

## **LICENSING SUB-COMMITTEE**

**Friday, 6<sup>th</sup> February, 2015 at 10.30 a.m.**

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

### **Present**

Councillor Rochelle (Chairman)  
Councillor Sarohi  
Councillor Whyte

### **In attendance**

Mr Steven Knapper – Principal Licensing Officer – Walsall MBC  
Emma Oliver – Legal Services – Walsall MBC  
Inspector Mandy McFee – West Midlands Police  
PC Gardiner – West Midlands Police  
Mr. Velautham Sarveswaran - Applicant  
Councillor Mike Bird – Supporting the applicant.

### **Appointment of Chairman**

#### **Resolved**

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

### **Councillor Rochelle 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.

#### **Apologies**

There were no apologies for non-attendance.

#### **Declarations of Interest**

There were no declarations of interest.

## **Licence Hearing**

### **Application for a premises licence variation under Section 51 of the Licensing Act, 2003 – Ablewell Convenience Store, 6-8 Ablewell Street, Walsall, WS1 2EQ.**

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

(see annexed)

Councillor Rochelle explained the purpose of the meeting and requested the Principal Licensing Officer (Mr. Knapper) to explain the variation application.

The Principal Licensing Officer (Mr. Knapper) enlarged upon the report for the benefit of the Sub-Committee and indicated that the application for a premises licence variation in respect of Ablewell Convenience Store, 6-8 Ablewell Street, Walsall, WS1 2EQ had been made under Section 51 of the Licensing Act, 2003. The Sub-Committee having regard to the submitted review application could determine what steps, if any, were considered necessary to promote the licensing objectives at the premises. The current premises licence which included the operating schedule and the layout of the premises was given in Appendix 1 to the report and a street map of the locality was given in Appendix 2. The premises licence holder was Green Petroleum Limited.

Mr. Knapper drew the Sub-Committee's attention to Paragraph 3.3 of the report where the Chief Constable of West Midlands Police had requested a premises licence review on the grounds that the premises licence holder was not promoting the statutory licensing objectives of the prevention of crime and disorder; public safety and the prevention of public nuisance. The initial premises licence application had been received by the Licensing Authority on 12<sup>th</sup> December, 2014 (Appendix 3 refers).

The period for further written representations expired on 9<sup>th</sup> January, 2015 and written comments in support of the application had been received from the Conservative Group Leader of Walsall MBC (Appendix 4 refers). West Midlands Police had provided copies of crime logs in support of the review application on 15<sup>th</sup> January, 2015 (Appendix 5 refers).

Mr. Knapper also drew attention to Paragraph 4.2 of the report which explained the legal position; to the Licensing Authority's statement of licensing policy (Appendix 6 refers) and to the details of the statutory guidance under Section 182 of the Licensing Act, 1003 (Appendix 7 refers) He then explained the options open to the Sub-Committee in promoting the licensing objectives.

All parties had no questions for Mr. Knapper.

The site owner was admitted to the meeting at 10.38 a.m..

A statement from the applicant, Mr. Sarveswaran, was circulated to the Sub-Committee at this point:-

(see annexed)

PC Gardiner expressed concern that there were factual inaccuracies in the narrative which needed to be investigated further before the contents could be discussed before the Sub-Committee. He requested that the meeting be adjourned to enable these investigations to be carried out.

Councillor Bird indicated that Mr. Sarveswaran had not received his copy of the papers until 25<sup>th</sup> January, 2015 although they had been posted on 22<sup>nd</sup> January, 2015 but second class. He added that Mr. Sarveswaran's comments were not intended to be late.

Mr. Knapper explained that a copy of the report on this matter had been sent to Mr. Sarveswaran at both of the addresses he had supplied. He added that the requirements of the Licensing Act had been complied with regarding the sending out of papers for this meeting.

Emma Oliver (Legal Services) advised the Sub-Committee regarding a possible adjournment of proceedings. The Chairman asked if Mr. Sarveswaran and his representative, West Midlands Police representatives and the Licensing Officers would leave the meeting whilst the adjournment proposal was discussed.

All parties withdrew from the meeting at 10.44 a.m. and the Sub-Committee considered the submission made by Mr. Sarveswaran and felt that the information regarding the trial of the night window warranted further investigation.

All parties were re-admitted to the meeting at 10.55 a.m. and informed of the Sub-Committee's decision to adjourn the meeting for seven to ten days so that information contained in the submission by Mr. Sarveswaran could be investigated.

Councillor Bird suggested that Mr. Sarveswaran and the Police should meet before the Sub-Committee reconvened to try to come up with an appropriate agreement regarding the use of the night window and it was:-

### **Resolved**

That the Sub-Committee be adjourned to a date to be determined in order that the allegations made by Mr. Sarveswaran in his submission can be investigated.

Termination of meeting.

The meeting terminated at 11:01 a.m.

Chairman .....

Date .....