

LICENSING SUB-COMMITTEE

Thursday, 12 May 2022 at 10.30 am

In a Conference Room, Council House, Walsall

Committee Members present: Councillor S. Cooper (Chair)
Councillor C. Bott
Councillor K. Sears

In attendance: S. Alom, Team Leader – Licensing
R. Danson, Licensing Officer
S. Heath-Marshall, Community Protection Officer
S. Powell, Chief Officer of Weights and Measures
PC. Paul Tolley, West Midlands Police
PC. Cooper, Neighbourhood Police Officer
N. Gough, Democratic Services Officer

G. Grant, Legal Advisor to the Sub Committee

Representatives in attendance: P. Sapra, Applicant

01/22 APPOINTMENT OF CHAIR

Resolved:

That Councillor Cooper be appointed Chair of the Licensing Sub-Committee for the meeting.

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

02/22 APOLOGIES

There were no apologies for the duration of the meeting.

03/22 DECLARATIONS OF INTEREST AND PARTY WHIP

There were no declarations of interest or party whip for the duration of the meeting.

04/22 Application for a premises licence review under section 167 of the licensing act 2003 in respect of SPAR (formerly Known as Aldridge News & Booze), 62 Walsall Road, Aldridge, Walsall, WS9 0JW

The report of the Director of Resilient Communities was submitted [annexed].

Councillor Cooper explained the purpose of the meeting and requested the Team Leader – Licensing, Mr S. Alom, to outline the report.

Mr Alom presented the report and highlighted the salient points (annexed). Members were asked to determine a review of a premises licence in respect of a 'Spar' convenience store at 62 Walsall Road, Aldridge, Walsall, WS9 0JW, in line with section 167 of the Licensing Act 2003. This followed a closure order by Black Country Magistrates Court on 23 March 2022. The steps that may be made by the Sub Committee were outlined, as contained within the report (annexed).

The Sub-Committee were advised that Mr Sapra had been the license holder and Designated Premises Supervisor of the Spar convenience store since 3rd January 2020. The current premises licence was included at appendix 1 of the report.

The premises was licensed for the sale of alcohol for consumption off the premises (only) during these hours:

Monday to Saturday: 08:00 – 23:00
Sunday: 10:00 – 22:30

West Midlands Police served a closure notice on the premises licence holder on 21 March 2022. Details on the reasons for the closure notice were provided to the Sub-Committee, and included anti-social behaviour, sale of alcohol and nicotine vapes to underage children, facilitation of county lines drug supply, a staff member found to be in possession of cannabis and an offensive weapon.

On 23 March 2022 Black Country Magistrates' Court considered the Closure notice at a hearing and issues a Closure Order under section 80 of the same Act for a period of 3 months effective until 15 June 2022. It was noted that the closure order had been breached, as the store was open without SIA accredited door staff.

There were no questions to the Licensing Officer from Members or interested parties.

The West Midlands Police representative stated that since February 2022, there had been a number of incidents of anti-social behaviour, which acted as the catalyst to the closure order. The conditions imposed by the Court had been breached on numerous occasions this caused concern that if conditions were added to the license they would continue to be breached by the license holder. It was suggested that the management of the premise was not good.

There were no questions to the Police from the Members.

The Legal Adviser asked a point of clarification in relation to references to CO2 within the report, it was clarified that this was likely to be a typographical error.

Mr Sapra asked why the Police had applied for a closure order immediately rather than taking a stepped approach. PC Cooper suggested that members of the neighbourhood team had communicated with the License holder on numerous occasions. Clarification was provided in relation to the reasons for the closure order.

The Trading Standards Officer expanded on the issues relating to this case. The Committee were informed that on 23rd February 2022, trading standards carried out a vaping products test purchase following complaints that vapes were being sold to under age children from Spar (62 Walsall Road). A volunteer (15 years old) entered the store and purchased a vape containing nicotine and was not asked for his age or identification. The sale of nicotine products to children is prohibited. The vape produced purchased was examined and found to be in breach of safety regulations, although Mr Sapra did not sell the vape he was premises on the premises. Over the last few years, five complaints had been received in relation to the sale of nicotine and alcohol to under age children. Further detail was provided on these complaints.

In November 2021, in response to these complaints trading standards officers visited the store to provide guidance on the sale of such goods to under age children, Mr Sapra was advised on illegal vapes and he was informed that test purchases were carried. It was stated that the sale of cigarettes, alcohol and vape to children posed a threat to their health and breached the Crime and Disorder and the Protection of Children from Harm licensing objectives. Concern was expressed that proposed licensing conditions would not be adhered to.

The Legal Adviser clarified the details of the warnings provided to Mr Sapra, and the Trading Standards Officer stated that on 5th November 2021 and advisory visit was carried out to the Spar store (in relation to the complaints received). Leaflets, posters verbal advice and a written notice were provided to Mr Sapra. Although it was not a enforcement notice He was also informed that test purchase visits were carried out.

There were no further questions from Committee Members or interested parties to Trading Standards.

Mr Sapra presented his case to the Committee. The following concerns were raised in relation to the Closure order:

- On 13 March 2022 Mr Sapra logged a complaint with the Police that he had been threatened by a Brother of one of the children involved in the disturbance. However no further action was taken in realltion to this.
- Mr Sapra considered it to be dangerous to himself if he reprimanded the Youths involved.
- The wrench was found by Mr Sapra and handed into the police.
- The hammer was taken into the shop,
- Mr Sapra was not aware of the drugs or weapon being stored in the shop, once he was aware and this individual was no longer employed by Mr Sapra.
- Mr Sapra stated that he was not responsible for youths standing outside the shop (using balloons).
- Mr Sapra stated that the Youths do not listen to him, unless he tells them that the teachers were coming. However this was with the intention of dispersing the youths.
- Mr Sapra had tried to work with the school, however they had not responded.

The Legal Adviser requested clarification in relation to the police evidence in relation to comments around beating a teacher up outside the shop. Mr Sapra responded to state the children do not listen to him, he didn't mean to say it in that way, and he showed the school the evidence and banned the child.

The Legal Adviser suggested that Mr Sapra may want to address the issue of door staff, Sapra stated that he could not obtain/afford door staff for the required times. In relation to the breach of conditions Mr Sapra confirmed that he had not allowed school children into the shop, and he only let his regular customers into the shop – as he misunderstood the conditions. Mr Sapra agreed that he had made a mistake in this decision.

Mr Sapra was asked how the Committee could be assured that if they added conditions to his license, he would comply. Mr Sapra stated that he was 100% willing to comply with the conditions, he had learnt his lesson, and he would provide full training to himself and his staff. He stressed that this was the first time he had issues with his license. Mr Sapra raised concerns that the Police had not responded to his reports of threats from his former employee.

The Legal Adviser asked Mr Sapra if he was happy he had received the opportunity to say everything he wished, Mr Sapra confirmed that he was happy to have said everything he wished.

A Sub-Committee Member clarified the reasons for locking the door when serving customers.

All parties summed up.

The Chair asked if all parties were satisfied that they had ample opportunity to air their views. This was confirmed and the parties withdrew from the meeting at 11.20 am.

All parties were re-admitted to the meeting at 12.05 pm and were informed of the Sub-Committee's decision, which was as follows: