

LICENSING SUB-COMMITTEE

DETERMINATION NOTICE

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