

DETERMINATION NOTICE

Date of Hearing	13 January 2017, 10.00am
Sub-Committee Members	Councillors D Tyler, C Manning, M Hopkins
Legal Adviser	Noel Doran
Licensing Manager	John Gilbraith
Democratic Services Officer	Rebecca Parker
Applicant for Review	Leona Page - Norfolk Trading Standards Vicky Conlon – Norfolk Trading Standards
Premises Holders Representative	Mr David Dadds
Premises Licence Holder	Mr Sarhad Salari
Premises Address	Kubus 119 London Road King's Lynn Norfolk PE30 5ES
Responsible Authorities	Christopher Brooks - Norfolk Constabulary
Application	For a Review of a Premises Licence

APPLICATION

The Borough Council of King's Lynn and West Norfolk (the Council), being the relevant licensing authority, received an application to review the premises licence for Kubus, 119 London Road, King's Lynn from Norfolk Trading Standards, under the prevention of crime and disorder licensing objective. A copy of the review application and supporting evidence was included in the Licensing Managers report.

Norfolk Trading Standards, as a responsible authority had made the review application. Norfolk Constabulary supported the review application and a copy of their letter of support was included in the Licensing Managers report.

There were no representations from 'other persons' to consider.

HEARING

On 13 January 2017, a Hearing was held to consider the application. 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 Borough Council of King's Lynn and West Norfolk Licensing Policy;
- Statutory Guidance issued under the Licensing Act 2003;

It was proposed, and agreed by all parties that the Hearing be held in Private Session and it was resolved that in accordance with Regulation 14(2) of the Licensing Act 2003 (Hearing Regulations) 2005, the press and public be excluded from the Hearing.

The Sub-Committee listened to all the evidence and submissions. It heard from:

- The Licensing Manager
- Norfolk Trading Standards
- The Licence Holder
- Norfolk Constabulary

SUMMARY OF EVIDENCE

The Licensing Manager presented the report to the Sub-Committee, outlining the application for review. He also identified the relevant extracts from the Council's Licensing Policy and the statutory guidance issued under the Licensing Act 2003.

The Licensing Manager responded to questions from all parties.

The Applicant who had called for the review, Norfolk Trading Standards, presented their case.

The Applicant responded to questions from all parties.

The respondent, the Licence Holder, presented their case.

The respondent responded to questions from all parties.

Norfolk Constabulary, as the Responsible Authority presented their case.

The Responsible Authority responded to questions from all parties.

FINDINGS

The Sub-Committee had due regard to the report of the Licensing Manager, representations put forward in the agenda and the representations put forward at the Hearing by Norfolk Constabulary, Norfolk County Council Trading Standards and the Licence Holder.

DETERMINATION

The Sub-Committee had due regard to the report of the Licensing Manager, the representations submitted by Norfolk County Council Trading Standards, as the applicant for this Licence review, the representations submitted by the Norfolk Constabulary, as a Responsible Authority, and the representations made on behalf of the respondent Licence Holder.

The Sub-Committee only considered relevant representations in coming to its decision.

The Sub-Committee notes that Norfolk County Council Trading Standards, as a Responsible Authority, has requested the review of this licence on the basis that activities undertaken at the licensed premises seriously undermine the statutory objective of preventing crime and disorder.

This application is supported by the Norfolk Constabulary, as a Responsible Authority. The representations of two independent responsible authorities requesting that serious consideration be given to revocation of this licence is a matter to which the Sub-Committee attached considerable weight.

The Sub-Committee has listened to the representations submitted on behalf of the respondent licence holder about the context in which the activities undertaken at the licensed premises were committed and expects the appropriate Responsible Authorities to take that information into account in the discharge of their own public duties.

However, on the basis of the information presented to it, the Sub-Committee considers that the activities undertaken at the licensed premises undermine the statutory objective of preventing crime and disorder as well as having the potential to undermine the statutory objective of public safety.

DEcision

The Sub-Committee does not consider that the conditions proposed by the respondent licence holder would be sufficient to adequately address the concerns posed by the activities undermining the statutory objective of preventing crime and disorder. Nor does it think that a suspension, even of the maximum period, would be sufficient to address the concerns that have been raised about the activity undermining the statutory objective.

The Sub-Committee revokes the Premises Licence for Kubus, 119 London Road, King’s Lynn on the basis that it considers that activities undertaken at the licensed premises undermine the principal statutory objective of preventing crime and disorder.

RIGHT OF APPEAL

There is a right of appeal against this decision to the Magistrates Court, available to both the Applicant and the persons making representations. An appeal must be commenced within 21 days beginning with the day on which notification of this decision is received. Independent legal advice may be sought from a solicitor or the Citizens Advice Bureau regarding this if consideration is being given to lodging an appeal.

Signed.....
Chairman (Councillor D Tyler)

Date: 13 January 2017