all parties.

RETURN TO OPEN SESSION

b Norfolk Trading Standards

Mr King from Norfolk Trading Standards presented his case. He explained that Trading Standards were responsible for the Health and Safety of residents and were a Responsible Authority. He explained that intelligence was shared with the police and significant intelligence had been collated on the Applicant and his Business Associates.

Norfolk Trading Standards objected to the application on the basis that it would undermine the prevention of crime and disorder and the protection of children licensing objectives.

He referred to the evidence provided by the Police at the Hearing.

9 SUMMING UP - NORFOLK TRADING STANDARDS

Mr King from Norfolk Trading Standards summed up his case. He referred to the intelligence provided by the Police. He explained that he had concerns on how the Applicant ran his Business and felt that the Licensing Objectives would be undermined.

10 **SUMMING UP - THE LICENSING MANAGER**

The Licensing Manager summed up his case. He referred to the Section 182 Guidance as contained in his report. He explained that the Sub-Committee must have regard to the guidance or valid reasons why they would deviate from it.

He reminded them of the Licensing Objectives and that each application should be considered on its own merit.

The Licensing Manager referred to the representations put forward from the Police and the Section 182 Guidance which stated that the Police were the main source of advice with regard to the prevention of crime and disorder licensing objective and police representations should be accepted unless it was contrary to the licensing objectives.

The Sub-Committee was reminded that if they were minded to refuse the application, the Business could still operate as a shop but they would not be permitted to sell alcohol.

The Sub-Committee was informed that they should have regard to the representations received and put forward at the Hearing and dispose of the application by one of the following methods:

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

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

11 **SUMMING UP - NORFOLK CONSTABULARY**

RESOLVED: In accordance with Regulation 14(2) of the Licensing Act 2003 (Hearing Regulations) 2005, the press and public be excluded from the Hearing.

The representatives from Norfolk Constabulary summed up their case. They reminded those present that they were objecting to the application on the grounds that it would undermine the Licensing Objectives, specifically the prevention of crime and disorder and the protection of children from harm.

12 **SUMMING UP - THE APPLICANT**

The Applicant summed up his case.

RETURN TO OPEN SESSION**13 OUTSTANDING MATTERS**

The Legal Advisor confirmed there were no outstanding matters.

14 REACHING A DECISION

The Sub-Committee retired to consider its decision in private, accompanied by the Democratic Services Officer and the Legal Advisor on specific points of law and procedure.

15 DECISION**FINDINGS**

The Sub-Committee had due regard to the report of the Licensing Manager, representations put forward in the agenda and the representations put forward at the Hearing by the Norfolk Constabulary Licensing Team, Norfolk County Council Trading Standards and the Applicant about concerns relating to the licensing objectives.

The Sub-Committee only considered relevant representations and balanced the interests of the Applicant with the interests of the Responsible Authorities who made representations.

The Sub-Committee notes that two independent Responsible Authorities have objected to and expressed grave concerns that the grant of an alcohol retail licence for these premises will severely undermine the promotion of the licensing objectives, which is a matter to which significant weight must be attached. While the Sub-Committee has taken into account the explanation offered by the Applicant as to the proposed way in which the premises will be operated and managed, it is not satisfied that the granting of a licence in the context of this application could be considered to promote the licensing objectives, given the grave concerns expressed by the independent statutory Responsible Authorities.

DETERMINATION

The Sub-Committee refuses the application for a Premises Licence for Baltic Store, 33 Old Sunway, King's Lynn as they feel that, on the basis of the information presented to it, the application would undermine all of the Licensing Objectives:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance

- The protection of children from harm

RIGHT OF APPEAL

There is a right of appeal against this decision to the Magistrates Court, available to both the Applicant and the persons making representations. An appeal must be commenced within 21 days beginning with the day on which notification of this decision is received. Independent legal advice may be sought from a solicitor or the Citizens Advice Bureau regarding this if consideration is being given to lodging an appeal.

The meeting closed at 12.40 pm