

LICENSING SUB-COMMITTEE

Thursday, 7th January 2016, at 10.30 am

In a Conference Room, Council House, Walsall

Present:-

Councillor Rochelle (Chairman)
Councillor Sears
Councillor Sarohi

In Attendance:-

Hazel Powell – Senior Licensing Officer – Walsall MBC
Dominic Patouchas – Legal Services – Walsall MBC
Mr. Adrian Curtis – Kenneth Curtis & Co Solicitors, representing Mr Staton
Mr. Aidan Staton – Applicant
Donna Palmer – Designated Premises Supervisor

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

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

Declarations of Interest

There were no Declarations of Interest.

Licence Hearing

Application for a Premises Licence variation under Section 34 of the Licensing Act, 2003 – Aidan Staton, 512 Queslett Road, Great Barr, Birmingham, B43 7EJ

The report of the Head of Economy and Environment was submitted:-

(see annexed)

Councillor Rochelle 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 variation in respect of 512 Queslett Road, Great Barr, Birmingham had been made under section 34 of the Licensing Act, 2003. The variation application had been made by Mr Aidan Staton and could be granted as requested, granted with additional/modified conditions or rejected. The variation application had been received by the Licensing Authority on 6th November, 2015 (appendix 2 refers) and the applicant had stated that no additional conditions needed to be attached to the licensing objectives.

Miss Powell drew the Sub-Committee's attention to paragraph 3.3 of the report which summarised the proposed extended opening hours for the premises and the times of supply of alcohol off the premises (00.00 – 24.00 hours Monday to Sunday). In essence, the application sought to extend the hours of operation by 6 hours on all days, making it a 24 hour operation.

A street map showing the location of the premises was given as appendix 3 to the report. Miss Powell confirmed that the application had been submitted to the statutory "responsible authority" 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.

However, in paragraph 3.9 of the report, Miss Powell indicated that no representations had been received from any responsible authority to the variation application. However, on 25th November, 2015 the Licensing Authority had received a written representation to the application from an adjoining business operator (appendix 4 refers). She then referred to paragraph 4.2 of the report which contained the legal position.

None of the parties present had any questions for Miss Powell.

Mr. Aidan Staton (Applicant) was invited to make representations and Mr. Adrian Curtis of Kenneth Curtis & Co Solicitors, speaking on his behalf, informed the Sub-Committee that the premises already held a premises licence from 06.00 – 24.00 hours Monday to Sunday. The variation application was to extend the opening hours for a further 6 hours to make the premises a 24 hour operation. (00.00 – 24.00 Monday to Sunday). He indicated that West Midlands Police were happy with the proposed variation.

With reference to the **objection** from Davroy Contracts Limited, 510 Queslett Road, Great Barr, Birmingham, Mr. Curtis said that the litter complained about came from a bus stop on the opposite side of the road not from his client's premises. There was a litter bin inside the Spar for use by customers and staff regularly cleared rubbish from the curtilage of the site to keep the area tidy. However regarding the allegations of persons urinating in the corner of the property, 510 Queslett Road, Mr. Curtis said that there were a number of public houses in the area and it was more likely to be their clientele rather than customers from 512 Queslett Road who were responsible.

Mr. Curtis stated that no evidence had been provided to back up the allegations made by the objector.

Mr. Curtis indicated that if the premises were open for 24 hours then shift workers could be catered for. He added that other shops and premises in the area were open for 24 hours.

Councillor Rochelle asked which shops in the area were open 24 hours. Mr. Staton replied that the Asda store on Queslett Road was open 24 hours.

Councillor Sears asked if there was a market for 24 hour operation of the premises in what was a largely residential area. Mr. Curtis replied that his client had carried out research and 24 opening was viable. Queslett Road was a main road through the area and provided a link to the motorway so it was busy for most of the day and night.

The parties were invited to sum up and Mr. Curtis requested that the Sub-Committee grant the variation application as his client had run the premises from 0600-2400 Monday to Sunday with no problems. He felt that the 6 hour extension could be accommodated without creating any problems in the area.

Mr. Staton felt that the 24 hour operation of his premises would increase security in the area because there would be a presence in store all day and all night every day of the week.

Councillor Rochelle asked if all 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 a.m.

The Licensing Sub-Committee carefully considered all the evidence submitted and the representations made during the hearing and it was resolved (Councillor Sears voting against)

- 1) That the Sub-Committee grants the Premises Licence Variation in respect of 512 Queslett Road, Great Barr, Birmingham, B43 7EJ as requested and extending the opening hours by 6 hours to provide 24 hour operation Monday to Sunday with immediate effect; and
- 2) That the store be required to provide a litter bin outside the premises to alleviate the litter problem referred to by the objector.

All parties were re-admitted to the meeting at 10.57 a.m. and informed of the Licensing Sub-Committee's decision. The parties were advised of their right of appeal to the Local Magistrates' Court within 21 days of receipt of the determination.

Termination of meeting

The meeting terminated at 11.45 a.m.

Chairman.....

Date.....