

LICENSING SUB-COMMITTEE

Tuesday, 27th March, 2012 at 2.30 p.m.

Conference Room, Council House, Walsall

Present

Councillor Rochelle (Chairman)
Councillor Anson
Councillor Sarohi

In attendance

Steven Knapper - Principal Licensing Officer, Walsall MBC
Paul Green - Legal Services, Walsall MBC
Ms. M. Henderson - Henderson/Hynes, 29 Bradford Street, Walsall - Estate Agents
Mr. Carl Burns - Applicant

Appointment of Chairman

Resolved

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

Councillor Rochelle 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 Cook.

Declarations of Interest

There were no declarations of interest.

Licensing Hearing

Application for a Premises Licence under Section 17 of the Licensing Act, 2003 - Chill and Grill, 30 Bradford Street, Walsall, WS1 1PN

The report of the Interim Regulatory Manager was submitted:-

(see annexed)

The Principal Licensing Officer (Mr. Knapper) enlarged upon the report and indicated that the application had been received on 1st February, 2012 and had been made under Section 17 of the Licensing Act, 2003. He drew the Sub-Committee's attention to the proposed activities and times contained in Paragraph 3.3 to the report and to the applicant's proposals for meeting the licensing objectives (Section P of the application refers).

Mr. Knapper referred to the fact that on 29th February, 2012, the licensing authority had received confirmation from West Midlands Police that mediated conditions had been agreed with the applicant (Paragraph 3.8 of the report refers) and would become conditions on the licence if the application was granted. He advised the meeting that one written representation had been received from an interested party which it had not been possible to mediate.

Mr. Knapper drew the Sub-Committee's attention to the letter dated 15th February, 2012 from the Licensing Unit advising Mr. Burns that Condition 4 of his planning permission restricted his hours of operation to 8.00 a.m. to 6.00 p.m. Monday to Friday inclusive; 8.00 a.m. to 4.00 p.m. on Saturdays and 10.00 a.m. to 4.00 p.m. on Sundays and Bank Holidays. Even if his licence application was granted, it would not override Condition 4 of his planning permission.

Councillor Rochelle advised the meeting that an amendment to the hours of operation would be considered by Planning Committee on 17th April, 2012.

Councillor Anson asked if there had been any police objection to the licensing application. Mr. Knapper confirmed that there had not been any objection to the licensing application from West Midlands Police.

Ms. Henderson (objector) informed the Sub-Committee that she held the tenancy of 29 Bradford Street, Walsall and operated a small estate agents which was going through difficult times at present. She stated that Bradford Street already had several other hot food take-aways and when planning permission had been granted for Chill and Grill, the hours of operation had been restricted because of its location in a listed building in a conservation area. She added that the police had not objected to the original proposal because of the restricted opening hours but had put forward additional conditions to these proposals because of the proposed increase in hours.

Ms. Henderson referred to the planning condition for appropriate ventilation which she felt had not been complied with by the previous tenant. She continued that 30 Bradford Street also had an illegal roller shutter which the Planning Department was investigating. Her own shop had a large plate glass window which she would like to protect but when she approached the Planning Department, she was advised that a roller shutter was out of character in a conservation area. She added that there was

a passageway at the side of her premises and every morning, she had to clear litter, vomit, etc, from the previous evenings activities in the Town Centre. She felt the situation would only deteriorate if Mr. Burns' licence application was granted.

Ms. Henderson then referred to the possible fire risk because the buildings in Bradford Street had originally been built as houses with thin walls. She felt they were unsuitable for take-away premises.

Ms. Henderson referred to the employment of a door supervisor to satisfy the public safety licensing objective and asked what action could be taken if one was not employed. She added that as the restriction in opening hours had never been followed by the previous tenant, the present licensing application should be refused.

Councillor Anson asked if the Sub-Committee could take competition into account. Mr. Knapper replied that the Sub-Committee could not. He added that the area was subject to a cumulative impact policy introduced by West Midlands Police but that related only to licensed premises not hot food take-aways.

Mr. Burns was invited to present his case and stated that he was not getting enough trade during the day to make a living so he wanted to extend his hours of operation to take advantage of the night time economy. He informed the meeting that he would only supply take-aways after 11.00 p.m. He would implement the conditions suggested by the police and had installed an extractor fan to control fumes. He would employ a bouncer using the same company as the night club opposite his premises and if there was any trouble, he would contact the police. He added that he was simply trying to earn an honest living and would instruct his staff to keep an eye on the estate agents next door. The CCTV outside his shop would cover both premises.

Both parties were invited to sum up and Ms. Henderson asked the Sub-Committee to refuse the application as she felt that 30 Bradford Street should have remained Use Class 2. She re-iterated the fact that, in her opinion, there were already too many hot food take-aways in Bradford Street adversely affecting the listed buildings in the conservation area.

Mr. Burns stated that if his licence was granted, then he would be able to provide breakfasts to clubbers, an alternative to the burgers and chicken meals provided by most of the take-aways in the area.

All parties withdrew from the meeting at 2.15 p.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 application for the grant of a Premises Licence under Section 17 of the Licensing Act, 2003 be granted, subject to standard licensing conditions and the mediated conditions agreed with West Midlands Police.

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

All parties were re-admitted to the meeting at 2.56 p.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.

Termination of meeting

The meeting terminated at 2.58 p.m.

Chairman

Date