

Borough Council of King's Lynn & West Norfolk

Report to Licensing Sub-Committee under the Licensing Act 2003

Date of Hearing: 23rd August 2017

Application for Review of a Premises Licence

- N-Joy Bar, 120 Norfolk Street, King's Lynn, PE30 1AP
- Licence Holder: Mr Mahir Kocaslan
- Premises Licence Number: 16/01602/LA_TRA

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 N-Joy was granted on the 2nd March 2016. 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. The Norfolk Constabulary has made an application to review the premises licence for N Joy, 120 Norfolk Street, King's Lynn under 'the prevention of crime and disorder' licensing objective. This was received on the 4th July 2017 and 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 Constabulary, as a responsible authority has made the review application.

5. The Norfolk Fire & Rescue Service has made a representation in response to the review application and a copy of their letter dated the 31st July 2017 is attached at Appendix 3.

6. The Borough Council's Business Rates team has made a representation in response to the review application and a copy of their letter dated the 4th July 2017 is attached at Appendix 4.

7. There are no representations from the remaining responsible authorities, to consider. The other responsible authorities are:

- CS&NN (BCKLWN)
- Norfolk Trading Standards
- Norfolk Safeguarding Children's Board
- Public Health
- Planning (BCKLWN)
- Health & Safety (BCKLWN)
- Home Office (Alcohol Licensing Team)

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.

8. There are no representations from 'other persons' to consider.

Notices

9. The Borough Council is responsible for advertising a review application by way of a notice in a specified form. This notice has to be displayed for 28 consecutive days and should have been displayed on the premises between the 5th July 2017 and the 1st August 2017. 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 5.

Plans

10. A location map is attached at Appendix 6 showing the general location of N-Joy on Norfolk Street, King's Lynn.

Borough Council's Statement of Licensing Policy

11. The current Statement of Licensing Policy was approved by full Council on the 26th 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.

3.2.2 Nothing in this 'Statement of Policy' will override the right of any person to make representations or to seek a review of a licence where provision has been made for them to do so in the 2003 Act.

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.

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 April 2017 and offers advice to Licensing authorities on the discharge of their functions under the Act.

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

Licence Conditions – General Principles

- 1.16 Conditions on a premises licence or club premises certificate are important in setting the parameters within which premises can lawfully operate. The use of wording such as “must”, “shall” and “will”, is encouraged. Licence conditions:
- must be appropriate for the promotion of the licensing objectives;
 - must be precise and enforceable;
 - must be unambiguous and clear in what they intend to achieve;
 - should not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation;
 - must be tailored to the individual type, location and characteristics of the premises and events concerned;
 - should not be standardised and may be unlawful when it cannot be demonstrated that they are appropriate for the promotion of the licensing objectives in an individual case;
 - should not replicate offences set out in the 2003 Act or other legislation;
 - should be proportionate, justifiable and be capable of being met, (for example, whilst beer glasses may be available in toughened glass, wine glasses may not);

- cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff, but may impact on the behaviour of customers in the immediate vicinity of the premises or as they enter or leave; and
- should be written in a prescriptive format.

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

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.

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.

Determination

13. 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.

Under Section 52(6) of the Licensing Act 2003 if the Sub-Committee takes a step mentioned in paragraph 13(b) or 13(c) above it may provide that the modification or exclusion is to have effect for only such a period (not exceeding three months) as it may specify.

14. 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.

John Gilbraith

Licensing Manager

Environmental Health - Licensing

4th August 2017

Appendix:

1. Copy of Current Premises Licence.
2. Copy of Review Application dated 3rd July 2017.
3. Copy of Fire Service Letter dated 31st July 2017.
4. Copy of Business Rates Letter dated 4th July 2017
5. Copy of Review Notice.
6. Location Plan.

Background Papers:

1. The Licensing Act 2003
2. Borough Council's Statement of Licensing Policy (26 November 2015)
3. Guidance issued under Section 182 of the Licensing Act 2003 (April 2015)

LICENSING ACT 2003
PREMISES LICENCE

Appendix 1 to
Report to Licensing Sub-Committee
Re: N Joy Bar, 120 Norfolk Street, King's Lynn
Dated: 4th August 2017

16/01602/LA_TRA

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
Email: ehlicensing@west-norfolk.gov.uk

Part 1 – Premises Details

N-Joy Bar

120 Norfolk Street
King's Lynn
Norfolk
PE30 1AP

Telephone Number:

01553 692286

Where the Licence is time limited the dates:

Not applicable

Licensable Activities authorised by the licence:

the sale of alcohol by retail
a performance of live music
any playing of recorded music

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

the sale of alcohol by retail

Description	From	To
Friday to Saturday	20:00	02:00
Sunday to Thursday	20:00	00:00

a performance of live music (Indoors)

Description	From	To
Sunday to Thursday	20:00	00:00
Friday and Saturday	20:00	02:00

any playing of recorded music (Indoors)

Description	From	To
Friday to Saturday	20:00	02:00
Sunday to Thursday	20:00	00:00

Non-Standard Timings for all activities:

Sunday before Bank Holiday Mondays, New Year's Eve & Christmas Eve: 20:00hrs to 02:00 hrs.

The opening hours of the premises:		
Sunday Before Bank Holiday	20:00	02:30
Christmas Eve	20:00	02:30
New Year's Eve	20:00	02:30
Friday to Saturday	20:00	02:30
Sunday to Thursday	20:00	00:30
Where the licence authorises supplies of alcohol whether these are on and /or off supplies:		
Alcohol is supplied for consumption ON the Premises		

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:	
Mr Mahir Kocaslan 4 - 6 Wootton Road, Gaywood PE30 4EX, King's Lynn, Norfolk, PE30 4EX	
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:	
Miss Stephanie Lund [REDACTED]	
Personal Licence number and issuing authority of Personal Licence held by Designated Premises Supervisor (where the premises authorises for the supply of alcohol):	
Personal licence Number: Licensing Authority:	Licence Number: WNPA010125 Licensing Authority: Kings Lynn And West Norfolk
Manager Environmental Health (Commercial)	
Original Issue date of Premises Licence: 2nd March 2016	
Date of last change: 18th November 2016	

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 [words added];
 - (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 [words added];
 - (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;
 - (d) 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 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.

Under Section 21 of the Licensing Act 2003 any individual at the premises who carries out a security activity must be authorised to carry out that activity by a licence granted by the Private Security Industry Authority Act 2001.

ANNEX 2 – CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

8. Persons under the age of 18 years shall not be permitted entry to the premises. All persons entering the premises must have their identification checked by door staff by means of photographic ID.

9. At least one SIA registered door staff shall be on duty from 2100 hours each day and then a further two registered SIA door staff from 2200 hours until close of business.

10. No new customers shall be permitted entry to the premises from one hour before close of business.

11. Door staff will wear high-vis clothing.

12. CCTV will be in operation capturing facial shots of customers entering, made available to police after an incident, stored for 28 days and with someone on the premises able to operate the system.

13. Security staff will use the radio link facility to communicate with one another.

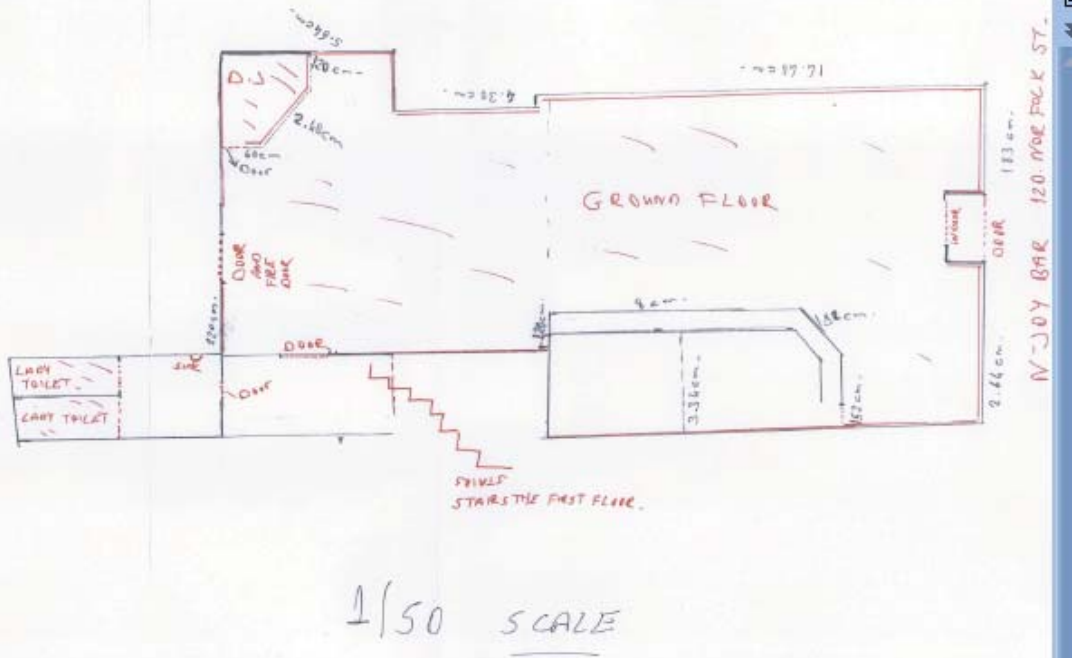
14. The smoking area at the front of the premises will be monitored and supervised to allow free passage along Norfolk Street.

ANNEX 3 – CONDITIONS ATTACHED AFTER A HEARING

15. The licensee shall take appropriate steps to ensure that the customers entering and leaving the premises, and any customers queuing prior to admissions, do so in a quiet and orderly manner.

16. All external windows and doors must be closed during the playing of any music other than background music, with the exception of normal access and egress.

ANNEX 4 – AUTHORISED PLANS



ORIGINAL

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
www.west-norfolk.gov.uk

Appendix 2 to
Report to Licensing Sub-Committee
Re: N Joy Bar, 120 Norfolk Street, King's Lynn
Dated: 4th August 2017

Bd

King's Lynn &
West Norfolk



Licensing Act 2003

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

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:

- **Environmental Health - Licensing**, 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
- **Alcohol Licensing Team**, Home Office, Lunar House, 40 Wellesley Road, Croydon, CR9 2BY
- The premises at the premises to which the application relates

I Heather Little, Solicitor, Norfolk Police apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (*delete as applicable*)

Part 1 – Premises or club premises details

Postal address of premises or club premise, or if none, ordnance survey map reference or description

N-JOY, 120 Norfolk Street

Post town

Kings Lynn

Postcode

PE30 1AP

Name of premises licence holder or club holding club premises certificate (if known)

Mahir Kocaslán

Number of premises or club premises certificate (if known)

16/01602/LA_TRA

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 Chris Brooks, Licensing Officer, Bethel Street Police station, Norwich NR2 1NN
Telephone number (if any) 01603 276024
E-mail address (optional) licensingteam@norfolk.pnn.police.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 | yes |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | <input type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/> |

Please state the ground(s) for review (please read guidance note 2)

Police seek **revocation of the premises licence** at 120 Norfolk Street, Kings Lynn

There have been a number of disorder incidents and breaches of the premises licence at N-JOY, 120 Norfolk Street, Kings Lynn. On Tuesday 13th June 2017 the owner Mr Gunes attended with bailiffs and discovered a cannabis factory at the premises on the second floor. Two rooms had been converted for the wholesale production of the drug. (Please see the photographs attached) Police were called and the premises licence holder arrested. He admitted the production of the drugs during interview and explained how he had diverted electricity from the junction box to feed the supply required for the cultivation operation.

This demonstrates the holders inability to promote the crime and disorder licensing objective. He is using the premises he is responsible for to produce cannabis and with intent to supply controlled drugs.

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

N-Joy, 120 Norfolk Street, King's Lynn, Norfolk

1. On 19th March at 0125hrs PC Lake reports a door supervisor was assaulted trying to break up a fight in the venue

2. On 16th April at 0010hrs PC Button reports only one door supervisor was wearing hi-vis clothing- a breach of condition 11 on page 4 of the premises licence issued on 18th November 2016

3. On 16th April at 0300hrs PC Laws reports about thirty revellers were found by police inside the venue long after the venue should

have been closed and ceased operating

4. On 16th April at 0600 PC Laws reports the fire service found a female trapped inside the premises She was intoxicated and had fallen asleep in the toilets

5. On 16th April at 2230hrs Sgt Elvidge reports door staff were not wearing hi-vis clothing in breach of Annex 2 condition 11 on the premises licence issued 18th November 2016

6. On 22nd April at 2330hrs PC Cowen reports two disorderly males were ejected from the premises and subsequently arrested. Only one door staff was wearing hi vis clothing

7. On 22nd April at 0015hrs PC Cowen reports a drunk male was arrested outside the premises and there had been only two door staff until 2300hrs when the third arrived for work- a breach of condition 9 on page 4 of the licence issued 18th November 2016.

8. On 11th June at 0140hrs Sgt Oliver reports a male was ejected from N-Joy and went on to racially abuse staff and customers. He was arrested

9. PC Hawkes and PC Ranger report on Tuesday 13th June the owner Mr Gunes, attended with bailiffs and discovered a cannabis factory at the premises on the second floor. Two rooms had been converted for the wholesale production of the drug. Police were called and the premises licence holder- Mahir Kocaskan arrested.

He admitted the production of the drugs during interview and explained how he had diverted electricity from the junction box to feed the supply required for the cultivation operation

This demonstrates the holder's inability to promote the crime and disorder licensing objective. He was using the premises he is responsible for to produce cannabis and with intent to supply controlled drugs.

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

3rd November 2016 Police supported environmental health with a supporting letter for their review of the premises licence at 120 Norfolk Street

19th April 2017 Police sent a warning letter to Mr Kocaslan after an apparent breach of the premises licence issued by BCKLWN on 18th November 2016

25th April 2017 Police objected to temporary events notifications extending the hours of operation when venue management was struggling to meet the conditions during normal operating hours.

8th June 2017 Police sent a warning letter to Mr Kocaslan after an apparent breach of the premises licence.

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: *Chris Brooks* Date: 03/07/2017

Capacity: Force Licensing Officer

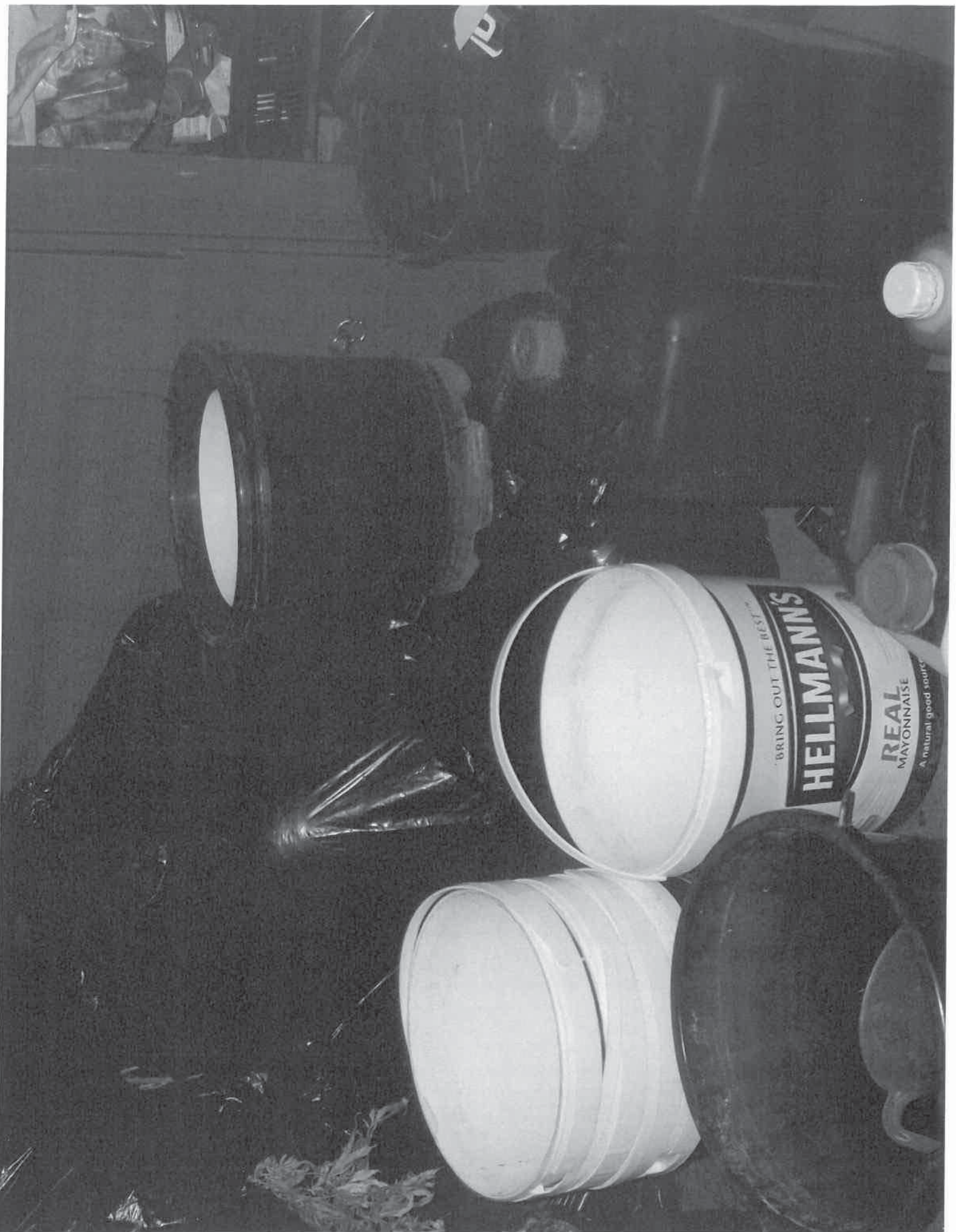
Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 6)

Post town	Postcode

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

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.





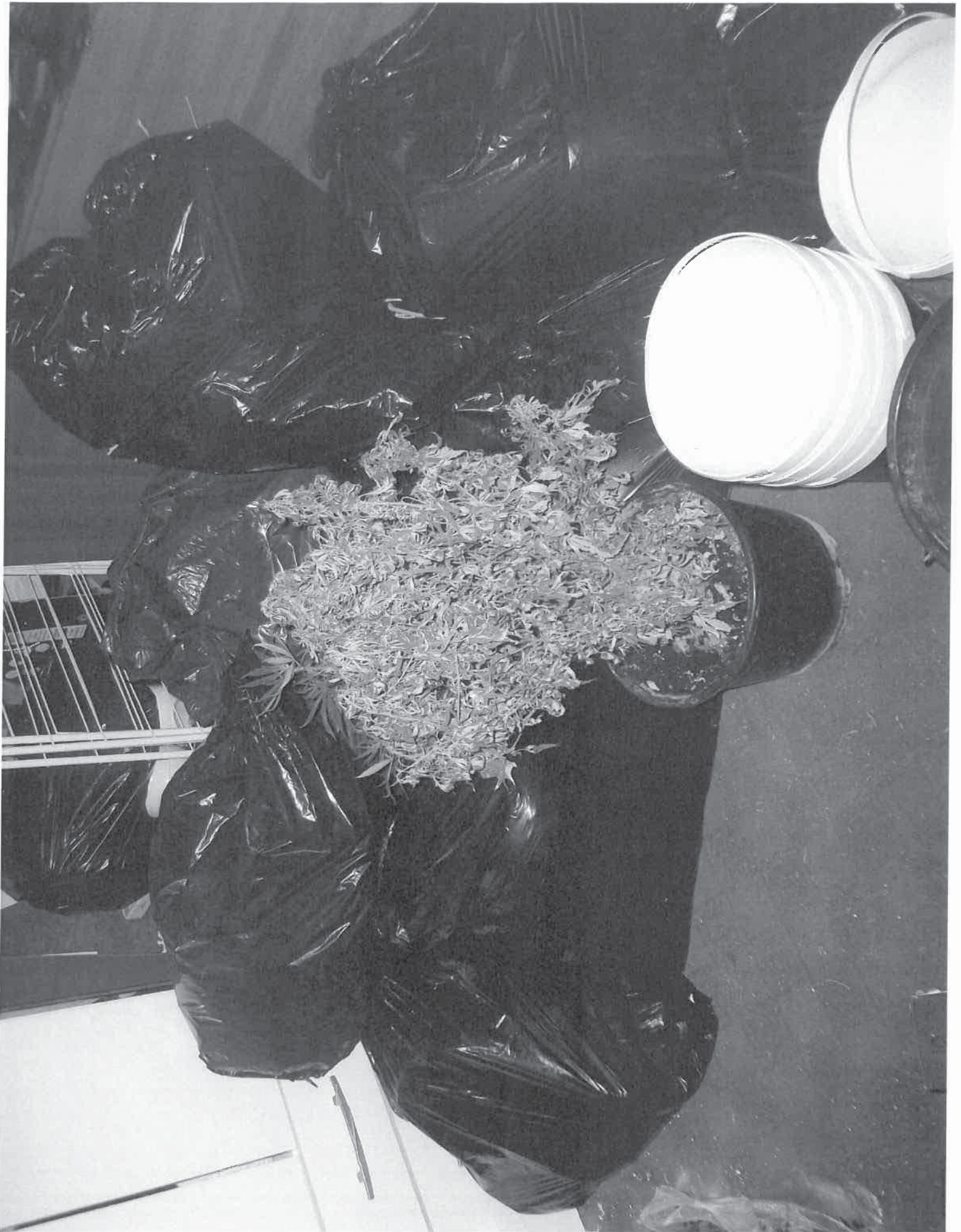


CarboLoad
Content: 5 L (100 oz) (5 kg)
STODER, FULLER & HEAVIER

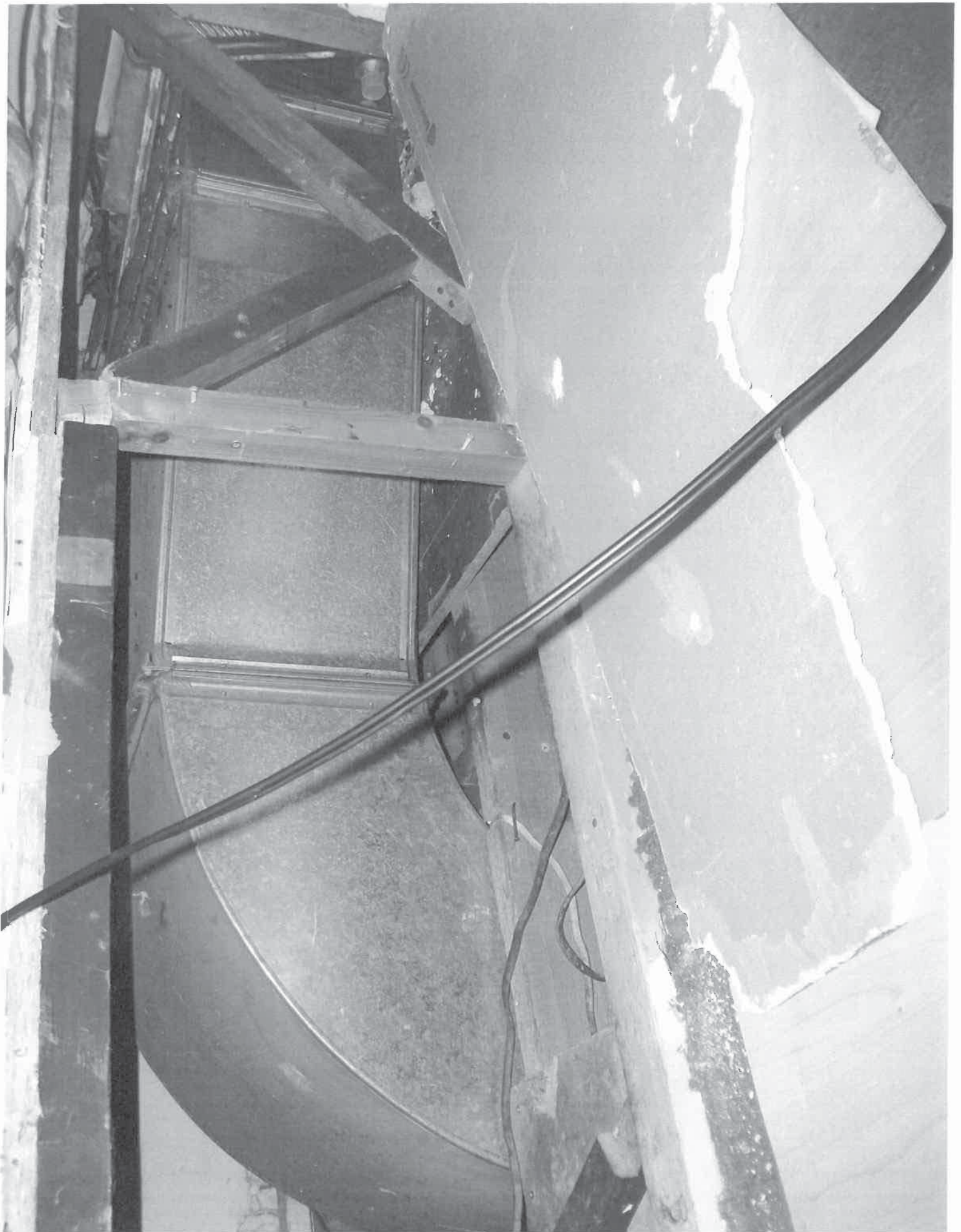
Plant Magic

Magne-Cal











n- JY BAR



n- JY BAR

120 Norfolk Street

Under 21

Also available for private bookings
Tel: 07403 558 799

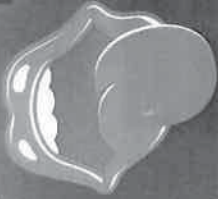


Under 21

Cocktail Bar



n= JY BAR



n= JY BAR

120 Norfolk Street

Under 21

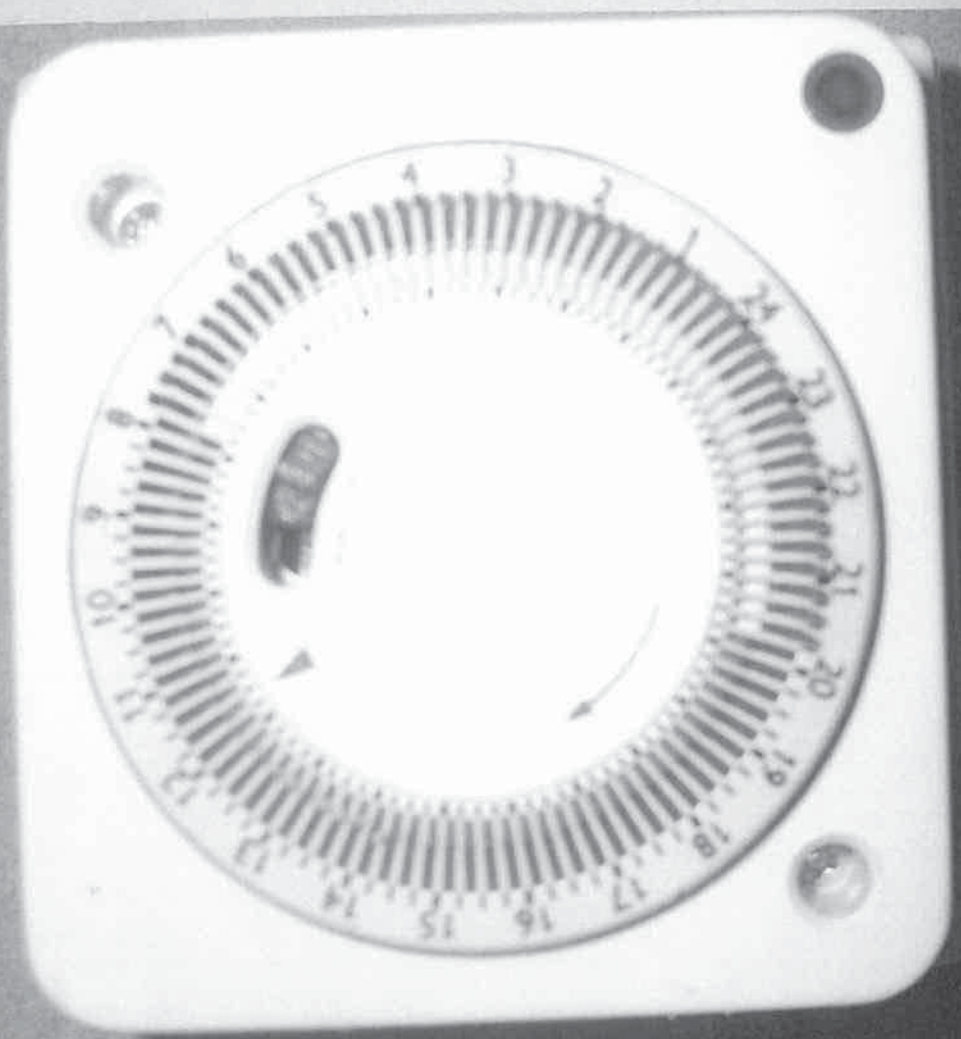
Also available for private bookings
Tel: 07403 558 799



Under 21

Cocktail Bar





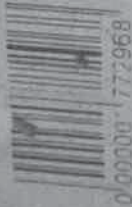


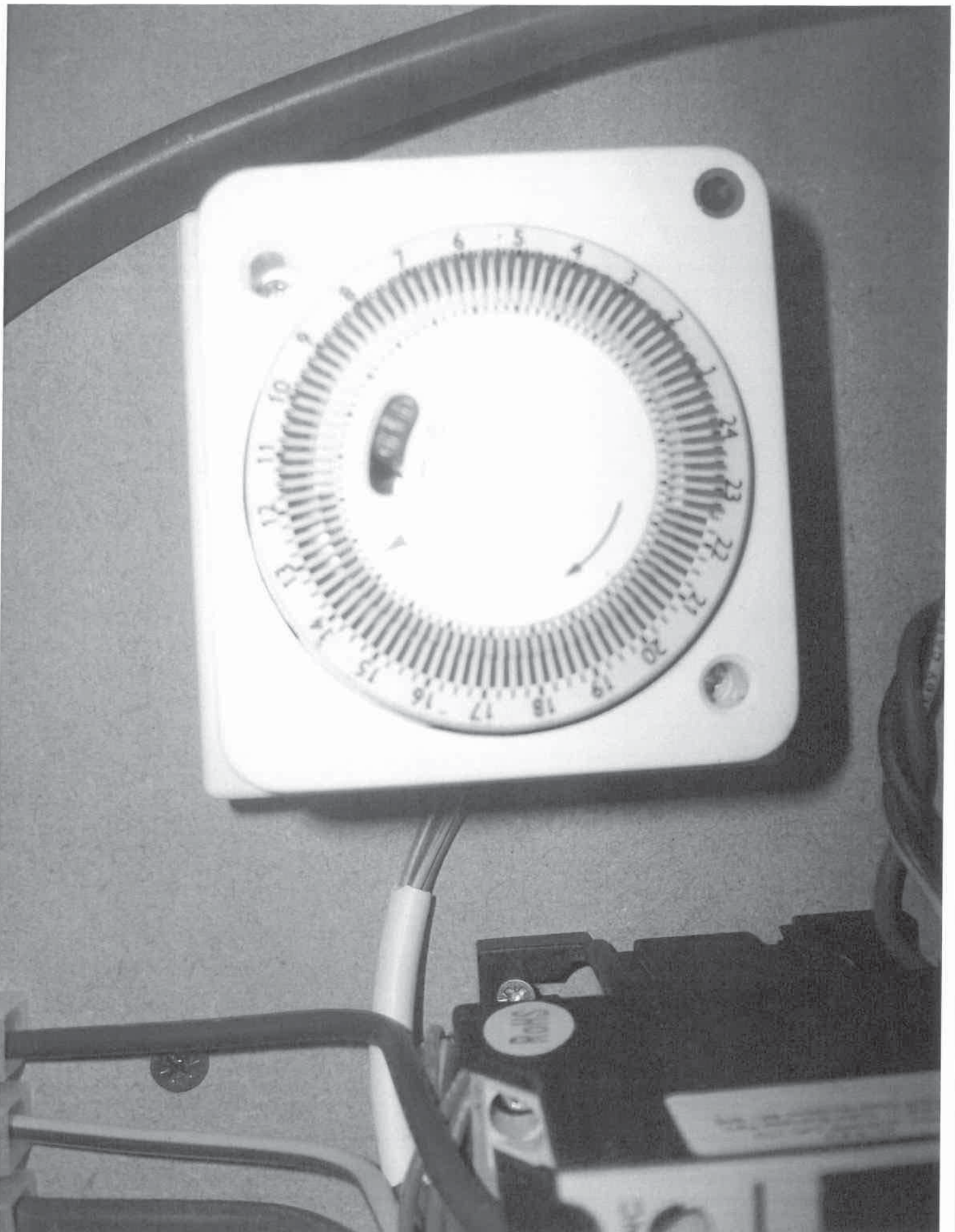
MAXIBRIGHT
Euro Reflector 5m

Max 600W
EMBER

Isolate ballast from mains
before removing lamp
See ballast for lamp type

LAMP MAY BE HOT!





MAXIBRIGHT

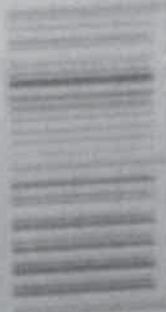
Euro Reflector 5m

Max 500W

MSR#

Isolate ballast from mains
before removing lamp.
See Ballast for lamp type

LAMP MAY BE HOT!

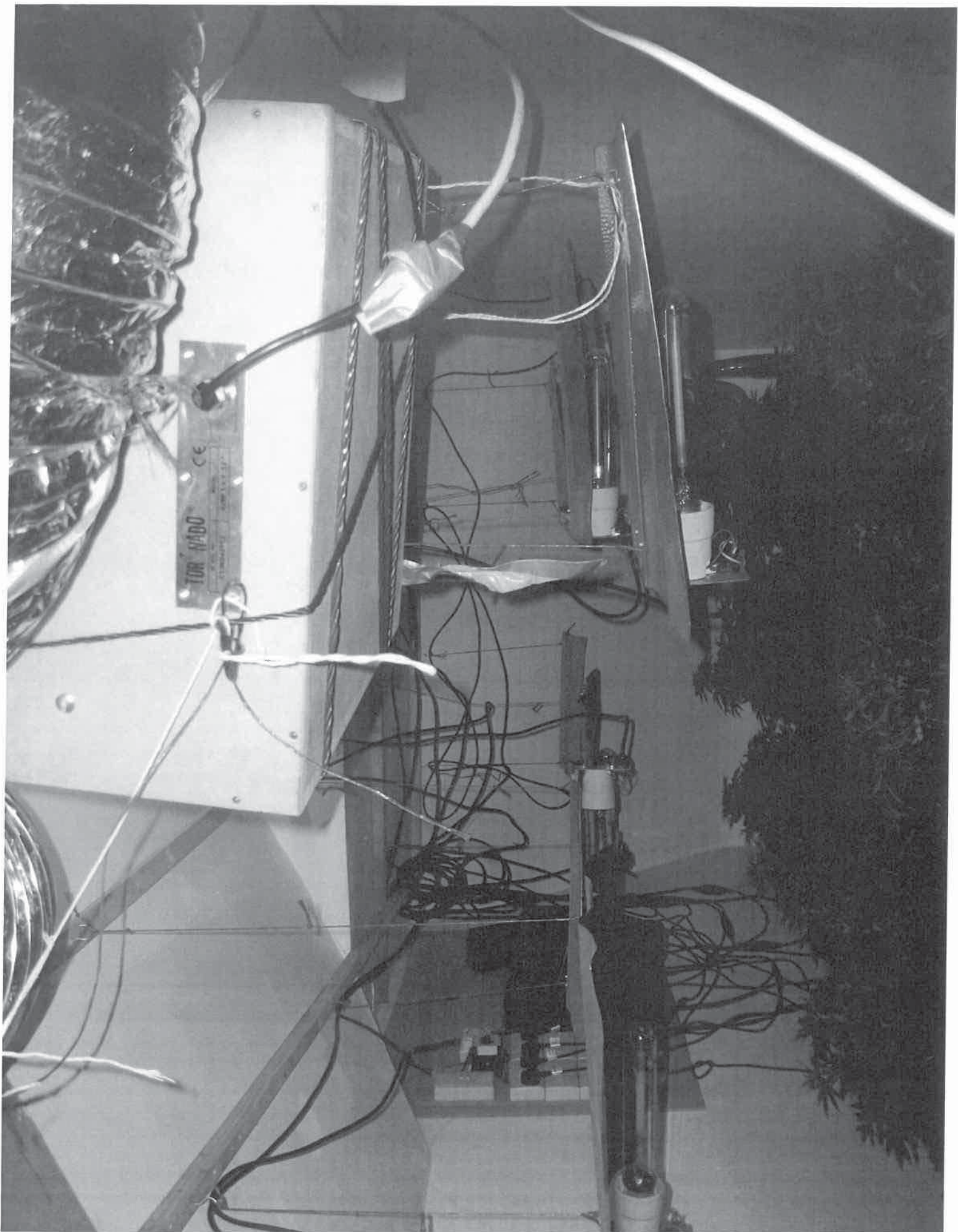


0 00000 17 72 937

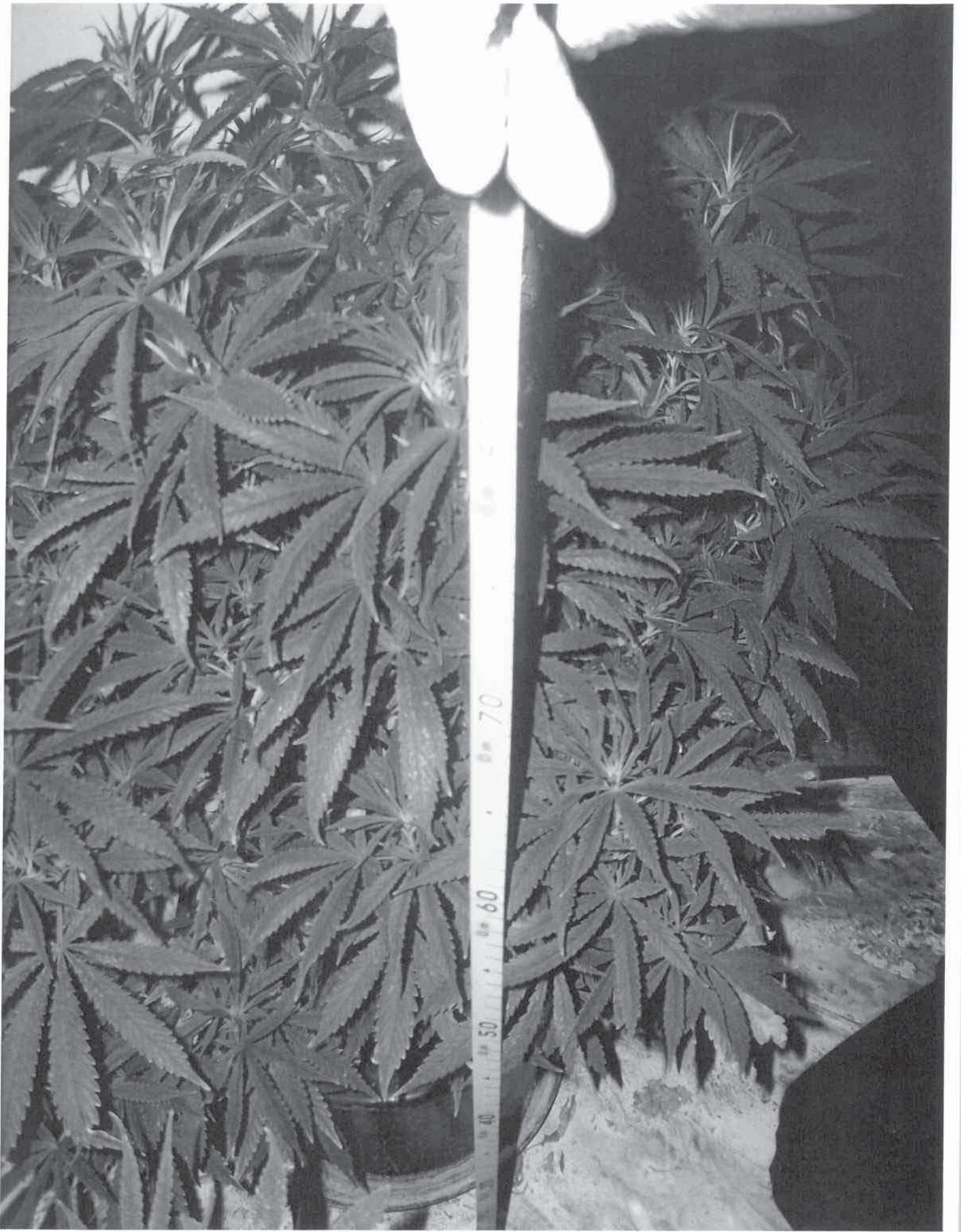


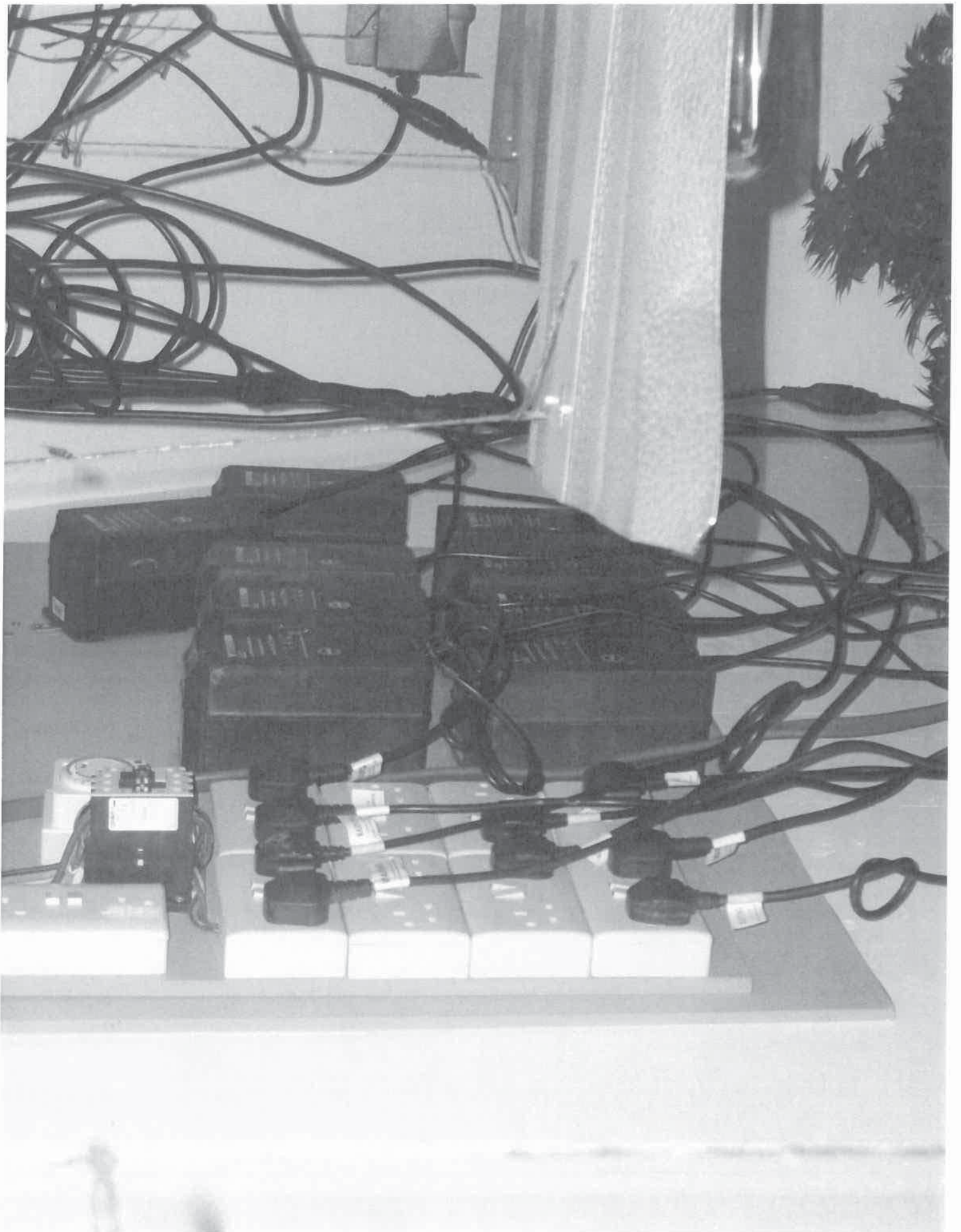








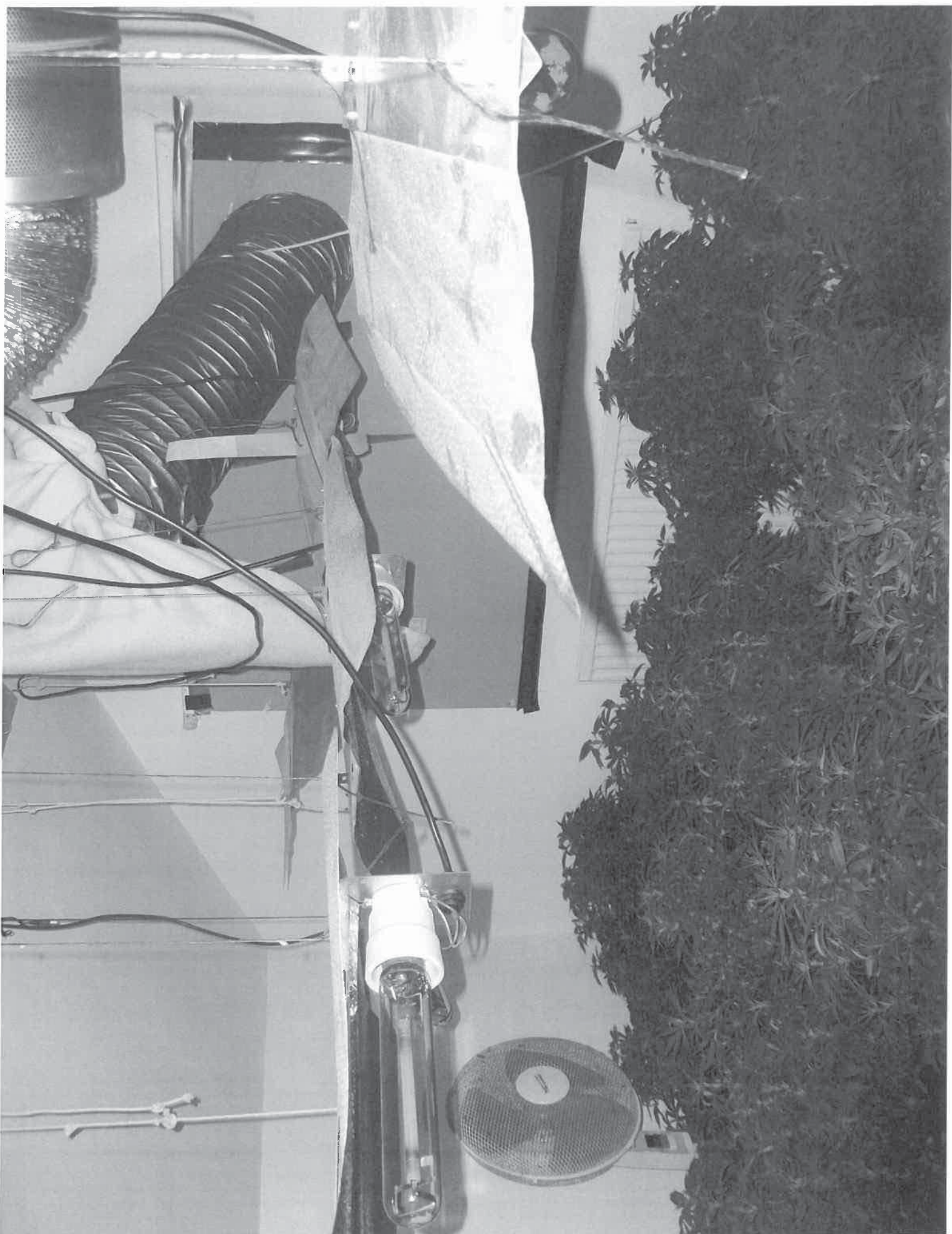


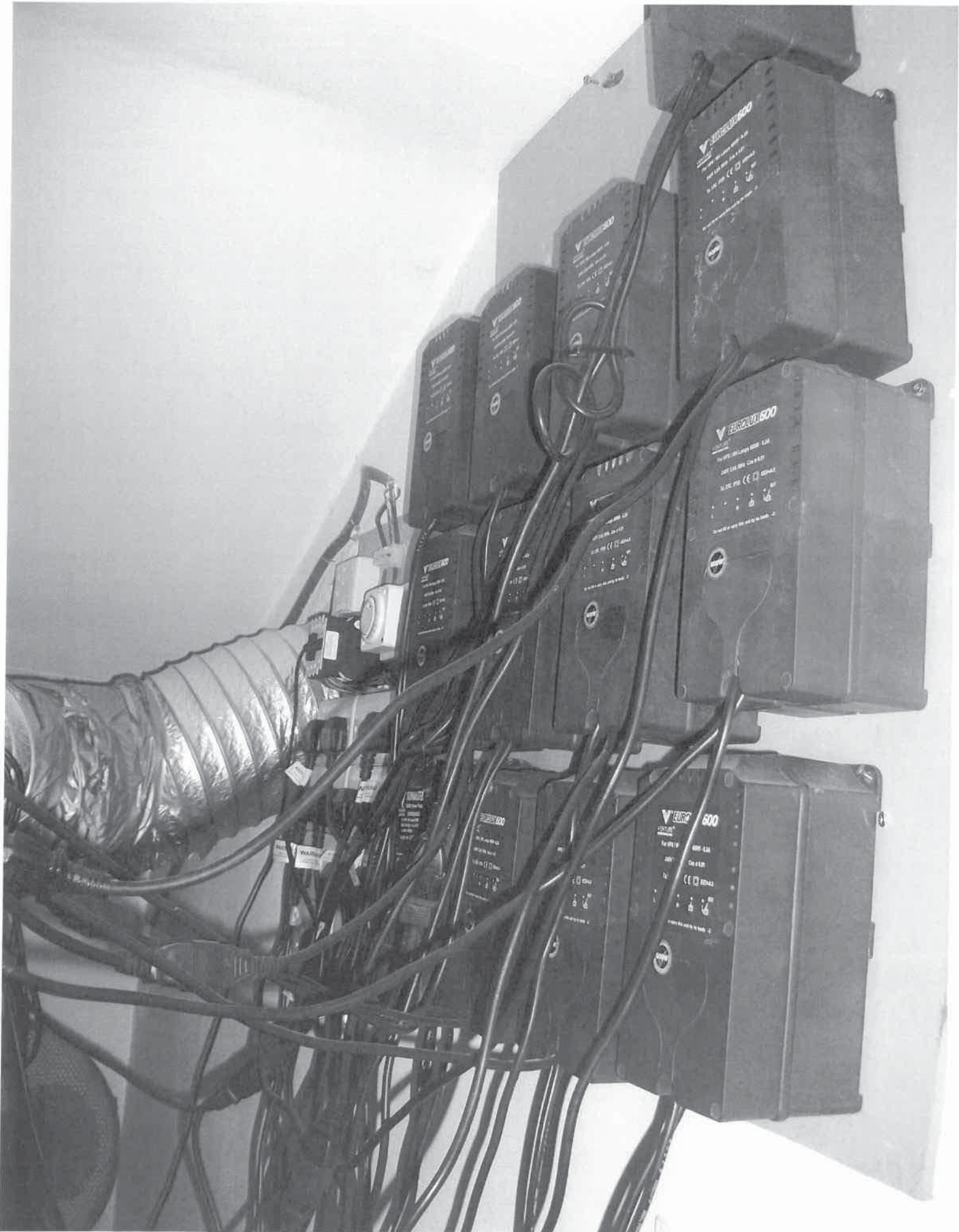


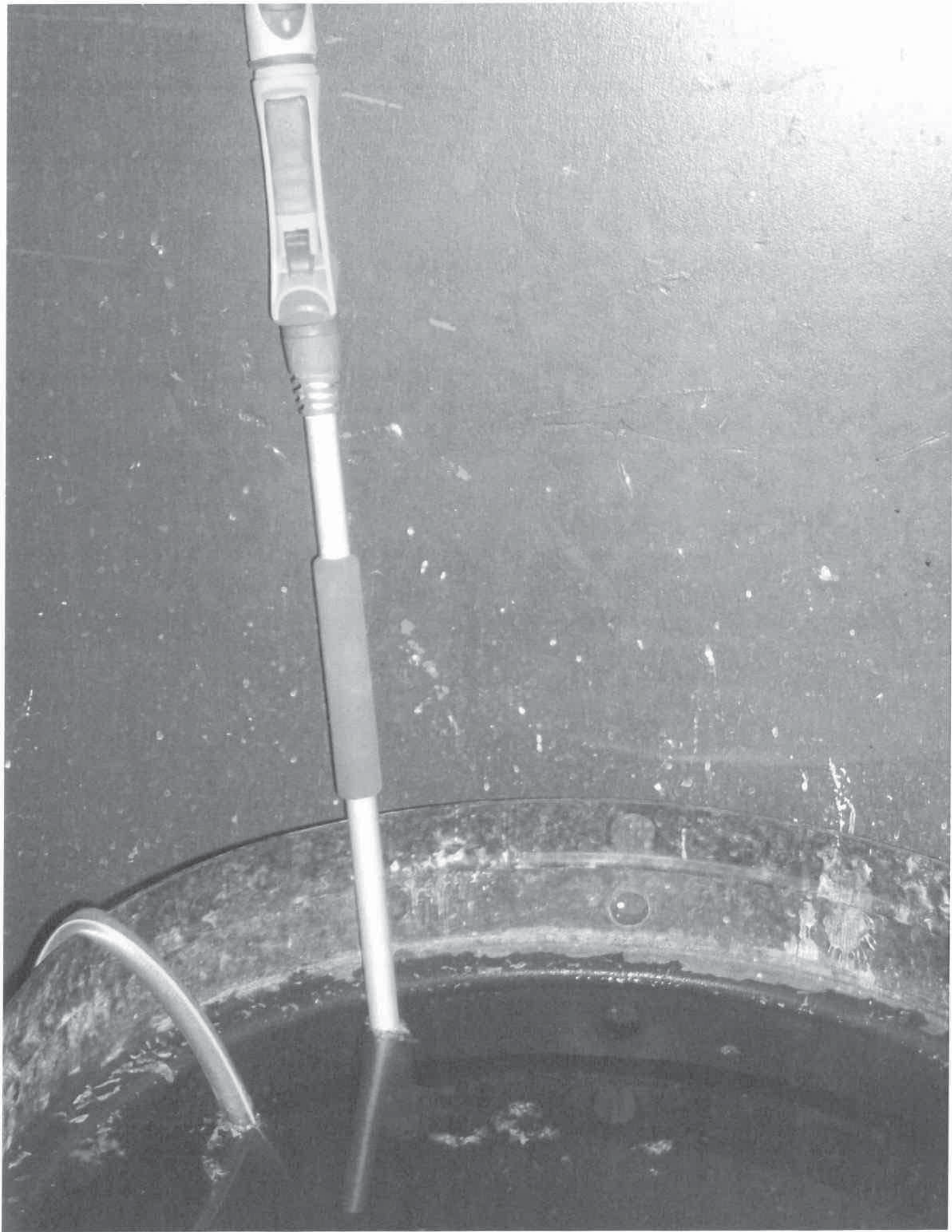


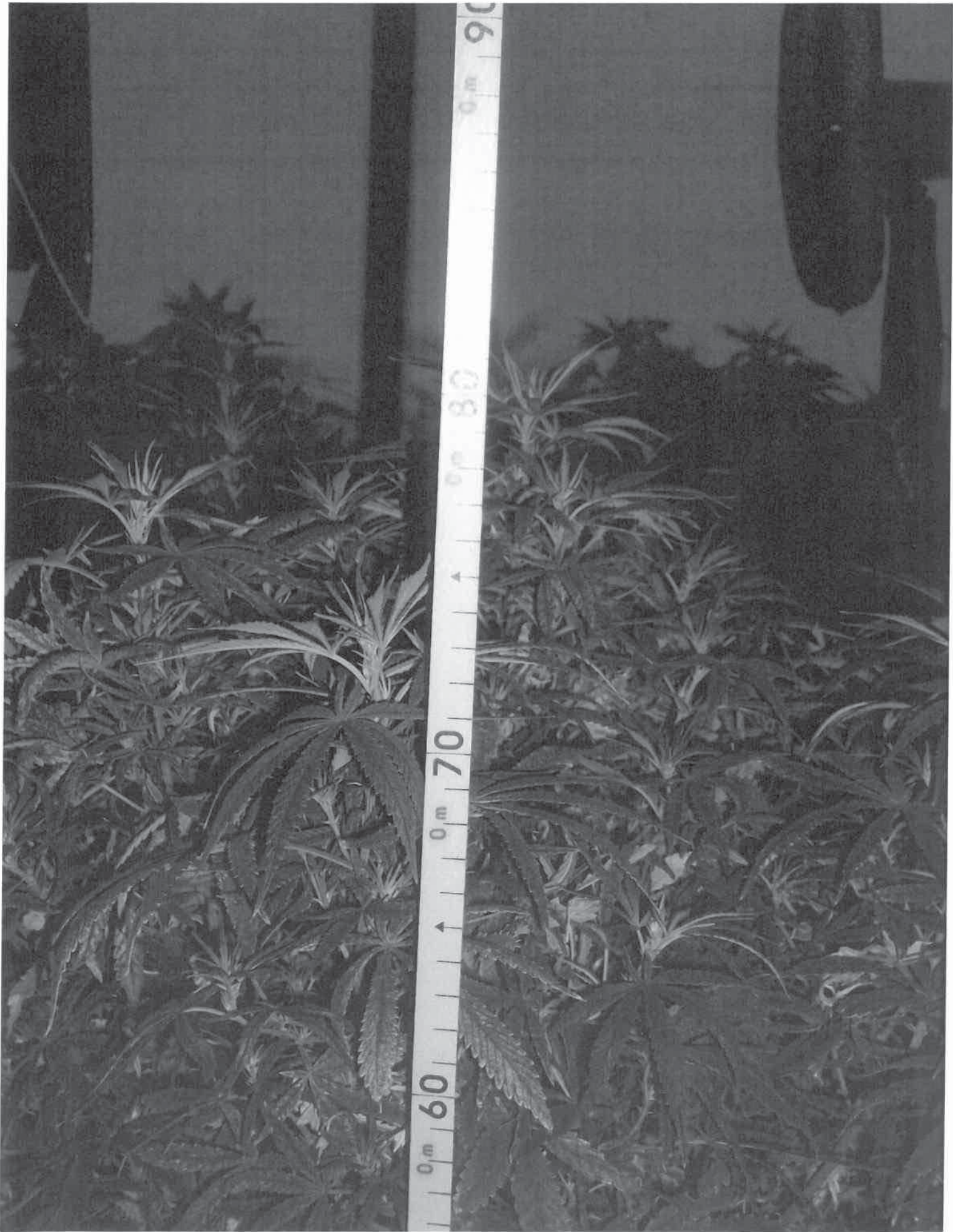


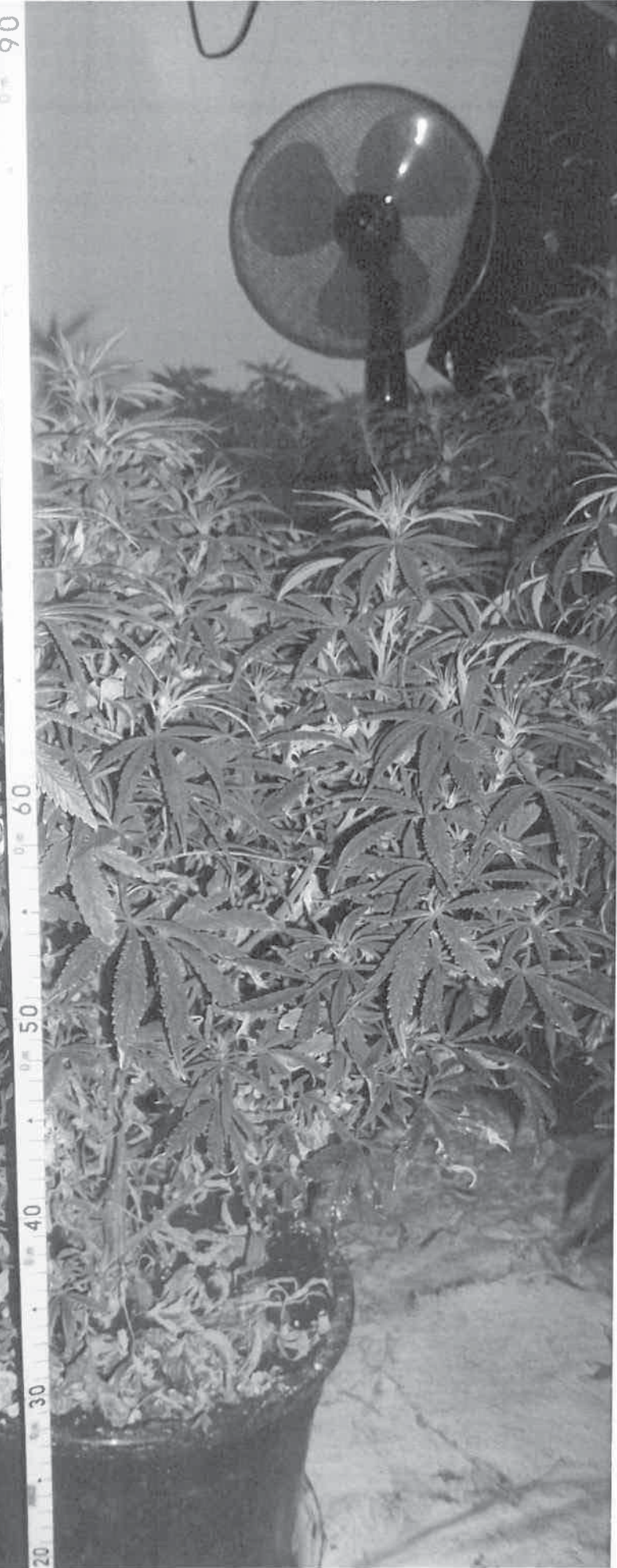
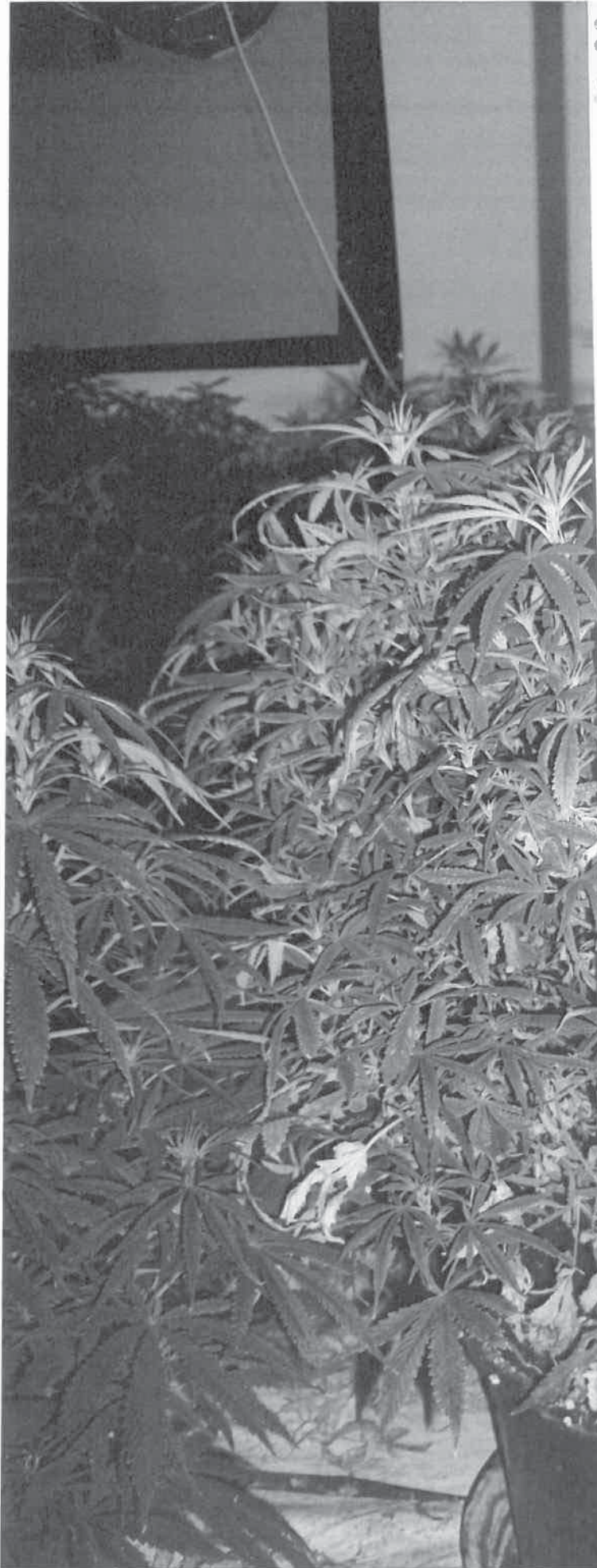
















NORFOLK FIRE & RESCUE SERVICE
Group Manager Western
Kilhams Way
KING'S LYNN, PE30 2HY
Tel: 0300 123 1669

Website: www.norfolkfireservice.gov.uk

Environmental Health - Licensing
Borough Council of King's Lynn
& West Norfolk

King's Court
Chapel Street
King's Lynn
Norfolk
PE30 1EX

Please ask for: Jos Girling
Direct Dial: 0300 123 1285
Email: joycelyn.girling@fire.norfolk.gov.uk
My Ref: 00003850
Your Ref:

31 July 2017

Dear Sir/Madam

Representation following the application for the review of a premise License made by the Police for N-Joy, 120 Norfolk Street, Kings Lynn , PE30 2AP

There have been a number of breaches of the Regulatory Reform (Fire Safety) Order 2005 (the Order) at the property N-Joy 120 Norfolk Street, Kings Lynn, PE30 2AP, a summary of which is as follows:

24 November 2015 a Prohibition Notice was issued after Fire Safety Officers attended the premises and found people living in rooms on the first and second floors without protection from fire.

The ground floor was a building site and both front and back doors were locked with a key. There was insufficient fire resisting separation between the ground, first and second floors and the escape route from the upper floors to a place of safety.

The means of escape from the sleeping area pass through the shop area, which is a high fire risk. In the event of a fire on the first floor and in the shop area, persons on the first and second floors would be unable to make a safe escape.

20 October 2016 a letter under Article 27 of the Order was sent requesting information to identify who the responsible person was, third party liability insurance certificate, fire risk assessment, and names of persons sleeping at the premises.

5 November 2016 a letter was received giving some details and was delivered by hand to the fire station by Mr Mahir Kocaslan.

13 November 2016 Mr Mahir Kocaslan was spoken to by Fire Safety officers and admitted staying at the premises with others.

This shows total disregard to the Prohibition Notice and the safety of persons sleeping at the premises.

It appears the building has been altered without the relevant planning permission or reference to building regulations:

- i. Removal of the kitchen and french doors on the first floor.
- ii. Installation of the gents toilets to the first floor,
- iii. Removal of a thirty minute fire rated door at the foot of the stairs leading from the ground to first floor.

All the above processes have exacerbated the fire safety compartmentation within the building and compromised the means of escape.

This shows disregard to building regulations imposed for the safety of buildings and persons residing within.

16 April 2017 at 05.20 am the Fire Service was alerted to assist a young woman who had been locked in the building. (She had fallen asleep in the Ladies toilets and was unable to get out of the building) The fire alarm cabinet was open but despite her smoking within the premises the detectors were not activated.

Requests have been made to both Mahir Kocaslan and his business partner Ali Acun for evidence to show the fire alarm was regularly tested and undergone servicing as per the British Standards but none has been forthcoming.

Management procedures were lapse and checking procedures before locking the premises had not been carried out, had there been a fire the young lady would have been put in danger of serious injury or death.

13 June 2017 the owner of the property Mr Ilyas Gunes attended the premises with bailiffs and made the discovery of the cannabis factory.

Another extraction system had been installed which further compounded the lack of fire compartmentation.

Please find attached photographic evidence and the letter of admission signed by Mr Mahir Kocaslan.

Should you have any queries or require further information please do not hesitate to contact the officer as above.

Yours faithfully

Chief Fire Officer

Encl:

N-Joy Bar.
120 Norfolk Street.
Kings Lynn PE30 1AP

5/11/16

Dear Jos Girling

With regards to your letter dated 27th October 2016, my response to your questions are as follow:

- 1) The names of the persons with overall responsibility are Mahir Kocaslan, Ali Acun and Stephanie Lund DPS when the other persons are not present.
- 2) Copy of liability certificate attached.
- 3) The name of the company which trades from premises is 'N -JOY BAR'
- 4) I am not entirely sure to which document you are referring to, however I have enclosed a Fire Risk Assessment.
- 5) The only persons who have slept at the premises between 01/05/2016 – 12/10/2016 are myself and my friend Ezgin who occasionally slept there during a 5 week period in August/September. Ezgin was not paying any money therefore there was no written agreement and there is no record of any verbal agreement. At that time I was purely helping him. I do not know where he currently resides.

I want to fully work with Norfolk Fire Service to get any matters resolved and it has never been my intention to obstruct any persons.

As you are fully aware English is not my first language and at times I struggle with fully understanding what is being asked of me.

When the lease was purchased it included a working business of the commercial premises and rooms for rent. There were tenants in the flats when I took over.

I am paying rent for the property and one of the rooms is for my own use to sleep in, when I rest there the commercial side is closed and I am the only person in the premises. If you are stating that the room is unsafe for me to rest in would it not be the responsibility of my landlord to make safe?

Presently this is the only available accommodation for me to sleep in, I can not afford to rent another premises and if I was prevented from sleeping there I would be homeless and with the current winter weather conditions living on the street is not a suitable option for me.

Yours sincerely



Mahir Kocaslan





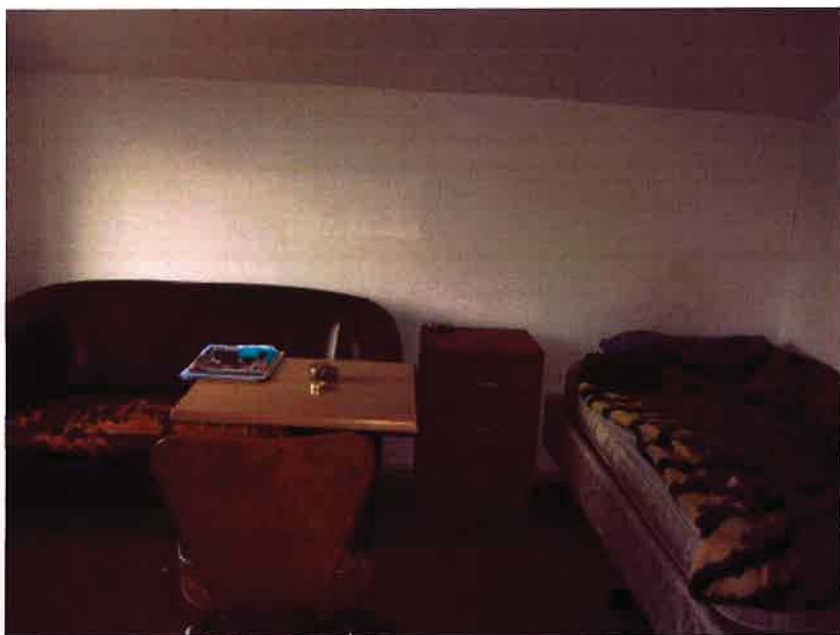
2nd floor bed ① (28)



① second floor (30)



bed
②
(31)



bed 1

(29) . bed ① 2nd floor



2nd floor (100v) (33)



2nd floor bed 2 (32)



bed 2 2nd floor. (34)



bathroom



(22) bed 1st floor



(24) bed 1 first floor



(26) bed 1st floor



door to quarters on first floor. 21



(23) 1st floor bedroom.



1st floor bedroom (25)



(24) 1st floor stair



1st floor (35)



37

Bathroom
1st floor



landing 2nd floor (310)



door to roof (1st floor)

Your ref: 120 Norfolk
Our ref: 120 Norfolk
Please ask for: Anthony Drown
Direct dial: 01553 616320
E-mail: anthony.drown@west-norfolk.gov.uk

Appendix 4 to
Report to Licensing Sub-Committee
Re: N Joy Bar, 120 Norfolk Street, King's Lynn
Dated: 4th August 2017



Lorraine Gore
Executive Director
Finance Services

Marie Malt - Licensing
BCKLWN
Kings Court
Chapel Street
Kings Lynn
PE30 1EX

04/07/2017

Dear Marie,

Non-Domestic Rates / Council Tax - Our Ref: 120 Norfolk Street
Property Address: 120 Norfolk Street Kings Lynn Norfolk PE30 1AP

Both the Council Tax and Non-Domestic Rates for 120 Norfolk Street in the names of Mr. K Kocaskan and Mr. A Acun are now terminated, following repossession of the premises by the landlord on 13th June 2017.

There is extensive arrears for Non-Domestic Rates and Council Tax, Mr. K Kocaskan and Mr. A Acun being held jointly liable. All debts have been summonsed to court, with Liability Orders duly granted.

Non-Domestic Rates

2014 – Liability Order granted 22.02.2017. £625.55 outstanding.
2015 – Liability Order granted 22.02.2017. £1,816.33 outstanding.
2016 – Liability Order granted 22.02.2017. £4,961.00 outstanding.
2017 – Liability order granted 28.06.2017. £992.68 outstanding.

Council Tax.

2015 – Liability Order granted 22.03.2017 - £720.69 outstanding. (Special arrangement recently agreed at repayment of £123 per month).

Total Arrears: £9,117.25

Yours sincerely,

For Executive Director

PO Box 26, King's Lynn, Norfolk PE30 1PX
Tel: (01553) 616200; fax: (01553) 691663
DX 57825 KING'S LYNN
Chief Executive – Ray Harding
www.west-norfolk.gov.uk

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



Licensing Act 2003

Notice of Application for Review of a Premises Licence

Premises:	N-Joy Bar 120 Norfolk Street King's Lynn PE30 1AP
------------------	--

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.

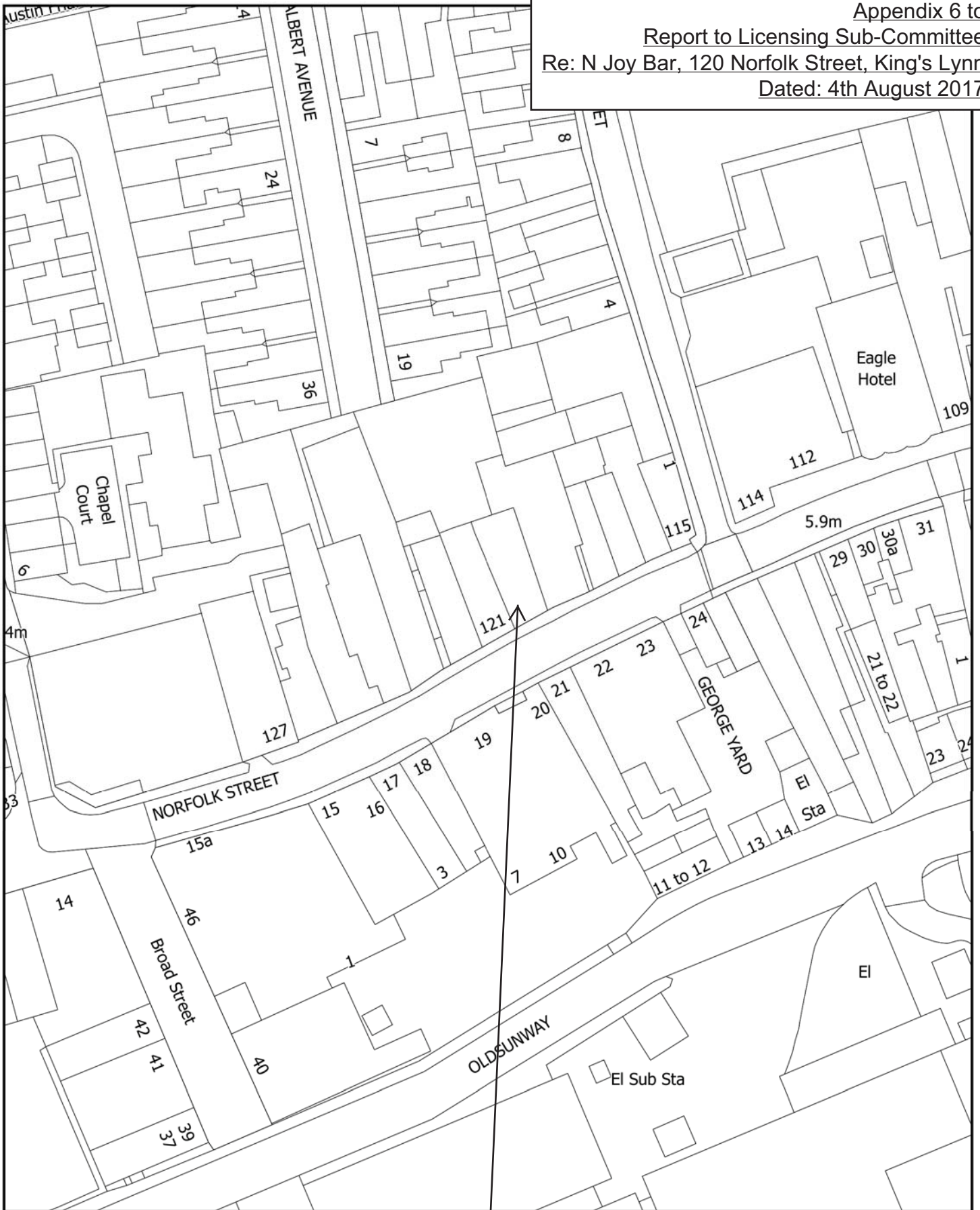
The Grounds of the application for review are:

That the 'Prevention of Crime & Disorder' licensing objective is undermined because of incidents of disorder, breaches of the premises licence and that a cannabis factory was discovered at the premises.

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 1EX no later than the 1st August 2017.

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.



Borough Council of
**King's Lynn &
West Norfolk**
Tel. 01553 616200
Fax. 01553 691663

N Joy Bar



1:750