

BOROUGH COUNCIL OF KING'S LYNN & WEST NORFOLK

LICENSING COMMITTEE

**Minutes from the Meeting of the Licensing Committee held on
Wednesday, 24th May, 2017 at 10.00 am in the Card Room, Town Hall,
Saturday Market Place, King's Lynn**

PRESENT: Councillors C J Crofts, T Parish and C Sampson

OFFICERS:

John Gilbraith	-	Licensing Manager
Noel Doran	-	Legal Advisor
Kathy Wagg	-	Democratic Services Officer

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 was no declarations of interest.

**4 TO CONSIDER AN APPLICATION FOR A PREMISES LICENCE FOR
STOP 'N' GO, 53 LONDON ROAD, KING'S LYNN**

The Chairman welcomed everyone to the meeting and declared that the Sub-Committee was sitting to consider an application for a premises licence in respect of Stop 'n' Go, 53 London Road, King's Lynn. He introduced the Sub-Committee, the Borough Council officers and the legal Advisor and explained their roles.

The Chairman also invited the applicant Mr Saravanapavan and his representative Mr Sakthiyenthran to introduce themselves to the Panel. Both confirmed that 15 minutes was sufficient to present their case.

The Chairman also invited the 'other persons' to introduce themselves to the Panel, namely Councillor Lesley Bambridge, Mr J Clench and Mr D Nimmo. All confirmed that 15 minutes would be sufficient to present their case.

5 PROCEDURE WHICH WILL BE FOLLOWED AT THE HEARING

At the request of the Chairman, the Legal Advisor outlined the procedure which would be followed at the Hearing.

6 **REPORT OF THE LICENSING MANAGER**

The Licensing Manager presented his report to the Sub-Committee. The Licensing Manager explained that the applicant had made an application under Section 17 of the Licensing Act 2003 for the sale of alcohol by retail. If the application was granted it would allow the sale Monday to Sunday 6am – 11pm.

The Licensing Manager made reference to the following:

- The four mandatory conditions;
- The proposed conditions;
- There were no representations from responsible authorities;
- Five representations had been received from 'other persons' which had been attached to the report;
- The Sub-Committee would need to have regard to the King's Lynn and West Norfolk Borough Council's Licensing Policy and Statutory Guidance issued under the Licensing Act 2003.

There were no questions from the applicant or his representative on the report.

There were no questions from the 'other persons' on the report.

There were no questions from the Panel to the Licensing Manager.

7 **THE APPLICANT'S CASE**

The Chairman then invited the applicant and his representative to present his case. The applicant made reference to the objections to the application in particular the one from 24 Avenue Road, King's Lynn which was quite away from the premises.

The applicant indicated that they would be willing to change the timing of the opening hours from 8am to 10pm, however as not all parties were present at the hearing a consensus of agreement could not be reached.

The Licensing Manager explained that the objection was from Councillor Bambridge who represented people living in and around the area.

There were no questions from the Licensing Manager.

There were no questions from Mr Nimmo or Mr Clench.

Councillor Bambridge made reference to the fact that the applicant had indicated that they would be willing to change the times to open at 8.00 am and asked why they had applied for 6.00 am.

The Licensing Manager explained that the Act did encourage dialogue between the parties.

Councillor Sampson referred to the photograph attached at page 43 of the agenda and asked whether it was the applicant's intention for the premises to look like the photograph.

The applicant responded that it was not his intention for the premises to look like that.

Councillor Parish asked how many staff would be employed at the premises.

The applicant advised that 2 or 3 people could be in the shop at any one time and would work around 6 hours per shift.

In response to questions from Councillor Crofts, the applicant explained that training would be provided to staff, CCTV would be installed inside and outside the premises and would hold up to one month's recordings.

Councillor Sampson asked whether the applicant's insurance company was satisfied with the CCTV arrangements.

The applicant advised that if the insurance company was not satisfied with the proposed CCTV arrangements then he would engage a third party.

8 **THE OTHER PERSONS CASE**

The Chairman then invited Mr Nimmo to present his case. Mr Nimmo explained that there were already too many outlets along London Road selling alcohol and he had witnessed the public nuisance caused by this. He further explained that particularly at White's Paper Shop there was an issue of people hanging around the premises. He added that the problem was being moved along from one area to another.

There were no questions from the Licensing Manager to Mr Nimmo.

The applicant explained that at the time he paid his deposit for the premises, he did not realise that there was an application for No.58 London Road.

The Chairman then invited Mr Clench to present his case. Mr Clench explained that there were already enough establishments where

alcohol could be purchased. He considered that the 11pm was too late and would disturb residents. He also stated that children walked to school along London Road and would have to pass undesirable people. He considered that a retail outlet would be a benefit but not selling alcohol.

The Licensing Manager asked if the objectors would be prepared to withdraw their objections if the hours were amended, as proposed by the applicant.

Mr Clench responded that he would not like to see alcohol sold at school times. He considered that the proposal went some way to alleviate his concerns but not all the way.

The Chairman then invited Councillor Lesley Bambridge to present her case. Councillor Bambridge stated that she was not against a business use but as she had explained in her letter there was a hostel on the opposite side of the road, which was particularly for those with alcohol and drug problems. She explained that the residents had to leave the hostel at 8.00 am. She added that people were then buying alcohol at 6am and she had witnessed incidents which she outlined to the Sub-Committee.

Councillor Bambridge also referred to the cumulative impact of alcohol outlets and referred to a scheme which was operational in Wisbech. She added that the Council wanted to encourage King's Lynn as a tourist destination. The Council were also looking at a Townscape Heritage Initiative for the London Road area which was a main gateway into the town.

Councillor Bambridge added that in relation to the Police not objecting to the application, the Police Officer responsible for providing a response was based in Norwich.

She added that the issue of street drinking was regularly raised at the King's Lynn Town Centre Partnership meetings and also the SNAP meetings, which she was appointed to by the Council. Councillor Bambridge informed the Sub-Committee that a resident who worked at the library had reported that the library's car park was being used as a lavatory.

Councillor Bambridge asked that in relation to future applications for the sale of alcohol in her Ward, that she be consulted.

There were no questions for Councillor Bambridge.

The Licensing Manager then went through the other objections which needed to be taken into account.

The Licensing Manager summed up his case. He reminded the Panel that the applicant had offered to amend the hours to 8am to 10pm however there was not a consensus of agreement, therefore the applicant had reverted back to the previous times of 6am to 11pm.

The Licensing Manager referred to the conditions listed on page 13 of the agenda, if the Panel were to grant the licence for the sale of alcohol.

The Licensing Manager requested that having regard to the representations received, the Licensing Sub-Committee were requested to consider the application, and take such steps it considered appropriate for the promotion of the four licensing objectives. The steps were:

- (a) To grant the application under the terms and conditions applied;
- (b) To grant the variation with conditions that the Sub-Committee considers appropriate for the promotion of the licensing objectives;
- (c) To reject all or part of the application.

The Sub-Committee were reminded that full reasons for their decision must be given as both the applicant and persons making representations have a right of appeal against that decision to the Magistrate's Court.

10 **SUMMING UP - OTHER PERSONS**

The Chairman invited Mr Nimmo to sum up his case. Mr Nimmo explained that he objected to the application on the grounds on public nuisance, which already existed and he considered would be increased if the application was granted. He referred to the fact that children would pass the premises on the way to school. He considered that the public nuisance element would not go away.

Mr Clench then summed up his case. He agreed with the comments made by Mr Nimmo and added that children did need to be considered. He considered that a business would benefit the area.

Councillor Bambridge summed up her case. She added that it was not just children that would be affected but everyone. She explained that there were lots of other outlets in the vicinity where alcohol could be purchased.

11 **SUMMING UP - THE APPLICANT**

The Chairman invited Mr Saravanapavan to sum up his case. He explained that he owned two shops and had never received a

complaint. The shop would also sell household items. He added that he would never sell alcohol to an underage person nor would he sell alcohol at a cheap price.

12 **OUTSTANDING MATTERS**

The Council's Legal Advisor explained that there were no outstanding matters to address.

13 **REACHING A DECISION**

The Sub-Committee retired to consider its decision in private, accompanied by the Democratic Services Officer and the Legal Advisor on specific points of law.

14 **DECISION**

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 the applicant and 'other persons'.

The Sub-Committee only considered representations that were relevant to their consideration of this application.

Determination

Given the representations that have been submitted, the Sub-Committee is concerned at the preponderance of outlets from which alcohol can be purchased in the vicinity of the proposed licensed premises, in an area which is residential and regularly traversed by large numbers of school children. However, it is not the role of the Sub-Committee in determining this licence application to resolve problems that may already exist and it must operate within the principles of the licensing objectives.

The Sub-Committee noted that no representations had been received from any of the Responsible Authorities, in particular from the Police, which is a factor that must be taken into account and to which weight must be given. Because of the specific location of the proposed licensed premises, and taking into account the representations submitted, the Sub-Committee has concerns about the impact of granting a licence on the statutory objectives of the protection of children from harm and the prevention of public nuisance.

The Sub-Committee grants the application for a premise licence for Stop 'n' Go, 53 London Road, King's Lynn subject to the addition of the

Mandatory Conditions, the proposed Conditions consistent with the operating schedule, as set out in the Licensing Manager's Report, and an additional condition limiting the time within which alcohol can be sold to between the hours of 9.00 am and 11.00pm, in the interests of promoting the statutory licensing objectives of the protection of children from har and the prevention of public nuisance.

The meeting closed at 12.00 pm