

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

**Minutes from the Meeting of the Licensing Committee held on Tuesday, 7th March, 2023 at 10.00 am in the Assembly Room, Town Hall, Saturday Market Place, King's Lynn PE30 5DQ**

**PRESENT:** Councillors E Nockolds (Chair), C J Crofts and C Sampson.

**OFFICERS:**

Marie Malt – Senior Licensing Officer  
Taiwo Temilade – Legal Advisor  
Rebecca Parker – Democratic Services Officer

**APPLICANT:**

Cristina Pereira, represented by Daniel Pereira and accompanied by Jose Pereira.

**INTERESTED PARTIES:**

Councillor Lesley Bambridge

**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 A PREMISES LICENCE FOR THE PEAR TREE CAFE, 58 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 The Pear Tree Café, 58 London Road, King's Lynn.

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

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

## 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. He explained that there would be a slight amendment to the usual procedure in that Councillor Bambridge who was representing some of the Interested Parties would present her case before the applicant due to her needing to leave the Hearing early. All parties present agreed to the change in procedure.

## 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. She explained that there had been a revision to the hours applied for, following negotiation with the Community Safety and Neighbourhood Nuisance Team. On sales would now not commence until 11.00am each day.

The Licensing Officer provided detail of the Mandatory conditions and the conditions which had been put forward by the Applicant.

It was noted that there had been no objections from the Responsible Authorities and seven objections from Interested Parties, as included in the Licensing Officers report.

The Licensing Officer provided detail of the history of premises licences at the Premises from previous owners.

In response to a question from Councillor Crofts, the Licensing Officer explained that the Fire Services had asked for a Fire Risk Assessment to be conducted at the Premises.

## 7 **INTERESTED PARTIES**

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Councillor Bambridge presented her case on behalf of Interested Parties. She commented that it was a pity that there had been no comments from the Police. She was the Chair of the King's Lynn Safer Neighbourhood Action Panel and was aware of antisocial behaviour issues in this area. She stated that she had emailed the Police with her concerns about this application, but had received no response.

Councillor Bambridge explained that she had received lots of correspondence from residents in objection to the sale of alcohol times

proposed. She explained that she was not aware that the times had now changed, but was pleased to see it changed to 11am as 8am was far too early.

Councillor Bambridge commented that there were already eleven establishments in the area that sold alcohol, which was enough already. She was concerned about the residents of Merchants Terrace Hostel and antisocial behaviour in the area near the Savage Statue.

She explained that the area was a residential area and lots of people lived above shops, which this Council encouraged to ensure a vibrant community.

Councillor Bambridge stated that the London Porter House was well controlled and often live music finished early to accommodate residents.

Councillor Bambridge stated that she couldn't understand why off sales were required. She was pleased that the building was being brought back into use, but she cared about the residents and the public nuisance that could occur from the premises.

The Licensing Officer clarified that no objections had been received from the Police. She explained that she had asked the Police for crime reports for the area, but had not received a response. She informed those present that when the premises was used as a Post Office it had a licence from 8am to 11pm for off sales.

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## **THE APPLICANTS CASE**

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At the request of the Chair, Daniel Pereira presented the case on behalf of the Applicant. He stated that he had not experienced any of the behaviour raised by the objectors. He explained that ID checks would be in place and service would be limited or refused if people were drunk.

He referred to posts on Facebook which had been posted by others advertising 8am for the sale of alcohol, which was incorrect as on sales were now proposed to start at 11am. He also explained that some of the Facebook posts were personal, spiteful and included racist remarks including from the owner of an adjacent business, which the applicant felt was out of fear of competition.

Daniel Pereira addressed the concerns raised by objectors about people leaving the premises and he explained that it was no different to the surrounding pubs and would be managed accordingly. Signs asking people to respect the neighbours and leave quietly were up at the premises.

He explained that TENS had been applied for whilst the premises had been waiting for the outcome of this application and the Police had not objected to the TENS.

The Courtyard of the premises had been cleaned up and he had met with residents of Guannock Place to alleviate their concerns and explain that the internal and external areas would be covered by CCTV.

Danial Pereira read out some of the positive feedback and reviews from customers. He explained that the Applicant had no desire to cause antisocial behaviour and referred to the operating hours of nearby premises and that both nearby pubs had outdoor seating areas.

Councillor Crofts asked for clarification on where the smoking area would be and it was explained that it would be the outside courtyard. It was clarified that access to the Courtyard would be through the Café. In response to a question from the Licensing Officer it was confirmed that the gate to the Courtyard would be locked until 11am.

In response to a question from the Chair, the Applicant's representative explained that the external areas of the premises were checked at opening and closing times. He explained that they had found syringes and needles in the Courtyard when clearing it to bring it into use.

In response to a question it was clarified that the Premises had a capacity of 26 and this had been accepted by the Fire Officer.

Cristina Pereira confirmed that she had a Personal Licence and would be on duty during opening hours.

9 **SUMMING UP - THE LICENSING OFFICER**

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The Licensing Officers summed up her case and reminded the Sub-Committee that they should consider all the information included in the Agenda and put forward at the Hearing today.

She confirmed that there had been TENS at the premises recently with an 8am start for sale of alcohol.

10 **SUMMING UP - INTERESTED PARTIES**

Councillor Bambridge had left the Hearing.

11 **SUMMING UP - THE APPLICANT**

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The Applicant's representative summed up their case confirming that false times had been posted on Facebook and he felt that this was the main reason for the objections. He hoped that the Applicant could move forward with their business.

12 **OUTSTANDING MATTERS**

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The Legal Advisor outlined outstanding matters and provided detail of the Legal Advice that would be provided to the Sub-Committee Members whilst they retired to make their decision which would relate to the Licensing Act 2003, the Borough Councils Licensing Policy, Section 182 Guidance and Case Law.

13 **DECISION**

The Chair explained that the Sub-Committee 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 called back into the room and the decision of the Sub-Committee was read out. A copy of the decision notice is attached.

14 **DECISION NOTICE**

**The meeting closed at 11.20 am**

**LICENSING SUB-COMMITTEE****DETERMINATION NOTICE**

<b>Date of Hearing</b>	<b>7<sup>th</sup> March 2023</b>
<b>Sub-Committee Members</b>	<b>Councillors Nockolds (Chair), Crofts and Sampson</b>
<b>Legal Adviser</b>	<b>Taiwo Temilade</b>
<b>Licensing Officer</b>	<b>Marie Malt – Senior Licensing Officer</b>
<b>Democratic Services Officer</b>	<b>Rebecca Parker</b>
<b>Applicant’s Name</b>	<b>The Pear Tree Café Limited</b>
<b>Applicant’s Representative</b>	<b>Cristina Pereira Daniel Pereira Jose Pereira</b>
<b>Interested Parties</b>	<b>Councillor Bambridge</b>
<b>Premises Address</b>	<b>The Pear Tree Café, 58 London Road, King’s Lynn, Norfolk, PE30 5QH</b>
<b>Application</b>	<b>Application for a Premises Licence</b>

**APPLICATION**

Kings Lynn and West Norfolk Borough Council, being the relevant licensing authority, received an application for a Premises Licence for The Pear Tree Café, 58 London Road, King’s Lynn.

During the 28 day representation period, the Council received a letters of representation from 7 Interested Parties. There were no representations from Responsible Authorities.

**HEARING**

On 7<sup>th</sup> March 2023, a hearing was held to consider the application for the premises licence. The Sub-Committee determined the application with a view to promoting the four licensing objectives. It considered the application on its own merits. In reaching its determination, the Sub-Committee had regard to the following matters:

- The relevant parts of the written and oral evidence before them;
- The Kings Lynn and West Norfolk Borough Council Licensing Policy;
- Statutory Guidance issued under the Licensing Act 2003

The Sub-Committee listened to all the evidence and submissions. It heard from:

- The Licensing Officer
- The Applicant
- Interested Party

## **SUMMARY OF EVIDENCE**

The Licensing Officer presented her report and outlined the application which had been submitted and responded to questions from all parties. A copy of the application was attached to the report.

The Applicant presented their case and responded to questions from all parties.

Councillor Bambridge spoke on behalf of various Interested Parties objecting to the application.

The parties all summed up.

## **FINDINGS AND DETERMINATION**

The Sub Committee considered the evidence in the report, as well as the written and oral evidence of all parties put forward at the Hearing.

The Sub-Committee had due regard to the Licensing objectives, the report of the Licensing Officer, the written representations made, visual evidence shown, and the oral representations put forward at the hearing.

The Sub-Committee had due regard to the written and oral objecting representations made by 'Interested Parties' in respect of this Application and took note of the objections raised.

The Sub-Committee believe representations from Responsible Authorities are an important consideration and that they should take heed of statutory bodies who are deemed experts in their respective fields. The Sub-Committee gave weight to the fact that there was no objecting representation made by any Responsible Authority.

To that end, the Sub-Committee grants the application but imposes the following conditions:

## **CONDITIONS**

The Sub-Committee recognised that conditions will only be imposed on a licence where conditions are necessary for the promotion of one or more of the 4 licensing objectives. The Sub-Committee will only impose conditions on a licence where relevant representations have been made and it considers that it is necessary to impose conditions as a result of those representations. The following conditions were found to be appropriate:

1. The mandatory conditions applicable under the Licensing Act 2003
2. The conditions consistent with the operating schedule as detailed at Paragraph 4 on page 10 of the Licensing Officer's report save for 4 (c) which is amended below;
3. Signs shall be displayed in prominent positions requesting that customers show due consideration of neighbours when leaving the premises, the dimensions and location of these signs shall be subject to the satisfaction of the Licensing Officer.

**RIGHT OF APPEAL**

There is 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.

Signed.....  
Councillor Elizabeth Nockolds (Chair of the Licensing Committee)

Date: 7<sup>th</sup> March 2023