

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

Minutes from the Meeting of the Licensing Committee held on Friday, 13th January, 2017 at 10.00 am in the Committee Suite, King's Court, Chapel Street, King's Lynn

PRESENT: Councillors D Tyler (Chairman), M Hopkins and C Manning.

1 **APOLOGIES FOR ABSENCE**

There were no apologies for absence.

2 **ITEMS OF URGENT BUSINESS**

There was no urgent business.

3 **DECLARATIONS OF INTERESTS**

There was no declarations of interest.

4 **TO CONSIDER A REVIEW APPLICATION OF A PREMISES LICENCE FOR KUBUS, 119 LONDON ROAD, KING'S LYNN**

The Chairman welcomed everyone to the meeting and declared that the Sub-Committee was sitting to consider an application to review a premises licence in respect of Kubus, 119 London Road, King's Lynn, PE30 5ES. He introduced the Sub-Committee, the Borough Council officers and the legal Advisor and explained their roles.

The Responsible Authorities present introduced themselves.

The Licence Holder's representative introduced himself and the Licence Holder. The Licence Holder's representative stated that he would like to reserve the right to speak for up to thirty minutes, dependent on what was presented during the responsible authority's 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.

The Licence Holder's representative proposed, and it was agreed by all parties present that the Hearing proceed in closed session so as to not prejudice his client or the ongoing police and Norfolk Trading Standards investigations.

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

6 **REPORT OF THE LICENSING MANAGER**

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

- The Review Application, which had been included within the Licensing Managers report. Norfolk Trading Standards had applied for the Review.
- The current operating times of the premises and the licensable activity permitted.
- The Review Application was being made under the crime and disorder licensing objective.
- Norfolk Constabulary had supported the review application under the crime and disorder licensing objective.
- 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.

There were no questions.

7 **THE APPLICANT'S CASE (NORFOLK TRADING STANDARDS)**

Norfolk Trading Standards presented their case. A timeline of events and regulatory interventions were provided to the Sub-Committee.

The Licence Holder's representative raised a question in relation to the additional disclosure submitted as part of the Hearing. There were no questions from the police or the Licensing Manager.

Norfolk Trading Standards responded to questions from the Sub-Committee.

8 **RESPONSIBLE AUTHORITIES CASE (NORFOLK CONSTABULARY)**

The representative from Norfolk Constabulary presented his case and explained that Norfolk Constabulary had been involved in joint operations with Norfolk Trading Standards.

The representative from Norfolk Constabulary responded to questions from the Licence Holder's representative. There were no questions from the other parties.

9 **THE RESPONDENTS CASE (THE LICENCE HOLDER)**

The Licence Holder's representative presented his case. He accepted the evidence which had been provided by Norfolk Trading Standards and outlined the reasons why and the context in which this had happened. The Licence Holder's representative provided detail of how he felt the Sub-Committee should deal with the review application.

The Licence Holder's representative responded to questions from the Licensing Manager, Norfolk Trading Standards and Members of the Panel.

10 **SUMMING UP - THE LICENSING MANAGER**

The Licensing Manager summed up his case. He asked the Sub-Committee to consider the representations contained within his report and put forward at the Hearing.

The Licensing Manager referred to the Borough Council's Statement of Licensing Policy and the Section 182 Guidance and he explained that the Sub-Committee must have regard to the guidance, or valid reasons why they would deviate from it.

The Licensing Manager outlined the options available to the Sub-Committee as set out in his report. He reminded them that they needed to focus on the crime and disorder licensing objective.

He reminded the Sub-Committee that full reasons for their decision must be given as there was a right of appeal to the Magistrates Court.

11 **SUMMING UP - THE RESPONSIBLE AUTHORITY (NORFOLK CONSTABULARY)**

Norfolk Constabulary summed up their case.

12 **SUMMING UP - THE APPLICANT (NORFOLK TRADING STANDARDS)**

Norfolk Trading Standards summed up their case.

13 **SUMMING UP - THE RESPONDENT (LICENCE HOLDER)**

The Licence Holder's representative summed up his case.

14 **OUTSTANDING MATTERS**

The Legal Advisor confirmed that there were no outstanding matters.

15 **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.

16 **DECISION**

The Decision of the Panel was read out.

The meeting closed at 1.05 pm