

LICENSING SUB-COMMITTEE

Tuesday, 18th October, 2011 at 10.30 a.m.

Conference Room, Council House, Walsall

Present

Councillor Sears (Chairman)
Councillor Cook
Councillor Rochelle

In attendance

Steven Knapper - Principal Licensing Officer, Walsall MBC
Dominic Patouchas - Legal Services, Walsall MBC
Mrs. Thandi - 296 Pleck Road, Walsall
Mr. and Mrs. M. Patel - H. & J. News, 151 Pleck Road, Walsall
Mr. Andrew Williams - Advance Land and Planning Limited
Mr. Sudhir Samplay - Applicant
Mr. Thande - Agent
Mr. Lal - Applicant's father

Appointment of Chairman

Resolved

That Councillor Sears be appointed Chairman of the Sub-Committee for this meeting only.

Councillor Sears in the Chair

Welcome

The Chairman extended a welcome to all persons present at the Sub-Committee which had been established under the Licensing Act, 2003.

Apology

An apology for non-attendance was submitted on behalf of Councillor Burley.

Declarations of Interest

There were no declarations of interest.

Licensing Hearing

Application for a Premises Licence under Section 17 of the Licensing Act, 2003 - Booze Up, 149 Pleck Road, Walsall, WS2 9ES

The report of the Interim Regulatory Manager was submitted:-

(see annexed)

Councillor Sears asked the applicant if he had received a copy of the report and understood the procedure to be followed. Mr. Williams, speaking on behalf of Mr Samplay, confirmed that his client had received a copy of the report and procedure to be followed.

The Principal Licensing Officer (Mr. Knapper) enlarged upon the report and stated that the application had been made on 11th August, 2011. A copy of the application was given at Appendix 1 to the report and Section P explained the steps proposed by the applicant to promote the licensing objectives. He indicated that they would become conditions on the licence if the application was granted. The application was for the supply of alcohol off the premises from 7.00 a.m. to 11.00 p.m. Monday to Sunday inclusive and would include Christmas Day and New Year's Day.

A street map showing the location of the premises was enclosed as Appendix 2 to the report. The blue site notice had not been displayed correctly at the premises so the deadline for submission of written representations from interested parties had been extended to 1st October, 2011. He added that the written representation from West Midlands Police received on 5th September, 2011 had been withdrawn and the conditions proposed therein would become conditions on the licence. No other representations from responsible authorities had been received.

One written representation had been received from an interested party (Appendix 4 refers) which had been counter-signed by four other businesses in the vicinity of the site.

Mr. Knapper reported that Mr. Singh, Company Secretary of Timeless Floors Limited, 149 Pleck Road, Walsall and Mr. Farooqui of Computer Port, 149A Pleck Road, Walsall had asked that their objections be withdrawn; and the objection by Mr. D. Yates of Black Country Windows had been discounted as insufficient information had been supplied. He requested the Sub-Committee to determine whether the application should be granted with conditions or refused.

Members had no questions for Mr. Knapper.

The objectors had no questions for Mr. Knapper.

The applicants had no questions for Mr. Knapper.

The objectors were invited to submit their representations and Mrs. Patel of H. & J. News, 151 Pleck Road, Walsall stated that she did not want an off-licence next door to her premises. She added that her newsagent shop already had problems with the drug addicts and drunkards who frequented the area and she did not think it appropriate to have a shop selling alcohol across the road from the new Manor Hospital. She was concerned that people leaving the hospital would be tempted to acquire drink from the new premises.

Mr. Patel reported that he and his wife already suffered from people banging on the shutters in the early hours because they were the worse for drink and he felt that anti-social behaviour would only get worse if the application was granted.

Mrs. Thandi of Manor Wines, 296 Pleck Road, Walsall felt that the sale of alcohol from 7.00 a.m. was too early. She referred to the fact that there were already six other off-licences on Pleck Road and added that she closed her shop at 8.00 p.m. She could not see the need for the sale of alcohol until 11.00 p.m. as there were already problems associated with drink and drugs in the area.

Mrs. Patel informed the meeting that there were no residents in that part of Pleck Road only the various shops/retail outlets and the hospital. She continued that she and her husband could only just survive because their mortgage was paid off and added that with the amount of existing competition, survival would be a problem for any new retail outlet.

Mr. Williams asked for clarification that Mrs. Thandi ran an off-licence and Mr. and Mrs. Patel ran a newsagents. Mrs. Thandi and Mr. and Mrs. Patel confirmed that this was correct.

Councillor Rochelle asked the objectors what time the other off-licences in the area were open until. Mrs. Patel replied that most closed at 9.00 p.m. or 10.00 p.m.

Councillor Cook advised Mrs. Thandi that competition was not an appropriate reason to refuse an application under the Licensing Act, 2003.

Mr. Williams asked if Mrs. Patel had CCTV in her premises. Mrs. Patel confirmed that she had CCTV in her shop but not outside the premises.

Mr. Williams was invited to make his submission on behalf of his client, Mr. Samplay, and a copy of his presentation was submitted:-

(see annexed)

Mrs. Patel asked why Computer Port and Timeless Floors Limited had withdrawn their objections to the proposal.

Councillor Rochelle referred to the inappropriate name proposed for the premises, especially in a location opposite the Manor Hospital, and asked if the applicant would consider an alternative. Mr. Williams stated that he had already raised this matter with his client and an alternative name was being discussed.

Councillor Cook referred to the fact that, in other parts of the Borough, youths congregated outside off-licences then threatened people into purchasing alcohol for them. He asked how Mr. Samplay proposed to deal with this problem. Mr. Williams replied that CCTV would be provided both inside and outside the premises covering both the street scene and the car park/loading area at the rear. If youths were seen to be loitering, then his client would contact the police and ask them to move the youths on. He added that Mr. Samplay shared the concerns of Mrs. Patel regarding anti-social behaviour and would try to ensure that everyone was kept happy.

Both parties were invited to sum up, and Mrs. Patel stated that the landlord had asked why she was objecting to the application. He had suggested that she was being spiteful. She re-iterated the fact that she felt that an off-licence opposite a hospital was in the wrong location. She wanted the shop to be brought back into use but not as an off-licence/general store.

Mr. Williams re-iterated the fact that Mr. Samplay was a competent individual; that the application was entirely sensible and that the Sub-Committee should grant the application for a Premises Licence at 149 Pleck Road, Walsall.

Both parties withdrew from the meeting at 11.07 a.m.

The Sub-Committee carefully considered all the written evidence submitted and the representations made at the hearing, following which it was,

Resolved

That the Sub-Committee grants the application for a Premises Licence in respect of 149 Pleck Road, Walsall as made by Mr. Sudhir Samplay permitting the sale of alcohol off the premises between the hours of 7.00 a.m. and 11.00 p.m. Monday to Sunday inclusive and on Christmas Day and New Year's Day, together with the conditions imposed by West Midlands Police as contained in Appendix 3 to the report.

The Sub-Committee is satisfied that these conditions are necessary based on the evidence and are proportionate to promote the licensing objectives.

Both parties were re-admitted to the meeting at 11.12 a.m. and advised of the Sub-Committee's decision and right of appeal to the local Magistrates Court within 21 days of receipt of the decision letter.

The legal representative (Mr. Patouchas) reminded those present that the Sub-Committee had to comply with the Licensing Act, 2003; the licensing guidance and the Council's own licensing policy in making the decision. He reminded the objectors that demand and planning considerations could not be taken into account in making the decision on the application. Business hours and the hours for the sale of alcohol should be the same. He added that the Sub-Committee, in reaching their decision, could find no evidence to show that the proposed use of the premises would undermine the licensing objectives.

Mr. Patouchas reminded the objectors that if any problems arose from the use of the premises in the future, then they should advise the Licensing Unit accordingly so that a review of the Premises Licence could be carried out.

Finally, Mr. Patouchas reminded the applicant that the Sub-Committee was concerned at the proposed name for the premises (Booze Up) and would like to see a more appropriate name considered.

Termination of meeting

The meeting terminated at 11.17 a.m.

Chairman

Date