

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

Minutes from the Meeting of the Licensing Committee held on Friday, 22nd December, 2023 at 10.00 am in the Council Chamber, Town Hall, Saturday Market Place, King's Lynn PE30 5DQ

PRESENT: Councillors Bartrum (Chair), Rust and Tyler.

OFFICERS:

James Arrandale – Legal Advisor

Marie Malt – Licensing Service Manager

Rebecca Parker – Senior 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 were no declarations of interest.

4 TO CONSIDER AN APPLICATION FOR A NEW PREMISES LICENCE FOR HEACHAM SOCIAL CLUB, 13 STATION ROAD, HEACHAM

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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 new premises licence in respect of Heacham Social Club. The Chair introduced the Sub-Committee, the Borough Council officers and the Legal Advisor and explained their roles.

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 the report as included in the Agenda. She referred to the additional information which had been circulated by both parties in advance of the Hearing.

The Licensing Officer stated that the hours applied for had now reduced as the applicant had agreed to reduce the operating hours following objections and subsequently those objections had been withdrawn.

There were no representations from Responsible Authorities to consider and one representation from 'other persons' as included in the Agenda.

The Sub-Committee were informed that there was a current premises licence in place for the premises held by Heacham Club, which was in excess of the hours applied for today.

There were no questions for the Licensing Officer.

7

APPLICANTS CASE

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The Applicant's representative, Mr Warren Mitchell, presented the case explaining how the licence would promote the relevant licensing objectives.

In regard to public safety he stated that the club took their responsibility seriously and the shortfalls which had been picked up by the Trustees were being taken on board. He explained that a Health and Safety Audit had been carried out and a subsequent report received in July 2023, but since this time the Committee had been fully engaged in dealing with representations by the Trustees so they were still looking to implement the recommendations from the Health and Safety report and would address them, should the licence be granted.

Mr Mitchell stated that CCTV was in place and complied with the necessary conditions in the operating schedule. There was also a fire box and inspection registers for the three buildings and it was recognised that these needed to be brought up to date and this work would be carried out, should the licence be granted.

Mr Mitchell explained that the employee handbook was regularly updated and contained information on rights, training, dealing with difficult customers and how to de-escalate situations. He stated that all employees would be trained on Health & Safety and Licensing.

In regard to the protection of children from harm, Mr Mitchell explained that the previous Designated Premises Supervisor had implemented the Challenge 21 policy and the Applicant would implement the Challenge 25 policy and train staff appropriately.

Mr Mitchell stated that the Trustees had suggested that underage alcohol sales were being made and he did not agree with this and stated that there were signs to say that minors needed to be accompanied by an adult and this would be reinforced.

Relating to public nuisance and crime and disorder, Mr Mitchell commented that the staff handbook included information on dealing with difficult situations and confrontation and training on this would be increased.

The Trustees had alleged that crime cases had been reported to the Police. Mr Mitchell stated that the applicant did not recognise that these had occurred, but recognised that situations could potentially occur and staff would be trained as appropriate.

Mr Mitchell stated that staff would not serve individuals who appeared to be intoxicated. He stated that he did not want to see disorder in the vicinity of the premises, but acknowledged that control was limited once people left the venue.

Mr Mitchell reminded the Sub-Committee that there had been no representations from Responsible Authorities.

Mr Mitchell explained that the social club had club rules and a management committee which effectively managed the club on behalf of the limited company. This had been set up in 2016 when Heacham Club took over and Mr Mitchell stated that since then the club had gone from strength to strength, with a healthy bank balance and the ability to support a wide variety of activities. Mr Mitchell provided detail of the activities that took place at the club and stated that these would all be at risk if the licence was not granted.

Mr Mitchell stated that the Club accepted the wrong doings in the past, but were keen to move forward to run the club.

Mr Mitchell responded to questions from the Licensing Officer regarding the relationship of the management company to the management of the Limited Company.

The Licensing Officer asked for detail on the issues raised in the Health and Safety Report and if there were any major works required. Mr Bailey, on behalf of the applicant, commented that he had a copy of the report available and the club was now working through actions required, however were reluctant to do so until they knew the outcome of this Hearing. He explained that if the licence was granted, work on

the actions within the report would be done as quickly as possible with outside assistance being brought in if required.

The Interested Party raised an issue in the applicant's case in the course of questions. The Chair advised that this was not a question to the applicant, but rather a matter that the Interested Party should cover in its presentation. The Interested Party accepted this.

Councillor Rust asked for further information on how the club planned to implement the Health and Safety Actions going forward. Mr Bailey, on behalf of the applicant commented that there were some minor issues, but dealing with the Trustees had kept the club busy recently. He confirmed that external assistance to rectify issues could be brought in if needed.

8 **INTERESTED PARTIES CASE**

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Mr Full presented the case on behalf of the 'other persons'. He provided background of the charity, which had not been in control of the premises since 2016. He explained that the licence had wrongly been in the name of Heacham Club since 2016, but in September 2023 this discrepancy had been identified and the licence had been transferred back to the Charity as they needed to regain control as they felt that the law was being disregarded.

Mr Full stated that the objection was based on Heacham Club running the premises since 2016 and he had no confidence that they would improve how the club had been run in the future.

Mr Full stated that in May the Trustees had been made aware that the Licensing Act had not been complied with and the club was selling alcohol with no Designated Premises Supervisor in place.

The Trustees were also objecting to the application on the basis that they had a responsibility to the club and the Charities Commission. Mr Full stated that the club had no status in the 1921 Trust or Management Committee. He referred to the Applicant's claim of a healthy bank balance but explained that they had not filed their accounts with Companies House for some time and had requested an extension. He also stated that the applicant had never paid any Corporation Tax.

Mr Full explained that the Trustees had seen events take place with free alcohol which encouraged binge drinking and felt that the Club ignored the law and the rules.

With regard to the prevention of Crime and Disorder, Mr Full stated that the police had been called to the premises on several occasions and there had been other incidents where the police had not been called.

Mr Full stated that no Risk Assessments had been carried out by the Club and this could result in injury to the public and lack of control, failings by the club had also resulted in an incident with a lone worker accident.

Mr Full referred to the event at the club which permitted free drinks and resulted in one customer having to be carried home.

In relation to the protection of children from harm, Mr Full stated that there had been illegal sales made in the pavilion. He also referred to FA rules and a complaint which had been made by the previous Designated Premises Supervisor relating to underage sales, adults buying drinks for minors and minors purchasing drinks from the bar for their parents.

Mr Full refuted comments made by the Applicant in that the club was not doing well prior to 2016. He commented that there was insufficient management prior to 2016.

Mr Full stated that the Trustees had no confidence that the Club would be compliant and stated that the Club felt that the rules did not apply to them.

Mr Full explained that the Trustees would not be renewing the Clubs tenancy and they would have to vacate the premises in the near future.

In response to a question from the Licensing Officer, Mr Full confirmed he had been a Trustee since March 2023.

The Licensing Officer asked why, if the Trustees had been unhappy with how Heacham Club had been run since 2016, they hadn't reported issues. Mr Full stated that the trustees had trusted that the club was being run correctly.

Councillor Rust raised concerns with the underage sales and illegal sales and asked why these had not been reported by the Trustees. Mr Full stated he had reported issues to the Licensing Officer when the licence was reverted back to the Trustees earlier in 2023. The Licensing Officer stated that she had no reports of unlawful sales, had they been reported appropriate action could have been taken.

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The Licensing Officer summed up the case and reminded the Sub-Committee that they should consider all the information included in the Agenda and put forward at the Hearing today and dispose of the matter using one of the methods as set out in the report.

10 **SUMMING UP - INTERESTED PARTIES**

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Mr Full commented that the Trustees had tried to enforce control and felt that if the Licence was granted the club would not comply with the rules.

11 **SUMMING UP - THE APPLICANT**

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The Applicant's representative stated that the club was being run by non-professional people who also had a day job and they were doing their best.

The Club was willing to put procedures in place to ensure compliance with the licensing objectives and move forward.

Mr Mitchell stated that failure to grant the licence would be the demise of the social club.

12 **OUTSTANDING MATTERS**

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The Legal Advisor asked for clarification on what the effect of the possible grant of the licence would be if Heacham Club were going to be evicted and the Charity had served notice to terminate the lease on the premises.

Mr Mitchell commented that the club had received notice to quit the tenancy and had engaged a Solicitor to take this matter forward. The Club believed that there was no lease involved so there was no lease to terminate.

Mr Full stated that a Section 25 notice had been served. He acknowledged that there was no formal lease in place, but the Charity wanted to run the social club and take back possession. Mr Fisher stated that the Social Club would not close/

13 DECISION NOTICE

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

The meeting closed at 12.09 pm

LICENSING SUB-COMMITTEE**DETERMINATION NOTICE**

Date of Hearing	22nd December 2023
Sub-Committee Members	Councillors Bartrum (Chair), Rust and Tyler
Legal Adviser	James Arrandale
Licensing Officer	Marie Malt – Senior Licensing Officer
Democratic Services Officer	Rebecca Parker
Applicant's Name	Heacham Club Limited Attending: Darren Bailey, Mark Pishorn and David Page
Interested Parties	The Heacham Club Charity Attending: Peter Full, Neil Fisher and Jay Watkins
Premises Address	Heacham Social Club, 13 Station Road, Heacham
Application	Application for a Premises Licence

APPLICATION

Kings Lynn and West Norfolk Borough Council, being the relevant licensing authority, received an application for a Premises Licence for Heacham Social Club.

During the 28 day representation period, the Council received one letter of representation from other persons to consider. There were no representations from Responsible Authorities.

It was noted that there is a current premises licence in place for Heacham Social Club, which was held by 'The Heacham Club'. The current licence authorised all of the same licensable activities, but with hours in excess of those being applied for with this application.

HEARING

On 22nd December 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 (represented by Warren Mitchell)
- Heacham Club Charity (represented by Peter Full)

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.

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

The parties all summed up.

FINDINGS AND DETERMINATION

The Sub-Committee has listened carefully to the submission of the applicants and the Charity. It notes the issues raised by the Charity, and also notes that applicant recognises that strengthening measures should be brought in to ensure full ongoing compliance with the licensing objectives.

The Sub-Committee also took note of the report of the Licensing Officer and her contributions in this hearing. Finally, it has taken note of the fact that, although matters have been reported to the Police on a number of occasions, no objections were received from the Police or other Responsible Authorities.

In the circumstances, the Sub-Committee is minded to grant the Licence, for sale of alcohol, regulated entertainment and late-night refreshment from 8am to midnight Monday to Saturday and 8am to 11pm on Sunday. This licence will be subject to conditions as follows.

Firstly, the licence will be subject to the mandatory conditions set out in section 3 of the Licensing Officer's report. The Council draws the applicant's and the objectors' attention to the conditions in paragraphs 3(b), (c)(II) and 3(g) which will apply – see pages 9 and 10 of the Application pack published by the Council.

Secondly, the Sub-Committee imposes on the licence the conditions set out at page 11 of the Application pack as follows:

- (a) Signage must be displayed in prominent positions throughout the premises stating that minors must be accompanied by an adult or guardian at all times.
- (b) A CCTV system shall be maintained at the premises covering all public areas which is capable of recording images for a continuous period of at least 28 days. Images must be capable of being downloaded upon reasonable request from representatives of the Police or the Licensing Authority. All staff on duty at the premises must be trained in the use of the system and be able to comply with any such request. The system will be maintained in good working order at all times. CCTV cameras will be positioned to cover the doorway and till areas and be capable of facial recognition of all persons both entering and exiting the store.

- (c) All staff must receive regular training in the challenge 25 age verification scheme and records of such must be kept on the premises. Challenge 25 signage must also be displayed at prominent positions within the premises.

Thirdly, the Sub-Committee also imposes three further conditions as follows:

- (d) At all times that alcohol is being served or sold in the Public Hall, a personal licence holder must be present in the Public Hall.
- (e) At all times that alcohol is being served or sold in the Clubhouse, a personal licence holder must be present in the Clubhouse.
- (f) At all times that alcohol is being served or sold in the Pavilion, a personal licence holder must be present in the Pavilion.

The applicants may wish to discuss the practical implications of complying with these conditions with the Council’s Licensing Department.

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 Micaela Bartrum (Chair of the Licensing Committee)

Date: 22nd December 2023