

ADJOURNED LICENSING SUB-COMMITTEE

Tuesday 24th March, 2015 at 10.30 a.m.

In a Conference Room, Council House, Walsall

Present

Councillor Rochelle (Chairman)
Councillor Anson
Councillor Whyte

In attendance

Mr Steven Knapper – Principal Licensing Officer – Walsall MBC
Sergeant Gary Iliff – West Midlands Police
Mrs Parameswari Rajamanickam – Globetex Properties Limited
Doctor Velautham Sarveswaran – Designated Premises Supervisor
Councillor Mike Bird – Leader of Conservative Group and supporter of Mr. Sarveswaran
Ms Emma Oliver – Legal Services – Walsall MBC

Observers

Mr Scot Kearney – Licensing Enforcement Officer – Walsall MBC
Mr Mark Wilson – Licensing Enforcement Officer – Walsall MBC

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.

Apology

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

Declarations of Interest

There were no declarations of interest.

Licence Hearing

Application for a premises licence review 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 reminded those present that this matter had originally been discussed at a meeting held on 6th February, 2015 but had been adjourned to enable meetings to be held between the applicant and the police to attempt to reach agreement on a number of concerns. He continued that the Sub-Committee should consider the review application and determine what action should be taken to promote the licensing objectives at the premises. The current premises licence which included the layout of the premises was given in Appendix 1 to the report and a street map showing the location of the premises was given in Appendix 2. The premises licence review application from West Midlands Police had been received on 12th December, 2014 (Appendix 3 refers) and a letter in support of the premises licence holder had been submitted by the Conservative group leader of the Council on 22nd December, 2014 (Appendix 4 refers). On 15th January, 2015 the West Midlands Police had provided copies of their Crime Logs in support of the review application (Appendix 5 refers).

Mr. Knapper continued that there had been two meetings between West Midlands Police and the premises licence holder since the meeting of the Sub-Committee on 6th February, 2015. He drew the Sub-Committee's attention to Paragraph 4.2 of the report which explained the legal position and what actions the Sub-Committee could take to promote the licensing objectives.

Parties had no questions for Mr. Knapper.

Sergeant Iliff (West Midlands Police) was invited to address the Sub-Committee and explained the working of the night time economy in Walsall. He referred to the problems the police were experiencing because of lack of resources. He continued that the police had a good working relationship with the people running Walsall's night time economy which began at 7.30 p.m. and ended at 3.00 a.m. generally.

Sergeant Iliff informed the meeting that as the Licensing Sergeant he had 16 officers to cover the whole of the borough at night. If reinforcements were called into the town

centre to deal with a problem then other parts of the borough were left unprotected. He added that further budget reductions would only exacerbate this problem.

Sergeant Iliff stated that Walsall town centre was normally busy in the evening and during the night but most nightclubs etc closed between 2.30 and 3.00 a.m.. Patrons leaving the club were often under the influence of alcohol which could lead to some unpleasant consequences. It was the force's aim to try to get people to leave the town centre as quickly and peacefully as possible.

Ablewell Service Station and Convenience Store in Ablewell Street was a magnet for those persons who wanted to continue drinking and the nature of the site lent itself to encouraging people to hang around. The fact that it had a 24 hour licence for the sale of alcohol meant that it could easily become a crime "hotspot". Sergeant Iliff continued that Senior Police Officers supported action to reduce the licensing hours at the store as four meetings had been held with the Designated Premises Supervisor on 7th and 27th November, 2014 and 7th and 20th February, 2015 but mediation had been unsuccessful. He drew attention to the Crime Logs generated by the shop amounting to 23 in total and reported that this call volume was the highest in the town centre. Whilst not wishing to restrict people from contacting the police the volume of calls tended to suggest that there was an underlying problem there and that the licensing conditions attached to the premises were not being applied correctly. If the sale of alcohol ceased at 2.30 a.m. it would bring the convenience store into line with other town centre establishments.

Sergeant Iliff stated that 24 hour licensing led to more crime in the town centre as it encouraged undesirables to linger rather than returning to their homes. Supermarkets ceased sales of alcohol at midnight but the Ablewell Street store continued to supply discounted fuel, food, cigarettes and alcohol throughout the night. With the summer months approaching when people would be encouraged to stay out longer and drink more he could only see the situation worsening. He requested the Sub-Committee to prohibit the sale of alcohol from the premises from 2.30 a.m. to 6.00 a.m. daily.

Referring to the night window during a visit to the premises on 7th November, 2014, Sergeant Iliff stated that although it was in situ it was not used. The conditions on the licence were poorly worded so that it was not required to be used. Officers had discussed its use with the licensee but instead of trialling its use he had removed it. On 27th November, 2014 a further visit was undertaken to the premises but Mr. Sarveswaran had done nothing to improve the situation. A letter had been forwarded to the premises licence holder outlining police concerns but there had been no response to it.

Sergeant Iliff then explained the Police Crime Logs to the Sub-Committee in detail. He summed up by stating that the convenience store had generated a lot of calls for Police assistance most of which were alcohol related. The owner had not helped the situation in some cases by locking inebriated customers in the shop whilst awaiting Police assistance. He added that the shop was not badly run but it was in an unfortunate location on the edge of town and, in his opinion, the 24 hours alcohol licence exacerbated the problems arising there. Whilst wanting the premises to flourish, the Police had been unable to come to a satisfactory conclusion with the proprietor.

Sergeant Iliff reminded the meeting that the designated Police night team left the town centre at approximately 2.30 a.m. and that most town centre nightclubs closed at 3.00 a.m.. He added that only 14 Police Officers were on duty between 3.00 a.m. and 7.00 a.m. to cover the whole of the borough but the Police still did their best with the limited resources available.

Sergeant Iliff stated that if the night window was used then people would be queueing outside the shop rather than inside and the possibility of criminal activity would still remain. However, the night window had now been removed so it could not be used. He asked the Sub-Committee to remove the hours of licensed activity between 2.30 a.m. and 6.00 a.m. and added that he did not feel that this three and a half hour window would have a negative impact on the viability of the premises as the shop could still remain open for the sale of food, hot drinks and cigarettes etc.

Mr. Knapper had no questions for Sergeant Iliff.

Mr. Sarveswaran was invited to address the Sub-Committee and referred to a meeting with PC Gardiner where it was agreed that the use of the night window would be trialled. He was about to implement this when he had to visit Sri Lanka. On his return he again met with PC Gardiner and others and was disappointed when PC Gardiner denied that an agreement had been reached to trial the use of the night window at the premises in Ablewell Street.

Mr. Sarveswaran stated that it was very stressful trying to run a business in Walsall because of the behaviour of some of its people. His business had been subject to fuel theft and shoplifting episodes. In his opinion, the Police did not consider shoplifting to be a serious matter but if it was not dealt with properly then it could escalate into something more serious. He added that originally he had intended to boycott today's meeting but had changed his mind. He reported that the service station was now a successful venture because the undesirables knew that they would not be tolerated there. This was despite the fact that the Police had failed to attend on a number of occasions when called. Mr. Sarveswaran added that he knew where he stood so he no longer contacted the Police over what were considered to be minor matters.

Mr. Knapper referred to the fact that the Police wished to ban the sale of alcohol at the premises between the hours of 2.30 a.m. and 6.00 a.m.. He asked how much Mr. Sarveswaran would lose if this happened. Mr. Sarveswaran replied that the company would lose approximately £18,000 per annum if they could not sell alcohol during the night. He added that a lot of shift workers called in to buy beer or wine and cigarettes on their way home from work.

Mr. Sarveswaran referred to his letter to Globetex Properties Limited dated 17th March, 2015 which indicated that he would terminate his lease at the break clause in July, 2015 if the Council restricted his sales of alcohol from the convenience store.

Mr. Knapper asked if Mr. Sarveswaran employed security staff at the premises in the evening and overnight and did they refuse entry to persons who were drunk. Mr. Sarveswaran replied that a security guard was employed from 6.00 p.m. to 6.00 a.m. daily as part of the conditions attached to his licence. The guard would refuse entry to inebriated persons but on one occasion a drunken man had sneaked into the

shop with other customers. He had caused trouble so staff had locked him in the shop whilst the Police were called. He had damaged the door in trying to leave the premises. The Police had apprehended him and it transpired that he had mental health issues. Mr. Sarveswaran informed the meeting that the man had not visited the premises since that incident.

Mr. Knapper asked if the night window would provide a workable solution to the problems at the site. Mr. Sarvaswaren replied that in his opinion if people were queueing outside to be served through the night window then there would probably be more problems and fights than if they were allowed into the shop where more staff were available to serve them.

Mr. Knapper had no further questions for Mr. Sarveswaran.

Councillor Bird addressed the Sub-Committee and thanked Sergeant Iliff for his presentation. He advised the meeting that the garage catered for 800 to 1000 customers per day and, in his opinion, the problem was not one of licensing but one of Police resources. Cuts in the number of Police Officers had had an impact on Walsall. He added that if the licence to sell alcohol was reduced from 24 hours then the business would close and Mr. Sarveswaran would move elsewhere.

Councillor Bird indicated that Mr. Sarveswaran's mistake was in not realising how rife criminal activity had become in Walsall. He continued that Mr. Sarveswaran had introduced a state of the art CCTV system and other measures to prevent the criminal classes of Walsall being successful. However, Ablewell Street was a major route out of town with easy access to the motorway so the service station was a prime target for criminals.

Councillor Bird chronologed the problems which had occurred at the site when it was empty and derelict which included fly tipping, drug dealing and illegal parking of vehicles. All these activities had now ceased thanks to Mr. Sarveswaran's efforts. He added that the lack of Police resources was a major concern for the town and instead of closing businesses the local authority should be encouraging them into Walsall so that the town could progress and prosper. He reported that Mr. Sarveswaran had a break clause in his lease for July, 2015 which he would exercise if the licence to sell alcohol was reduced from 24 hours. He added that the premises had had a 24 hour liquor licence for over eight years.

Councillor Bird stated, that in his opinion, the Police should be concentrating on preventing criminals coming into Walsall so their resources should be increased and not reduced further. He asked the Sub-Committee to allow Mr. Sarveswaran to keep his 24 hour licence to sell alcohol.

Councillor Anson asked what "bilking" was. Councillor Bird replied that it was taking petrol without paying for it.

Councillor Whyte asked if the service station operated the system of making customers pay for fuel before it was dispensed at night. Mr. Sarveswaran confirmed that this system was in operation. However, the thefts of fuel had occurred during the daytime.

Councillor Anson asked why the Police wanted the sale of alcohol to terminate at 2.30 a.m.. Sergeant Iliff replied that there were no Police resources in the town centre after 3.00 a.m. so a 2.30 a.m. termination of sales would be appropriate.

All parties were invited to sum up and Sergeant Iliff indicated that the Police undertook very few premises reviews because they could normally work with the owner to overcome concerns. He felt that the site posed a definite threat for crime and disorder so sales of alcohol from the premises should be curtailed. He asked the Sub-Committee to terminate the 24 hour licence and prohibit alcohol sales after 2.30 a.m. and before 6.00 a.m. daily.

Mr. Sarveswaran referred the Sub-Committee to his letter to Globetex Properties Limited dated 17th March, 2015.

Councillor Rochelle asked if all parties were satisfied that they had had ample opportunity to air their views fully. This was confirmed than all parties withdrew from the meeting at 12.00 noon.

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

Resolved (Councillor Anson voting against).

That the conditions on the license be modified to provide an additional security guard between the hours of midnight and 6.00 a.m. on Thursday to Sunday inclusive.

All parties were re-admitted to the meeting at 12.45 p.m. 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 the receipt of the determination letter.

Termination of meeting

The meeting terminated at 12:48 a.m.

Chairman

Date