

LICENSING SUB-COMMITTEE

DETERMINATION NOTICE

Date of Hearing	18th February 2020
Sub-Committee Members	Councillors S Sandell (Chair), C Manning and T Parish
Legal Adviser	Jo Furner
Licensing Officer	Vicki Hopps, Environmental Health Manager
Democratic Services Officer	Rebecca Parker
Applicant's Name	Daniel Hill, represented by Tony Grover
Responsible Authorities:	Chris Brooks – Norfolk Constabulary Andy Owens – Norfolk Constabulary Richard Spinks – Norfolk Constabulary Mark Whitmore – Community Safety and Neighbourhood Nuisance
Other Persons:	Lesley Bambridge Barry Brandford
Premises Address	Bar One Hundred, 100 Norfolk Street, King's Lynn, Norfolk, PE30 1AQ
Application	Application for the variation of a Premises Licence

APPLICATION

Kings Lynn and West Norfolk Borough Council, being the relevant licensing authority, received an application for the variation of a premises licence for Bar 100, 100 Norfolk Street, King's Lynn.

During the 28 day representation period, the Council received comments from the following:

- Norfolk Constabulary
- The Borough Council's Community Safety and Neighbourhood Nuisance Team
- Two representations from 'other persons'

HEARING

On 18th February 2020, a hearing was held to consider the application to vary 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
- Applicant
- Responsible Authorities

- Other persons

SUMMARY OF EVIDENCE

The Licensing Officer presented her report and outlined the application which had been submitted. A copy of the application was attached to the report. There were no questions of the Licensing Officer.

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

The Borough Council's Community Safety and Neighbourhood Nuisance Team presented their case and responded to questions from all parties.

The Other Persons present presented their case and responded to questions from all parties.

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 are not questioning Applicant's management of the Premises and cooperation with other agencies. The Applicant went to lengths to challenge the accuracy of some of the police reports of crime and disorder, highlighting that some of the incidents did not involve patrons of his establishment and that were incidents have arisen the cooperation that has been offered with the other agencies involved. The Sub-Committee do not dispute this and commend him. However, the Sub-Committee must consider the bigger picture. And whilst it is accepted that not all of the disorder occurring on Norfolk Street arises from the Premises, the point the police are trying to make is that some disorder is inevitable, and extending that window for disorder adversely undermines the crime and disorder objective. The police are considered to be the experts when it comes to the Crime and Disorder Objective, and whilst it is accepted that there cannot be evidence of what will occur, the police are in the best position to consider what might reasonably occur based on their experiences generally, and of the knowledge and interventions in this particular area. It is their considered opinion that later licensing and closing times will lead to a longer period of disorder, must be given great weight.

The Sub-Committee do not dispute that currently the Applicant is selective as to whom is permitted entry to the Premises, and that his clientele are not the 18-25 age range, but 30 plus, but it is not unreasonable to assume, as the Police suggest, that there may be a change in dynamics of the Premises as a result of later operating hours. The Sub-Committee take note that the Applicant is not proposing to operate the extended hours on a regular basis, but wants it for the flexibility to be able to keep the Premises open longer where they are having a busy night for example. If the Sub-Committee were to grant the licence as applied for, there is little to prevent this becoming the norm at a later date.

The Sub-Committee share concerns about how adhoc extensions can be managed to prevent an influx of party goers, and to ensure that additional policing etc., can be managed where there is an unplanned extended opening. The Sub-Committee are grateful to the Applicant for suggesting that he would be prepared to have a condition which restricted last entry to 3:15,

that being 45 minutes prior to the other venues closing, and also suggest that he would accept a condition restricting the number of occasions where an extension in licensable activities might take place. However, they share the concerns as to how this might be policed and managed in such a way that would give other agencies sufficient opportunity to provide support, but also prevent an influx of party goers who may gravitate to the Premises in anticipation of a later opening.

The Council's Community Safety and Neighbourhood Nuisance team, who can be considered experts in dealing with nuisance, also contend that the extended opening time will lead to increased periods of nuisance, including littering, street fowling, traffic and public nuisance, not only in Norfolk Street itself but in other areas beyond. The Council's Open Spaces and Waste Management teams confirmed having to clear up litter, vomit, urine from Norfolk Street and surrounding areas arising from the night time economy. The Panel note that there have been no objections by members of the public either of noise nuisance presently or concerns that they may arise further, but Councillor Lesley Bambridge talks as to how she has listened to concerns generally about the night time economy and its effects on other residents. It is reasonable that any existing nuisance caused would continue later if later opening hours were available.

In terms of public safety, the Sub-Committee are persuaded by the argument that a later closing time could impact on the public safety of the employees of the Council, specifically street cleaners, who might be confronted by persons who are intoxicated.

The Sub-Committee are mindful of the letter of support received from Connect Cars (K.L) that spreading the closing times on Norfolk Street would significantly decrease customer waiting times and the numbers of persons congregating as a result, and the Statutory Guidance does support variable licensing hours to facilitate a more gradual dispersal of customers, however, this isn't something currently undertaken in this area.

Accordingly, for the reasons stated above the application is refused.

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 Sam Sandell (Chair of the Licensing Committee)

Date: 18th February 2020