

LICENSING SUB-COMMITTEE

DETERMINATION NOTICE

Date of Hearing	28th April 2022 at 2.00pm
Sub-Committee Members	Councillors Nockolds (Chair), Whitby and Rust
Legal Adviser	Chido Mushonga
Licensing Officer	Marie Malt – Senior Licensing Officer
Democratic Services Officer	Rebecca Parker
Applicant's Name	Mr Hawker Ahmed Khider
Applicant's Representative	Mr Paul Byatt Juste Padveskyte- Store Manager
Responsible Authorities	Chris Brooks – Norfolk Constabulary
Premises Address	London Road Stop and Shop Grocery, 122 London Road, King's Lynn, Norfolk, PE30 5ES
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 London Road Stop and Shop Grocery, 122 London Road, King's Lynn, Norfolk, PE30 5ES.

During the 28 day representation period, the Council received a letter of representation from Norfolk Constabulary. There were no representations from 'other persons' to consider.

HEARING

On 28th April 2022, 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(Mr Kawker Khider) and his representatives (Paul Byatt and Juste Padveskyte)
- Responsible Authorities (Chris Brooks on behalf of Norfolk Constabulary)

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.

The Applicant presented their case and responded to questions from all parties. The Applicant's representative outlined that the Applicant has put in place various measures to ensure the promotion of the four licensing objectives. The Applicant's representatives addressed various issues regarding the application. In particular, they addressed the error as to the Applicant address within the application form and confirmed that they has evidence showing the Applicant's ownership of the premises.

The Applicant's Representatives refuted the Norfolk Constabulary's claims about the incident which is reported to have taken place on 29 March 2022 and set out that the Applicant did not have any connection to the previous owners.

Norfolk Constabulary, presented their case and responded to questions from all parties. They reiterated the concerns set out in their letter of objection regarding the Applicant's possible links to the sale and supply of illegally imported tobacco products.

In particular, they highlighted that links could be shown between the Applicant and previous owners. Further, that there were various inconsistencies within the application form. They also provided details surrounding the incident reported to have taken place at the premises on 29 March 2022.

The parties all summed up.

FINDINGS AND DETERMINATION

The Sub-Committee had due regard to the Licensing Objectives, particularly the prevention of crime and disorder, evidence in the report, as well as the written and oral evidence of all parties put forward at the Hearing and the relevant case law.

The Sub-Committee considered the representations made by Norfolk Constabulary that granting the application would undermine the crime and disorder licensing objective as a result of the possible links to the sale and supply of illegally imported tobacco products. The Sub-Committee had regard to the High Court case of *Daniel Thwaites PLC v Wirral Borough Magistrates Court [2008] EWHC 839 (Admin)*, which recognises that Responsible Authorities are experts in their field and that weight should be attached to their representations.

The Sub-Committee were particularly concerned about the fact that the Business Rates Account for the premises remained in the name of the previous owner and that despite the Applicant taking ownership of the premises in October, the payment details had not been changed. The Sub-Committee considered the Applicant's position that he had recently applied to have this amended, however were concerned when it was confirmed during the Hearing that the Business Rate account was still in the name of the previous owners and that there had been no correspondence on the Business Rates account since 2020.

On the balance of probabilities the Sub-Committee were satisfied that there was sufficient evidence which suggests that the previous owner have not relinquished their control of the

premises and therefore there remains a risk that granting the Licence would undermine the promotion of the licensing objective of prevention of crime and disorder.

Whilst the Sub-Committee appreciated that the Applicant had implemented various measures to ensure the promotion of the four licensing objectives, they were not satisfied that these went as far enough to address their concerns and the historical issues at the premises.

Having had regard to the considerations of prevention and deterrence, the panel were of the view that it is in the public interest not to grant the application.

The Sub-Committee **REJECTS** the application to grant the premises licence relating to London Road Stop & Shop Grocery, 122 London Road, King's Lynn Norfolk PE30 5ES.

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.....*Cllr E Nockolds*..... Date: 4th May 2022
Councillor Elizabeth Nockolds (Chair of the Licensing Committee)