

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

**Minutes from the Meeting of the Licensing Sub Committee Hearing held on
Friday, 6th December, 2024 at 10.00 am in the**

PRESENT: Councillor Moriarty (Chair), C Crofts and S Sandell.

OFFICERS:

James Arrandale – Legal Advisor

Amy Pearce – Legal Advisor

Marie Malt – Licensing Service Manager

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
DIAL HOUSE CAFE, 12 RAILWAY ROAD, DOWNHAM MARKET**

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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 for Dial House Café, 12 Railway Road, Downham Market.

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

The Applicant's representative and other persons introduced themselves.

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 Services Manager presented the report as included in the Agenda.

Councillor Sandell referred to the concerns raised by the Interested Party and asked for confirmation that the premises would also be required to operate within the conditions imposed within the planning permission. The Licensing Services Manager confirmed that the Planning and Licensing regimes were different and had different objectives. Any conditions imposed as part of a planning permission would be enforced by Planning.

7 **THE APPLICANT'S CASE**

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The Applicant's Representative presented the case on behalf of the Applicant and provided background on the Dial House Café in that it was purchased in 2021 with a view to operating a Bed and Breakfast and open a modest café. The Café was opened in late 2022 under a temporary planning permission so that the owners could test the market. Full planning permission had been subsequently granted and the Sub-Committee was informed that the café currently opened from 9am to 3pm or 4pm and served breakfast, lunch and afternoon tea.

The Applicant's Representative stated that the café was very small and felt that this was one of the attractions, but also came with struggles relating to viability in the current economic climate, especially when the café wanted to retain low prices and provide an offering to the community.

The Applicant's Representative explained that the café was popular with the retired community, young families, community groups and for small gatherings.

To improve the offer the café had now launched Sunday Roasts and feedback from customers had indicated that they would like the opportunity to purchase an alcoholic beverage with meals or with the afternoon tea offer. The Sub-Committee was also informed that small parties were held in the café.

The Applicant's representative explained that alcohol would only be served from 12pm to 4pm, the café was not a pub and would not be subject to large gatherings or rowdy behaviour.

The Applicant's representative stated that they were considerate of their neighbours.

The Chair invited questions from all parties.

The Licensing Service Manager referred to the Planning Condition which stipulated a restriction of twelve patrons at any one time and the Applicant's Representative explained that the limit of twelve patrons was put forward voluntarily as the desire was for a modest café offer. The limit on patrons was an established part of the operations and the Applicant's Representative stated that there were no plans to change this.

The Interested Party, Mr King asked for clarification on the limit of twelve people and asked if organised events would take place in the courtyard. The Applicant's Representative stated that twelve patrons would be the maximum and that the courtyard would be used.

Councillor Sandell asked for clarification on the limit of twelve patrons and the Applicant's Representative stated that this referred to a maximum of twelve customers at any one time.

Councillor Crofts asked how the limit of twelve would be controlled for events and the Applicant's Representative stated that they would only accept bookings for up to twelve people.

Councillor Crofts referred to the Interested Party's letter of objection and the referral to public nuisance relating to parking arrangements and the Applicant's Representative stated that there was no on site car parking and customers who used the driveway were directed to alternative parking places. He stated that the area was not heavy with traffic.

Councillor Crofts referred to the shared driveway and the Applicant's Representative stated that this was shared by three properties and his neighbour at 12b had written a statement in support of the café.

After seeking advice from the Legal Advisor, the Applicant's Representative handed up to the Chair of the Sub-Committee a letter submitted by Mr Hewitt, a neighbour who lived at 12b Railway Road. The Chair read out the letter as follows:

I write in to provide supplementary information in support of the Premises Licence Application of the Dial House Café, for consideration of the licencing panel. For context, as the neighbour living at 12B Railway Road, at the top of the driveway for nr12, I have excellent visibility and audibility of the comings and goings of clientele for the Café.

Firstly to advise that going back to the original planning application for the café, I had previously objected to the Café, alongside my

neighbours, as I was concerned about potential noise and traffic. I have since come to regret that objection.

Almost 2 years later, I can confirm that the Dial House is a small café catering primarily to the retired community and young families in Downham Market. It is well respected and carefully run, with a distinct focus on a quiet and comfortable experience. Traffic is minimal – there is no parking onsite – and the location does not lend itself to people congregating outside the premises. I can confirm that I have not experienced any nuisance in relation to the Dial House Café since its opening, and instead have come to appreciate its presence and attend regularly.

For this reason, and in fairness to Mr and Mrs Versmissen, I previously decided to offer my full support to subsequent planning applications – and now for this premises licence application. As a former restaurant owner myself, I can see how hard they work to make a small café successful and earn a modest income, and I can see how a premises licence would generate a modest further income and support the preservation of this little café for the people of Downham Market.

8 **INTERESTED PERSONS CASE**

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Mr King presented his case and advised that he was an immediate neighbour to the Café and shared a driveway. He stated that his points were outlined in his letter of objection which had been included in the Agenda.

Mr King stated that he had had no prior consultation on the proposal nor had been contacted by the Applicant.

Mr King stated that his family home was on Railway Road.

Mr King referred to his objections in relation to the Licensing Objectives. He stated that the Café was located in a residential setting and parties in the Courtyard would increase noise levels. He also advised that he shared a wall with the Café and provided information on how noise travelled in the area.

Mr King reiterated that his main concern was in relation to noise levels and he had a young daughter. He stated that providing a four hour window to drink alcohol would result in a rise of swearing and unsavoury behaviour in the Courtyard.

Mr King referred to the prevention of crime and disorder and stated that the area was poorly lit, including the driveway. He noted that there was CCTV, but this was often not a deterrent for public nuisance.

Mr King explained that the driveway was gravelled and noise was produced by vehicles which used it for pick up, drop off and to turn around.

Mr King stated that he would have discussed issues with the Applicant prior to this Hearing, but the Applicant had not approached him. He commented that the Hearing had been helpful for hearing the plan for the Café and that if he had been consulted by the Applicant, the Hearing may have not been necessary.

The Chair thanked Mr King and invited questions from all parties.

The Licensing Service Manager asked if Mr King felt that had he been consulted more would he have not objected to the application. Mr King stated he still had concerns about additional noise being generated by parties. He explained that the only notice he had of the application was the notice displayed at the premises. The Licensing Service Manager explained that she had tried to contact him when she received his letter of objection.

The Applicant's Representative referred to Mr King's comments relating to the safety of children in that they were playing in the driveway and he asked when this had happened. Mr King commented that the Applicant's son played on the driveway. The Applicant's Representative stated that he did not normally play there, and if he did, he would be removed.

Mr King stated that his daughter used the front of his property and he was worried about the additional noise generated from the café and bad language.

Councillor Sandell asked if Mr King was disrupted by parking on the shared driveway and Mr King commented that there was noise from vehicles turning round in the driveway.

In response to a question from Councillor Crofts, Mr King confirmed that there were three properties that used the shared driveway.

9 **SUMMING UP - LICENSING OFFICER**

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

10 **SUMMING UP - OTHER PERSONS**

Mr King indicated that he had nothing further to add.

11 **SUMMING UP - THE APPLICANT**

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The Applicant's representative stated that he operated a small community café and the application submitted was modest and that the Café did have regard to its neighbours.

12 **OUTSTANDING MATTERS**

The Legal Advisor advised that there were no outstanding matters.

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.

The Chair called all parties back into the room and the Decision was read out. A hard copy of the decision notice was handed to the Applicant's representative.

The meeting closed at 11.28 am