

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



# **Licensing Sub- Committee Hearing**

## **Agenda**

Wednesday, 27th February, 2019  
at 10.00 am

in the

**Council Chamber  
Town Hall  
Saturday Market Place  
King's Lynn**





King's Court, Chapel Street, King's Lynn, Norfolk, PE30 1EX  
Telephone: 01553 616200  
Fax: 01553 691663

Wednesday 13<sup>th</sup> February 2019

Dear Member

**Licensing Committee**

You are invited to attend a meeting of the above-mentioned Sub Committee which will be held on **Wednesday, 27th February, 2019 at 10.00 am** in the **Council Chamber - Town Hall, Saturday Market Place, King's Lynn PE30 5DQ** to discuss the business shown below.

Yours sincerely

Chief Executive

**AGENDA**

1. **Apologies for absence**  
To receive any apologies for absence.
2. **Items of Urgent Business**  
To determine any other items of business which the Chairman decides should be considered as a matter of urgency pursuant to Section 100B(4)(b) of the Local Government Act 1972.
3. **Declarations of Interests**  
Please indicate if there are any interests which should be declared. A declaration of an interest should indicate the nature of the interest (if not already declared on the Register of Interests) and the agenda item to which it relates. If a disclosable pecuniary interest is declared, the member should withdraw from the room whilst the matter is discussed.
4. **To consider a review of a Premises Licence for 7 Days, 122 London Road, King's Lynn**

5. **Procedure which will be followed at the Hearing** (Pages 5 - 8)

6. **Exclusion of Press and Public**

To consider a request from Norfolk Trading Standards that the Hearing proceed in closed session. To consider passing the following Resolution:

“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. **Report of the Licensing Manager** (Pages 9 - 35)

To:

**Licensing Committee:** Councillors C J Crofts (Chairman), Miss S Sandell and Mrs S Fraser.

**Officers:**

Marie Malt – Senior Licensing Officer

Jake Currier – Legal Advisor.

# Procedure for Determining Licensing Act 2003 Case

*The hearings will be held in public. The hearing is not adversarial but an examination of the facts by the Members of the Committee. All participants must be courteous at all times. All parties will be given equal maximum time i.e. normally 15 minutes each, in total. Any person may apply for longer time if they immediately notify the licensing authority upon receipt of the Notice of the Hearing and in exceptional circumstances, the licensing authority may extend the maximum time allowed to all parties if the complexity of the application demands. In the event that there are a large number of objections to a particular application, the licensing authority may ask an appropriate number of representatives or a single representative to put forward their views.*

## Introductions

1. The **Chairman** of the Committee should read out a statement declaring under which capacity the Committee is sitting.

**This Committee is sitting to consider a matter under the Licensing Act 2003.**

2. The **Chairman** will introduce himself and the Members of the Committee.
3. The **Chairman** will then introduce and explain the respective roles of
  - (i) the Democratic Services Officer
  - (ii) the Officer representing the Licensing Authority
  - (iii) the Legal Advisor to the Committee
4. The **Chairman** should invite all those present to introduce themselves and ask them to indicate if they wish to speak during the hearing.
5. Each party will be asked by the **Chairman** whether 15 minutes is sufficient for the presentation of his/her/body's case. (Agreement on the length of time given for each speaker is at the discretion on the Chairman).

## The Application for Review of a Premises License

6. The **Legal Advisor** explains the procedure that will be followed at the hearing. All parties to note that any requests or issues should be directed through the Chairman.
7. The **Officer representing the Licensing Authority** outlines the review application to the Committee by presenting the report referring to any relevant extracts from the Borough Council's Licensing Policy and any relevant Statutory Guidance.
8. The **Chairman** will invite questions from all parties to clarify the content of the Licensing Officer's report.

## The Applicant's Case

9. The **Chairman** then invites the Applicant or their representative to make their case. Witnesses may be called but each will be subject to separate questioning (see below).

## Questions

10. Once the Applicant has presented their case, the Chairman invites questions to the Applicant or his representative from
  - (i) The Officer representing the Licensing Authority
  - (ii) The respondent (or their representative)
  - (iii) Responsible Authorities (or their representative)
  - (iv) Other persons (or their representatives)
  - (v) Members of the Committee.

11. The Chairman will invite questions to the witnesses from the

- (i) The Officer representing the Licensing Authority
- (ii) The respondent (or their representative)
- (iii) Responsible Authorities (or their representative)
- (ii) Other persons (or their representatives)
- (iii) Members of the Committee.

Questions should be relevant to the application and repetition will be discouraged.

### **The Respondent's Case**

12. The **Chairman** then invites the respondent or their representative to make their case. Witnesses may be called but each will be subject to separate questioning (see below).

### **Questions**

13. Once the respondent has presented their case, the **Chairman** invites questions to the respondent or their representative from the

- (i) The Officer representing the Licensing Authority
- (ii) The applicant (or their representative)
- (iii) Responsible Authorities (or their representative)
- (iii) Other persons (or their representatives)
- (iv) Members of the Committee.

14. The **Chairman** will invite questions to the witnesses from the

- (i) The Officer representing the Licensing Authority
- (ii) The applicant (or their representative)
- (iii) Responsible Authorities (or their representatives)
- (iii) Other persons (or their representatives)
- (iv) Members of the Committee.

### **Responsible Authorities**

15. The **Chairman** then invites Responsible Authorities or their representative to make their case. Witnesses may be called but each will be subject to separate questioning (see below).

### **Questions**

16. Once the Responsible Authorities have presented their case, the **Chairman** invites questions to the them or their representative from

- (i) The Officer representing the Licensing Authority
- (ii) The applicant (or their representative)
- (iii) The respondent (or their representative)
- (iv) Any other Responsible Authorities (or their representative)
- (v) Other persons (or their representative)
- (vi) Members of the Committee.

17. The **Chairman** will invite questions to the witnesses from the

- (i) The Officer representing the Licensing Authority
- (ii) The applicant (or their representative)
- (iii) The respondent (or their representative)
- (iv) Any other Responsible Authorities (or their representative)
- (ii) Other persons (or their representatives)
- (iii) Members of the Committee.

Questions should be relevant to the application and repetition will be discouraged.

### **Other Persons**

18. Each of the other persons or their representatives wishing to address the Committee may do so in an order determined by the **Chairman**. They too must be willing to be questioned by other parties in the same order. Other persons may not however question each other. Questions should be relevant to the application and repetition will be discouraged.

This will operate as follows:

- each party will present his/her/body's case
  - each party's witnesses (if any) will give evidence in support of the party's case
  - firstly, each party and, secondly, their witnesses may be questioned by other parties, prior to questioning by Members of the Committee.
19. The Officer representing the Licensing Authority, the applicant (or their representative), the respondent (or their representative) and Responsible Authorities (or their representatives) will be invited to ask relevant questions of those parties (or the parties' representatives).

### **Summing Up**

20. The **Chairman** then invites the Officer representing the Licensing Authority to sum up their case. They may comment upon what has been said but no new evidence should be introduced. Each party will be allowed 5 minutes to sum up.
21. The **Chairman** then invites the respondent (or their representative) to sum up their case. They may comment upon what has been said but no new evidence should be introduced. Each party will be allowed 5 minutes to sum up.
22. The **Chairman** then invites the Responsible Authorities (or their representatives) to sum up their case. They may comment upon what has been said but no new evidence should be introduced. Each party will be allowed 5 minutes to sum up.
23. The **Chairman** then invites the other persons (or their representatives) to sum up their case. They may comment upon what has been said but no evidence should be introduced. Each party will be allowed 5 minutes to sum up.
24. The **Chairman** then invites the applicant (or their representative) to sum up their case. They may comment upon what has been said but no new evidence should be introduced. They also will be allowed 5 minutes to sum up.

### **Reaching and Making a Decision**

25. **The Chairman** will ask the Council's Legal Advisor to address the Committee on any outstanding matters.
26. The **Chairman** will then thank all those who have spoken and invite the Committee to retire to consider the application, accompanied by the Legal Advisor and Democratic Services Officer (who will take no part in the decision).
27. The Committee will then debate the case presented to them at the hearing and will seek to reach a decision and reasons for their decision.
28. Once a decision has been made, **the Chairman** will invite the **Legal Advisor** to announce in public any legal advice he/she has given in private.
29. **The Chairman** will read out the decision and the reasons for the decision (unless the Committee is unable to reach a determination at the conclusion of the hearing).
30. **The Chairman** will explain that all parties will be notified of the outcome of the decision and reasons for the decision in writing.

31. If the Committee is unable to reach a decision, the **Chairman** will explain that all parties will be notified as soon as possible (but within 5 working days) of the decision and the reasons for such.

#### **NOTE**

A decision may be deferred to:-

1. Receive further documentation referred to in the meeting
  2. Enable a site visit to take place
  3. Invite the Applicant or his representative to appear if they had not done so at the meeting (only once)
- No further debate may be heard on further documentation or at a site visit
  - Adjournments should generally be granted if to refuse would deny applicant a fair hearing.



# Borough Council of King's Lynn & West Norfolk

## Report to Licensing Sub-Committee under the Licensing Act 2003

Date of Hearing: 27<sup>th</sup> February 2019

### Application for Review of a Premises Licence

- 7 Days, 122 London Road, King's Lynn, PE30 5ES
- Licence Holder: Mr Saeyd Qadir
- Premises Licence Number 17/00893/LA\_DPS

### Introduction

1. At any stage, following the grant of a premises licence, a 'responsible authority' or 'other person' may apply to the licensing authority to review the premises licence because of matters arising at the premises in connection with any of the four licensing objectives. These four licensing objectives are:

- the prevention of crime & disorder,
- public safety,
- the prevention of public nuisance, and
- the protection of children from harm

### Current Premises Licence

2. The current premises licence for 7 Days was granted on the 18<sup>th</sup> July 2017. A copy of this licence is attached to this report at Appendix 1 and shows the times and activities authorised along with the licence conditions.

### The Review Application

3. Mr Shaun Norris, Norfolk County Council Trading Standards has made an application to review the premises licence for 7 Days, 103b High Street, King's Lynn under 'the prevention of crime and disorder' licensing objective. A copy of the review application and supporting evidence is attached at Appendix 2.

### Representation from Responsible Authorities

*Section 13(4) of the Act defines the 'Responsible Authorities' as the statutory bodies that must be sent copies of an application.*

4. Norfolk County Council Trading Standards, as a responsible authority has made the review application. Norfolk Constabulary supports the review application and a copy of their letter of the 6<sup>th</sup> February 2019 is attached at Appendix 3. Comments from the remaining responsible authorities are:

<u>Responsible Authority</u>	<u>Comments Received</u>
CS&NN (BCKLWN)	None
Norfolk Fire Service	None
Norfolk Trading Standards	None
Norfolk Safeguarding Children's Board	None
Public Health	None
Planning (BCKLWN)	None
Health & Safety (BCKLWN)	None
Licensing Authority (BCKLWN)	None

## **Representations from ‘Other Persons’**

*As well as responsible authorities, any other person can play a role in a number of licensing processes under the 2003 Act. This includes any individual, body or business that are entitled to make representations to applications. Representations made must relate to the licensing objectives.*

5. There are no representations from ‘other persons’ to consider.

## **Notices**

6. The Borough Council is responsible for advertising a review application by way of a notice in a specified form at the premises and on the Borough Council’s website. This notice has to be displayed for 28 consecutive days and should have been displayed on the premises between the 9<sup>th</sup> January 2019 and the 6<sup>th</sup> February 2019. A notice was displayed on the Borough Council’s website and at the Council offices for the same period. A copy of this notice is attached to this report at Appendix 4.

## **Plans**

7. A map is attached at Appendix 5 showing the location and shop front of 7 Days, 122 London Road, King’s Lynn.

## **Borough Council of King’s Lynn & West Norfolk’s Licensing Policy**

8. The current Statement of Licensing Policy was approved by Full Council on the 26<sup>th</sup> November 2015 and the following extracts may be relevant to this application:

### **3.0 Fundamental principles**

3.1 The 2003 Act requires that the Council carries out its various licensing functions so as to promote the following four licensing objectives:

- (a) the prevention of crime and disorder,
- (b) public safety,
- (c) the prevention of public nuisance, and
- (d) the protection of children from harm.

3.2 Nothing in this ‘Statement of Policy’ will:

- (a) undermine the right of any individual to apply under the terms of the 2003 Act for a variety of permissions and to have any such application considered on its own merits;
- (b) override the right of any person to make representations or to seek a review of a licence.

### **7.0 Review Process**

7.1 The review process represents a key protection for the community where problems associated with the licensing objectives are occurring after the grant or variation of a premises licence. At any stage, following the grant of a premises licence, a responsible authority, or an interested party, may ask the licensing authority to review the licence because of a matter arising at the premises in connection with any of the four licensing objectives.

- 7.3 In every case, the representation must relate to particular premises for which a premises licence is in existence and must be relevant to the promotion of the licensing objectives. After a licence or certificate has been granted or varied, a complaint relating to a general (crime and disorder) situation in a town centre should generally not be regarded as a relevant representation unless it can be positively tied or linked by a causal connection to particular premises, which would allow for a proper review of the licence or certificate. For instance, a geographic cluster of complaints, including along transport routes related to an individual public house and its closing time could give grounds for a review of an existing licence as well as direct incidents of crime and disorder around a particular public house.
- 7.4 The Borough Council recognises that the promotion of the licensing objectives relies heavily on a partnership between licence holders, authorised persons, interested parties and responsible authorities in pursuit of common aims. It is therefore equally important that reviews are not used to drive a wedge between these groups in a way that would undermine the benefits of co-operation. It is good practice for authorised persons and responsible authorities to give licence holder's early warning of their concerns about problems identified at the premises concerned and of the need for improvement. A failure to respond to such warnings is expected to lead to a decision to request a review.
- 7.5 Where the request originates from other persons – e.g. a local resident, residents' association, local business or trade association – the Borough Council will first consider whether the complaint made is relevant, vexatious, frivolous or repetitious.

### **Guidance Issued Under Section 182 of the Licensing Act 2003**

*Under Section 4 of the Act, Licensing Authorities must have regard to guidance issued under Section 182. The current Guidance was issued by the Home Office in March 2015 and offers advice to Licensing authorities on the discharge of their functions under the Act.*

9. The following extracts may be relevant to this application and assist the Licensing Sub-Committee:

#### **The review process**

- 11.1 The proceedings set out in the 2003 Act for reviewing premises licences and club premises certificates represent a key protection for the community where problems associated with the licensing objectives occur after the grant or variation of a premises licence or club premises certificate.
- 11.2 At any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives.

- 11.4 In addition, the licensing authority must review a licence if the premises to which it relates was made the subject of a closure order by the police based on nuisance or disorder and the magistrates' court has sent the authority the relevant notice of its determination, or if the police have made an application for summary review on the basis that premises are associated with serious crime and/or disorder.
- 11.7 In every case, any application for a review must relate to particular premises in respect of which there is a premises licence or club premises certificate and must be relevant to the promotion of one or more of the licensing objectives. Following the grant or variation of a licence or certificate, a complaint regarding a general issue in the local area relating to the licensing objectives, such as a general (crime and disorder) situation in a town centre, should generally not be regarded as a relevant representation unless it can be positively tied or linked by a causal connection to particular premises, which would allow for a proper review of the licence or certificate. For instance, a geographic cluster of complaints, including along transport routes related to an individual public house and its closing time, could give grounds for a review of an existing licence as well as direct incidents of crime and disorder around a particular public house.
- 11.9 Representations must be made in writing and may be amplified at the subsequent hearing or may stand in their own right. Additional representations which do not amount to an amplification of the original representation may not be made at the hearing. Representations may be made electronically, provided the licensing authority agrees and the applicant submits a subsequent hard copy, unless the licensing authority waives this requirement.
- 11.11 If the application for a review has been made by a person other than a responsible authority (for example, a local resident, residents' association, local business or trade association), before taking action the licensing authority must first consider whether the complaint being made is relevant, frivolous, vexatious or repetitious. Further guidance on determining whether a representation is frivolous or vexatious can be found in Chapter 9 of this Guidance (paragraphs 9.4 to 9.10).

**Powers of a licensing authority on the determination of a review**

- 11.16 The 2003 Act provides a range of powers for the licensing authority which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives.
- 11.17 The licensing authority may decide that the review does not require it to take any further steps appropriate to promote the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively

promoted and that warnings should be issued in writing to the licence holder.

- 11.18 However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate.
- 11.19 Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:
- modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
  - exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption);
  - remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
  - suspend the licence for a period not exceeding three months;
  - revoke the licence.
- 11.20 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review.
- 11.21 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.
- 11.22 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives.
- 11.23 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would

only be expected to be pursued as an appropriate means of promoting the licensing objectives. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

### **Reviews arising in connection with crime**

- 11.24 A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises; money laundering by criminal gangs, the sale of contraband or stolen goods, the sale of firearms, or the sexual exploitation of children. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts. The licensing authority's role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.
- 11.25 Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. There is, therefore, no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. Some reviews will arise after the conviction in the criminal courts of certain individuals, but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go beyond any finding by the courts, which should be treated as a matter of undisputed evidence before them.
- 11.26 Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives in the interests of the wider community and not those of the individual licence holder.

- 11.27 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:
- for the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime;
  - for the sale and distribution of illegal firearms;
  - for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
  - for prostitution or the sale of unlawful pornography;
  - by organised groups of paedophiles to groom children;
  - as the base for the organisation of criminal activity, particularly by gangs;
  - for the organisation of racist activity or the promotion of racist attacks;
  - for knowingly employing a person who is unlawfully in the UK or who cannot lawfully be employed as a result of a condition on that person's leave to enter;
  - for unlawful gambling; and
  - for the sale or storage of smuggled tobacco and alcohol.
- 11.28 It is envisaged that licensing authorities, the police and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.

### **Hearings**

- 9.37 As a matter of practice, licensing authorities should seek to focus the hearing on the steps considered appropriate to promote the particular licensing objective or objectives that have given rise to the specific representation and avoid straying into undisputed areas. A responsible authority or other person may choose to rely on their written representation. They may not add further representations to those disclosed to the applicant prior to the hearing, but they may expand on their existing representation.
- 9.39 The licensing authority should give its decision within five working days of the conclusion of the hearing (or immediately in certain specified cases) and provide reasons to support it. This will be important if there is an appeal by any of the parties. Notification of a decision must be accompanied by information on the right of the party to appeal. After considering all the relevant issues, the licensing authority may grant the application subject to such conditions that are consistent with the operating schedule. Any conditions imposed must be appropriate for the promotion of the licensing objectives; there is no power for the licensing authority to attach a condition that is merely aspirational. For example, conditions may not be attached which relate solely to the health of customers rather than their direct physical safety.

## History

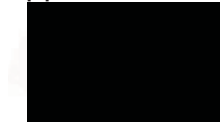
10. Members of the Licensing Sub-Committee may wish to be aware that a previous application made by Mr Qadir Saeyd to vary the Designated Premises Supervisor at 7 Days, 122 London Road, King's Lynn was refused after consideration by Members of the Sub-Committee on 27<sup>th</sup> June 2017. A copy of the determination notice is attached to this report at Appendix 6.

## Determination

11. Having regard to the review application, the Licensing Sub-Committee are requested to consider this report and any submissions submitted by the licence holder and those making representations and take such steps as it considers appropriate for the promotion of the licensing objectives. These steps are:

- (a) To do nothing;
- (b) To modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition);
- (c) To exclude a licensable activity from the scope of the licence, for example, to exclude the sale of alcohol;
- (d) To remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
- (e) To suspend the licence for a period not exceeding three months;
- (f) To revoke the licence.

12. The Sub-Committee are reminded that full reasons for its decision must be given as all parties have a right of appeal against that decision to the Magistrates' Court. Such an appeal must be made within 21-days beginning with the day on which the parties are notified by the Borough Council of the decision which is being appealed.



**Marie Malt**

Senior Licensing Officer  
Environmental Health - Licensing  
12<sup>th</sup> February 2019

### Appendixes:

1. Copy of Current Premises Licence.
2. Copy of Review Application received 9<sup>th</sup> January 2019.
3. Police Letter dated 6<sup>th</sup> February 2019.
4. Copy of Review Notice.
5. Location Plan.
6. Determination Notice dated 27<sup>th</sup> June 2017.

### Background Papers:

1. The Licensing Act 2003
2. Borough Council's Statement of Licensing Policy (26 November 2016)
3. Guidance issued under Section 182 of the Licensing Act 2003 (April 2018)



LICENSING ACT 2003  
**PREMISES LICENCE**

Appendix 1 to  
 Report to Licensing Sub-Committee  
 Re: 7 Days, 122 London Road  
 Dated: 12th February 2019

17/00893/LA\_DPS

LICENSING AUTHORITY

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



Environmental Health – Licensing  
 Kings Court  
 Chapel Street  
 Kings Lynn  
 Norfolk  
 PE30 1EX  
 Tel: 01553 616200  
 Fax: 01553 691663  
 Web: [www.west-norfolk.gov.uk](http://www.west-norfolk.gov.uk)  
 Email: [ehlicensing@west-norfolk.gov.uk](mailto:ehlicensing@west-norfolk.gov.uk)

Part 1 – Premises Details

**7 Days**

122 London Road  
 King's Lynn  
 Norfolk  
 PE30 5ES

Telephone Number:

Where the Licence is time limited the dates: **Not applicable**

Licensable Activities authorised by the licence:

**The sale of alcohol by retail**

The times the licence authorises the carrying out of licensable activities:

**The sale of alcohol by retail**

Description	From	To
Monday to Sunday	06:00	23:00

**Non-Standard Timings**

Christmas Eve \_ New Year's to 02:00.

The opening hours of the premises:

Monday to Sunday	06:00	23:20
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Where the licence authorises supplies of alcohol whether these are on and /or off supplies:

Alcohol is supplied for consumption **OFF** the Premises

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:

Mr Qadir Saeyd  
 26 Henry Street, Peterborough, Cambs, PE1 2QG,

**Registered number of holder, for example company number, charity number (where applicable)**

N/A

**Name address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:**

Mr Saeyd Qadir  
26 Henry Street  
Peterborough  
PE1 2QG

**Personal Licence number and issuing authority of Personal Licence held by Designated Premises Supervisor (where the premises authorises for the supply of alcohol):**

<b>Personal licence Number: Licensing Authority:</b>	Licence Number: 075571 Licensing Authority: Peterborough
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**Original Issue date of Premises Licence: 18th June 2017**

**Date of last change: 18th July 2017**

**ANNEXES**

**ANNEX 1 – MANDATORY CONDITIONS**

1. Under Section 19(2) of the Licensing Act 2003, no supply of alcohol shall be made under this premises licence at a time when there is no designated premises supervisor in respect of the premises licence, or at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Under Section 19(3) of the Licensing Act 2003 every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises. In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises:
  - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or drink as much alcohol as possible (whether within a time limit or otherwise);
  - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

5. The premises licence holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol. The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either a holographic mark, or an ultraviolet feature.

6. The responsible person must ensure that where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:

- (a) beer or cider: ½ pint;
- (b) gin, rum, vodka or whisky: 25ml or 35ml; and
- (c) still wine in a glass: 125ml;

These measures must be displayed in a menu, price list or other printed material which is available to customers on the premises and if a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

7. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price. For the purposes of this condition 'duty' is to be construed in accordance with the Alcoholic Liquor Duties Act 1979; 'permitted price' is the price found by applying the formula -  $P = D + (D \times V)$  where; P is the permitted price; D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol; and V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol. A 'relevant person' means the holder of the premises licence, the designated premises supervisor (if any) in respect of such a licence, or the personal licence holder who makes or authorises a supply of alcohol under such a licence. 'Value added tax' means value added tax charged in accordance with the Value Added Tax Act 1994.

The permitted price must be rounded up to the nearest penny.

A change to the permitted price which would apply as a result of a change to the rate of duty or VAT charged in relation to alcohol would not apply until the expiry of the period of 14 days beginning on the day on which the change in the rate of duty or VAT takes effect.

## **ANNEX 2 – CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE**

8. The premises will operate a 'Challenge 25' age verification scheme.

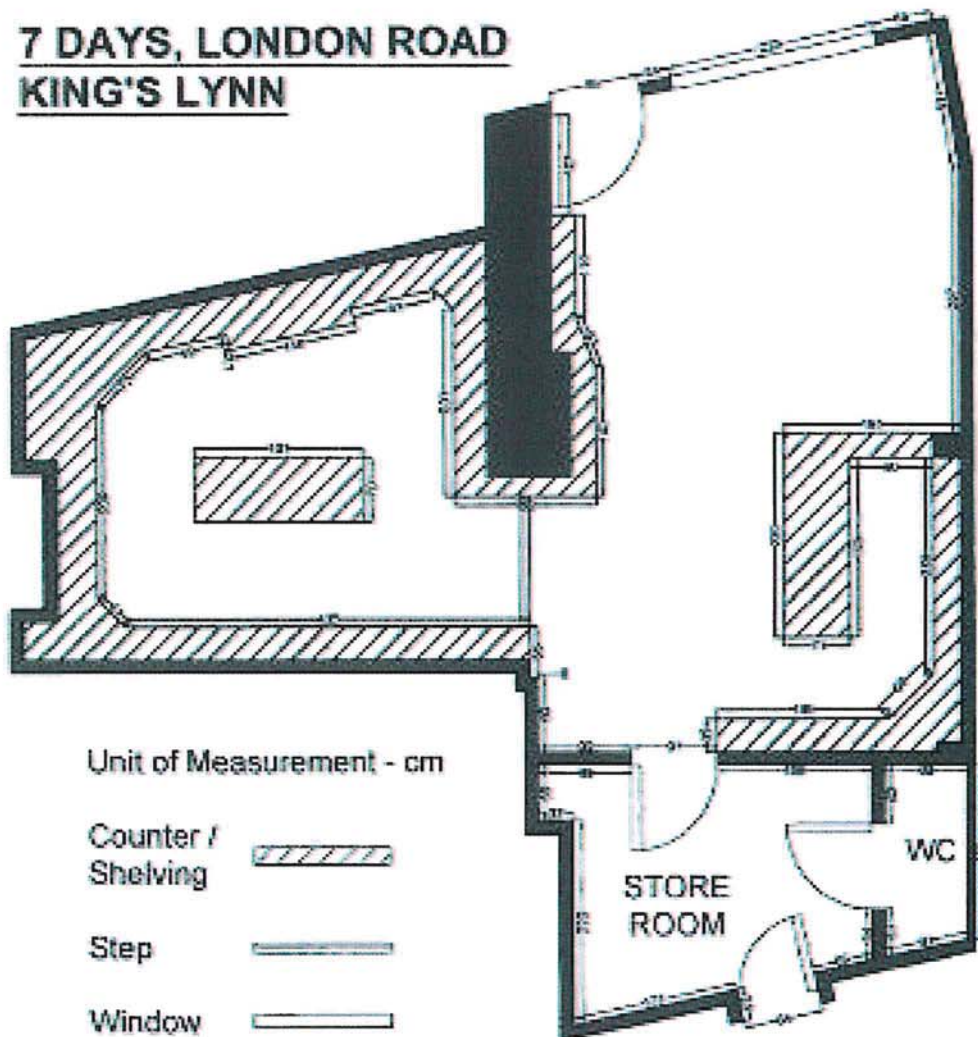
9. Notices shall be prominently placed requesting that customers leave the premises and area quietly.

**ANNEX 3 – CONDITIONS ATTACHED AFTER A HEARING**

None

**ANNEX 4 – AUTHORISED PLANS**

**7 DAYS, LONDON ROAD**  
**KING'S LYNN**



## PREMISES LICENCE SUMMARY

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



Environmental Health – Licensing  
Kings Court  
Chapel Street  
Kings Lynn  
Norfolk  
PE30 1EX  
Tel: 01553 616200  
Fax: 01553 691663  
Web: [www.west-norfolk.gov.uk](http://www.west-norfolk.gov.uk)  
Email: [ehlicensing@west-norfolk.gov.uk](mailto:ehlicensing@west-norfolk.gov.uk)

## Part 1 – Premises Details

**7 Days**

122 London Road  
King's Lynn  
Norfolk  
PE30 5ES

Telephone Number:

Where the Licence is time limited the dates: Not applicable

## Licensable Activities authorised by the licence:

The sale of alcohol by retail

## The times the licence authorises the carrying out of licensable activities:

The sale of alcohol by retail

Description	From	To
Monday to Sunday	06:00	23:00

**Non-Standard Timings**

Christmas Eve \_ New Year's to 02:00.

## The opening hours of the premises:

Monday to Sunday	06:00	23:20
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## Where the licence authorises supplies of alcohol whether these are on and /or off supplies:

Alcohol is supplied for consumption **OFF** the Premises

## Part 2

## Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:

Mr Qadir Saeyd, 26 Henry Street, Peterborough, Cambs, PE1 2QG,

<b>Registered number of holder, for example company number, charity number (where applicable)</b>
N/A
<b>Name of designated premises supervisor where the premises licence authorises the supply of alcohol:</b>
Mr Saeyd Qadir
<b>State whether access to the premises by children is restricted or prohibited:</b>
None stated
 <p><b>Manager Environmental Health (Commercial)</b></p>

Environmental Health - Licensing  
Borough Council of King's Lynn & West Norfolk  
King's Court  
Chapel Street  
King's Lynn, PE30 1EX  
Tel: 01553 616600  
Email: [ehlicensing@west-norfolk.gov.uk](mailto:ehlicensing@west-norfolk.gov.uk)  
[www.west-norfolk.gov.uk](http://www.west-norfolk.gov.uk)

ENVIRONMENTAL HEALTH  
LICENSING  
REC'D 09 JAN 2019

Appendix 2 to  
Report to Licensing Sub-Committee  
Re: 7 Days, 122 London Road  
Dated: 12th February 2019

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



## Licensing Act 2003

### Application for the review of a premises licence or club premises certificate

ENVIRONMENTAL HEALTH  
LICENSING  
REC'D 09 JAN 2019

#### PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

Once completed, send your **original** application to:

- **The Licensing Team**, Environmental Health & Housing , Borough Council of King's Lynn and West Norfolk, King's Court, Chapel Street, King's Lynn, Norfolk, PE30 1EX.
- and **copies** to the following:-
- **Norfolk Constabulary Licensing Team**, Bethel Street Police Station, Bethel Street, Norwich, Norfolk, NR2 1NN.
  - **Fire Safety Office**, Norfolk Fire Service Western Area, Kilhams Way, King's Lynn, PE30 2HY
  - **Norfolk Children's Safeguarding Board**, Room 60, Lower Ground, County Hall, Martineau Lane, Norwich NR1 2DH
  - **Consumer Operations Manager, Norfolk County Council Trading Standards**, County Hall, Martineau Lane, Norwich, Norfolk, NR1 2UD
  - **Development Services**, Borough Council of King's Lynn and West Norfolk, King's Court, Chapel Street, King's Lynn, Norfolk, PE30 1EX
  - **Health & Safety**, Environmental Health & Housing , Borough Council of King's Lynn and West Norfolk, King's Court, Chapel Street, King's Lynn, Norfolk, PE30 1EX
  - **Community Safety & Neighbourhood Nuisance**, Environmental Health & Housing , Borough Council of King's Lynn and West Norfolk, King's Court, Chapel Street, King's Lynn, Norfolk, PE30 1EX
  - **Public Health Director**, Norfolk County Council, County Hall, Martineau Lane, Norwich, NR1 2DH
  - The premises at the premises to which the application relates

**I, Shaun Norris, apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below**

#### Part 1 – Premises or club premises details

Postal address of premises or club premise, or if none, ordnance survey map reference or description 7 Days 122 London Road	
Post town Kings Lynn	Postcode PE30 5ES
Name of premises licence holder or club holding club premises certificate (if known) Mr Qadir SAEYD	

Number of premises or club premises certificate (if known)  
17/00893/LA\_DPS

**Part 2 – Applicants Details**

- I am please tick ✓ yes
- 1) An individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)
  - 2) A responsible authority (please complete (c) below)
  - 3) A member of the club to which this application relates (please complete (A) below)

**(A) Details of Individual Applicant** (fill in as applicable)

**Title** (Mr/Mrs/Miss/Ms/Other ..... ) Please circle the title which applies or if **Other** applies please add in title.

**Surname**

**First names**

I am 18 years old or over

please tick ✓ yes

**Current address:**

**Post Town:**

**Postcode:**

**Daytime contact telephone number:**

**E-mail address (optional):**



**(B) Details of other applicants**

Name and address
Telephone number (if any)
E-mail (optional)

**(C) Details of Responsible Authority Applicant**

Name and address  Shaun Norris Norfolk Trading Standards Floor 6 County Hall Martineau Lane Norwich NR1 2DH
Telephone number (if any) 01603 638078
E-mail address (optional) trading.standards@norfolk.gov.uk

**This application to review relates to the following licensing objective(s)**

Please tick one or more boxes ✓

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please state the ground(s) for review (please read guidance note 2) - Continued
The premises has been granted a premises licence by the Borough Council of Kings Lynn & West Norfolk authorising the sale of alcohol for consumption off premises Monday to Sunday 6am to 11pm. The premises is a general convenience store selling alcohol, tobacco and food items. The current PLH & DPS is Mr Qadir SAEYD although his name is actually Saeyd QADIR.
Trading Standards have obtained evidence that 7 Days has been operating the premises in a manner which undermines the Crime & Disorder Licensing objective through the storage and sale of smuggled tobacco & alcohol products.

Please provide as much information as possible to support the application (please read guidance note 3)

Norfolk County Council Trading Standards have evidence that 7 Days have been involved in the sale and storage of smuggled tobacco and alcohol products on the licensed premises. The evidence will follow shortly.

The keeping of smuggled goods on licensed premises is an offence under section 144 of the Licensing Act 2003.

The Revised (April 2018) Guidance issued under section 182 of the Licensing Act 2003 states (at paragraph 11.24) that: "A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example... the sale of contraband or stolen goods. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts. The licensing authority's role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective."

Trading Standards further submit that notwithstanding any personal culpability of the Premises Licence Holder or the Designated Premises Supervisor, the licensing authority has a duty to promote the licensing objectives in the interests of the wider community and not those of the individual licence holder (see paragraph 11.26 of the Guidance). This will necessitate consideration of the extent to which the prevention of crime objective has been undermined by the discovery of the smuggled goods on the premises, which will in turn require an assessment of their likely connection with licensable activities carried out at the premises, in particular the sale of alcohol. Furthermore, the Guidance (at paragraph 11.27) makes it clear that there is certain criminal activity arising in connection with licensed premises, including the sale or storage of smuggled tobacco and alcohol, which should be treated particularly seriously.

Finally in connection with the Guidance, Trading Standards note that (see paragraph 11.28) "where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered."

It is clear from the seizures and the evidence that will follow that smuggled tobacco and alcohol products have been concealed, stored and sold at/from the premises in question in contravention of the Licensing Act 2003, the Customs & Excise Management Act 1979, the Tobacco & Related Products Regulations 2016 and the Standardised Packaging of Tobacco Regulations 2015. It follows from this that Mr QADIR is wholly unsuited to manage such licensed premises.

By seeking a review of the Premises Licence Norfolk County Council Trading Standards are acting to deter the type of criminal activity which has come to light and which, on the basis of the evidence presented in this case, undermines the prevention of Crime & Disorder objective.

It is therefore reasonable in all the circumstances that the Licensing Authority should give serious consideration to revoking the Premises Licence and to removing Mr QADIR as Designated Premises Supervisor of the premises.

Please tick ✓ yes

Have you made an application for review relating to this premises before

If yes please state the date of that application

...../...../.....

If you have made representations before relating to this premises please state what they were and when you made them

Norfolk Trading Standards objected to the original nominated DPS at the premises when Mr QADIR applied for the Premises Licence. The application was rejected. Mr QADIR subsequently nominated himself which was not objected to.

**Checklist**

please tick ✓ yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate. ✓
  
- I understand that if I do not comply with the above requirements my application will be rejected ✓

**It is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the Licensing Act 2003 to make a false statement in or in connection with this application.**

The council is registered under the Data Protection Act 1998 for the purpose of processing personal data in the performance of its legitimate business. Any information held by the council will be processed in compliance with the eight principles of the Act. Information you have provided may be shared with other public sector organisations for the prevention of crime and detection of fraud. Further information relating to your rights under the Data Protection Act can be sent to you on request.

**Part 3 – Signatures** (please read guidance note 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 4). If signing on behalf of the applicant please state in what capacity

Signature: *PP* .....  ..... Date: *9/1/2019*

Capacity: Intelligence and Enforcement Support Manager

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 6)	
Vicky Conlon Norfolk Trading Standards Service Floor 6 County Hall Martineau Lane	
Post town Norwich	Postcode NR1 2DH

Telephone number (if any) 01603 638078

E-mail address (optional) trading.standards@norfolk.gov.uk

### **Guidance Notes**

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

# **CONFIDENTIAL EVIDENCE REPORT**

**The contents of this report are not to be reproduced without permission from Norfolk Trading Standards.**

**The contents have been served on all responsible authorities and the Premises Licence Holder and Designated Premises Supervisor.**

**It is permitted to provide a copy to the Licensing Committee for the hearing for the Review provided these are not published in the public domain.**

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



**Licensing Act 2003**

**Notice of Application for Review of a Premises Licence**

<b>Premises:</b>	<b>7 Days 122 London Road King's Lynn Norfolk PE30 5ES</b>
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Notice is hereby given that the Borough Council of King's Lynn & West Norfolk has received an application for a Review of the Premises Licence in respect of the above named premises under Section 51 of the Licensing Act 2003.

The Grounds of the application for review are:

Evidence has been obtained that the premises is involved with and is being operated in such a manner which undermines the "Prevention of Crime & Disorder" licensing objective due to the sale and storage of smuggled tobacco and alcohol products.

Anyone who wishes to make representations regarding this application should do so in writing to Environmental Health - Licensing, Borough Council of King's Lynn & West Norfolk, King's Court, Chapel Street, King's Lynn, PE30 1EQ no later than the **6<sup>th</sup> February 2019**.

The application can be viewed on arrangement with the Licensing Team at the Council's Office on (01553) 616200.

It is an offence under Section 158 of the Licensing Act 2003, knowingly or recklessly to make a false statement in connection with an application to which a maximum fine of £5000 is liable on summary conviction.

London Road, King's Lynn, Norfolk, PE30 5ES





**DETERMINATION N**

Appendix 6 to  
 Report to Licensing Sub-Committee  
 Re: 7 Days, 122 London Road  
 Dated: 12th February 2019

<b>Date of Hearing</b>	<b>27 June 2017</b>
<b>Sub-Committee Members</b>	<b>Councillors C J Crofts, L Bambridge and D Whitby</b>
<b>Legal Adviser</b>	<b>Noel Doran</b>
<b>Licensing Manager</b>	<b>John Gilbraith</b>
<b>Democratic Services Officer</b>	<b>Rebecca Parker</b>
<b>Applicant</b>	<b>Mr Q Saeyd</b> <b>Accompanied by Sara Sawicka</b>
<b>Premises</b>	<b>7 Days</b>
<b>Premises Address</b>	<b>122 London Road</b> <b>King's Lynn</b> <b>Norfolk</b> <b>PE30 5ES</b>
<b>Responsible Authority</b>	<b>Chris Brook – Norfolk Police Licensing</b> <b>Vicky Conlon – Norfolk Trading Standards</b> <b>Richard Spinks – Norfolk Police</b>
<b>Observing</b>	<b>Marie Malt – Senior Licensing Enforcement Officer</b>
<b>Application</b>	<b>Application to Vary licence to Nominate Individual as Premises Supervisor</b>

**APPLICATION**

The Borough Council of King's Lynn and West Norfolk (the Council), being the relevant licensing authority, received an application to vary the Licence to nominate an individual as the Premises Supervisor for 7 Days, 122 London Road, King's Lynn. A copy of the application was included in the Licensing Managers report.

Norfolk Constabulary had objected to the application and a copy of their objection letter was included in the Licensing Manager's report.

**HEARING**

An application was made for the Hearing to be held in private session. It was therefore 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.

On 27 June 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;

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

- The Licensing Manager
- The Applicant
- The Responsible Authority

### **SUMMARY OF EVIDENCE**

The Licensing Manager presented the report to the Sub-Committee, outlining the application. 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 presented their case.

The Applicant responded to questions from all parties.

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 all parties.

### **DETERMINATION**

The Sub-Committee notes that the Police have objected to the application to vary the Designated Premises Supervisor on the basis that the crime prevention objective would be undermined. This is an objection to which the Sub-Committee attaches substantial weight.

In accordance with statutory guidance, the Sub-Committee should accept all reasonable and proportionate representations made by the Police unless there is evidence that to do so would not be appropriate for the promotion of the licensing objectives.

On the basis of the evidence presented at the Hearing, the Sub-Committee considers that it would be appropriate for the promotion of the licensing objectives to accept the representations made by and on behalf of the Police that granting this application would undermine the crime prevention objective because of the links between the Licence Holder, the proposed Designated Premises Supervisor and other parties known to the Police.

The Sub-Committee rejects the application to vary the premises licence relating to 7 Days, 122 London Road, King's Lynn, Norfolk PE30 5ES to nominate an individual as Designated Premises Supervisor.

### **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 an appeal.

Signed.....  
Chairman (Councillor C J Crofts)

Date: 27 June 2017