

LICENSING SUB-COMMITTEE

DETERMINATION NOTICE

Date of Hearing	13th June 2019
Sub-Committee Members	Councillors S Sandell (Chairman), L Bambridge and D Whitby
Legal Adviser	Octavia Holman and Jake Currier
Senior Licensing Officer	Marie Malt
Democratic Services Officer	Rebecca Parker
Applicant's Name	Malthurst Limited Robert Botkai and Simon Field in attendance
Other Persons:	Mr and Mrs Ridley
Premises Address	MRH Gaywood, 1-5 Lynn Road, King's Lynn, Norfolk, PE30 4PR
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 MRH Gaywood, 1-5 Lynn Road, King's Lynn, Norfolk.

During the 28 day representation period, the Council received one representation from 'other persons' which had been included in the report.

HEARING

On 13th June 2019, a hearing was held to consider the premises licence application. The Sub-Committee determined the application with a view to promoting the four licensing objectives. It considered the application on its own merits. In reaching its determination, the Sub-Committee had regard to the following matters:

- The relevant parts of the written and oral evidence before them;
- The 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 Senior Licensing Officer
- Applicant
- Other persons

SUMMARY OF EVIDENCE

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

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

The Other Persons present presented their case and responded to questions from all parties.

FINDINGS

The Panel considered the evidence in the report, as well as the written and oral evidence of all parties put forward at the Hearing. The Panel is mindful of the objections made against the granting of a 24 hour premises licence, particularly the concerns about noise and individuals congregating at early hours of the morning.

The Panel must have consideration of the Council's licensing policy and specifically paragraph 5.3, which states that premises should be free to sell alcohol during their opening hours unless there is good reason to the contrary. Although the Panel consider the objection put forward, the Panel are conscious of the absence of objections from any Responsible Authorities that were notified of the application, such as the Police etc.

Equally, the Panel consider that the lack of any previous or ongoing issues at the premises, as well as the Applicant's proposed procedures to combat any nuisance is of significance in the determination of this application. Accordingly, the Panel have considered the licensing objectives, particularly the possibility of any crime and disorder arising from the granting of a licence, and consider that based on the circumstances and evidence presented before them, the licence should be granted. However, this licence will be subject to certain conditions as specified in the Operating Schedule and those stated below:

Conditions:

1. The entrance door is to be closed to customers between the hours of 11pm and 5am. Any sales made between these times shall be made through the night payment window.
2. Signage shall be affixed next to or around the night payment window stating that customers must leave quietly and respect the neighbours of surrounding properties.

DETERMINATION

The Panel having due consideration to the evidence provided, hereby determines that the Applicant should be granted a licence subject to the conditions as described above.

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.....
Chairman (Councillor Miss S Sandell)

Date: 13th June 2019