

BOROUGH COUNCIL OF KING'S LYNN & WEST NORFOLK

LICENSING COMMITTEE

**Minutes from the Meeting of the Licensing Committee held on Wednesday,
23rd April, 2025 at 11.30 am in the Council Chamber, Town Hall, Saturday
Market Place, King's Lynn PE30 5DQ**

PRESENT: Councillors Moriarty (Chair), Sandell and Ayres.

OFFICERS:

Marie Malt – Licensing Services Manager

Rebecca Parker – Senior Democratic Services Officer

James Arrandale – Legal Advisor

Amy Pearce – Legal Advisor

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 PREMISES LICENCE FOR
THE SURGERY, CENTRE POINT, FAIRSTEAD, KING'S LYNN,
NORFOLK, PE30 4SR**

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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 The Surgery, Centre Point, Fairstead, PE30 4SR.

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

The Applicant, his 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. There were no questions to the Licensing Services Manager.

7 **THE APPLICANT'S CASE**

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The Applicant's Representative presented the case on behalf of the applicant explaining that, due to the concerns raised by residents, he and the Applicant had visited the premises and vicinity including the Morrisons shop and the nearby Schools before the Hearing. He stated that the Primary School was similarly located to the applicant's premises and the existing Morrisons and the Secondary School were a four-minute walk away.

The Applicant's Representative provided detail of the premises, explaining that it was previously a GP Surgery built around the sixties or seventies. He acknowledged that residents were concerned by the closure of the Surgery but understood that the premises were now deemed unfit for purpose so were unlikely to reopen as a surgery. He stated that the Applicant would bring the empty unit back into use to serve the local community.

The Applicant's Representative provided background on the Applicant stating that he had been in the trade all his life and had been involved in conversions before. He stated that the Applicant intended to move here and run the business for a period before it was established and he would then appoint a Designated Premises Supervisor to run the store, however he would still oversee operations.

The Sub-Committee were informed that the premises would be a One Stop and as part of this the store would be required to comply with their regime and would be regularly visited by Area Managers to ensure statutory compliance.

The Sub-Committee's attention was drawn to the conditions within the report and the Applicant's Representative stated that conditions should be appropriate and enforceable and he felt that the conditions to be imposed were just that.

The Applicant's Representative explained that he had spoken to Councillor Everett in advance of the Hearing and the Applicant would offer additional conditions that could be attached to the Licence.

The first condition was that the Challenge 25 Policy would be extended to deliveries and age verification would be required at point of order and point of delivery.

The second condition offered by the Applicant was that no more than 25% of display space would be used for alcohol. The Applicant's representative stated that the premises would be a convenience store not an off licence.

The Applicant's Representative reminded the Sub-Committee that no Responsible Authorities had raised concern regarding the application and directed the Sub-Committee to the Section 182 Guidance relating to Responsible Authority Representations.

The Applicant's Representative also stated that cumulative impact and the location of the schools was not a consideration for this application. He stated that the application was well structured and would serve the local community.

The Chair invited questions from the Licensing Services Manager who asked for confirmation of the two additional conditions that could be attached to the licence which were imposing the Challenge 25 Policy on deliveries and that no more than 25% of display space to be used for alcohol.

In response to a question from Councillor Everett, the Applicant's Representative confirmed that ID would be required at the point of delivery.

Councillor Colwell queried the four-minute walk to the Secondary School as stated by the Applicant's Representative and it was his understanding that the School was a lot closer as there was a short cut through the Community Centre grounds. The Applicant's Representative stated that he had not realised that there was a short cut.

In response to a question from Councillor Sandell, the Applicant's Representative stated that there would be CCTV covering the outside of the premises. He informed the Sub-Committee that Councillor Everett had raised concerns regarding the hedge outside the premises, and stated that, even though this was something that may not be able to be conditioned, the Applicant would undertake to reduce the size of the hedge.

Councillor Ayres asked how staff would be trained on the Challenge 25 policy and the Applicant stated that One Stop provided information and online training and would check on processes during their regular visits.

Councillor Moriarty asked for clarification on the location of the CCTV outside the premises and the Applicant highlighted the locations on the plan within the Agenda. He stated that there would be four external

cameras and confirmed that he would reduce the height of the hedge to approximately two feet.

In response to a question from Councillor Moriarty, the Applicant's Representative stated that the One Stop Area Manager would conduct weekly visits to check that standards were being met and sort out any issues.

Councillor Moriarty asked about the Challenge 25 Policy for deliveries and asked if this needed to be explored further by the Applicant. The Applicant stated that deliveries were ordered through the One Stop Website and deliveries were made by Uber Eats or Deliveroo, a procedure would be put in place for the delivery driver and clear instructions would be provided to the buyer.

8 **INTERESTED PERSONS CASE**

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The Chair invited each of the Interested Persons to present their case.

Councillor Everett – Borough Councillor

Councillor Everett stated that he had spoken to the Applicant in advance of the Hearing to raised resident concerns. He acknowledged that the applicant had made concessions including the Challenge 25 Policy for deliveries, CCTV and the reduction of the size of the hedge.

He stated that one of the concerns raised by residents was the loss of the GP Surgery, but acknowledged that the premises was unlikely to be brought back into use for this purpose.

He explained that residents were also concerned about the proximity of the schools and underage sales. He acknowledged the Challenge 25 Policy but felt that the close proximity of the premises raised exposure to children.

Councillor Everett commented that there were also high crime levels in this area and another licensed premises in the area could increase this.

Councillor Everett stated that the area did not need another venue selling alcohol as it would add to crime, disorder and antisocial behaviour.

The Chair invited questions to Councillor Everett and the Licensing Service Manager asked if Councillor Everett was aware that 'need' was not a matter for Licensing and Councillor Everett confirmed that he was aware.

Councillor Sandell referred to the press coverage and social media relating to this application, which indicated that the premises would be

an off licence. She asked Councillor Everett if now, realising that the premises was to be a convenience store, did he still think that the application would have a detrimental impact. Councillor Everett stated that he didn't realise that the premises would be a One Stop and was happier now that he knew the premises would not be an off licence.

In response to a question from Councillor Ayres, Councillor Everett stated that he was aware that 'need' was not a matter for licensing, but asked the Sub-Committee to consider the impact an additional premises in the area could have to the current antisocial behaviour issues.

In response to a question from Councillor Moriarty, Councillor Everett stated that he was satisfied with the condition to limit alcohol to 25% of display space within the store.

Councillor Colwell – Norfolk County Councillor

Councillor Colwell stated that he had received considerable correspondence from residents on this issue and concerns had been reflected on social media. He stated that the premises was on the main through route to the schools and he opposed the application.

He stated that he was pleased that the Applicant and his representative had visited the premises, but Councillor Colwell was local and knew the area well and had seen the issues and problems that had occurred.

Councillor Colwell stated that he was a Domestic Violence Solicitor and was aware of the impact that alcohol could have.

Councillor Colwell explained that in relation to the prevention of crime and disorder Licensing Objective, there was already issues in the area and Fairstead Ward was an area of high deprivation. He was concerned about the proximity of the schools and the history of crime and disorder in the area. Councillor Colwell provided statistics of incidents of reported crime within the area.

Councillor Colwell made reference to comments made by the Local Police Superintendent in the press relating to the impact of drug and alcohol misuse on crime and disorder. Councillor Colwell stated that the Police did as much as they could, and this application would add further pressure on their limited resources.

Councillor Colwell stated that residents were already frightened, and this application would attract drinkers to the area and needed to be refused. He referred to the late-night opening hours, that 25% of display space was still a considerable amount, and that although there was CCTV covering the premises there was a lack of it in the surrounding area.

With regard to the licensing objective protecting children from harm, Councillor Colwell provided detail of the sensitive locations surrounding

the premises and that children would be exposed to alcohol and bad behaviour.

Councillor Colwell stated that the existing Morrisons was within the retail area, but this premises was not and was on the thoroughfare to the schools which risked children being exposed. He stated that there were already issues at Morrisons with people being sick outside, broken glass and inebriated.

Councillor Colwell stated that the plan and map within the agenda showed that the premises was located near to the car park which was used for school drop offs and pick ups.

Councillor Colwell also stated that you couldn't control what people did after they had left the premises, there would be an impact on the public purse and residents needed to be supported.

He also referred to a petition which had been signed by local residents.

The Chair invited questions to Councillor Colwell.

The Licensing Services Manager referred to the petition as this had not been received by the Council. Councillor Colwell commented that the Community Shop had run the petition.

The Licensing Services Manager asked if the crime statistics reported by Councillor Colwell could be broken down to ascertain which incidents were directly related to alcohol. Councillor Colwell stated that he did not have those statistics available, but the website may be able to provide this detail.

The Licensing Services Manager asked if more than one premises in the area was likely to increase the amount of people in the area buying alcohol. Councillor Colwell stated that the issue was about the location as it was not in the main precinct and people couldn't avoid it on the school run like they could Morrisons.

In response to a question from the Applicant's Representative, Councillor Colwell explained that the distance from the Applicant's Premises to the Morrisons store was 30 metres 'as the crow flies'. The Applicant's Representative also asked Councillor Colwell if he was aware that the premises would be open for two hours less than Morrisons and Councillor Colwell confirmed that he was aware of the time difference but stated that this application would impact the ability of people being able to avoid crowds and people purchasing alcohol when accessing the car park.

Councillor Sandell asked Councillor Colwell if he had received concerns from residents when the Morrisons opened, and Councillor Colwell stated that this may have occurred prior to him being a Borough Councillor. The Licensing Services Manager confirmed that the application for Morrisons had been received in 2014, which was prior to Councillor Colwell being elected.

In response to a further question from Councillor Sandell, Councillor Colwell commented that the applicant had provided good detail and mitigation measures, but when it came to location it just didn't feel right.

Councillor Ayres asked if increasing the number of licensed premises in the area would increase the amount of alcohol purchased. Councillor Colwell felt that it wouldn't, but it could cause issues if someone was refused in the first premises as they could 'try their luck' in the second premises.

Councillor Moriarty asked Councillor Colwell for his view on why the Police, as a responsible authority, had not objected to the application. Councillor Colwell felt it may be because resources had not allowed them to and that the office was based in Wymondham, rather than locally. The Licensing Services Manager explained that she had received a response from the local Police to say that they had no representations to make.

9 **SUMMING UP - LICENSING OFFICER**

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The Licensing Services Manager 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.

She reminded the Sub-Committee of the additional conditions offered by the Applicant.

She reminded the Sub-Committee that all parties had the right to appeal the decision to the Magistrates Court.

10 **SUMMING UP - OTHER PERSONS**

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Councillor Everett

Councillor Everett confirmed that he had nothing further to add.

Councillor Colwell

Councillor Colwell summed up stating that this was the wrong location for the premises and put children at risk of witnessing lewd behaviour, strong language and inebriation. He stated that the application should be refused in order to protect children from harm. He was also

concerned of the impact granting the licence would have on crime figures and the proximity to the schools.

11 **SUMMING UP - THE APPLICANT**

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The Applicant's Representative summed up the case stating that the Applicant had visited the premises approximately fifteen times and was aware of the local area. He noted that Councillor Colwell had accepted that the applicant could not have done anymore and that the increase in premises would not increase the demand.

The Applicant's Representative stated that the Sub-Committee's decision needed to be evidence based and not based on a feeling of it not being the right location.

The Applicant's Representative stated that the application had been well structured and thought out and was bringing back a vacant building into use.

The Applicant's Representative reiterated that the operating hours applied for were less than Morrisons and that there had been no objections from the Responsible Authorities.

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 explained that the decision would be provided to all parties in writing within five days.

The meeting closed at 12.45 pm