

BOROUGH COUNCIL OF KING'S LYNN & WEST NORFOLK

LICENSING COMMITTEE

Minutes from the Meeting of the Licensing Committee held on Thursday, 28th April, 2022 at 2.00 pm in the Assembly Room, Town Hall, Saturday Market Place, King's Lynn PE30 5DQ

PRESENT: Councillors E Nockolds (Chair), D Whitby and J Rust.

OFFICERS:

Marie Malt – Senior Licensing Officer
Craig Pease – Licensing Enforcement Officer
Chido Mushonga – Legal Advisor
Rebecca Parker – Democratic Services Officer

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 AN APPLICATION FOR LONDON ROAD STOP AND SHOP GROCERY, 122 LONDON ROAD, KING'S LYNN**

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The Chair welcomed everyone to the meeting and declared that the Sub-Committee was sitting to consider an application for a premises licence in respect of London Road Stop and Shop Grocery, 122 London Road, King's Lynn.

The Sub-Committee, Borough Council officers and Legal Advisor were introduced and their roles explained.

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

The Applicant, Mr Khider was present at the meeting and was accompanied by his Agent, Mr Paul Byatt and Shop Manager Juste Padvelskyte.

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

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

6 **REPORT OF THE LICENSING OFFICER**

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At the request of the Chair, the Licensing Officer presented her report to the Sub-Committee as included in the Agenda and highlighted the previous applications which had been considered by the Sub-Committee, and applications which had been made and subsequently withdrawn.

In response to a question to the Licensing Officer it was clarified that the Decision Notice would follow in writing to all parties within five working days.

7 **THE APPLICANTS CASE**

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At the request of the Chair, the Applicant's representative, Mr Paul Byatt presented the case on behalf of the Applicant. He acknowledged the history of the premises, but explained that the new owner had a positive approach to running the business and had invested a lot in the shop.

The Applicant and the Shop Manager were also present at the Hearing and Mr Byatt provided details of their previous experience in the retail industry.

The Applicant's Representative clarified that the new applicant had no links to the previous owners of the premises except for in their dealings in the sale of the premises and evidence was available to support this. Reference was also made to Temporary Event Notices which had been applied for, whilst waiting for this application to be considered. It was noted that the Temporary Event Notices had not been used.

Information was provided on the CCTV and refusals register and the Applicant's Representative responded to the concerns raised by the Police relating to incorrect addresses and explained that this was a typo. He also made reference to the allegations from Norfolk Constabulary about the purchase of illegal cigarettes and explained that the premises had CCTV from the day of the allegation and the Shop Manager confirmed that she had not sold any illegal cigarettes.

He commented that the Police had not followed up this allegation and no body cam footage was available from the Police.

The Sub-Committee was informed that visits from the Police and Norfolk Trading Standards had been carried out and there were no concerns raised.

The Applicant's Representative stated that Mr Khider would support the Shop Manager and could be easily contacted and attend the premises as necessary. He commented that they worked as a very strong team and would run the shop successfully.

The Chair invited questions from all parties and in response to questions from the Licensing Officer, the Shop Manager provided information of previous licensed premises she had worked at in King's Lynn and the Applicant's Representative confirmed that Mr Khider had owned the lease on the premises since October 2021.

The Licensing Officer asked about a Company which had been set up on Companies House in September 2021 and then dissolved which registered Mr Khider as Director for 122 London Road. The Applicant's Representative explained that he did not know why this Company had been dissolved.

The Licensing Officer asked the Shop Manager if any cigarettes were sold at the premises and the Shop Manager confirmed that they were not. They sold Vapes. She explained that they often got asked by customers for alcohol and cigarettes and she would explain to customers that they did not sell those products.

A page from the refusals register was circulated to all parties at the Hearing.

In response to a question, it was explained that the premises did not have a food safety certificate, but would get one if required. It was also highlighted that the visit from Norfolk County Council Trading Standards had not flagged this up.

Chris Brooks asked questions about the typo of address on the application form and the Applicant's Representative clarified the error and confirmed the correct address. The Applicant showed Chris Brooks his driving licence, which had the correct address and Chris Brooks highlighted that the Applicants surname was spelt differently on the licence to the application. The Applicant's Representative explained that this was no attempt to deceive any parties and any errors were a genuine oversight.

In response to a question from Councillor Rust, the Licensing Officer explained that it was a legal requirement to have a food safety certificate. In response to further questions the Shop Manager

confirmed that she was paid minimum wage and could provide evidence of her payslips.

Councillor Rust made reference to the lack of footage from the Police from the incident on 29th March relating to the purchase of illegal cigarettes. Chris Brooks explained that the footage had not been downloaded from the body cam and was now unavailable. The Shop Manager commented that she was working at the premises on that day and that the sale had not happened. She commented that if the Police had genuine concerns, they would have conducted a search of the premises.

In response to further questions, the Applicants Representative explained that the Temporary Event Notices which had been applied for had not been pursued, so there had not been any alcohol sales since the licence had been revoked. The Applicant's representative also confirmed that there were no links to the previous owners and Business Rates had been transferred.

Mr Khider explained that this was his first shop, and he could travel to the shop from his home in Peterborough as and when required.

The Shop Manager explained how she dealt with people who looked underage and how she recorded details on the refusals register. She explained that if the Licence was granted, staffing arrangements would be reviewed. The Applicant's Representative also commented that the Applicant had committed to invest in training for the Shop Manager, including getting her a Personal Licence. Steps would also be taken to ensure the correct Food Safety Certificate was in place.

The Applicant's Representative confirmed that the payment of Business Rates had been transferred to Mr Khider's name and the whole business was in his name.

8

RESPONSIBLE AUTHORITIES CASE

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At the invitation of the Chair, Chris Brooks from Norfolk Constabulary presented his case and provided detail of the Norfolk Constabulary representation explaining that there had been several attempts to licence this premises and all had failed because they could be linked back to criminal activity. He felt that the latest attempt was the same and he explained that the last check still had the previous owner paying the business rates.

The concerns raised about the address consistencies had been addressed by the Applicant, but Chris Brooks still had concerns with different spellings of the Applicant's surname.

Chris Brooks provided detail of the incident relating to the purchase of illegal cigarettes. He explained that Norfolk Trading Standards were unable to attend the Hearing today.

Chris Brook explained that the Police feared that the Crime and Disorder Licensing Objective would be undermined should this licence be granted.

Chris Brook responded to questions from all parties. The Applicant's Representative asked for detail on the incident on 29th March. Chris Brooks provided details of the officers involved in the incident, and explained that the body cam footage was unavailable. He was not sure why the incident had not been followed up. The Applicant's Representative disputed the incident and explained that there was CCTV footage from the premises and no sale had been recorded, he felt that it was convenient that this allegation happened two days before the end of the consultation period.

Councillor Rust asked for detail on why the Police did not follow up on the incident. Chris Brooks explained that he was unaware on why the incident was not followed up.

In response to a question from the Chair, Chris Brooks explained that if residents had concerns they could report this as appropriate and that there was a big issue with antisocial behaviour along London Road in general.

9 **SUMMING UP - THE LICENSING OFFICER**

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The Licensing Officer summed up her case and reminded the Sub-Committee that they should consider all the information put forward at the hearing today.

She informed all parties that during the Hearing she had received up to date information from the Business Rates department at the Council, who had confirmed that the Business Rates were still being paid by the previous owner, and had been since October 2020 and there had been no recent correspondence.

10 **SUMMING UP - RESPONSIBLE AUTHORITIES**

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Chris Brooks from Norfolk Constabulary summed up his case and referred to the history of mis-management of this premises and the concerns of the Police that the sale of illegal cigarettes would continue.

11 SUMMING UP - THE APPLICANT

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On behalf of the Applicant, the Applicant's representative summed up his case. He acknowledged the history of the premises, but this would not continue. The Applicant would be under the 'microscope' and would expect multi agency visits to the shop and he was committed to be compliant to the Law.

12 OUTSTANDING MATTERS

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The Legal Advisor outlined outstanding matters and provided detail of the Legal Advice she would be providing to the Sub-Committee Members whilst they retired to make their decision.

13 DECISION

In closing the meeting, the Chair explained that the Panel would retire to make their decision in private, accompanied by the Democratic Services Officer for administrative purposes and the Legal Advisor for specific points of law and procedure.

All parties were informed that the decision notice would be sent to them within five days.

The meeting closed at 3.22 pm