

BOROUGH COUNCIL OF KING'S LYNN & WEST NORFOLK

LICENSING COMMITTEE

**Minutes from the Meeting of the Licensing Committee held on Tuesday,
21st November, 2017 at 2.00 pm in the Council Chamber, Town Hall,
Saturday Market Place, King's Lynn**

PRESENT: Councillors D Tyler (Chairman), M Hopkins and Mrs S Young.

OFFICERS:

Jo Furner – Legal Advisor
John Gilbraith – Licensing Manager
Marie Malt – Senior Licensing Enforcement Officer
Rebecca Parker – Democratic Services Officer
Ajay Patel – Trainee Solicitor

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 THE GRANT OF A
PREMISES LICENCE FOR KING'S LYNN EXPRESS 103B HIGH
STREET, 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 King's Lynn Express, 103b High Street, King's Lynn. He introduced the Sub-Committee, the Borough Council officers and the legal Advisor and explained their roles.

The Applicant's representative, Mr Paul Byatt and the Applicant, Mr Hasan introduced themselves.

The Responsible Authorities present: Vicky Conlon from Norfolk Trading Standards and Chris Brooks from Norfolk Constabulary introduced themselves.

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 an application had been made 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 of alcohol from Monday to Sunday, 8am to 11pm.

The Licensing Manager made reference to the following:

- The four Licensing Objectives.
- The Mandatory Conditions and Conditions consistent with the operating schedule.
- There had been two representations from the Responsible Authorities. Norfolk Trading Standards and the Police were objecting to the application under the prevention of crime and disorder Licensing Objective.
- There were no representations from 'other persons' to consider.
- The advertising of the application.
- The Borough Council's Statement of Licensing Policy and guidance issued under Section 182 of the Licensing Act 2003.

There were no questions to the Licensing Manager. However, before proceeding with the Hearing it was noted that some of the information which would be provided by the Applicant and the Responsible Authorities were subject to ongoing police investigations.

The Legal Advisor explained that it was likely that the information to be put forward at the Hearing could prejudice the investigation if it was open to the public. She explained that it was likely that confidential information would be referred to throughout the duration of the Hearing.

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.

7 **THE APPLICANT'S CASE**

The Applicant's Representative presented his case. The Applicant and his representative responded to questions from all parties.

8 **RESPONSIBLE AUTHORITIES CASE**

Chris Brooks from Norfolk Constabulary presented his case. He explained that he would be relying on the evidence from Norfolk Trading Standards.

Vicky Conlon, from Norfolk Trading Standards presented her case. She referred to additional evidence which had been circulated to all parties in advance of the Hearing.

Norfolk Trading Standards called a witness to the Hearing. The Witness responded to questions from Norfolk Trading Standards and then left the Hearing.

Vicky Conlon responded to questions from all parties.

9 **SUMMING UP - LICENSING MANAGER**

The Licensing Manager summed up his case. He requested that the Sub-Committee consider his report and the representations put forward at the Hearing and dispose of the matter with a view to promoting the four Licensing Objectives. The options to the Panel were to:

- a) 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 all parties had a right of appeal against that decision to the Magistrates Court.

10 **SUMMING UP - RESPONSIBLE AUTHORITIES**

The Responsible Authorities present summed up their case.

11 **SUMMING UP - APPLICANT**

The Applicant's representative summed up his case.

12 **OUTSTANDING MATTERS**

The Council's Legal Advisor stated 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**

The reasons for the Decision were read out.

The Sub-Committee refused the application.

The meeting closed at 4.17 pm