

BOROUGH COUNCIL OF KING'S LYNN & WEST NORFOLK

LICENSING COMMITTEE

Minutes from the Meeting of the Licensing Committee held on Tuesday, 1st September, 2015 at 10.00 am in the Committee Suite, King's Court, Chapel Street, King's Lynn

PRESENT: Councillor C Crofts (Chairman),
M Hopkins and Miss S Sandell.

Officers:

Noel Doran – Legal Representative
John Gilbraith – Licensing Manager
Rebecca Parker – Democratic Services Officer

1 **APOLOGIES FOR ABSENCE**

There were none.

2 **ITEMS OF URGENT BUSINESS**

There were none.

3 **DECLARATIONS OF INTERESTS**

There were none.

4 **TO CONSIDER AN APPLICATION FOR A PREMISES LICENCE IN RESPECT OF VP & ZP BUTCHERS, 4 LONDON ROAD, KING'S LYNN, PE30 5PY**

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 VP & ZP Butchers, 4 London Road, King's Lynn. He introduced the Sub-Committee, the Borough Council officers and the Legal Advisor and explained their roles.

The Applicant's Representative introduced himself and the applicant.

The other persons present, Mrs Cook, Mrs Knights and Ms Nulty introduced themselves. Mrs Knights would present the case on behalf of the other persons present.

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. He clarified that Members of the Committee were using iPads to view the Agenda for the meeting.

In presenting his report, the Licensing Manager referred to the following:

- The application, which had been included within the Licensing Manager's report.
- The Mandatory conditions, conditions consistent with the operating schedule and conditions which could be imposed by the Sub-Committee.
- There had been no representations from Responsible Authorities.
- There had been three representations from other persons and their representations had been included in the Licensing Manager's report.
- The Borough Council's statement of Licensing Policy and Section 182 Guidance.
- Cumulative Impact.

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

The Chairman thanked the Licensing Manager for his report and invited questions from the Applicant's Representative. In response to a question from the Applicant's Representative, the Licensing Manager confirmed that the Licensing Authority, which was one of the Responsible Authorities, had not made representations.

The Chairman invited questions from the Other Persons. Mrs Knights referred to the premises plan and asked what the purpose of including it in the agenda was. She also felt that the premises plan was incorrect. The Licensing Manager confirmed that it was a requirement of the application to provide a scale premises plan and location plan. In response to a further question from Mrs Knights, the Licensing Manager confirmed that a member of the Licensing Team had visited the premises to ensure that the notice of the application was being displayed at the premises. The Licensing Manager confirmed that according to the plan submitted with the application, the application was to licence the whole of the premises and this was not unusual for a premises application.

There were no questions to the Licensing Manager from the Sub-Committee.

7 **THE APPLICANTS CASE**

The Applicant's Representative presented the Applicant's case. He stated that the premises had not been previously licensed and that the premises was of modest proportion. He referred to the public area at the front of the premises which he considered to be a small area. He confirmed that this would be the only area that the public could access.

The Applicant's Representative explained that it was proposed that spirits would be stored behind the counter and beers, cider etc. would be contained in a cabinet in the public area.

He informed those present that the premises was operating as a butchers shop, the shop smoked its' own meat, sold raw meat and associated products. The operators would now like to sell alcohol to accompany the other products sold so that customers could take it home and enjoy it with their meal. He stated that it was not his clients anticipation to become a primarily alcohol outlet.

The Applicant's Representative explained that the applicant had been running the shop full time for three years with her husband. He referred to the licensed hours applied for as included within the application.

The Applicant's Representative felt that the London Road area was currently a mix of residential and commercial properties. There was no parking outside of the shop, however there was a layby on the opposite side of the road. He did not envisage that the availability of alcohol at the shop would have an impact on the footfall in the area as the expansion of services was designed for existing customers.

The Applicant's Representative referred to the voluntary proposed conditions put forward by the Applicant and he commented that the Applicant would accept any additional conditions put forward by the Sub-Committee.

He reminded those present that the Council did not have a cumulative impact policy in place for the area and requested that the Sub-Committee have regard to the small size of the premises and the reasons why they had applied for a licence.

The Chairman thanked the Applicant's Representative for presenting his case and invited questions from the Licensing Manager. In response to a question from the Licensing Manager, the Applicant's Representative confirmed that the plans which had been submitted with the application were correct. In response to a further question from the Licensing Manager, the Applicant's Representative confirmed that the applicant had submitted a duplicate application for a premises at 20 London Road, and if granted, it was anticipated that both premises would operate on the same basis.

The Chairman invited questions from the Other Persons Representative. In response to a question from Mrs Knights, the Applicant's Representative confirmed that it would not be compulsory to purchase other products with alcohol. In response to a further question from Mrs Knights, the Applicant's Representative explained that the applicant had applied for the maximum hours that she may wish to operate, however she did not have to keep the premises open for the maximum time.

In response to a question from the Chairman, the Applicant's Representative confirmed that the shop was primarily a butchers shop, however it did sell accompaniments. In response to a further question from the Chairman, the Applicant's Representative explained that the Applicant would ensure that all staff were trained and remained compliant. The Applicant would be the Designated Premises Supervisor.

8 **OTHER PERSONS CASE(S)**

Mrs Knights presented the case on behalf of the Other Persons present. She stated that if the application was granted it would allow for the sale of alcohol beyond the shops current trading hours. She felt that this would cause anti-social behaviour and was unnecessary. She stated that there was enough drinking on the street in this area, which led to unpleasant activities such as vandalism and attempted break-ins. Mrs Knights commented that it was unreasonable for residents to have to put up with this sort of behaviour. Mrs Knights referred to the other licensed premises in the area and felt that there were too many in a residential area.

Mrs Knights referred to the application which stated that the Applicant would maintain the front of the premises by regular sweeping. Mrs Knights stated that this was not currently the case and there was rubbish and broken tiles at the front of the shop.

Mrs Knights commented that she would have liked to question the Responsible Authorities and ask them if they had visited the premises. She asked how the relevant authorities would check that conditions were being met if the application was successful and asked if they would investigate public nuisance complaints.

The Chairman thanked Mrs Knights for putting forward the Other Persons case and invited questions from the Licensing Manager. The Licensing Manager offered to clarify some of the points put forward by Mrs Knights. He explained that unlike previous legislation, the Licensing Act did not categorise alcohol, so there were no restrictions on the type of alcohol which could be sold if the application was granted. He confirmed that a copy of the full application was sent to all of the Responsible Authorities for their review. Any response from the

Responsible Authorities was then a matter for their own judgement. None of the Responsible Authorities had made representations.

The Licensing Manager clarified that the Responsible Authorities were responsible for enforcement to ensure that the applicant remained compliant if the application was granted through partnership working. Risk based visits were conducted as and when required.

The Chairman invited questions from the Applicant's Representative. In response to a question, Mrs Knights confirmed that she did write the letter which had been included in the Licensing Manager's report. The Applicant's Representative asked if Mrs Knights had corresponded with the Police regarding this application. Mrs Knights replied that she had not.

The Applicant's Representative asked Mrs Knights if she felt that the closure of the Queens Head had made a difference to the area. Mrs Knights stated that it was a long time ago and felt that it was irrelevant to this application.

The Chairman invited questions from the Sub-Committee. Councillor Hopkins asked if Mrs Knights had reported any incidents of anti-social behaviour to the Police. Mrs Knights stated that she had reported an attempted break-in to the Police, but other issues such as faeces in her garden she just dealt with as she did not feel that the Police would be able to do anything about it.

The Chairman asked Mrs Knights if she had ever reported any incidents to the Environmental Health Section at the Borough Council. Mrs Knights confirmed that she had but felt that it had been a waste of time. She referred to an incident when smoke from the smoker at the Butchers shop had been coming into her window and the Environmental Health Section had asked her to keep a diary for two weeks, which she was unable to do as she was caring for her husband at the time. Mrs Knights commented that she had also had to pay for pest control as she had a rat problem emanating from two nearby eateries. Mrs Knights stated that she had complained several times to the Environmental Health department but they weren't interested so she had to deal with the problem herself.

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SUMMING UP - THE LICENSING MANAGER

The Licensing Manager summed up his case. He referred to the Section 182 Home Office Guidance as contained in his report and the guidance relating to the wording of conditions and that any conditions must be relevant to the promotion of the Licensing Objectives.

He reminded the Sub-Committee that each application should be considered on its own merits.

The Licensing Manager referred to the promotion of the Licensing Objectives and reminded the Sub-Committee that the Police had not made any representations to the application.

The Licensing Manager referred to the guidance relating to Public Nuisance as contained in the Licensing Act and explained that it was up to the Sub-Committee to determine what they felt was a public nuisance.

The Sub-Committee was informed that they should have regard to the representations received 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 were 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.

10 **SUMMING UP - THE APPLICANT**

The Applicant's Representative summed up the case. He stated that he had no reason to think that the Licensing Objectives would be prejudiced if the Committee were minded to grant the application.

He referred to part 3.3 of the Licensing Manager's report which stated that all applications should be considered on their own merit.

11 **SUMMING UP - OTHER PARTIES**

Mrs Knights summed up the Other Persons case. She stated that she was against the proliferation of off licence premises along London Road. The easy access to alcohol had affected the residential properties along London Road and the Walks.

She stated that the licensable activity, if granted, should be restricted to the current opening hours of the premises.

Mrs Knights referred to the application which set out how the front of the shop would be maintained and kept tidy and stated that this was not currently the case as there was rubbish and broken tiles outside.

She hoped that the Responsible Authorities would fulfil their duties and conduct the necessary visits to the premises and that the applicant would show compassion to her neighbours, something which the

neighbours had shown to the applicant, but it had never been reciprocated.

Mrs Knights explained that there were two deliveries of pig carcasses to the premises twice a week and she did not think that these deliveries would fit in the existing cold store at the premises. She was concerned that the display cabinets at the front of the shop could become overloaded which could be a Health and Safety risk.

Mrs Knights informed those present that she had reason to visit the shop to ask about their electricity as some of their equipment was interfering with her radio signal. Mrs Knights explained that she had asked the applicant to get an electrical engineer in to look at the problem, but this never happened and she had to buy a digital radio.

Mrs Knights summed up that her main objection was that the premises should not be allowed to operate until 9.00pm.

12 **OUTSTANDING MATTERS**

The Legal Advisor advised that there were no outstanding matters.

13 **REACHING A DECISION**

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

14 **DECISION**

The Chairman read out the decision as follows:

DECISION

The Sub-Committee, in reaching its decision had due consideration to the information presented to it both in the report and orally at the hearing, and to the guidance issued under Section 182 of the Licensing Act.

The Sub-Committee noted that no representations had been received from the Responsible Authorities, in particular from the Police, which is a matter that it must take into account. The Sub-Committee had sympathy with the conditions apparently suffered by the local residential community but notes that there was no evidence available that the granting of this application would result in the compromise of any of the statutory objectives.

The Sub-Committee grants the application for a premises licence for ZP & VP Butchers, 4 London Road, King's Lynn, PE30 5PY, subject to

the addition of the Mandatory Conditions and the proposed conditions consistent with the operating schedule as set out in the Licensing Managers Report.

RIGHT OF APPEAL

There was a right of appeal against this decision to the Magistrates' Court. An appeal must be commenced within 21 days beginning with the day on which you receive notification of the decision. You may wish to seek independent legal advice from a solicitor or the Citizens Advice Bureau regarding this.

The Chairman thanked everyone for their attendance and contributions and declared the meeting closed.

The meeting closed at 11.27 am