

Borough Council of King's Lynn & West Norfolk

Report to Licensing Sub-Committee under the Licensing Act 2003

Date of Hearing: 28th April 2022

Application for Grant a Premises Licence

- London Road Stop & Shop Grocery, 122 London Road, King's Lynn, Norfolk, PE30 5ES

Applicant – Mr Hawker Ahmed Khider

Introduction

1. A premises licence is required under the Licensing Act 2003 (the 'Act') for the sale of alcohol, regulated entertainment or for the provision of late night refreshment (i.e. the supply of hot food and drink between 11pm and 5am). The four licensing objectives to be considered when determining the application, and relevant representations, are:

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

The Application

2. Mr Hawker Ahmed Khider has made an application under Section 17 of the Act for the licensable activity of 'the sale of alcohol', A copy of the application is attached at Appendix 1 and if granted would allow the premises to operate as follows:

<u>Licensable Activity</u>	<u>Days</u>	<u>Times</u>
Sale of Alcohol by Retail Off the premises	Monday to Sunday	8am until 11pm

Mandatory Conditions

3. The Act provides for the following four mandatory conditions to be attached to all premises licences authorising the sale of alcohol for consumption off the premises:-

- (a) 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.
- (b) 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.

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

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

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

Conditions Consistent with the Operating Schedule (Proposed Conditions)

4. The following conditions have been identified from the operating schedule (paragraph 'M' on the application) -

- (a) Alcoholic spirits must be displayed and secured behind the sales point at the premises and must not be available for self-service.
- (b) The licence holder shall operate and maintain a refusals register in respect of declined sales of alcohol where the attempted purchaser was suspected of being under 18 years of age or drunk, which must be kept on the premises and made available immediately upon request to an authorised officer.
- (c) A fully working and maintained CCTV system capable of recording and storing images for a minimum period of 28 days must be installed on the premises, and made available upon request to an authorised officer. The CCTV system must record all entry and exit points and all areas where the sale/supply of alcohol takes place at all times the premises is open to the public, with date & time stamping.

- (d) All staff involved in the retail of alcohol must be trained in relation to the law regarding its sale. This training must be completed prior to them being authorised to sell alcohol and refreshed every 12 months as a minimum, a record of which must be recorded and retained at the premises.
- (e) The premises must operate and adhere to an age verification scheme with the minimum standard of Challenge 25. Signs advertising the policy must be displayed in all areas where alcohol is for sale.
- (f) The premises licence holder must take steps to discourage people from congregating outside of the premises, including the requirement to display a notice immediately outside the main entrance reminding persons that no alcohol to be consumed directly outside the main entrance to the shop.
- (g) Waste must not be collected from the premises between the hours of 11pm to 7am on any day.
- (h) Clear and legible notices must be prominently displayed at all exits asking customers to respect local residents and to leave the area quietly.

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. Representations made must relate to the licensing objectives.

5. Norfolk Constabulary have submitted a letter of representation to this application, a copy of which can be found at Appendix 2.

6. There no representations from any of the other 'responsible authority' to consider. Namely:

- Norfolk Fire Authority;
- Norfolk Trading Standards;
- Norfolk Safeguarding Children's Board;
- Public Health;
- Community Safety & Neighbourhood Nuisance (BCKLWN)
- Planning (BCKLWN);
- Environmental Health (BCKLWN);
- Licensing Authority (BCKLWN);
- Home Office (Alcohol Team).

Representations from 'Other Persons'

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

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

Notices

8. The applicant is responsible for advertising the application by way of a notice in a specified form at the premises for not less than 28 consecutive days and in a local newspaper on at least one occasion. The Public Notice appeared in Your Local Paper on 11th March 2022 and should have been displayed on the premises up to and including the 31st March 2022.

9. In accordance with the Licensing Act (Hearings) Regulations a notice of the application was also published on the Borough Council's website for the duration of the consultation period.

Plans

10. A plan showing the layout of the premises is attached at Appendix 3.

Borough Council of King's Lynn & West Norfolk's Licensing Policy

11. The current Statement of Licensing Policy under the Act was approved by full Council on the 14th January 2021. The following extracts may be relevant to this application and assist the Sub-Committee:

3.0 Fundamental principles

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

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

3.2 Nothing in this 'Statement of Policy' will:

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

3.3 Every application will be dealt with impartially and on its individual merits. The Borough Council will not refuse to grant or vary an application unless it has received a representation from a responsible authority, such as the police or an environmental health officer, or other person, such as a local resident or local business, which is a relevant representation.

3.4 Licensing is about regulating licensable activities on licensed premises and any conditions that are attached to premises licences or club premises certificates will be focused on matters which are within the control of the individual licensee or club, i.e. the premises and its vicinity.

3.5 Whether or not incidents can be regarded as being "in the vicinity" of licensed premises is a question of fact and will depend on the particular circumstances of the case. In cases of dispute, the question will ultimately be decided by the courts. The Borough Council, in addressing this matter, will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned.

3.6 Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned. Nonetheless, it is a key aspect of such control and licensing law will always be part of a holistic approach to the management of the evening and night-time economy throughout the borough.

5.0 Licensing Hours

5.1 With regard to licensing hours, due consideration will be given to the individual merits of an application. The Borough Council recognises that, in some circumstances, flexible licensing hours for the sale of alcohol can help to ensure that the concentrations of customers leaving premises simultaneously are avoided. This can help to reduce the friction at late night fast food outlets, taxi ranks and other sources of transport which could lead to disorder and disturbance.

5.2 The Borough Council wants to ensure that licensing hours do not inhibit the development of thriving and safe night-time local economies. This is important for investment, local employment and attractive to domestic and international tourists. Providing consumers with greater choice and flexibility is an important consideration, but should always be balanced carefully against the duty to promote the four licensing objectives and the rights of local residents to peace and quiet.

9.0 Public Safety

9.1 Licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the 2003 Act. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning.

9.2 A number of matters should be considered in relation to public safety. These could include:

- Fire safety;
- Ensuring appropriate access for emergency services such as ambulances;
- Good communication with emergency services;
- Ensuring the presence of trained first aiders on the premises and appropriate first aid kits;
- Ensuring the safety of people when leaving the premises (for example, through the provision of information on late-night transportation);
- Ensuring appropriate and frequent waste disposal, particularly of glass bottles;
- Ensuring appropriate limits on the maximum capacity of the premises;
- Considering the use of CCTV.

9.3 The measures that are appropriate to promote public safety will vary between premises and the matters listed above may not apply in all cases. The Borough Council expects applicants to consider these when making their application which steps it is appropriate to take to promote the public safety objective and demonstrate how they will achieve that.

10.0 Prevention of Public Nuisance

10.1 Licensed premises, especially those operating late at night and early in the morning can cause a range of nuisances which impact on people or businesses in the vicinity. The concerns will mainly relate to noise but could also include light pollution and noxious smells. The Borough Council expect operating schedules to satisfactorily address these issues, as appropriate.

14.0 Planning & Building Control

14.1 Planning, Building Control and licensing are separated and consider different (albeit related) matters. For instance, licensing considers public nuisance whereas planning considers amenity. As such licensing applications will not be a re-run of the planning application and will not cut across decisions taken by the planning committee or following appeals against decisions taken by that committee. Licensing Committees are not bound by decisions made by a planning committee, and vice versa.

17.0 Conditions

17.1 The Borough Council will not impose conditions unless it has received a representation from a responsible authority, such as the police or an environmental health officer, or other persons, such as a local resident or local business, which is a relevant representation, or is offered in the applicant's Operating Schedule. Any conditions will be proportional and appropriate to achieve the licensing objectives.

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 2018 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:

Licensing Objectives and Aims

1.2 The legislation provides a clear focus on the promotion of four statutory objectives which must be addressed when licensing functions are undertaken.

1.3 The licensing objectives are:

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance; and
- The protection of children from harm.

1.4 Each objective is of equal importance. There are no other statutory licensing objectives, so that the promotion of the four objectives is a paramount consideration at all times.

- 1.5 However, the legislation also supports a number of other key aims and purposes. These are vitally important and should be principal aims for everyone involved in licensing work. They include:
- Protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises;
 - Giving the police and licensing authorities the powers they need to effectively manage and police the night-time economy and take action against those premises that are causing problems;
 - Recognising the important role which pubs and other licensed premises play in our local communities by minimising the regulatory burden on business, encouraging innovation and supporting responsible premises;
 - Providing a regulatory framework for alcohol which reflects the needs of local communities and empowers local authorities to make and enforce decisions about the most appropriate licensing strategies for their local area; and
 - Encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may affect them.

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.

Each application on its own merits

- 1.17 Each application must be considered on its own merits and in accordance with the licensing authority's statement of licensing policy; for example, if the application falls within the scope of a cumulative impact policy. Conditions attached to licences and certificates must be tailored to the individual type, location and characteristics of the premises and events concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions. Standardised conditions should be avoided and indeed may be unlawful where they cannot be shown to be appropriate for the promotion of the licensing objectives in an individual case.

Crime and disorder

- 2.1 Licensing authorities should look to the police as the main source of advice on crime and disorder.

Public Safety

- 2.7 Licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the 2003 Act. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning. Conditions relating to public safety may also promote the crime and disorder objective as noted above. There will of course be occasions when a public safety condition could incidentally benefit a person's health more generally, but it should not be the purpose of the condition as this would be outside the licensing authority's powers (be ultra vires) under the 2003 Act. Conditions should not be imposed on a premises licence or club premises certificate which relate to cleanliness or hygiene.

- 2.8 A number of matters should be considered in relation to public safety.

These may include:

- Fire safety;
- Ensuring appropriate access for emergency services such as ambulances;
- Good communication with local authorities and emergency services, for example communications networks with the police and signing up for local incident alerts;
- Ensuring the presence of trained first aiders on the premises and appropriate first aid kits;
- Ensuring the safety of people when leaving the premises (for example, through the provision of information on late-night transportation);
- Ensuring appropriate and frequent waste disposal, particularly of glass bottles;
- Ensuring appropriate limits on the maximum capacity of the premises and
- Considering the use of CCTV in and around the premises.

2.9 The measures that are appropriate to promote public safety will vary between premises and the matters listed above may not apply in all cases. Applicants should consider when making their application which steps it is appropriate to take to promote the public safety objective and demonstrate how they achieve that.

Ensuring safe departure of those using the premises

2.10 Licence holders should make provision to ensure that premises users safely leave their premises. Measures that may assist include:

- Providing information on the premises of local taxi companies who can provide safe transportation home; and
- Ensuring adequate lighting outside the premises, particularly on paths leading to and from the premises and in car parks.

Public nuisance

2.15 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.

2.16 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.

- 2.17 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 15). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.
- 2.18 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.
- 2.19 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.
- 2.20 Measures to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.

2.21 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.

Protection of children from harm

2.22 The protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated directly with alcohol consumption but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment). Licensing authorities must also consider the need to protect children from sexual exploitation when undertaking licensing functions.

2.23 The Government believes that it is completely unacceptable to sell alcohol to children. Conditions relating to the access of children where alcohol is sold and which are appropriate to protect them from harm should be carefully considered. Moreover, conditions restricting the access of children to premises should be strongly considered in circumstances where:

- adult entertainment is provided;
- a member or members of the current management have been convicted for serving alcohol to minors or with a reputation for allowing underage drinking (other than in the context of the exemption in the 2003 Act relating to 16 and 17 year olds consuming beer, wine and cider when accompanied by an adult during a table meal);
- it is known that unaccompanied children have been allowed access;
- there is a known association with drug taking or dealing; or
- in some cases, the premises are used exclusively or primarily for the sale of alcohol for consumption on the premises.

2.24 It is also possible that activities, such as adult entertainment, may take place at certain times on premises but not at other times. For example, premises may operate as a café bar during the day providing meals for families but also provide entertainment with a sexual content after 8.00pm. It is not possible to give an exhaustive list of what amounts to entertainment or services of an adult or sexual nature. Applicants, responsible Revised Guidance issued under section 182 of the Licensing Act 2003 | 11 authorities and licensing authorities will need to consider this point carefully. This would broadly include topless bar staff, striptease, lap-, table- or pole-dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language.

- 2.25 Applicants must be clear in their operating schedules about the activities and times at which the events would take place to help determine when it is not appropriate for children to enter the premises. Consideration should also be given to the proximity of premises to schools and youth clubs so that applicants take appropriate steps to ensure that advertising relating to their premises, or relating to events at their premises, is not displayed at a time when children are likely to be near the premises.
- 2.26 Licensing authorities and responsible authorities should expect applicants, when preparing an operating schedule or club operating schedule, to set out the steps to be taken to protect children from harm when on the premises.
- 2.27 Conditions, where they are appropriate, should reflect the licensable activities taking place on the premises. In addition to the mandatory condition regarding age verification, other conditions relating to the protection of children from harm can include: • restrictions on the hours when children may be present; • restrictions or exclusions on the presence of children under certain ages when particular specified activities are taking place; • restrictions on the parts of the premises to which children may have access; • age restrictions (below 18); • restrictions or exclusions when certain activities are taking place; • requirements for an accompanying adult (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult); and • full exclusion of people under 18 from the premises when any licensable activities are taking place.

Determining Applications

- 9.1 When a licensing authority receives an application for a new premises licence or an application to vary an existing premises licence, it must determine whether the application has been made in accordance with section 17 of the 2003 Act, and in accordance with regulations made under sections 17(3) to (6), 34, 42, 54 and 55 of the 2003 Act. It must similarly determine applications for the grant of club premises certificates made in accordance with section 71 of the 2003 Act, and in accordance with regulations made under sections 71(4) to (7), 84, 91 and 92 of the 2003 Act. This means that the licensing authority must consider among other things whether the application has been properly advertised in accordance with those regulations.

Where Representations Are Made

- 9.3 Where a representation concerning the licensing objectives is made by a responsible authority about a proposed operating schedule and it is relevant, (see paragraphs 9.4 to 9.10 below) the licensing authority's discretion will be engaged. It will also be engaged if another person makes relevant representations to the licensing authority, which are also not frivolous or vexatious (see paragraphs 9.4 to 9.10 below). Relevant representations can be made in opposition to, or in support of, an application and can be made by any individual, body or business that has grounds to do so.

Relevant, vexatious and frivolous representations

- 9.4 A representation is “relevant” if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. For example, a representation from a local businessperson about the commercial damage caused by competition from new licensed premises would not be relevant. On the other hand, a representation by a businessperson that nuisance caused by new premises would deter customers from entering the local area, and the steps proposed by the applicant to prevent that nuisance were inadequate, would be relevant. In other words, representations should relate to the impact of licensable activities carried on from premises on the objectives. For representations in relation to variations to be relevant, they should be confined to the subject matter of the variation. There is no requirement for a responsible authority or other person to produce a recorded history of problems at premises to support their representations, and in fact this would not be possible for new premises.
- 9.5 It is for the licensing authority to determine whether a representation (other than a representation from responsible authority) is frivolous or vexatious on the basis of what might ordinarily be considered to be vexatious or frivolous. A representation may be considered to be vexatious if it appears to be intended to cause aggravation or annoyance, whether to a competitor or other person, without reasonable cause or justification. Vexatious circumstances may arise because of disputes between rival businesses and local knowledge will therefore be invaluable in considering such matters. Licensing authorities can consider the main effect of the representation, and whether any inconvenience or expense caused by it could reasonably be considered to be proportionate.
- 9.6 Frivolous representations would be essentially categorised by a lack of seriousness. Frivolous representations would concern issues which, at most, are minor and in relation to which no remedial steps would be warranted or proportionate.
- 9.7 Any person who is aggrieved by a rejection of their representations on either of these grounds may lodge a complaint through the local authority’s corporate complaints procedure. A person may also challenge the authority’s decision by way of judicial review.
- 9.8 Licensing authorities should not take decisions about whether representations are frivolous, vexatious or relevant to the licensing objectives on the basis of any political judgement. This may be difficult for councillors who receive complaints from residents within their own wards. If consideration is not to be delegated, contrary to the recommendation in this Guidance, an assessment should be prepared by officials for consideration by the sub- committee before any decision is taken that necessitates a hearing. Any councillor who considers that their own interests are such that they are unable to consider the matter independently should disqualify themselves.

- 9.9 It is recommended that, in borderline cases, the benefit of the doubt about any aspect of a representation should be given to the person making that representation. The subsequent hearing would then provide an opportunity for the person or body making the representation to amplify and clarify it.

Disclosure of personal details of persons making representations

- 9.26 Where a notice of a hearing is given to an applicant, the licensing authority is required under the Licensing Act 2003 (Hearings) Regulations 2005 to provide the applicant with copies of the relevant representations that have been made.

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.

9.38 In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the licensing authority must give appropriate weight to:

- the steps that are appropriate to promote the licensing objectives;
- the representations (including supporting information) presented by all the parties;
- this Guidance;
- its own statement of licensing policy.

- 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. Any conditions added to the licence must be those imposed at the hearing or those agreed when a hearing has not been necessary.

- 9.40 Alternatively, the licensing authority may refuse the application on the grounds that this is appropriate for the promotion of the licensing objectives. It may also refuse to specify a designated premises supervisor and/or only allow certain requested licensable activities. In the interests of transparency, the licensing authority should publish hearings procedures in full on its website to ensure that those involved have the most current information.

Determining Actions that are Appropriate for the Promotion of the Licensing Objectives

- 9.42 Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be.
- 9.43 The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.
- 9.44 Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. While this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters. As with the consideration of licence variations, the licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business. Further advice on determining what is appropriate when imposing conditions on a licence or certificate is provided in Chapter 10. The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination.

Proposed conditions

- 10.4 The conditions that are appropriate for the promotion of the licensing objectives should emerge initially from the risk assessment carried out by a prospective licence or certificate holder, which they should carry out before making their application for a premises licence or club premises certificate. This would be translated into the steps recorded in the operating schedule or club operating schedule, which must also set out the proposed hours during which licensable activities will be conducted and any other hours during which the premises will be open to the public.

- 10.5 It is not acceptable for licensing authorities to simply replicate the wording from an applicant's operating schedule. A condition should be interpreted in accordance with the applicant's intention.

Imposed Conditions

- 10.8 The licensing authority may not impose any conditions unless its discretion has been engaged following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives.
- 10.9 It is possible that, in certain cases, where there are other legislative provisions which are relevant and must be observed by the applicant, no additional conditions are appropriate to promote the licensing objectives.

Proportionality

- 10.10 The 2003 Act requires that licensing conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises concerned. Conditions should be determined on a case by case basis and standardised conditions which ignore these individual aspects should be avoided. For example, conditions should not be used to implement a general policy in a given area such as the use of CCTV, polycarbonate drinking vessel or identity scanners where they would not be appropriate to the specific premises. Licensing authorities and other responsible authorities should be alive to the indirect costs that can arise because of conditions. These could be a deterrent to holding events that are valuable to the community or for the funding of good and important causes. Licensing authorities should therefore ensure that any conditions they impose are only those which are appropriate for the promotion of the licensing objectives.

The need for licensed premises

- 14.19 There can be confusion about the difference between the "need" for premises and the "cumulative impact" of premises on the licensing objectives, for example, on crime and disorder. "Need" concerns the commercial demand for another pub or restaurant or hotel and is a matter for the planning authority and for the market. This is not a matter for a licensing authority in discharging its licensing functions or for its statement of licensing policy.

Premises History

13. Members may wish to be aware that the Licensing Sub-Committee has determined applications for the same premises on two previous occasions. A variation application was rejected on 27th June 2017 and a review of the premises licence was considered and revoked on 27th February 2019. Copies of both determination notices are attached to this report as Appendix 4.

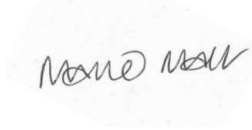
14. A further two applications for the sale of alcohol at the same premises were received in December 2020 and March 2021, both of which were withdrawn following representations from Norfolk Constabulary. Neither of these recent applications were considered by the Licensing Sub-Committee.

Determination

15. Having regard to the representations received, the Licensing Sub-Committee are requested to consider the application, this report and take such steps as it considers appropriate for the promotion of the licensing objectives. These steps are:

- a) To grant the application under the terms and conditions applied;
- b) To grant the application with conditions that the Sub-Committee considers appropriate for the promotion of the licensing objectives;
- c) To reject all or part of the application.

16. The Sub-Committee are reminded that full reasons for their decision must be given as both the applicant and persons making representations have a right of appeal against that decision to the Magistrates' Court.



Marie Malt

Senior Licensing Officer
Environment & Planning
20th April 2022

Appendixes:

1. Copy of Application
2. Copies of letter of Representations from Norfolk Constabulary
3. Premises Plan
4. Determination notices.

Background Papers:

1. The Licensing Act 2003
2. Borough Council's Statement of Licensing Policy (14th January 2021)
3. Guidance issued under Section 182 of the Licensing Act 2003 (April 2018)

Your ref no: Form ref:
TVSBLPWP

Form title: Apply for a new


Appendix 1 to
Report to Licensing Sub Committee
Re: 122 London Road, King's Lynn
Dated: 20/04/2022

Page: Coversheet

This form was started at:	02/03/2022 16:42:23
This form was completed at:	02/03/2022 17:17:03
Internal form classification:	N / A
Openprocess state:	

Page: Tell us who you are

You can only vary a premises licence if you are the premises licence holder, solicitor or other duly authorised agent.

Are you completing this form on behalf of the applicant?	Yes - I am completing on the applicant's behalf
Section: Tell us who you are	
Name	Paul Byatt
Business name	Licensed Inn-Tuition
Address (including postcode)	
Telephone number	
Email address	
Would you like us to send all correspondence to the above address?	Yes
In what capacity is the applicant applying for a premises licence?	An individual or individuals
Please confirm the following:	The applicant is carrying on or proposing to carry on a business which involves the use of the premises for licensable activities


Page: Tell us about the individual applicants

How many individual applicants are there?	1
---	---

Section: Individual applicant details

Title	MR
Full forename (s)	Hawker Ahmed
Surname	Khider
Date of birth (dd/mm/yyyy)	<input type="text"/>
Nationality	<input type="text"/>

As part of this application the applicant needs to demonstrate their right to work in the United Kingdom. At the end of this form there is the opportunity to upload the relevant documents.

Home address line 1	
Home address line 2	
Home address line 3	
Home address line 4	
Postcode	
Daytime telephone number	<input type="text"/>
Mobile telephone number	
Email address	

Page: Tell us about the premises

A licence is not required between 08.00 and 23.00 on any day, with no limit on audience size for:

- any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
- any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
- any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
- any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

What are you applying for? apply for a new premises licence

Section: Apply for a new premises licence

Name of premises or business London Road Stop & Shop Grocery

Address line 1 122 London Road

Address line 2 Kings Lynn

Address line 3 Norfolk

Address line 4

Postcode PE30 5ES

Telephone number at the premises

Please give a brief description of the premises International grocery Store Licensed to sell alcohol for consumption away from the premises.

When do you want the premises licence to start?
(dd/mm/yyyy) 30/03/2022

If you wish the licence to be valid only for a limited period, when do you want it to end? (dd/mm/yyyy)

What is the non-domestic rateable value (NDRV) of the premises? £4,301 - £33,000

If you're unsure of the non-domestic rateable value you can double check this on the [GOV.UK](#) website. **If the premises hasn't been set a non-domestic rateable value by the valuation office, then please select the lowest band.**

How many people are expected to attend the premises at any one time? 4,999 or less

If you have 30,000 or more people attending at any one time, you will need to contact us.

What you will need to pay

The application fee for a non-rateable value between £4,301 - £33,000 is:

£190.00

Annual payments

Each premises licence we grant will need to pay an **annual fee**. We will invoice you annually on the date when the first licence was issued.

Where do you want your annual invoice sent to?

Premises address

Page: Tell us which licensable activities

Will you be providing plays at the premises?	No
Will you be providing films at the premises?	No
Will you be providing indoor sporting events at the premises?	No
Will you be providing boxing or wrestling entertainment at the premises?	No
Will you be providing live music at the premises?	No
Will you be providing recorded music at the premises?	No
Will you be providing performances of dance at the premises?	No
Will you be providing anything of a similar description to live music, recorded music or performances of dance at the premises?	No
Will you be providing late night refreshment at the premises?	No
Will you be selling or supplying alcohol at the premises?	Yes

Please make sure you provide the timings in a 24 hour clock, for example, 16:00 and only provide details for the days of the week when you intend the premises to be used for the activity.

Section: Monday

Start time 08:00
End time 23:00

Section: Tuesday

Start time 08:00
End time 23:00

Section: Wednesday

Start time 08:00
End time 23:00

Section: Thursday

Start time 08:00
End time 23:00

Section: Friday

Start time 08:00
End time 23:00

Section: Saturday

Start 08:00
End time 23:00

Section: Sunday

Start time 08:00
End time 23:00

Will the provision of alcohol take place on the premises, off the premises or both? off the premises

Please state any seasonal variations for the provision of alcohol

Where you intend to use the premises for the provision of alcohol at different times to those listed above, please specify below:

Page: Tell us about the Designated Premises Supervisor (DPS)

Is this an application for a commercial premises licence requiring a DPS for alcohol sales?	Yes
Are you the proposed Designated Premises Supervisor (DPS)?	No

Section: Tell us about the DPS

Please state the name and details of the individual who you wish to specify on the licence as Designated Premises Supervisor (DPS).

Title	Mr
Forename (s)	Hawker Ahmed
Surname	Khider
Date of birth (dd/mm/yyyy)	
Nationality	
Address line 1	
Address line 2	
Address line 3	
Address line 4	
Postcode	
Personal licence number:	
Issuing licensing authority:	

You can use the following upload facility to provide a DPS consent form completed by the above individual:

Uploaded files*

[London Road StopAndShop DPS Consent.docx](#)

* If empty, no files were uploaded

Page: Tell us the premises opening hours

Please tell us the hours the premises are open to the public. Please make sure you provide the timings in a 24 hour clock, for example, 16:00 and only provide details for the days of the week when you intend the premises to be used for the activities.

Where the 'on sale of alcohol' is present, you may wish to consider drinking up time, for example, alcohol sales end at 23:00, premises open until 23:30.

Section: Monday

Start time 08:00
End time 23:00

Section: Tuesday

Start time 08:00
End time 23:00

Section: Wednesday

Start time 08:00
End time 23:00

Section: Thursday

Start time 08:00
End time 23:00

Section: Friday

Start time 08:00
End time 23:00

Section: Saturday

Start time 08:00
End time 23:00

Section: Sunday

Start time 08:00
End time 23:00

Please tell us about any seasonal variations

Please tell us where you intend to use the premises at different times to those listed above, please specify below:

Page: Tell us about the operating schedule

<p>Please highlight any services, activities, entertainment or matters ancillary to the use of the premises that may give rise to concern in respect to children</p>	<p>None</p>
---	-------------

Please describe the steps you intend to take to promote the four licensing objectives:

<p>General - List here the steps you will take to promote all four of the licensing objectives</p>	<p>a) General – All Four Licensing objectives, (b,c,d and e)</p> <ul style="list-style-type: none"> • Spirits will be displayed and secured behind the sales point and will not be available for self-service. • The licence holder shall operate and maintain a refusals register in respect of declined sales of alcohol where the attempted purchaser was suspected of being under 18 years of age or drunk. • The refusals register shall be kept on the premises and be made available immediately upon request to an authorised officer of the Police or Local Authority. • The licence holder will ensure that any appointment of a member of staff, they receive adequate training in responsible alcohol retailing and refreshed every 12 months. • No alcoholic drinks will be purchased by the store owners or staff from sellers calling at the store.
<p>The prevention of crime and disorder</p>	<p>b) The prevention of crime and disorder</p> <ul style="list-style-type: none"> • A fully working and maintained CCTV system capable of recording and storing images must be installed on the premises. The system must record at all times the premises is open to the public and images must be stored for a minimum of 28 days with date & time stamping. As a minimum this must cover all entry and exit points, both sides of all areas where the sale/supply of alcohol takes place. • All recordings must be made available to an officer from a responsible authority upon reasonable request and in line with the provisions of the Data Protection Act 1998. • All staff involved in the retail of alcohol will be trained in relation to the law regarding its sale. This training must be completed prior to them being authorised to sell alcohol and refreshed every 12 months as a minimum. A record of this training must be kept and maintained with a copy of the syllabus attached. The recipient of the training must sign to state that they have received and understood the training and this should be dated. Training records must be kept on the premises at all times and made available to an officer from a responsible authority upon reasonable request. • The premises will operate and adhere to an age verification scheme with the minimum standard of Challenge 25. Signs advertising the policy must be displayed in all areas where alcohol is for sale.

	<ul style="list-style-type: none"> • A refusals register will be kept on the premises for the recording of any incidents involving the refusal of a sale of alcohol due to age or drunkenness. The register will be made available to an officer from the local authority for inspection upon reasonable request • No person will be allowed to enter or leave the licensed premises with an open vessel of alcohol and the licensee will actively discourage and prevent anyone congregating or drinking outside the premises.
Public safety	<p>c) Public Safety</p> <ul style="list-style-type: none"> • The premises will conform to all statutory Health and Safety Requirements
The prevention of public nuisance	<p>d) The prevention of public nuisance</p> <ul style="list-style-type: none"> • Persons shall be discouraged from congregating outside of the premises. • A notice will be placed immediately outside the main entrance reminding persons that no alcohol to be consumed directly outside the main entrance to the shop. • Waste collection contractors will not collect refuse between 23:00 and 07:00 hours. <p>Any litter or refuse generated must be contained within the boundaries of the premises and regularly cleared (the boundaries of the premises are taken to be those indicated on the plan</p> <ul style="list-style-type: none"> • Receptacles for waste shall be emptied regularly to avoid causing a public nuisance through smells or odours and shall be maintained in a clean condition. • Trade waste containers will only be left out for collection of waste on the day of collection and will be stored off the public right of way at all other times. • Clear and legible notices will be prominently displayed at all exits asking customers to respect local residents and to leave the area quietly.
The protection of children from harm	<p>e) The protection of Children from harm</p> <ul style="list-style-type: none"> • The challenged 25 scheme will be implemented • To ensure that any person selling or supplying alcoholic drink under the authority of a personal licence holder follows the guidelines of the Challenge 25 scheme and asks for photo ID proof of age where they have reason to suspect that the individual may be under 25 years of age and to ensure that signs relevant to this condition are prominently displayed at the premises.

Page: Documents checklist - applying for a premises licence

You must tick the following statements to confirm you've understood them:

Checklist	<ul style="list-style-type: none">✓ I understand that I must advertise the application both in the newspaper (within 10 working days) and on the premises (the day after the application is accepted). The Borough Council will send the notice once the application is accepted✓ I will send a copy of the advert once it has appeared in the newspaper - do not advertise until accepted✓ I understand that if I do not comply with the above requirements my application may be rejected✓ The DPS named in this application is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate
------------------	--

As part of this application, you need to provide the following information:

You can use the following upload facility to provide a copy of the set to **scale plans** for the premises:

Uploaded files*
[London Road SAndS Plan- .jpeg](#)
* If empty, no files were uploaded

You can use the following upload facility to provide a **DPS consent form** completed by the proposed premises supervisor:

Uploaded files*
[London Road StopAndShop DPS Consent.docx](#)
* If empty, no files were uploaded

You can use the following upload facility to provide documents demonstrating your **right to work** in the UK:

Uploaded files*
[Passport- Hawker .jpeg](#)
* If empty, no files were uploaded

Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), you'll need to provide the 9-digit 'share code' provided to the applicant for that service.

How many share codes do you need to tell us about?	
Any further information	

Your ref no: Form ref:
TVSBLPWP

Form title: Apply for a new premises licence or a full variation

Page: Payment summary

Application fee for RV 4301 to 33000	£190.00
Total	£190.00

Page: Declaration and payment

Review your answers

Before clicking 'submit' you must review all of the answers you've provided. **Once your form has been submitted, you cannot make any changes.** If you need to make any amendments to this form, then click 'previous' (you will need to click the declaration box first). Please click on the following link to double check your answers.

[Open a read only view of the answers you have given \(this will open in a new window\)](#)

Privacy notice

The Council has a duty to process and store your personal information safely and securely in line with data protection legislation, which here means the General Data Protection Regulations (Regulation (EC) 2016/679 which is in force from 25 May 2018) (GDPR) and any national implementing laws, regulations and secondary legislation, as amended or updated from time to time, in the UK and then any successor legislation to the GDPR.

The Borough Council of King's Lynn and West Norfolk (the Council), of Kings Court, Chapel Street, King's Lynn, Norfolk, PE30 1EX is the data controller for the purposes of the GDPR and associated domestic law.

We will use your personal information for the purposes of the provision of the licensing services. The processing of this information is necessary for the Council to undertake a public task, i.e. the processing is necessary for the Council to perform a task in the public interest or for its official functions, and the task or function has a clear basis in law, in this case the Licensing Act 2003, as amended.

Your data may be shared between Council departments and other agencies where there is lawful authority to do so.

Your information will be kept strictly confidential. It will be stored separately from other information in a secure, password-protected database on the Council's computer system.

Your personal information will be kept for as long as you require a licence and for a period after the service is terminated. You can find more information about our retention policy on the [privacy notice](#) page. We will only use your data within the terms of data protection laws, will delete your data securely and only keep it for as long as necessary. We will review dates for keeping personal data in the future and if necessary update these privacy notices.

You may see copies of the data held about you and ask for it to be corrected or deleted.

You can find more information about Data Protection and the Council's Data Protection Officer, on our [Data Protection](#) page.

If you are unhappy with the way your personal information is being handled you can contact the [Independent Information Commissioner](#).

Declaration

Please read this declaration carefully before you press submit.

- I certify to the best of my knowledge and belief, the information supplied by me on this form is accurate
- I understand that it is an offence under section 158 of the Licensing Act 2003 to make a false statement in or in connection with this application. Those who make a false statement may be liable on summary conviction to a fine of any amount
- I understand that it is an offence under section 24B of the Immigration Act 1971 for a person to work when they know, or have reasonable cause to believe, that they are disqualified from doing so by reason of their immigration status. Those

who employ an adult without leave or who is subject to conditions as to employment will be liable to a civil penalty under Section 15 of the Immigration, Asylum and Nationality Act 2006 and pursuant to Section 21 of the same Act, will be committing an offence where they do so in the knowledge, or with reasonable cause believe, that the employee is disqualified

- I understand the personal information collected on this form will be used by the Borough Council of King's Lynn and West Norfolk to process my request, and deliver the service
- I understand the personal information will only be disclosed to the Norfolk Constabulary Licensing Team and the Home Office in connection with delivering this service
- I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work related to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK

You can find out more detailed information about our Privacy Policy, on our [privacy notice page](#).

I confirm that all of the details I have provided are correct and I understand that the information provided on this form is subject to the provisions of the above privacy notice.

Once you've completed the declaration, please 'submit' your form. You will then be passed to a secure site to make your payment.



C O N S T A B U L A R Y

Our Priority is You

Licensing Team,
Kings Lynn and West Norfolk,
Kings Court
Chapel Street,
Kings Lynn
PE30 1EX

Date: 29/03/2022

The Licensing Team

Bethel Street Police Station
Norwich
Norfolk
NR2 1NN

Tel:

Fax:

Email:

www.norfolk.police.uk

Non-Emergency Tel: 101

Dear Licensing Team,

Re: 122 London Road, Kings Lynn

This letter confirms police have received the application for a premises licence and the DPS consent form for the above premises. Police object to this application based on the following.

There have been several attempts to licence the premises for alcohol sales after the premises licence was revoked on 26/02/2019. Each attempt has failed because it can be shown that successive applicants are linked to the operators responsible for the sale, and supply of illegally imported tobacco products.

This latest attempt is the same. Police can show links to the original operators and their links to organised crime (*Bestwn TOFIK is responsible for paying the business rates at the premises*).

Given the history of offending and poor management at this premises, how will the licence holder successfully control sales at this premises from his address in Peterborough? There are different versions of the address on the application (Flat 149 Lincoln Road, Peterborough; Flat 14 Lincoln Road, Peterborough). Neither of which appear to exist.

On 29th March police stopped a customer leaving Dave's Convenience Store, 122 London Road. He produced a packet of unopened Minsk cigarettes and said he had just bought them and paid £5. Details have been sent to Trading Standards who should be able to confirm these are illegally imported cigarettes with no excise duty paid

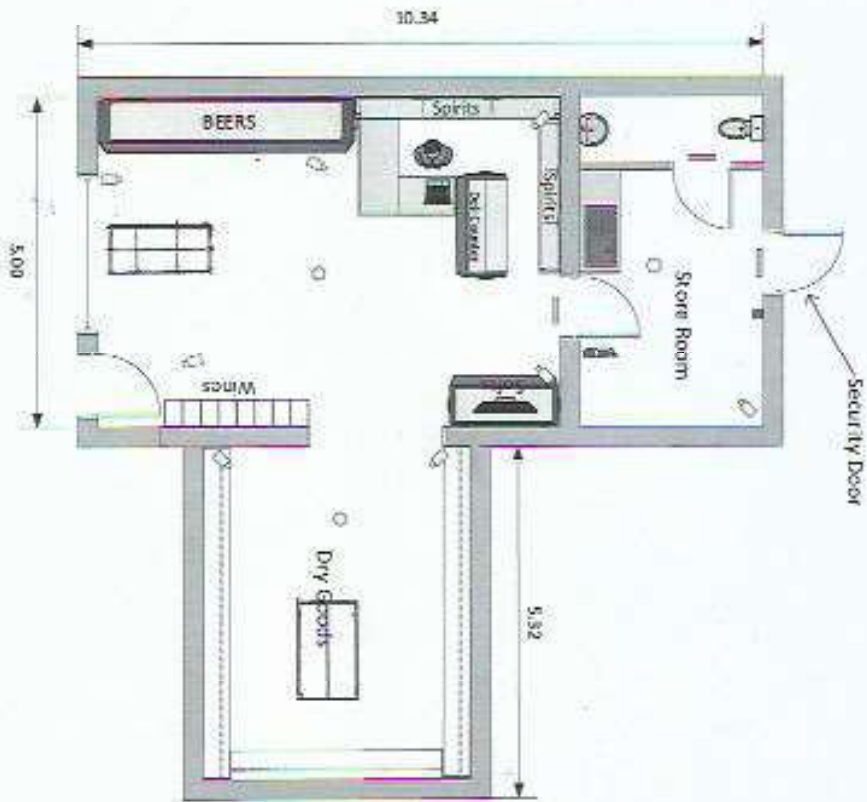
Despite the applicants attempt to find an otherwise unblemished character to front the operation at 122 London Road, Police fear the crime and disorder licensing objective will not be promoted and the illegal activity will continue. There are no suitable conditions available to make sure the sale and storage of illegally imported tobacco products will not continue. To this end police ask the premises licence is not issued until the Licensing Committee is satisfied that the granting of this licence will not undermine the licensing objectives.

Yours sincerely,

Chris Brooks
Licensing Officer
Norfolk Police

CC- applicants agent Mr Byatt

GEND	Smoke Detector	Fire Bell	Fire Exit	Camera	Fire Exc. Water	Monitor
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Drawing Purpose

PREMISES LICENCE APPLICATION

Drawing Details

The purpose of this drawing is for a submission of a Premises Licence Application. All measurements together should be in accordance with the drawing for use for the drawing of any walls, cupboards or other fixtures or fittings.

Name of Premises

LONDON ROAD STOP & SHOP
 GROCERY

Premises Address

122 London Road
 KINGS LYNN
 PE30 5ES

SCALE

1:100

DETERMINATION NOTICE

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

APPLICATION

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

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

HEARING

An application was made for the Hearing to be held in private session. It was therefore resolved that in accordance with Regulation 14(2) of the Licensing Act 2003 (Hearing Regulations) 2005, the press and public be excluded from the Hearing.

On 27 June 2017, a Hearing was held to consider the application. The Sub-Committee determined the application with a view to promoting the four licensing objectives. It considered the application on its own merits. In reaching its determination, the Sub-Committee had regard to the following matters:

- The relevant parts of the written and oral evidence before them;
- The Borough Council of King's Lynn and West Norfolk Licensing Policy;
- Statutory Guidance issued under the Licensing Act 2003;

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

- The Licensing Manager
- The Applicant
- The Responsible Authority

SUMMARY OF EVIDENCE

The Licensing Manager presented the report to the Sub-Committee, outlining the application. He also identified the relevant extracts from the Council's Licensing Policy and the statutory guidance issued under the Licensing Act 2003.

The Licensing Manager responded to questions from all parties.

The Applicant presented their case.

The Applicant responded to questions from all parties.

The Responsible Authority presented their case.

The Responsible Authority responded to questions from all parties.

FINDINGS

The Sub-Committee had due regard to the report of the Licensing Manager, representations put forward in the agenda and the representations put forward at the Hearing by all parties.

DETERMINATION

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

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

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

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

RIGHT OF APPEAL

There is a right of appeal against this decision to the Magistrates Court, available to both the Applicant and the persons making representations. An appeal must be commenced within 21 days beginning with the day on which notification of this decision is received. Independent legal advice may be sought from a solicitor or the Citizens Advice Bureau regarding this if consideration is being given to lodging an appeal.

Signed.....
Chairman (Councillor



Date: 27 June 2017

LICENSING SUB-COMMITTEE

DETERMINATION NOTICE

Date of Hearing	27 February 2019
Sub-Committee Members	Councillors C J Crofts (Chairman), Mrs S Fraser and Miss S Sandell
Legal Adviser	Jake Currier. Octavia Holman observing.
Senior Licensing Officer	Marie Malt. Jo Riches observing.
Democratic Services Officer	Rebecca Parker
Applicant's Name	Norfolk Trading Standards. Vicky Conlon and Leona Page were present at the Hearing
Responsible Authorities:	Norfolk Constabulary, Christopher Brooks
Respondent:	Mr Saeyd Qadir (NOT PRESENT)
Premises Address	7 Days 122 London Road King's Lynn Norfolk, PE30 5ES
Application	Review of a Premises Licence

APPLICATION

Kings Lynn and West Norfolk Borough Council, being the relevant licensing authority, received an application from Norfolk Trading Standards to review the premises licence for 7 days, 122 London Road, King's Lynn.

Norfolk Constabulary supported the review application. There were no other comments from any of the Responsible Authorities during the 28 day representation period.

There were no representations from 'other persons' to consider.

HEARING

An application had been made by Norfolk Trading Standards for the Hearing to be held in private session. It was therefore resolved that in accordance with Regulation 14(2) of the licensing Act 2003 (Hearing Regulations) 2005, the press and public be excluded from the Hearing.

On 27 February 2019, a hearing was held to consider review 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; and

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

- The Senior Licensing Officer
- Norfolk Trading Standards
- Norfolk Constabulary

SUMMARY OF EVIDENCE

The Senior Licensing Officer presented the report to the Sub-Committee outlining the application and identified the relevant extracts from the Council's Licensing Policy and the statutory guidance issued under the Licensing Act 2003.

The Senior Licensing Officer responded to questions from all parties.

Norfolk Trading Standards presented their case and responded to questions from all parties.

Norfolk Constabulary presented their case and responded to questions from all parties.

The Licence Holder was not in attendance to present his case.

FINDINGS

The Sub-Committee had due regard to Licensing Objectives, particularly the prevention of crime and disorder, the report of the Senior Licensing Officer, representations put forward in the agenda and the representations put forward at the Hearing by all parties.

The Sub-Committee was concerned by the gravity and scale of the illegal activity that has taken place at the Respondent's businesses and the potential continued impact on the health and wellbeing of individuals purchasing these products, in the event that the Respondent is able to continue selling alcohol.

The Sub-Committee gave due regard and concern to the cumulative effect that the number of businesses appearing to be involved in the sale of illegal alcohol has on the area and that there is no guarantee that these smuggled items will not continue to be sold in the event that no action is taken in relation to the Respondent's Licence to sell alcohol.

The Sub-Committee was particularly concerned at the fact that an individual could change his/her name and until recently would not have had to disclose those previous names. Equally the Panel observed that it would be beneficial if the Licence Holder provided a photographic image of themselves as part of their licence, if this is not already the case.

DETERMINATION

Having regard to the Licensing Objectives, particularly the prevention of Crime and Disorder and due to the serious nature of the offence in question the Sub-Committee has duly determined that the Respondent's Licence should be revoked. This decision was made having given due care and attention to the evidence provided by all parties present and based on the guidance for section 182 of the Licensing Act 2003.

The Sub-Committee further determined that based on the serious risk to the health and safety of consumers within the Borough, the revocation of the Licence should have immediate effect. This does not affect the Respondent's right to appeal to the Magistrates Court.

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 C



Date: 29 February 2019

