

## **LICENSING SUB-COMMITTEE**

**Wednesday 11 November, 2015 at 10.30am**

**In a Conference Room, Council House, Walsall**

### **Present:**

Councillor Sears (Chairman)  
Councillor Anson  
Councillor Sarohi

### **In Attendance:**

Miss Hazel Powell – Senior Licensing Officer – Walsall M.B.C.  
Mrs. Emma Oliver – Legal Services – Walsall M.B.C.  
Mr. Peter Klempar – Applicant  
Mr. Robert Hill – Objector

### **Appointment of Chairman**

#### **Resolved**

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

### **Councillor Sears in the Chair**

#### **Welcome**

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

#### **Declarations of Interest**

There were no Declarations of Interest.

#### **Licence Hearing**

#### **Application for a Premises Licence under Section 17 of the Licensing Act, 2003 – 87, Stafford Street, Walsall, WS2 8DU**

The report of the Interim Head of Communities and Public Protection was submitted:-

(See annexed)

Councillor Sears explained the purpose of the meeting and requested the Senior Licensing Officer (Miss Powell) to explain the application.

The Senior Licensing Officer (Miss Powell) enlarged upon the report for the benefit of the Sub-Committee and indicated that the application for a premises licence in respect of 87, Stafford Street, Walsall, WS2 8DU had been made under Section 17 of the Licensing Act, 2003. The application could be granted as requested, granted with additional/modified conditions, or rejected. The application had been received by the Licensing Authority on 17 September 2015 (Appendix 1 refers) and in section M the applicant had indicated the steps to be taken to promote the licensing objectives.

Miss Powell drew the Sub-Committee's attention to paragraph 3.3 of the report which summarised the hours of operation of the premises and the times of supply of alcohol off the premises. (0700 – 00.00 hours Monday to Sunday). A street map showing the location of the premises was given as appendix 2 to the report. Miss Powell confirmed that the application had been submitted to the statutory "Responsible Authorities" and had been advertised by way of a blue site notice displayed at the premises and a licensing notice had been placed in a newspaper circulating in the area to comply with the requirements of the Licensing Act.

Referring to paragraph 3.8 of the report, Miss Powell indicated that on 2 October 2015 the applicant had agreed further conditions on the Premises' Licence following conversations with West Midlands Police. These included the terminal hours for alcohol sales and opening hours being reduced to 22.00 hours Monday to Sunday (Appendix 3 refers). Miss Powell stated that three representations had been received from "other persons", one of which had subsequently been withdrawn. She then referred to paragraph 4.2 of the report which contained the legal position.

None of the parties present had any questions for the Senior Licensing Officer.

The Objector (Mr. Hill) was invited to make representations and stated that there were already four off licences and four public houses in the immediate area in Stafford Street, Walsall. Another premise selling alcohol would only exacerbate existing levels of drunkenness and anti-social behaviour in the area.

The applicant (Mr. Kemplar) referred to the allegation in Mr. Hill's objection letter that he was selling cigarettes and alcohol to under-age individuals, and asked when Mr. Hill had seen such events taking place. Mr. Hill replied that he thought he had seen under-age sales taking place and that the shop had been closed for the last three weeks.

Mr. Kemplar asked why Mr. Hill had not reported these illegal sales to the Police if he felt that children were being harmed.

The Legal representative, (Mrs. Oliver) advised the meeting that there was no Police evidence of under-age or illegal sales from the premises.

A statement prepared by Mr. Kemplar was read out to the meeting (see annexed) and noted.

Councillor Anson asked how long the premises had been open. Mr. Kemplar replied “nine months”.

Councillor Anson asked why the shop had been closed for the last three weeks. Mr. Kemplar replied that the shop had been closed for refurbishment and to await the result of to-day’s premises licence application.

Councillor Anson asked if this was the only shop in the area selling Slovakian food. Mr. Kemplar replied that he knew of only two other shops in Walsall selling Slovakian food, neither of which were close to Stafford Street. He added that all the produce was labelled in Slovak and English so that people would be able to try Slovakian produce if they wanted to.

There were no further questions to Mr. Kemplar.

Both parties were invited to sum up and Mr. Hill and Mr. Kemplar confirmed that they had nothing further to add to their previous statements.

Councillor Sears asked if both parties were satisfied that they had had ample opportunity to air their views. This was confirmed and the parties withdrew from the meeting at 10.47 am.

The Licensing Sub-Committee considered carefully all the evidence submitted and the representations made during the hearing, and it was then

### **Resolved**

That the Sub-Committee grants the application for a Premises Licence in respect of 87, Stafford Street, Walsall, WS3 8DU, with the conditions agreed with West Midlands Police on 2 October, 2015 (appendix 3 refers).

Both parties were re-admitted to the meeting at 11.03 am and informed of the Sub-Committee’s decision. The parties were informed of their right of appeal to the local Magistrates Court within 21 days of receipt of the determination letter.

### **Termination of meeting**

The meeting terminated at 11.05 am

Chairman.....

Date.....