

LICENSING SUB-COMMITTEE

Friday 20th January, 2017 at 10.30 a.m.

In a Conference Room at the Council House, Walsall

Present:

Councillor Sears (Chairman)
Councillor Rochelle
Councillor Sarohi

In attendance:

Hazel Powell	Senior Licensing Officer – Walsall MBC
Dominic Patouchas	Legal Services – Walsall MBC
Councillor D Coughlan	Ward Councillor for Willenhall South (Objector)
PC Gardiner	West Midlands Police
Aram Salihi	Applicant
Shram Ali	Representing Mr Salihi

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.

Apologies

Apologies for non-attendance were submitted on behalf of Councillors Clarke and Worrall.

Declarations of Interest

There were no declarations of interest.

1299/16

Licence Hearing

Application for a premises licence under Section 17 of the Licensing Act, 2003- Pit Stop Mini Market, 19 Market Place, Willenhall, WV13 2AA

The report of the Director of Public Health 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 Pit Stop, Mini Market, 19 Market Place, Willenhall, WV13 2AA had been made under Section 17 of the Licensing Act, 2003. The application has been made by Aram Salihi and submitted on his behalf by the Licensed Trade Legal Services Limited. The application had been received by the Licensing Authority on 22nd November, 2016 (appendix 1 refers) and could be granted as requested, granted with additional/ modified conditions or rejected. Miss Powell drew the Committee's attention to paragraph 3.3 of the report which summarised the proposed activities and times including the supply of alcohol off the premises from 8am to 10pm Monday to Sunday. The premises opening times were 8am to 10pm Monday to Sunday.

A street map showing the location of the premises was given as appendix 2 to the report and 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.

Miss Powell continued that on 23rd November, 2016 two written representations had been received from Ward Councillors, "other persons" under the terms of the Act. (Appendix 3 refers). Finally, Miss Powell drew the Sub-Committee's attention to paragraph 4.2 of the report which contained the legal position. There were no questions to Miss Powell on the report.

Councillor D. Coughlan (Objector) was invited to make representations and indicated that she was concerned at the possible granting of the premises licence in the Town Centre area as there were already eight other licensed premises from Stafford Street through the Market Place to Walsall Street- a five minute walk. One of these premises had a 24 hour licence. A plan showing the list of retail outlets with premises licences was circulated:-

(see annexed)

Councillor D. Coughlan stated that as there were already problems with town centre drinking and alcohol abuse she did not want to see any more shops selling alcohol there. She indicated that the Lockmakers Memorial was used as a drinking site and the Police had been called

several times because of drinkers fighting and committing other anti-social behaviour including urinating in the street in full view of other shoppers. She added that in order for the business to succeed and make a profit, the owner would have to sell alcohol cheaply which would encourage the wrong sort of people into the town centre. Another Off Licence would only exacerbate the situation.

The Legal Representative (Mr Patouchas) reminded the meeting that competition was not relevant to the Licensing Act, 2003 and that objectors should restrict their representations to the four licensing objectives- prevention of crime and disorder; public safety; prevention of nuisance and protection of children from harm.

Mr Ali, speaking on Mr Salihi's behalf stated that as the Pit Stop Mini Market was not yet selling alcohol, none of these problems could be laid at Mr Salihi's door. He added that the Pit Stop Mini Market was bringing an empty premises back into use and providing rates and taxes to the Council so it was having a beneficial effect on the Town Centre.

Mr Ali asked if there were any regulations to limit the number of premises selling alcohol in Willenhall Town Centre and why, if there were already problems with excessive drinking in the town centre, had a 24 hour licence been allowed. Mr Ali had no further questions for Councillor D. Coughlan.

Councillor Rochelle referred to the email objection from Councillor Creaney, another Ward Councillor for the Willenhall South Ward, alleging that cigarettes were being sold to underage children from the premises. Mr Salihi replied that Trading Standards had visited the premises and could find nothing wrong.

Mr Ali was invited to make representations on behalf of Mr Salihi and reported that the Mini Market did sell cigarettes but not to underage individuals. He confirmed that Trading Standards had visited the premises and found nothing wrong. He continued that Mr Salihi wanted to sell alcohol to improve the premises and make it more viable.

Councillor D. Coughlan expressed concern that because the business was not doing well, Mr Salihi wanted to sell alcohol to keep it going. She asked how alcohol sales would be priced. Mr Ali replied that Mr Salihi obtained his alcohol from a cash and carry outlet and the price charged would reflect the cost paid for it. He added that Mr Salihi was keen to improve and grow his business.

Councillor Sarohi asked if Mr Salihi had ever sold cigarettes to children from his premises. Mr Salihi replied that he had not. He added that since the visits from Trading Standards, he had withdrawn the sale of cigarettes and tobacco from the Mini Market.

Councillor Sears asked if Mr Salihi would promote the challenge 25 policy in the store when it came to the sale of alcohol. Mr Salihi replied that challenge 25 would be applied and signage relating to the non-sale of alcohol to minors would be displayed in store. He added that a refusals register would be kept. There were no more questions to Mr Salihi.

Both parties were invited to sum up and Councillor D. Coughlan reiterated the fact that there were already 8 premises selling alcohol in Willenhall Town Centre. She referred to the antisocial behaviour arising from drinking in that area and indicated that another outlet selling alcohol could only make the situation worse.

Mr Ali stated that his client was trying to improve the community use of his premises by providing alcohol for his customers. He added that there were no other licensed premises in close proximity to the Mini Market and it would close at 10pm whereas other outlets were open later. He asked the Sub-Committee to grant Mr Salihi his licence for the Pit Stop Mini Market.

Councillor Sears asked if all parties were satisfied that they had had ample opportunity to air their views. This was confirmed and both parties withdrew from the meeting at 11am.

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

Resolved

That the Sub-Committee grants the premises licence in respect of the Pit Stop Mini Market, 19 Market Place, Willenhall, WV13 2AA under Section 17 of the Licensing Act, 2003 as requested.

All parties were re-admitted to the meeting at 11.25am 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 11.30 p.m.

Chairman.....

Date.....