

Borough Council of
**King's Lynn &
West Norfolk**



Licensing Sub Committee Hearing
Friday, 6th December, 2024 at 10.00 am

Reports marked to follow on the Agenda and/or Supplementary Documents

- a) Decision Notice (Pages 2 - 3)

Contact

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LICENSING SUB-COMMITTEE
DETERMINATION NOTICE

Date of Hearing	6th December 2024
Sub-Committee Members	Councillors Moriarty (Chair), Sandell and Crofts
Legal Adviser	James Arrandale Amy Pearce (observing)
Licensing Officer	Marie Malt – Senior Licensing Officer
Democratic Services Officer	Rebecca Parker
Applicant’s Name	Mrs Yosita Nongna
Applicant’s Representative	Mr Rafael Versimmen
Interested Parties	Mr Adam King
Premises Address	Dial House Café, 12 Railway Road, Downham Market
Application	Application for a new premises licence.

APPLICATION

Kings Lynn and West Norfolk Borough Council, being the relevant licensing authority, received an application for a Premises Licence for Dial House Café, 12 Railway Road, Downham Market, PE38 9EB.

During the 28-day representation period, the Council received one letter of representation from other persons to consider. There were no representations to consider from the Responsible Authorities.

HEARING

On 6th December 2024, a hearing was held to consider the application for the premises licence. The Sub-Committee listened to all the evidence and submissions. It heard from:

- The Licensing Officer
- The Applicant’s Representative
- The Interested Party

SUMMARY OF EVIDENCE

The Licensing Officer presented her report and outlined the application which had been submitted. Neither the applicant nor the Interested Party has questions.

In response to a question from Cllr Sandell, the Licensing Officer confirmed that the licensing issues were separate from the planning application.

The Applicant’s Representative presented her case. The Licensing Officer asked about a restriction of 12 customers on the premises. The Applicant’s Representative confirmed that the limit of 12 customers is voluntary from the Applicant, but is also a condition, and the Applicant has no plans to change this. The Interested Party asked about planned birthday or other events, and whether these would take place in the courtyard in front of the house. The Applicant’s Representative said that such events may take place in the courtyard, being part of the premises. In response to a question from Cllr Sandell, the Applicant’s Representative stated that

the maximum number of customers is 12. Cllr Crofts asked about how the Applicant would control a booking for a wake, which might have more than 12 attendees; the Applicant's Representative stated that bookings would be refused for more than 12 attendees. The Applicant also responded to a question from Cllr Crofts on parking. The Applicant confirmed that there is, Mr Hewitt of no. 12B. The Applicant's Representative provided a copy of a letter in support from Mr Hewitt, a resident who shares access to the driveway with the Applicant. The Chair read out this letter in the Hearing.

The Interested Party presented his case. He raised concerns about potential increased noise and disruption to residents from events in the courtyard, as well as issues arising from access to and use of the driveway by customers. The Applicant's Representative asked the Interested Party to clarify his concern about his child playing in the driveway. The Interested Party said that his daughter might play there. In response to a question from Cllr Sandell interested about traffic and noise based on current use, the Interested Party said that vehicles alighting to drop off customers make noise. In response to a question from Cllr Crofts, the Interested Party confirmed that there were three parties who shared access to the driveway.

The parties all summed up.

FINDINGS AND DETERMINATION

The Sub-Committee has 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 Licensing Officer's report;
- 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 Panel have placed weight on the evidence given by the Applicant's Representative regarding the limit of customers to a maximum of 12, in the context of any potential for negative impacts from the proposed licensed activities. The Panel notes this is consistent with the setting as described, as well as the planning position, and also appears to be consistent with the evidence given by the neighbour in support of the application.

The Panel decided to grant the licence on the condition that appropriate signage is displayed asking patrons to be respectful to the neighbours when entering and exiting the premises. The wording and location of the signage is to be agreed with 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 James Moriarty (Chair of the Licensing Committee)

Date: 6th December 2024