

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



Licensing Committee

Agenda

Thursday, 20th April, 2023
at 3.00 pm.

Please note that the meeting will be followed by a full meeting of the Licensing and Appeals Board

in the

**Council Chamber, Town Hall, Saturday
Market Place, King's Lynn and available
for the public to view on You Tube.**



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

Wednesday, 12 April 2023

Dear Member

Licensing Committee

You are invited to attend a meeting of the above-mentioned Sub Committee which will be held on **Thursday, 20th April, 2023 at 3.00 pm** 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 Chair 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. Members Present Under Standing Order 34

5. Minutes (Pages 5 - 30)

To approve as a correct record the below minutes:

29th March 2022 – Full Meeting

30th March 2022

28th April 2022

16th June 2022

7th March 2023

6. Update from the Licensing Manager

7. Any other Business

8. Date of the next meeting

To:

Licensing Committee: Councillors A Bubb, C J Crofts (Vice-Chair), A Holmes, C Hudson, B Lawton, C Manning, S Nash, E Nockolds (Chair), T Parish, J Rust, C Sampson, Mrs V Spikings, A Tyler, D Tyler and D Whitby

Officers:

Marie Malt – Licensing Manager

BOROUGH COUNCIL OF KING'S LYNN & WEST NORFOLK

LICENSING COMMITTEE

**Minutes from the Meeting of the Licensing Committee held on Tuesday,
29th March, 2022 at 3.05 pm in the Assembly Room, Town Hall, Saturday
Market Place, King's Lynn PE30 5DQ**

PRESENT: Councillor E Nockolds (Chair)
Councillors A Bubb, C J Crofts, A Holmes, C Hudson, C Manning, J Rust,
C Sampson, A Tyler, D Tyler and D Whitby

PORTFOLIO HOLDER – Councillor Kunes – Portfolio Holder for Environment and Climate Change

1 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Morley, Spikings, J Collop and Nash.

2 ITEMS OF URGENT BUSINESS

There was no urgent business.

3 DECLARATIONS OF INTERESTS

There was no declarations of interest.

4 MEMBERS PRESENT UNDER STANDING ORDER 34

None.

5 MINUTES

RESOLVED: The minutes from the below listed meetings were agreed as a correct record and signed by the Chair:

16th April 2019
13th June 2019
18th February 2020
4th August 2020
18th November 2020
25th February 2021
21st July 2021
24th August 2021

6 ANY OTHER BUSINESS

There was none.

7 **DATE OF THE NEXT MEETING**

To be confirmed.

BOROUGH COUNCIL OF KING'S LYNN & WEST NORFOLK**LICENSING COMMITTEE**

Minutes from the Meeting of the Licensing Committee held on Wednesday, 30th March, 2022 at 10.30 am in the Assembly Room, Town Hall, Saturday Market Place, King's Lynn PE30 5DQ

PRESENT: Councillor E Nockolds (Chair)
Councillors C J Crofts and C Manning

OFFICERS:

Marie Malt – Senior Licensing Officer
Craig Pease – Licensing Enforcement Officer
Jo Furner – Legal Advisor
Octavia Holman – Observing
James Shilling – Health and Safety 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 THE 100 ACRES, COWLES DRIVE, HOCKWOLD CUM WILTON

[Click here to view the recording of this item on You Tube.](#)

The Chair welcomed everyone to the meeting and declared that the Sub-Committee was sitting to consider an application for a premises licence in respect of The 100 Acres, Cowles Drove, Hockwold Cum Wilton.

The Sub-Committee, Borough Council officers and the Legal Advisor were introduced and their roles explained.

All parties were introduced and confirmed that fifteen minutes would be sufficient to present their case.

5 PROCEDURE WHICH WILL BE FOLLOWED AT THE HEARING

[Click here to view the recording of this item on You Tube.](#)

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

6 **REPORT OF THE LICENSING OFFICER**

[Click here to view the recording of this item on You Tube.](#)

At the request of the Chair, the Licensing Officer presented her report to the Sub-Committee as included in the Agenda.

She referred to the additional information which had been circulated to interested parties in advance of the meeting which included the Decision Notice from a previous Hearing relating to the site.

The Licensing Officer responded to questions from all parties and clarified that the application was for licensable activity to take place for five consecutive days during each September. No further applications would be required for future years, should the application be granted. The Licensing Officer reminded those present that Responsible Authorities and Interested Parties had the power to call in an application for review which would result in a further Licensing Sub-Committee Hearing being held. Reference was also made to the site and it was explained that should the site need extending in the future, it would be subject to another application.

7 **THE APPLICANTS CASE**

[Click here to view the recording of this item.](#)

At the request of the Chair the applicant, Rachel White, presented her case explaining that the intention was to hold a festival for five consecutive days each September. There was no intention to hold other events.

She felt that last years event was successful in terms of promoting the licensing objectives and there were no major issues and was surprised by the Norfolk Constabulary representation. Additional conditions which could be attached to the licence had been discussed and agreed with Norfolk Constabulary for future events.

Rachel White addressed the concerns made by Norfolk Constabulary relating to the medical use of cannabis, how this would be managed in the future, and the incident relating to a DJ who had been recorded on social media as 'pulling on a spliff' on stage and the offsite arrest. Information on the uses of hydroponics was also provided. Rachel White indicated that she was willing to work with Norfolk Constabulary to mitigate concerns, similarly to last year.

Rachel White referred to the representations made by Interested Parties and explained that they were similar concerns to those raised last year, however the Sub-Committee were minded to grant the application last year, so they must have been satisfied that the applicant had addressed concerns. She referred to positive resident feedback and a positive comment on the event which had been published in the EDP.

It was acknowledged that the Sedge Fen area had not been considered last year, but since then work had been carried out with the Community Safety and Neighbourhood Nuisance Team on conditions to mitigate concerns, for example speaker orientation and wind direction.

The applicant responded to questions from all parties relating to the maximum number of attendees, sales forecasts and the potential to grow the event in the future. It was acknowledged that there were issues with staffing last year because of Covid and conditions could be imposed on the licence to increase the number and efficiency of searches upon entry.

Rachel White responded to questions from Interested Parties relating to an ambulance being called, to which Rachel White commented that she was unaware of this incident, the images that were being used for marketing purposes and noise limits for personal music in the campsite.

Chris Brooks referred to the police representation and information was provided on accredited security staff, marshals and provisions suggested for future events. It was explained that this could be conditioned, or could form part of the Event Management Plan.

Rachel White responded to questions from Members of the Sub Committee relating to the use of cannabis and how artists would be made aware that illegal activity, or the promotion of illegal activity on the site would not be tolerated. It was also clarified that food and drink vendors would be required to replenish their supplies at certain times so as to not clash with day visitors entering or exiting the site. Information on food safety checks was also provided.

It was confirmed that the Event Management plan was a live document to ensure that there was accurate provision and the aim was to be above minimum standards. It was hoped that security provision could be agreed within the Event Management plan, but it could be conditioned if necessary.

Information was also provided on the types of vendors and trades who attended the event, the guidance that had been received from the Fire Service in terms of how many and what types of extinguishers should be available and how there would be an access path through the campsite.

Reference was made to the shuttle bus service and it was explained that this had not yet been finalised so had not yet been promoted.

Information was provided on how residents would be kept up to date and event organiser contact details would be circulated, which would include residents of Sedge Fen.

8 **RESPONSIBLE AUTHORITY CASE**

[Click here to view the recording of this item on You Tube.](#)

At the invitation of the Chair, Chris Brooks from Norfolk Constabulary presented his case and provided detail of the Norfolk Constabulary representation. Norfolk Constabulary objected to the application, but should the application be granted they would like additional conditions, which had been agreed with the applicant, to be attached to the licence. These conditions related to drug amnesty bins, security staff and signage.

Chris Brook responded to questions from all parties and provided information on security staff and searches and police presence at the event.

9 **INTERESTED PARTIES CASE**

a) Mrs Randall – Hockwold Parish Council

[Click here to view the recording of this item on You Tube.](#)

The Parish Councils objection was presented to the Sub-Committee and Mrs Randall explained that they were similar to the issues raised last year and related to traffic concerns, damage to Cowles Drove which was a public right of way, noise nuisance and position of the stage.

Rachel White explained that one of the conditions of the application was to ensure Cowles Drove was in a manageable state prior to the event and any damage was repaired after the event.

b) Mrs Williams

[Click here to view the recording of this item on You Tube.](#)

Mrs Williams presented her case explaining that marshalling was a problem last year, with not enough marshals and that they finished at 10pm. Any future events needed to be properly resourced. She reported litter on her paddocks and that there was an ambulance called to outside her house as it could not access Cowles Drove.

c) Mrs Pountney

[Click here to view the recording of this item on You Tube.](#)

Mrs Pountney presented her case and commented that she was pleased to see that some of the comments residents had raised last year had been addressed. She raised concerns relating to Health and Safety, marshalling at the event, lighting along Cowles Drove, the suitability of Cowles Drove and the impact the event had on livestock in the area.

d) Mr Pountney

[Click here to view the recording of this item on You Tube.](#)

Mr Pountney referred to Public Health, the Human Rights Act and protection to Council Tax Payers. He commented that Interested Parties only received the Event Management Plan the day before the Hearing, so had no time to properly study it. He also referred to the timing of the lodging of the application, the ambulance which had been called to the previous event and how he was unable to contact event staff during last years event.

He commented that the site was surrounded by villages, a RSPB reserve and facilities for RAF Feltwell and how noise could travel throughout the Fen.

The Chair invited questions to the Interested Parties and Mrs Randall provided detail of the road traffic accidents in the area during last years event. Mrs Williams also commented that her driveway was used constantly during the festival.

10 SUMMING UP - LICENSING OFFICER

[Click here to view the recording of this item on You Tube.](#)

The Licensing Officer summed up her case and reminded the Sub-Committee that they should consider all the information put forward at the Hearing today, along with the representations included in the Agenda.

11 SUMMING UP - THE APPLICANT

The Applicant had nothing further to add.

12 SUMMING UP - RESPONSIBLE AUTHORITY

[Click here to view the recording of this item on You Tube.](#)

Chris Brooks commented that Norfolk Constabulary objected to this application, but should the Sub-Committee be minded to grant the application he would like the conditions put forward by Norfolk Constabulary to be attached to the licence.

13 **SUMMING UP - THE APPLICANT**

[Click here to view the recording of this item on You Tube.](#)

Rachel White commented that she had been liaising and working with the Responsible Authorities and would be willing to put in place any conditions put forward by Norfolk Constabulary.

14 **OUTSTANDING MATTERS**

[Click here to view the recording of this item on You Tube.](#)

The Legal Advisor outlined outstanding matters and provided detail of the Legal Advice she would be providing to the Sub-Committee Members whilst they retired to make their decision.

15 **DECISION**

In closing the meeting the Chair explained that the Panel would retire to make their decision in private, accompanied by the Democratic Services Officer for administrative purposes and the Legal Advisor for specific points of law and procedure.

After the Hearing the decision notice was circulated to all parties.

The meeting closed at 12.18 pm

BOROUGH COUNCIL OF KING'S LYNN & WEST NORFOLK

LICENSING COMMITTEE

**Minutes from the Meeting of the Licensing Committee held on Thursday,
28th April, 2022 at 2.00 pm in the Assembly Room, Town Hall, Saturday
Market Place, King's Lynn PE30 5DQ**

PRESENT: Councillors E Nockolds (Chair), D Whitby and J Rust.

OFFICERS:

Marie Malt – Senior Licensing Officer
Craig Pease – Licensing Enforcement Officer
Chido Mushonga – Legal Advisor
Rebecca Parker – 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 LONDON ROAD STOP AND
SHOP GROCERY, 122 LONDON ROAD, KING'S LYNN**

[Click here to view the recording of this item on You Tube.](#)

The Chair welcomed everyone to the meeting and declared that the Sub-Committee was sitting to consider an application for a premises licence in respect of London Road Stop and Shop Grocery, 122 London Road, King's Lynn.

The Sub-Committee, Borough Council officers and Legal Advisor were introduced and their roles explained.

All parties introduced themselves and confirmed that fifteen minutes would be sufficient to present their case.

The Applicant, Mr Khider was present at the meeting and was accompanied by his Agent, Mr Paul Byatt and Shop Manager Juste Padvelskyte.

5 **PROCEDURE WHICH WILL BE FOLLOWED AT THE HEARING**

[Click here to view the recording of this item on You Tube.](#)

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

6 **REPORT OF THE LICENSING OFFICER**

[Click here to view the recording of this item on You Tube.](#)

At the request of the Chair, the Licensing Officer presented her report to the Sub-Committee as included in the Agenda and highlighted the previous applications which had been considered by the Sub-Committee, and applications which had been made and subsequently withdrawn.

In response to a question to the Licensing Officer it was clarified that the Decision Notice would follow in writing to all parties within five working days.

7 **THE APPLICANTS CASE**

[Click here to view the recording of this item on You Tube.](#)

At the request of the Chair, the Applicant's representative, Mr Paul Byatt presented the case on behalf of the Applicant. He acknowledged the history of the premises, but explained that the new owner had a positive approach to running the business and had invested a lot in the shop.

The Applicant and the Shop Manager were also present at the Hearing and Mr Byatt provided details of their previous experience in the retail industry.

The Applicant's Representative clarified that the new applicant had no links to the previous owners of the premises except for in their dealings in the sale of the premises and evidence was available to support this. Reference was also made to Temporary Event Notices which had been applied for, whilst waiting for this application to be considered. It was noted that the Temporary Event Notices had not been used.

Information was provided on the CCTV and refusals register and the Applicant's Representative responded to the concerns raised by the Police relating to incorrect addresses and explained that this was a typo. He also made reference to the allegations from Norfolk Constabulary about the purchase of illegal cigarettes and explained that the premises had CCTV from the day of the allegation and the Shop Manager confirmed that she had not sold any illegal cigarettes.

He commented that the Police had not followed up this allegation and no body cam footage was available from the Police.

The Sub-Committee was informed that visits from the Police and Norfolk Trading Standards had been carried out and there were no concerns raised.

The Applicant's Representative stated that Mr Khider would support the Shop Manager and could be easily contacted and attend the premises as necessary. He commented that they worked as a very strong team and would run the shop successfully.

The Chair invited questions from all parties and in response to questions from the Licensing Officer, the Shop Manager provided information of previous licensed premises she had worked at in King's Lynn and the Applicant's Representative confirmed that Mr Khider had owned the lease on the premises since October 2021.

The Licensing Officer asked about a Company which had been set up on Companies House in September 2021 and then dissolved which registered Mr Khider as Director for 122 London Road. The Applicant's Representative explained that he did not know why this Company had been dissolved.

The Licensing Officer asked the Shop Manager if any cigarettes were sold at the premises and the Shop Manager confirmed that they were not. They sold Vapes. She explained that they often got asked by customers for alcohol and cigarettes and she would explain to customers that they did not sell those products.

A page from the refusals register was circulated to all parties at the Hearing.

In response to a question, it was explained that the premises did not have a food safety certificate, but would get one if required. It was also highlighted that the visit from Norfolk County Council Trading Standards had not flagged this up.

Chris Brooks asked questions about the typo of address on the application form and the Applicant's Representative clarified the error and confirmed the correct address. The Applicant showed Chris Brooks his driving licence, which had the correct address and Chris Brooks highlighted that the Applicants surname was spelt differently on the licence to the application. The Applicant's Representative explained that this was no attempt to deceive any parties and any errors were a genuine oversight.

In response to a question from Councillor Rust, the Licensing Officer explained that it was a legal requirement to have a food safety certificate. In response to further questions the Shop Manager

confirmed that she was paid minimum wage and could provide evidence of her payslips.

Councillor Rust made reference to the lack of footage from the Police from the incident on 29th March relating to the purchase of illegal cigarettes. Chris Brooks explained that the footage had not been downloaded from the body cam and was now unavailable. The Shop Manager commented that she was working at the premises on that day and that the sale had not happened. She commented that if the Police had genuine concerns, they would have conducted a search of the premises.

In response to further questions, the Applicants Representative explained that the Temporary Event Notices which had been applied for had not been pursued, so there had not been any alcohol sales since the licence had been revoked. The Applicant's representative also confirmed that there were no links to the previous owners and Business Rates had been transferred.

Mr Khider explained that this was his first shop, and he could travel to the shop from his home in Peterborough as and when required.

The Shop Manager explained how she dealt with people who looked underage and how she recorded details on the refusals register. She explained that if the Licence was granted, staffing arrangements would be reviewed. The Applicant's Representative also commented that the Applicant had committed to invest in training for the Shop Manager, including getting her a Personal Licence. Steps would also be taken to ensure the correct Food Safety Certificate was in place.

The Applicant's Representative confirmed that the payment of Business Rates had been transferred to Mr Khider's name and the whole business was in his name.

8

RESPONSIBLE AUTHORITIES CASE

[Click here to view the recording of this item on You Tube.](#)

At the invitation of the Chair, Chris Brooks from Norfolk Constabulary presented his case and provided detail of the Norfolk Constabulary representation explaining that there had been several attempts to licence this premises and all had failed because they could be linked back to criminal activity. He felt that the latest attempt was the same and he explained that the last check still had the previous owner paying the business rates.

The concerns raised about the address consistencies had been addressed by the Applicant, but Chris Brooks still had concerns with different spellings of the Applicant's surname.

Chris Brooks provided detail of the incident relating to the purchase of illegal cigarettes. He explained that Norfolk Trading Standards were unable to attend the Hearing today.

Chris Brook explained that the Police feared that the Crime and Disorder Licensing Objective would be undermined should this licence be granted.

Chris Brook responded to questions from all parties. The Applicant's Representative asked for detail on the incident on 29th March. Chris Brooks provided details of the officers involved in the incident, and explained that the body cam footage was unavailable. He was not sure why the incident had not been followed up. The Applicant's Representative disputed the incident and explained that there was CCTV footage from the premises and no sale had been recorded, he felt that it was convenient that this allegation happened two days before the end of the consultation period.

Councillor Rust asked for detail on why the Police did not follow up on the incident. Chris Brooks explained that he was unaware on why the incident was not followed up.

In response to a question from the Chair, Chris Brooks explained that if residents had concerns they could report this as appropriate and that there was a big issue with antisocial behaviour along London Road in general.

9 **SUMMING UP - THE LICENSING OFFICER**

[Click here to view the recording of this item on You Tube.](#)

The Licensing Officer summed up her case and reminded the Sub-Committee that they should consider all the information put forward at the hearing today.

She informed all parties that during the Hearing she had received up to date information from the Business Rates department at the Council, who had confirmed that the Business Rates were still being paid by the previous owner, and had been since October 2020 and there had been no recent correspondence.

10 **SUMMING UP - RESPONSIBLE AUTHORITIES**

[Click here to view the recording of this item on You Tube.](#)

Chris Brooks from Norfolk Constabulary summed up his case and referred to the history of mis-management of this premises and the concerns of the Police that the sale of illegal cigarettes would continue.

11 SUMMING UP - THE APPLICANT

[Click here to view the recording of this item on You Tube.](#)

On behalf of the Applicant, the Applicant's representative summed up his case. He acknowledged the history of the premises, but this would not continue. The Applicant would be under the 'microscope' and would expect multi agency visits to the shop and he was committed to be compliant to the Law.

12 OUTSTANDING MATTERS

[Click here to view the recording of this item on You Tube.](#)

The Legal Advisor outlined outstanding matters and provided detail of the Legal Advice she would be providing to the Sub-Committee Members whilst they retired to make their decision.

13 DECISION

In closing the meeting, the Chair explained that the Panel would retire to make their decision in private, accompanied by the Democratic Services Officer for administrative purposes and the Legal Advisor for specific points of law and procedure.

All parties were informed that the decision notice would be sent to them within five days.

The meeting closed at 3.22 pm

BOROUGH COUNCIL OF KING'S LYNN & WEST NORFOLK**LICENSING COMMITTEE**

Minutes from the Meeting of the Licensing Committee held on Thursday, 16th June, 2022 at 10.00 am in the Council Chamber, Town Hall, Saturday Market Place, King's Lynn PE30 5DQ

PRESENT: Councillors E Nockolds (Chair), C J Crofts and T Parish.

OFFICERS:

Marie Malt – Senior Licensing Officer

Johanna Riches – Licensing Enforcement Officer

LEGAL ADVISOR: Julie Gowland – Birketts Solicitors

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 MCDONALDS, 163 BEXWELL ROAD, DOWNHAM MARKET**

[Click here to view the recording of this item on You Tube.](#)

The Chair welcomed everyone to the meeting and declared that the Sub-Committee was sitting to consider an application for a premises licence in respect of McDonalds, 163 Bexwell Road, Downham Market.

The Sub-Committee, Borough Council Officers and Legal Advisor were introduced and their roles explained.

All other parties introduced themselves and confirmed that fifteen minutes would be sufficient to present their case.

The two interested parties who had written letters of objection in relation to the application were not present at the Hearing.

5 **PROCEDURE WHICH WILL BE FOLLOWED AT THE HEARING**

[Click here to view the recording of this item on You Tube.](#)

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

6 **REPORT OF THE LICENSING OFFICER**

[Click here to view the recording of this item on You Tube.](#)

At the request of the Chair, the Licensing Officer presented her report to the Sub-Committee as included in the Agenda.

She explained that one of the letters of objection had been rejected as not valid, however the Applicant had agreed to include this submission in the application.

There were no questions to the Licensing Officer.

7 **THE APPLICANTS CASE**

[Click here to view the recording of this item on You Tube.](#)

At the request of the Chair, the Applicant's representative presented the case on behalf of the Applicant.

He provided a response to the letters of objection that had been received, explaining that the residents who had objected lived 400 metres from the premises and there were other residents who lived closer, who had not objected.

It was explained that the premises would be run as a franchise and details of the person who would be running the franchise were provided in that he had experience in the East Anglia area and currently ran two premises that were open 24/7. Details were also provided on how the franchise owner would engage with local communities, as he had done with other premises.

It was explained that, should the licence be granted, there would always be at least one Manager on shift throughout the night. Approximately 90 to 100 staff would be working at the premises.

It was confirmed that Planning Permission for the site had already been granted and the site was shared with a Starbucks. Acoustic fencing was a condition of the Planning Permission.

The Sub Committee's attention was also drawn to the Operating Schedule which provided details of the CCTV system in place, the Staff Safe system and training that staff undertook. It was also confirmed that no alcohol was permitted in the restaurant.

The Applicant's representative provided detail of litter picks conducted at McDonalds and explained that these would take place three times a day around the local area, subject to a risk assessment.

It was noted that there had been no objections from any of the Responsible Authorities.

In response to questions, the Applicant's representative agreed that conditions relating to CCTV and litter picks would be acceptable. He also explained that, should the application be granted, it was not a definite that the restaurant would be open 24/7, the application was to ensure that the franchisee had the right to do so, should it be viable.

Councillor Parish raised concern relating to other premises in the area and the potential for antisocial behaviour and the types of visitors to the restaurant throughout the night.

In response to questions relating to the nearby nursing home, raised in the objections, it was explained that this had not yet been approved planning permission or been built.

The Applicant's representative responded to questions relating to staff training and how the franchisee would engage with the local community.

8 **INTERESTED PARTIES**

The Interested Parties were not present at the Hearing.

9 **SUMMING UP - THE LICENSING OFFICER**

[Click here to view the recording of this item on You Tube.](#)

The Licensing Officer summed up her case and reminded the Sub-Committee that they should consider all the information put forward at the hearing today.

10 **SUMMING UP - INTERESTED PARTIES**

The Interested Parties were not present at the Hearing.

11 **SUMMING UP - THE APPLICANT**

[Click here to view the recording of this item on You Tube.](#)

The Applicant summed up their case and reminded the Sub-Committee that their decision should be evidence based and there had not been any representations from any of the Responsible Authorities.

12 **OUTSTANDING MATTERS**

[Click here to view the recording of this item on You Tube.](#)

The Legal Advisor outlined outstanding matters and provided detail of the Legal Advice that would be provided to the Sub-Committee Members whilst they retired to make their decision.

13 **DECISION**

The Chair explained that the Sub-Committee would retire to make their decision, in private, accompanied by the Democratic Services Officer for administrative purposes and the Legal Advisor for specific points of law and procedure.

All parties were called back into the room and the decision of the Sub-Committee was read out.

The meeting closed at 10.35 am

BOROUGH COUNCIL OF KING'S LYNN & WEST NORFOLK

LICENSING COMMITTEE

Minutes from the Meeting of the Licensing Committee held on Tuesday, 7th March, 2023 at 10.00 am in the Assembly Room, Town Hall, Saturday Market Place, King's Lynn PE30 5DQ

PRESENT: Councillors E Nockolds (Chair), C J Crofts and C Sampson.

OFFICERS:

Marie Malt – Senior Licensing Officer
 Taiwo Temilade – Legal Advisor
 Rebecca Parker – Democratic Services Officer

APPLICANT:

Cristina Pereira, represented by Daniel Pereira and accompanied by Jose Pereira.

INTERESTED PARTIES:

Councillor Lesley Bambridge

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 THE PEAR TREE CAFE, 58 LONDON ROAD, KING'S LYNN**

[Click here to view the recording of this item on You Tube.](#)

The Chair welcomed everyone to the meeting and declared that the Sub-Committee was sitting to consider an application for a premises licence in respect of The Pear Tree Café, 58 London Road, King's Lynn.

The Sub-Committee, Borough Council Officers and Legal Advisor were introduced and their roles explained.

All other parties introduced themselves and confirmed that fifteen minutes would be sufficient to present their case.

5 **PROCEDURE WHICH WILL BE FOLLOWED AT THE HEARING**

[Click here to view the recording of this item on You Tube.](#)

At the request of the Chair, the Legal Advisor outlined the procedure which would be followed at the Hearing. He explained that there would be a slight amendment to the usual procedure in that Councillor Bambridge who was representing some of the Interested Parties would present her case before the applicant due to her needing to leave the Hearing early. All parties present agreed to the change in procedure.

6 **REPORT OF THE LICENSING OFFICER**

[Click here to view the recording of this item on You Tube.](#)

At the request of the Chair, the Licensing Officer presented her report to the Sub-Committee as included in the Agenda. She explained that there had been a revision to the hours applied for, following negotiation with the Community Safety and Neighbourhood Nuisance Team. On sales would now not commence until 11.00am each day.

The Licensing Officer provided detail of the Mandatory conditions and the conditions which had been put forward by the Applicant.

It was noted that there had been no objections from the Responsible Authorities and seven objections from Interested Parties, as included in the Licensing Officers report.

The Licensing Officer provided detail of the history of premises licences at the Premises from previous owners.

In response to a question from Councillor Crofts, the Licensing Officer explained that the Fire Services had asked for a Fire Risk Assessment to be conducted at the Premises.

7 **INTERESTED PARTIES**

[Click here to view the recording of this item on You Tube.](#)

Councillor Bambridge presented her case on behalf of Interested Parties. She commented that it was a pity that there had been no comments from the Police. She was the Chair of the King's Lynn Safer Neighbourhood Action Panel and was aware of antisocial behaviour issues in this area. She stated that she had emailed the Police with her concerns about this application, but had received no response.

Councillor Bambridge explained that she had received lots of correspondence from residents in objection to the sale of alcohol times

proposed. She explained that she was not aware that the times had now changed, but was pleased to see it changed to 11am as 8am was far too early.

Councillor Bambridge commented that there were already eleven establishments in the area that sold alcohol, which was enough already. She was concerned about the residents of Merchants Terrace Hostel and antisocial behaviour in the area near the Savage Statue.

She explained that the area was a residential area and lots of people lived above shops, which this Council encouraged to ensure a vibrant community.

Councillor Bambridge stated that the London Porter House was well controlled and often live music finished early to accommodate residents.

Councillor Bambridge stated that she couldn't understand why off sales were required. She was pleased that the building was being brought back into use, but she cared about the residents and the public nuisance that could occur from the premises.

The Licensing Officer clarified that no objections had been received from the Police. She explained that she had asked the Police for crime reports for the area, but had not received a response. She informed those present that when the premises was used as a Post Office it had a licence from 8am to 11pm for off sales.

8

THE APPLICANTS CASE

[Click here to view the recording of this item on You Tube.](#)

At the request of the Chair, Daniel Pereira presented the case on behalf of the Applicant. He stated that he had not experienced any of the behaviour raised by the objectors. He explained that ID checks would be in place and service would be limited or refused if people were drunk.

He referred to posts on Facebook which had been posted by others advertising 8am for the sale of alcohol, which was incorrect as on sales were now proposed to start at 11am. He also explained that some of the Facebook posts were personal, spiteful and included racist remarks including from the owner of an adjacent business, which the applicant felt was out of fear of competition.

Daniel Pereira addressed the concerns raised by objectors about people leaving the premises and he explained that it was no different to the surrounding pubs and would be managed accordingly. Signs asking people to respect the neighbours and leave quietly were up at the premises.

He explained that TENS had been applied for whilst the premises had been waiting for the outcome of this application and the Police had not objected to the TENS.

The Courtyard of the premises had been cleaned up and he had met with residents of Guannock Place to alleviate their concerns and explain that the internal and external areas would be covered by CCTV.

Danial Pereira read out some of the positive feedback and reviews from customers. He explained that the Applicant had no desire to cause antisocial behaviour and referred to the operating hours of nearby premises and that both nearby pubs had outdoor seating areas.

Councillor Crofts asked for clarification on where the smoking area would be and it was explained that it would be the outside courtyard. It was clarified that access to the Courtyard would be through the Café. In response to a question from the Licensing Officer it was confirmed that the gate to the Courtyard would be locked until 11am.

In response to a question from the Chair, the Applicant's representative explained that the external areas of the premises were checked at opening and closing times. He explained that they had found syringes and needles in the Courtyard when clearing it to bring it into use.

In response to a question it was clarified that the Premises had a capacity of 26 and this had been accepted by the Fire Officer.

Cristina Pereira confirmed that she had a Personal Licence and would be on duty during opening hours.

9 **SUMMING UP - THE LICENSING OFFICER**

[Click here to view the recording of this item on You Tube.](#)

The Licensing Officers summed up her case and reminded the Sub-Committee that they should consider all the information included in the Agenda and put forward at the Hearing today.

She confirmed that there had been TENS at the premises recently with an 8am start for sale of alcohol.

10 **SUMMING UP - INTERESTED PARTIES**

Councillor Bambridge had left the Hearing.

11 **SUMMING UP - THE APPLICANT**

[Click here to view the recording of this item on You Tube.](#)

The Applicant's representative summed up their case confirming that false times had been posted on Facebook and he felt that this was the main reason for the objections. He hoped that the Applicant could move forward with their business.

12 **OUTSTANDING MATTERS**

[Click here to view the recording of this item on You Tube.](#)

The Legal Advisor outlined outstanding matters and provided detail of the Legal Advice that would be provided to the Sub-Committee Members whilst they retired to make their decision which would relate to the Licensing Act 2003, the Borough Councils Licensing Policy, Section 182 Guidance and Case Law.

13 **DECISION**

The Chair explained that the Sub-Committee would retire to make their decision in private, accompanied by the Democratic Services Officer for administrative purposes and the Legal Advisor for specific points of law and procedure.

All parties were called back into the room and the decision of the Sub-Committee was read out. A copy of the decision notice is attached.

14 **DECISION NOTICE**

The meeting closed at 11.20 am

LICENSING SUB-COMMITTEE**DETERMINATION NOTICE**

| | |
|------------------------------------|---|
| Date of Hearing | 7th March 2023 |
| Sub-Committee Members | Councillors Nockolds (Chair), Crofts and Sampson |
| Legal Adviser | Taiwo Temilade |
| Licensing Officer | Marie Malt – Senior Licensing Officer |
| Democratic Services Officer | Rebecca Parker |
| Applicant’s Name | The Pear Tree Café Limited |
| Applicant’s Representative | Cristina Pereira Daniel Pereira Jose Pereira |
| Interested Parties | Councillor Bambridge |
| Premises Address | The Pear Tree Café, 58 London Road, King’s Lynn, Norfolk, PE30 5QH |
| Application | Application for a Premises Licence |

APPLICATION

Kings Lynn and West Norfolk Borough Council, being the relevant licensing authority, received an application for a Premises Licence for The Pear Tree Café, 58 London Road, King’s Lynn.

During the 28 day representation period, the Council received a letters of representation from 7 Interested Parties. There were no representations from Responsible Authorities.

HEARING

On 7th March 2023, a hearing was held to consider the application for the premises licence. 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 Kings Lynn and West Norfolk Borough Council 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 Officer
- The Applicant
- Interested Party

SUMMARY OF EVIDENCE

The Licensing Officer presented her report and outlined the application which had been submitted and responded to questions from all parties. A copy of the application was attached to the report.

The Applicant presented their case and responded to questions from all parties.

Councillor Bambridge spoke on behalf of various Interested Parties objecting to the application.

The parties all summed up.

FINDINGS AND DETERMINATION

The Sub Committee considered the evidence in the report, as well as the written and oral evidence of all parties put forward at the Hearing.

The Sub-Committee had due regard to the Licensing objectives, the report of the Licensing Officer, the written representations made, visual evidence shown, and the oral representations put forward at the hearing.

The Sub-Committee had due regard to the written and oral objecting representations made by 'Interested Parties' in respect of this Application and took note of the objections raised.

The Sub-Committee believe representations from Responsible Authorities are an important consideration and that they should take heed of statutory bodies who are deemed experts in their respective fields. The Sub-Committee gave weight to the fact that there was no objecting representation made by any Responsible Authority.

To that end, the Sub-Committee grants the application but imposes the following conditions:

CONDITIONS

The Sub-Committee recognised that conditions will only be imposed on a licence where conditions are necessary for the promotion of one or more of the 4 licensing objectives. The Sub-Committee will only impose conditions on a licence where relevant representations have been made and it considers that it is necessary to impose conditions as a result of those representations. The following conditions were found to be appropriate:

1. The mandatory conditions applicable under the Licensing Act 2003
2. The conditions consistent with the operating schedule as detailed at Paragraph 4 on page 10 of the Licensing Officer's report save for 4 (c) which is amended below;
3. Signs shall be displayed in prominent positions requesting that customers show due consideration of neighbours when leaving the premises, the dimensions and location of these signs shall be subject to the satisfaction of 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 Elizabeth Nockolds (Chair of the Licensing Committee)

Date: 7th March 2023