

Licensing Sub Committee Hearing

Agenda

Tuesday, 21st November, 2017 at 2.00 pm

in the

Council Chamber Town Hall Saturday Market Place King's Lynn



King's Court, Chapel Street, King's Lynn, Norfolk, PE30 1EX

Telephone: 01553 616200

Fax: 01553 691663

Friday 10th November 2017

Dear Member

Licensing Committee

You are invited to attend a meeting of the above-mentioned Sub Committee which will be held on Tuesday, 21st November, 2017 at 2.00 pm in the Council Chamber, Town Hall, Saturday Market Place, King's Lynn to discuss the business shown below.

Yours sincerely

Chief Executive

AGENDA

1. Apologies for absence

To receive any apologies for absence.

2. <u>Items of Urgent Business</u>

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

3. Declarations of Interests

Please indicate if there are any interests which should be declared. A declaration of an interest should indicate the nature of the interest (if not already declared on the Register of Interests) and the agenda item to which it relates. If a disclosable pecuniary interest is declared, the member should withdraw from the room whilst the matter is discussed.

4. <u>To consider an application for the grant of a Premises Licence for King's</u>
Lynn Express 103b High Street, King's Lynn

- a) Procedure which will be followed at the Hearing (Pages 5 7)
- b) **Report of the Licensing Manager** (Pages 8 43)

To:

Licensing Committee:Councillors D Tyler (Chairman), M Hopkins and Mrs S Young.

Officers:

Jo Furner, Legal Advisor John Gilbraith, Licensing Manager

Procedure for Determining Licensing Act 2003 Cases

The hearing will be held in public. However, the Borough Council 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. The hearing is not adversarial but an examination of the facts by the Members of the Committee. All participants must be courteous at all times. All parties will be given equal maximum time which is normally 15 minutes each, in total. Any person may apply for longer time if they immediately notify the Borough Council upon receipt of the Notice of the Hearing and in exceptional circumstances, the Borough Council may extend the maximum time allowed to all parties if the complexity of the application demands. In the event that there are a large number of objections to a particular application, the Borough Council may ask an appropriate number of representatives or a single representative to put forward their views.

Introductions

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

This Sub-Committee is sitting to consider matters under the Licensing Act 2003.

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

The Application for a Premises License

- 7. The **Legal Advisor** explains the procedure that will be followed at the meeting.
- 8. The **Licensing Manager** outlines the premises application to the Committee by presenting the report referring to any relevancy to Licensing Policy and Statutory Guidance.
- 9. The **Licensing Manager** will invite questions from all parties to clarify the content of the Licensing Officer's report.

The Applicant's Case

10. The **Chairman** then invites the Applicant or his representative to make their case. Witnesses may be called but each will be subject to separate questioning (see below).

Questions

- 11. Once the Applicant has presented their case, the Chairman invites questions to the Applicant or his representative from
 - (i) The Licensing Manager
 - (ii) The Responsible Authorities (or their representative)
 - (iii) Other persons (or their representatives)
 - (iv) Members of the Committee.
- 12. The **Chairman** will invite questions to the witnesses (if present) from the
 - (i) The Licensing Manager
 - (ii) The Responsible Authorities (or their representative)
 - (iii) Other persons (or their representative)
 - (iv) Members of the Committee

Questions should be relevant to the application and repetition will be discouraged.

The Responsible Authorities Case

13. The Chairman then invites the Responsible Authorities (or their representative) to make their case. Witnesses may be called but each will be subject to separate questioning (see below).

Questions

- 14. Once the Responsible Authorities has presented their case, the Chairman invites questions to the Responsible Authorities (or their representative) from the
 - (i) The Licensing Manager
 - (ii) The applicant (or their representative)
 - (iii) Other persons (or their representatives)
 - (iv) Members of the Committee.
- 15. The **Chairman** will invite questions to the witnesses from the
 - (i) The Licensing Manager
 - (ii) The application (or their representative)
 - (iii) Other persons (or their representative)
 - (iv) Members of the Committee

Other Persons Case(s)

16. Each of the other persons or their representatives wishing to address the Committee may do so in an order determined by the Chairman. They too must be willing to be questioned by other parties in the same order. Local Objectors may not however question each other. Questions should be relevant to the application and repetition will be discouraged.

This will operate as follows:

- · each party will present his/her/body's case
- · each party's witnesses (if any) will give evidence in support of the party's case
- firstly, each party and, secondly, their witnesses may be questioned by other parties, prior to questioning by Members of the Committee.

17. The Licensing Manager, Applicant (or their representative) and the Responsible Authorities will be invited to ask relevant questions of those parties (or the parties' representatives).

Summing Up

Each party will be allowed 5 minutes to sum up their case. They may comment upon what has been said but no new evidence should be introduced.

- 18. The **Chairman** then invites the Licensing Manager to sum up his case.
- 19. The **Chairman** then invites the Responsible Authorities and other parties (or their representative) to sum up their case.
- 20. The Chairman then invites the applicant (or their representative) to sum up their case.

Reaching and Making a Decision

- 21. **The Chairman** will ask the Council's Legal Advisor to address the Committee on any outstanding matters.
- 22. The **Chairman** will then thank all those who have spoken and invite the Committee to retire to consider the application, accompanied by the Legal Advisor and Democratic Services Officer (who will take no part in the decision).
- 23. The Committee will then debate the case presented to them at the hearing and will seek to reach a decision and reasons for their decision.
- 24. Once a decision has been made, **the Chairman** will invite the **Legal Advisor** to announce in public any legal advice he/she has given in private.
- 25. **The Chairman** will read out the decision of the application and the reasons for the decision (unless the Committee is unable to reach a determination at the conclusion of the hearing). Where appropriate, **the Chairman** will ask the Licensing Manager/Officer for any comments on their decision prior to any final determination.
- 26. **The Chairman** will explain that all parties will be notified of the outcome of the decision and reasons for the decision in writing.
- 27. If the Committee is unable to reach a decision, the **Chairman** will explain that all parties will be notified as soon as possible (but within 5 working days) of the decision and the reasons for such.

NOTE

A decision may be deferred to:-

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

Borough Council of King's Lynn & West Norfolk

Report to Licensing Sub-Committee under the Licensing Act 2003

Date of Hearing: 21st November 2017

Application for Grant of a Premises Licence

- King's Lynn Express, 103b High Street, King's Lynn PE30 1BW
- Applicant Mr Mangor Habas HASAN

Introduction

- 1. A premises licence is required under the Licensing Act 2003 (the 'Act') 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, are:
 - the prevention of crime & disorder,
 - public safety,
 - the prevention of public nuisance, and
 - the protection of children from harm

The Application

2. Mr Hasan has made an application under Section 17 of the Act for the licensable activities of 'sale of alcohol by retail'. A copy of the application is attached at Appendix 1 and if granted would allow the premises to operate as follows:

Licensable Activity	<u>Days</u>	<u>Times</u>
Sale of Alcohol by Retail (for consumption 'off' the premises)	Monday to Sunday	8am — 11pm

Mandatory Conditions

- 3. The Act provides for the following four mandatory conditions to be attached to all premises licences authorising the sale of alcohol for consumption off the premises:-
 - (a) Under Section 19(2) of the Licensing Act 2003, no supply of alcohol shall 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.
 - (b) 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.
 - (c) The premises licence holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol. 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. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either a holographic mark, or an ultraviolet feature.

(d) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price. 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 + D)x V) where: P is the permitted price: 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 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. A 'relevant person' means the holder of the premises licence, the designated premises supervisor (if any) in respect of such a licence, or the personal licence holder who makes or authorises a supply of alcohol under such a licence. 'Valued added tax' means value added tax charged in accordance with the Value Added Tax Act 1994.

The permitted price must be rounded up to the nearest penny.

A change to the permitted price which would apply as a result of a change to the rate of duty or VAT charged in relation to alcohol would not apply until the expiry of the period of 14 days beginning on the day on which the change in the rate of duty or VAT takes effect.

Conditions Consistent with the Operating Schedule (Proposed Conditions)

- 4. The following conditions have been identified from the operating schedule (paragraph 'M' on the application) to promote the licensing objectives.
 - (a) The licence holder shall operate and maintain a refusals register in respect of declined sales of alcohol where the attempted purchaser was suspected of being under 18 years of age or drunk. The refusals register shall be kept on the premises and be made available immediately upon request to an authorised officer of the Police or Local Authority.
 - (b) CCTV shall be provided in the form of a recordable system, capable of providing pictures of evidential quality in all lighting conditions particularly facial recognition. Cameras shall encompass all ingress and egress to the premises and all areas where the sale/ supply of alcohol occurs. Equipment MUST be maintained in good working order, be the correct time and date stamped, recordings MUST be kept in date order, numbered sequentially and kept for a period of 28 days and handed to Police on demand. The Premises Licence Holder must ensure that at all times the DPS and all appointed members of staff are capable and competent at downloading CCTV footage in a recordable format either disc or VHS to the Police/Local Authority on demand. The Recording equipment and tapes/discs shall be kept in a secure environment under

the control of the DPS or other responsible named individual. An operational daily log report must be maintained endorsed by signature, indicating the system has been checked and is compliant, in the event of any failings actions taken are to be recorded. In the event of technical failure of the CCTV equipment the Premises Licence holder/DPS MUST report the failure to the Police.

- (c) The premises shall operate the challenged 25 age verification scheme. This is to ensure that any person selling or supplying alcoholic drink under the authority of a personal licence holder follows the guidelines of the Challenge 25 scheme and asks for photo ID proof of age where they have reason to suspect that the individual may be under 25 years of age. Signs relevant to this condition shall be prominently displayed at the premises.
- (d) Persons shall be discouraged from congregating outside of the premises. A notice will be placed immediately outside the main entrance reminding persons that no alcohol should be consumed directly outside the main entrance to the shop.

Representation from Responsible Authorities

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

- 5. The Norfolk Constabulary are objecting to the application under the prevention of crime and disorder licensing objective. A copy of their letter dated the 31st October 2017 is attached to this report at Appendix 2.
- 6. Norfolk County Council Trading Standards are objecting to the application under the prevention of crime and disorder licensing objective. A copy of their letter dated the 1st November 2017 is attached to this report at Appendix 3.
- 7. There are no representations from any of the remaining 'responsible authorities' to consider. Namely:
 - Norfolk Fire Service;
 - Norfolk Safeguarding Children's Board;
 - Public Health;
 - Community Safety & Neighbourhood Nuisance (BCKLWN);
 - Planning (BCKLWN);
 - Environmental Health (BCKLWN);
 - Licensing Authority (BCKLWN);
 - Home Office (Alcohol Licensing Team).

Representations from 'Other Persons'

As well as the responsible authorities, any other person can play a role in a number of licensing processes under the Act. This Includes any individual, body or business that are entitled to make representations to applications. Representations made must relate to the licensing objectives.

8. There are no representations from 'other persons' to consider.

Notices

- 9. The applicant is responsible for advertising the application by way of a notice in a specified form at the premises for not less than 28 consecutive days and in a local newspaper on at least one occasion. The Public Notice appeared in the 'Your Local' newspaper on Friday the 13th October 2017 and should have been displayed on the premises up to and including the 6th November 2017.
- 10. In accordance with the Licensing Act (Hearings) Regulations a notice of the application was also published on the Borough Council's website for the duration of the consultation period.

Plans

11. A plan showing the layout of the premises is attached at Appendix 4 and a location plan is attached at Appendix 5 showing the location of the premises.

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

12. The current Statement of Licensing Policy under the Act was approved by full Council on the 26th November 2015. The following extracts may be relevant to this application and assist the Sub-Committee:

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 other person, 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.
- 3.5 Whether or not incidents can be regarded as being "in the vicinity" of licensed premises is a question of fact and will depend on the particular

circumstances of the case. In cases of dispute, the question will ultimately be decided by the courts. The Borough Council, in addressing this matter, will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned.

3.6 Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned. Nonetheless, it is a key aspect of such control and licensing law will always be part of a holistic approach to the management of the evening and night-time economy throughout the borough.

17.0 Conditions

17.1 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 other persons, 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 appropriate to achieve the licensing objectives.

Guidance Issued Under Section 182 of the Licensing Act 2003

Under Section 4 of the Act, Licensing Authorities must have regard to guidance issued under Section 182. The current Guidance was issued by the Home Office in April 2017 and offers advice to Licensing authorities on the discharge of their functions under the Act.

13. The following extracts may be relevant to this application and assist the Licensing Sub-Committee:

Licensing Objectives and Aims

- 1.2 The legislation provides a clear focus on the promotion of four statutory objectives which must be addressed when licensing functions are undertaken.
- 1.3 The licensing objectives are:
 - The prevention of crime and disorder;
 - Public safety;
 - The prevention of public nuisance; and
 - The protection of children from harm.
- 1.4 Each objective is of equal importance. There are no other statutory licensing objectives, so that the promotion of the four objectives is a paramount consideration at all times.
- 1.5 However, the legislation also supports a number of other key aims and purposes. These are vitally important and should be principal aims for everyone involved in licensing work. They include:
 - Protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises;

- Giving the police and licensing authorities the powers they need to effectively manage and police the night-time economy and take action against those premises that are causing problems;
- Recognising the important role which pubs and other licensed premises play in our local communities by minimising the regulatory burden on business, encouraging innovation and supporting responsible premises;
- Providing a regulatory framework for alcohol which reflects the needs of local communities and empowers local authorities to make and enforce decisions about the most appropriate licensing strategies for their local area; and
- Encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may affect them.

Licence Conditions – General Principles

- 1.16 Conditions on a premises licence or club premises certificate are important in setting the parameters within which premises can lawfully operate. The use of wording such as "must", "shall" and "will", is encouraged. Licence conditions:
 - must be appropriate for the promotion of the licensing objectives;
 - must be precise and enforceable;
 - must be unambiguous and clear in what they intend to achieve;
 - should not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation;
 - must be tailored to the individual type, location and characteristics of the premises and events concerned;
 - should not be standardised and may be unlawful when it cannot be demonstrated that they are appropriate for the promotion of the licensing objectives in an individual case;
 - should not replicate offences set out in the 2003 Act or other legislation;
 - should be proportionate, justifiable and be capable of being met, (for example, whilst beer glasses may be available in toughened glass, wine glasses may not);
 - cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff, but may impact on the behaviour of customers in the immediate vicinity of the premises or as they enter or leave; and
 - should be written in a prescriptive format.

Each application on its own merits

1.17 Each application must be considered on its own merits and in accordance with the licensing authority's statement of licensing policy; for example, if the application falls within the scope of a cumulative impact policy. Conditions attached to licences and certificates must be tailored to the individual type, location and characteristics of the premises and events concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions. Standardised conditions should be avoided and indeed may be unlawful where they

cannot be shown to be appropriate for the promotion of the licensing objectives in an individual case.

Determining Applications

9.1 When a licensing authority receives an application for a new premises licence or an application to vary an existing premises licence, it must determine whether the application has been made in accordance with section 17 of the 2003 Act, and in accordance with regulations made under sections 17(3) to (6), 34, 42, 54 and 55 of the 2003 Act. It must similarly determine applications for the grant of club premises certificates made in accordance with section 71 of the 2003 Act, and in accordance with regulations made under sections 71(4) to (7), 84, 91 and 92 of the 2003 Act. This means that the licensing authority must consider among other things whether the application has been properly advertised in accordance with those regulations.

Where Representations Are Made

9.3 Where a representation concerning the licensing objectives is made by a responsible authority about a proposed operating schedule and it is relevant, (see paragraphs 9.4 to 9.10 below) the licensing authority's discretion will be engaged. It will also be engaged if another person makes relevant representations to the licensing authority, which are also not frivolous or vexatious (see paragraphs 9.4 to 9.10 below). Relevant representations can be made in opposition to, or in support of, an application and can be made by any individual, body or business that has grounds to do so.

Hearings

- 9.33 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.
- 9.37 As a matter of practice, licensing authorities should seek to focus the hearing on the steps considered appropriate to promote the particular licensing objective or objectives that have given rise to the specific representation and avoid straying into undisputed areas. A responsible authority or other person may choose to rely on their written representation. They may not add further representations to those disclosed to the applicant prior to the hearing, but they may expand on their existing representation.
- 9.38 In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the licensing authority must give appropriate weight to:
 - the steps that are appropriate to promote the licensing objectives;

- the representations (including supporting information) presented by all the parties;
- this Guidance;
- its own statement of licensing policy.
- 9.39 The licensing authority should give its decision within five 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. Any conditions added to the licence must be those imposed at the hearing or those agreed when a hearing has not been necessary.
- 9.40 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

- 9.42 Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be.
- 9.43 The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.
- 9.44 Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. While this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to

consideration of the promotion of the objectives and nothing outside those parameters. As with the consideration of licence variations, the licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business. Further advice on determining what is appropriate when imposing conditions on a licence or certificate is provided in Chapter 10. The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination

Proposed conditions

- 10.4 The conditions that are appropriate for the promotion of the licensing objectives should emerge initially from the risk assessment carried out by a prospective licence or certificate holder, which they should carry out before making their application for a premises licence or club premises certificate. This would be translated into the steps recorded in the operating schedule or club operating schedule, which must also set out the proposed hours during which licensable activities will be conducted and any other hours during which the premises will be open to the public.
- 10.5 It is not acceptable for licensing authorities to simply replicate the wording from an applicant's operating schedule. A condition should be interpreted in accordance with the applicant's intention.

Imposed Conditions

- 10.8 The licensing authority may not impose any conditions unless its discretion has been engaged following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives.
- 10.9 It is possible that, in certain cases, where there are other legislative provisions which are relevant and must be observed by the applicant, no additional conditions are appropriate to promote the licensing objectives.

Proportionality

10.10 The 2003 Act requires that licensing conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises concerned. Conditions should be determined on a case by case basis and standardised conditions which ignore these individual aspects should be avoided. 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.

Criminal Activity

- 11.27 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:
 - for the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime;
 - for the sale and distribution of illegal firearms;
 - for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
 - for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
 - for prostitution or the sale of unlawful pornography;
 - by organised groups of paedophiles to groom children;
 - as the base for the organisation of criminal activity, particularly by gangs;
 - for the organisation of racist activity or the promotion of racist attacks;
 - for employing a person who is disqualified from that work by reason of their immigration status in the UK;
 - for unlawful gambling; and
 - for the sale or storage of smuggled tobacco and alcohol.

Determination

- 14. Having regard to the representations received, the Licensing Sub-Committee are requested to consider the application, this report and take such steps as it considers appropriate for the promotion of the licensing objectives. These steps are:
 - 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.
- 15. The Sub-Committee are reminded that full reasons for their decision must be given as both the applicant and persons making representations have a right of appeal against that decision to the Magistrates' Court.

John Gilbraith

Licensing Manager Environmental Health - Licensing 10th November 2017

Appendixes:

- 1. Copy of Application.
- 2. Police Objection letter dated 31st October 2017.
- 3. Trading Standards Objection letter dated 1st November 2017.
- 4. Premises Plan
- 5. Location Map.

Background Papers:

- The Licensing Act 2003
- 2.
- Borough Council's Statement of Licensing Policy (26 November 2015) Guidance issued under Section 182 of the Licensing Act 2003 (April 2017) 3.

Appendix 1 to

Report to Licensing Sub-Committee
Re: King's Lynn Express, High Street, King's Lynn
Dated 10th November 2017

please complete section (B)

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

- 9 UCT 2017

A. LANCASTER

POSTAL ADMIN

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.

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	ii	as a partnership (other than limite	ed liability)		please comple	te section (B)	
	iii	as an unincorporated association	or		please comple	te section (B)	
	iv	other (for example a statutory cor	poration)		please comple	te section (B)	
c)	a re	cognised club			please comple	te section (B)	

d)

a charity

e)	the proprietor of an educational establishment		please complete section (B)				
f)	a health service body		please complete section (B)				
g)	a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales		please complete section (B)				
ga)	a person who is registered under Chapter 2 of Part please complete section (B) 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England						
h)	the chief officer of police of a police force in England and Wales please complete section (B)						
* If yo below	ou are applying as a person described in (a) or (b) plot:	ease co	nfirm (by ticking yes to one box				
premi	earrying on or proposing to carry on a business which ses for licensable activities; or naking the application pursuant to a	n invol	ves the use of the				
	statutory function or						
	a function discharged by virtue of Her Majesty's p	rerogat	ive				
(A) IN	NDIVIDUAL APPLICANTS (fill in as applicable)						
Mr	Mrs Miss Ms	1	er Title (for aple, Rev)				
70240200000	P	CXan	1 / /				
Surna	ime HASAN First n	7.5.07.5.00.00.00	MANGOR HABAS.				
Surna	First n of birth I am 18 years old o	ames	ANGOR HABAS. Please tick yes				
Surna	of birth I am 18 years old o	ames	MANGOR HABAS.				
Surna Date of Nation Curren address	of birth I am 18 years old o	ames	MANGOR HABAS.				
Surna Date of Nation Curren address	I am 18 years old on a lity Intresidential as if different from sees address	ames	MANGOR HABAS.				
Date of Nation Current address premission Post to	I am 18 years old on a lity Intresidential as if different from sees address	ames	MANGOR HABAS. Please tick yes				
Date of Nation Current address premiss Post to Daytin	of birth I am 18 years old o nality Int residential si if different from sees address Own me contact telephone number il address	ames	ANGOR HABAS. Please tick yes				
Date of Nation Current address premiss Post to Daytin E-mai (option)	of birth I am 18 years old o nality Int residential si if different from sees address Own me contact telephone number il address	ames	ANGOR HABAS. Please tick yes				
Date of Nation Current address premiss Post to Daytin E-mai (option)	I am 18 years old on a lity Intresidential as if different from sees address Own me contact telephone number il address mal)	othe	ANGOR HABAS. Please tick yes				

V. J. P. 10.00				
Date of birth	I am 1	8 years old or over	. Dlane	un tiala van
Nationality	1 am 1	o years old of over		se tick yes
Current residential address if different from premises address				
Post town			Postcode	
Daytime contact telephor	ne number			
E-mail address (optional)				
(B) OTHER APPLICAN Please provide name and give any registered numb body corporate), please g	registered addre	a partnership or	other joint ven	ture (other than a
Name				
Address				
Registered number (where	applicable)			
Description of applicant (f	or example, partne	rship, company, ur	nincorporated as	sociation etc.)
Telephone number (if any)),			
E-mail address (optional)				
Part 3 Operating Schedu	le			
When do you want the pre-	mises licence to sta	urt?	DD N	M YYYY

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

Please give a general description of the premises (please read guidance note 1)	
INTERNATIONAL GROCERY STORE	
If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.	
What licensable activities do you intend to carry on from the premises?	
(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)	
Provision of regulated entertainment (please read guidance note 2) Please tick all that apply	t
a) plays (if ticking yes, fill in box A)	
b) films (if ticking yes, fill in box B)	
c) indoor sporting events (if ticking yes, fill in box C)	
d) boxing or wrestling entertainment (if ticking yes, fill in box D)	
e) live music (if ticking yes, fill in box E)	
f) recorded music (if ticking yes, fill in box F)	
g) performances of dance (if ticking yes, fill in box G)	
anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)	
Provision of late night refreshment (if ticking yes, fill in box I)	

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

In all cases complete boxes K, L and M

A

timing	Plays Standard days and timings (please read guidance note 7)		Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
guidan	ice note 7)			Outdoors	
Day	Start	Finish		Both	
Mon			Please give further details here (please read guida	ance note 4)	'
Tue					
Wed			State any seasonal variations for performing pla guidance note 5)	<u>ys</u> (please read	
Thur	Madhapanusaa				
Fri			Non standard timings. Where you intend to use the performance of plays at different times to the column on the left, please list (please read guidance)	ose listed in the	or e
Sat					3
Sun					

timing	ard days as	read	Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
guidan	ce note 7)		Outdoors	
Day	Start	Finish		Both	
Mon			Please give further details here (please read guida	ance note 4)	
Tue					
Wed			State any seasonal variations for the exhibition of read guidance note 5)	of films (please	
Thur					
Fri			Non standard timings. Where you intend to use the exhibition of films at different times to those column on the left, please list (please read guidance)	listed in the	or
Sat					
Sun					

Indoor sporting events Standard days and timings (please read guidance note 7)		nd read	Please give further details (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			State any seasonal variations for indoor sporting events (please read guidance note 5)
Wed			
Thur			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 6)
Fri		/	
Sat		1	
Sun			

entert	g or wrest ainments rd days ar		Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
	s (please r ce note 7)			Outdoors	
Day	Start	Finish		Both	
Mon			Please give further details here (please read guida	ance note 4)	
Tue					
Wed			State any seasonal variations for boxing or wresentertainment (please read guidance note 5)	tling	
Thur					
Fri		/	Non standard timings. Where you intend to use boxing or wrestling entertainment at different ti in the column on the left, please list (please read a	mes to those li	sted
Sat					
Sun					

Standa	Live music Standard days and timings (please read guidance note 7)		Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
				Outdoors	
Day	Start	Finish		Both	
Mon			Please give further details here (please read guida	ance note 4)	
Tue					
Wed			State any seasonal variations for the performant (please read guidance note 5)	ce of live music	<u>c</u>
Thur					
Fri			Non standard timings. Where you intend to use the performance of live music at different times the column on the left, please list (please read gui	to those listed	for in
Sat					
Sun					

Standa	Recorded music Standard days and timings (please read		Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
guidance note 7)				Outdoors	
Day	Start	Finish		Both	
Mon			Please give further details here (please read guide	ance note 4)	
Tue					
Wed			State any seasonal variations for the playing of (please read guidance note 5)	recorded musi	c
Thur					
Fri		/	Non standard timings. Where you intend to use the playing of recorded music at different times the column on the left, please list (please read gui	to those listed	for in
Sat					
Sun					

Performances of dance Standard days and timings (please read			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors		
guidance note 7)			Contract in the same Section and section is a section of the secti	Outdoors		
Day	Start	Finish		Both		
Mon	~		Please give further details here (please read guida	ance note 4)		
Tue						
Wed	***************************************		State any seasonal variations for the performance of dance (please read guidance note 5)			
Thur						
Fri			Non standard timings. Where you intend to use the performance of dance at different times to the column on the left, please list (please read guidance)	nose listed in th	<u>for</u> 1e	
Sat						
Sun						

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing			
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read	Indoors		
Mon			guidance note 3)	Outdoors		
				Both		
Tue			Please give further details here (please read guida	ance note 4)		
Wed						
Thur	100000000000000000000000000000000000000		State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 5)			
Fri						
Sat			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 (please read guidance note 6)			
Sun						

Late night refreshment Standard days and timings (please read		nd	Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
	guidance note 7)			Outdoors	
Day	Start	Finish		Both	
Mon			Please give further details here (please read guida	ance note 4)	
Tue					
Wed			State any seasonal variations for the provision of late night refreshment (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the provision of late night refreshment at differentiated in the column on the left, please list (please	ent times, to th	ose
Sat			note 6)	a und tie 🕒 de deur mandelikke frât	
Sun	-				

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption — please tick (please read guidance note 8)	On the premises Off the premises	
Day	Start	Finish		Both	
Mon	0800	23°	State any seasonal variations for the supply of al guidance note 5)	cohol (please r	ead
Tue	0800	23°°			
Wed	0800	2300			
Thur	0800	23°	Non standard timings. Where you intend to use the supply of alcohol at different times to those I column on the left, please list (please read guidance)	isted in the	or
Fri	Costoo.	23°			
Sat	0800	2300			
Sun	0800	23°°			

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

Name WANGOR HABAS	HASAN
Date of birth	
Address	
Postcode	
Personal licence number (if known)	TBC
Issuing licensing authority (if known)	TBC

- 1			
	1 4	 	

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	0800	23co	
Tue	0800	2300	
Wed	0800	230	
10 10	00	×.2	Non standard timings. Where you intend the premises to be open
Thur	0800	23°°	to the public at different times from those listed in the column on the left, please list (please read guidance note 6)
Fri	Osco.	2300	
Sat	0800	2300	
Sun	0800	2300	

M Describe the steps you intend to take to promote the four licensing objectives:					
a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)					
SEE ATTHEMED APPENDIX!					
b) The prevention of crime and disorder					
SEE ATTACHED ARTENDIX 1					
c) Public safety					
SEE ATTACHED APPENDIX 1					
d) The prevention of public nuisance					
SEE ATTACHED APPENDIX !					
e) The protection of children from harm					



Checklist:

Please tick to indicate agreement

0	I have made or enclosed payment of the fee.	
0	I have enclosed the plan of the premises.	
0	I have sent copies of this application and the plan to responsible authorities and others where applicable.	
0	I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.	
0	I understand that I must now advertise my application.	
0	I understand that if I do not comply with the above requirements my application will be rejected.	
•	[Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15).	

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

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 4 - Signatures (please read guidance note 11)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 12). If signing on behalf of the applicant, please state in what capacity.

Declaration	 [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)
Signature	
Date	18/09/17
Capacity	OWNER

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14) LICENSED-INN-TUITION 58 BROW OF THE HILL LEZIATE KING'S LYNN NORFOLK PE32 1EN						
Post town		2	Postcode			
Telephone number (if any) 01353 630 993 077074 65644 65						
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)						

Notes for Guidance

- 1. 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 for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
- 2. In terms of specific regulated entertainments please note that:

Approlix!

Kings Lynn Express, 103b High Street, King's Lynn' Norfolk, PE30 1BW

PROPOSED Conditions:

Part M

Describe the steps you intend to take to promote the four licensing objectives

a) General - All Four Licensing objectives, (b,c,d and e)

- The licence holder shall operate and maintain a refusals register in respect of declined sales of alcohol where the attempted purchaser was suspected of being under 18 years of age or drunk.
- The refusals register shall be kept on the premises and be made available immediately upon request to an authorised officer of the Police or Local Authority.

b) The prevention of crime and disorder

 CCTV WILL be provided in the form of a recordable system, capable of providing pictures of EVIDENTIAL QUALITY in all lighting conditions particularly facial recognition. Cameras shall encompass all ingress and egress to the premises and all areas where the sale/ supply of alcohol occurs.
 Equipment MUST be maintained in good working order, be correctly time and date stamped, recordings MUST be kept in date order, numbered sequentially and kept for a period of 28 days and handed to Police on demand.

The Premises Licence Holder must ensure that at all times the DPS and all appointed members of staff are capable and competent at downloading CCTV footage in a recordable format EITHER DISC or VHS to the Police/Local Authority on demand.

The Recording equipment and tapes/discs shall be kept in a secure environment under the control of the DPS or other responsible named individual.

An operational daily log report must be maintained endorsed by signature, indicating the system has been checked and is compliant, in the event of any failings actions taken are to be recorded.

In the event of technical failure of the CCTV equipment the Premises Licence holder/DPS MUST report the failure to the Police.

- The challenged 25 scheme will be implemented
- To ensure that any person selling or supplying alcoholic drink under the authority of a personal licence holder follows the guidelines of the Challenge 25 scheme and asks for photo ID proof of age where they have reason to suspect that the individual may be under 25 years of age and to ensure that signs relevant to this condition are prominently displayed at the premises.

c) Public Safety

• The premises will conform to all statutory health and safety Requirements

d) The prevention of public nuisance

- Persons shall be discouraged from congregating outside of the premises.
- A notice will be placed immediately outside the main entrance reminding persons that no alcohol to be consumed directly outside the main entrance to the shop.
- The licence holder shall operate and maintain a refusals register in respect of declined sales of alcohol where the attempted purchaser was suspected of being under 18 years of age or drunk.

e) The protection of Children from harm

- The challenged 25 scheme will be implemented
- To ensure that any person selling or supplying alcoholic drink under the authority of a personal licence holder follows the guidelines of the Challenge 25 scheme and asks for photo ID proof of age where they have reason to suspect that the individual may be under 25 years of age and to ensure that signs relevant to this condition are prominently displayed at the premises.

Sunday	08:00	-	23:00
Monday	08:00	-	23:00
Tuesday	08:00	-	23:00
Wednesday	08:00	-	23:00
Thursday	08:00	-	23:00
Friday	08:00	-	23:00
Saturday	08:00	-	23:00

Appendix 2 to Report to Licensing Sub-Committee on Express High Street King's Lynn

Re: King's Lynn Express, High Street, King's Lynn
Dated 10th November 2017



Our Priority is You

The Licensing Team

Bethel Street Police Station Norwich Norfolk NR2 1NN

Tel: 01603 276020 Fax: 01603 276025

Email: licensingteam@norfolk.pnn.police.uk

www.norfolk.police.uk Non-Emergency Tel: 101

Licensing Team,
Kings Lynn Borough Council
Kings Court,
Chapel Street,
Kings Lynn,
Norfolk

Date: 31st October 2017

Dear Licensing team,

Re: Kings Lynn Express, 103b High Street, Kings Lynn

I can confirm that Police have received a copy of the application for a premises licence at this address.

Trading standards have proof that this applicant is concerned in the illegal storage and supply of smuggled goods namely cigarettes and tobacco products. This undermines the Crime and Disorder licensing objective and in order to prevent further offences being committed through these premises Police object to the issue of a premises licence to this operator. Police will rely on evidence provided by Trading Standards.

Yours sincerely,

Chris Brooks Licensing Officer

CC- Licensing team Norfolk Police



Appendix 3 to
Report to Licensing Sub-Committee
Re: King's Lynn Express, High Street, King's Lynn
Dated 10th November 2017

iviartineau Lane Norwich Norfolk NR1 2DH

Licensing Department Kings Lynn & West Norfolk BC Tel: 0344 800 8020 Business advice helpline

Text relay no. 18001 344 800 8020

Tel: 03454 04 05 06

All new consumer enquiries

Fax: 01603 222999

DX: 135926 Norwich 13

Email: trading.standards@norfolk.gov.uk

www.norfolk.gov.uk

Please ask for: Contact No: Vicky Conlon 01603 638078

My ref:

VCO/M29482

1 November 2017

Your ref:

Dear Sir/Madam

Application for a premises licence at 103b High Street, Kings Lynn

Trading Standards have evidence that the applicant and premises are involved in the sale and storage of smuggled tobacco products at the premises.

We therefore believe that the licensing objective of prevention of crime & disorder will be undermined if the Premises Licence is granted.

Yours sincerely

V Conlon

Vicky Conlon Lead Trading Standards Officer Community Safety & Fair Trading

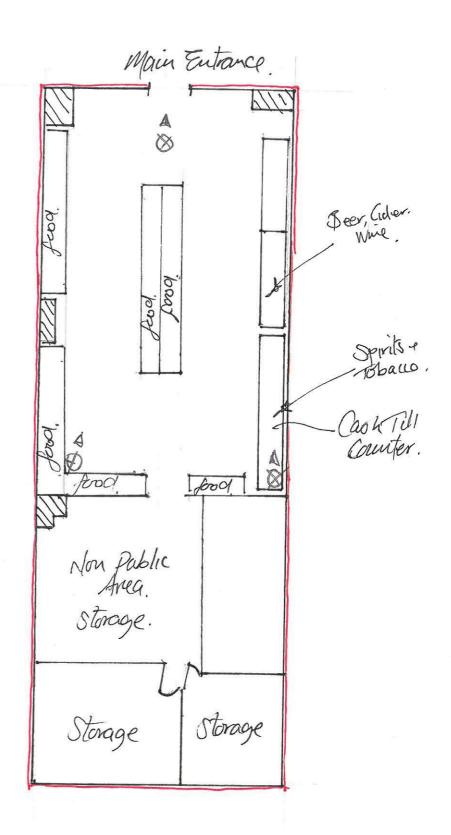
Data protection rules are changing. The General Data Protection Regulation (GDPR) comes into force on 25 May 2018. Prepare for the biggest change in a generation by visiting https://ico.org.uk/for-organisations/data-protection-reform

Appendix 4 to
Report to Licensing Sub-Committee
Re: King's Lynn Express, High Street, King's Lynn
Dated 10th November 2017

KINGS LYMY EXPRES'
1936. High Street.
KINGS Lynn.
Norfolk.
PE30 1 BW.

Scale 1:100.

8- CCTV Camara.



King's Lynn Express - Location Map

