

LICENSING SUB-COMMITTEE

Tuesday 5th May, 2015 at 10.30am

In a Conference Room, Council House, Walsall

Present

Councillor Sears (Chairman)
Councillor Anson
Councillor Sarohi

In attendance

Mr Steven Knapper – Principal Licensing Officer – Walsall MBC
Mr Paul Green – Legal Services – Walsall MBC
Mr Chris Mitchener – Licensing Solutions of Southampton for the Applicants

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

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 34 of the Licensing Act, 2003 – Costcutter Express, Bloxwich Service Station, Tintern Crescent, Bloxwich, Walsall, WS3 2TZ

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

(see annexed)

Councillor Sears 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 Costcutter Express, Bloxwich Service Station, Tintern Crescent, Bloxwich, Walsall, WS3 2TZ had been made under Section 34 of the Licensing Act, 2003. The application could be granted as requested, granted with additional/modified conditions or rejected. The current premises licence which included the layout of the premises was given in appendix 1 to the report and the premises licence variation which had been received on 19th February, 2015 was given as appendix 2.

Mr Knapper drew the Sub-Committee's attention to paragraph 3.3 of the report and indicated that a street map showing the location of the premises was given as appendix 3 to the report. He 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.

On 16th March, 2015 the licensing authority had received a written representation from Mossley Residents Association who were classed as 'other persons' under the terms of the Act. (Appendix 4 refers).

Mr Knapper also drew attention to paragraph 4.2 of the report which contained the legal position. He added that in determining the application the Sub-Committee must have regard to the statute; its statement of licensing policy and the statutory guidance issued under section 182 of the Licensing Act, 2003.

Parties had no questions for Mr Knapper.

Mr Mitchener (Licensing Solutions officer) referred to the variation application and reported that the premises could already sell alcohol between 08:00 and 23:00 hours from Monday to Saturday and between 10:00 and 22:30 hours on Sunday. The variation proposed was to sell alcohol from 06:00 to 23:00 hours from Monday to Sunday. The premises opening hours were midnight to midnight Monday to Sunday but in practice the premises were open from 06:00 to 00:00 hours. It was also proposed to vary the opening hours on Good Friday from 08:00 to 22:30 hours to 06:00 to 23:00 hours and on Christmas day from midday to 15:00 hours and 19:00 to 22:30 hours to 06:00 hours to 23:00 hours. As the representation made in respect of the application did not specifically refer to the Christmas day and Good Friday licensing hours, he asked the Sub-Committee to support these even if the Monday to Sunday hours were amended. He referred to the fact that the Council's Licensing Officers and West Midlands Police had not objected to the proposed increase in licensing hours.

Referring to the representations made by the Mossley residents association, Mr Mitchener stated that although they were sincerely held they did not relate to the licensing objectives. The proposed conditions (section M of the variation application

refers) would make the licence better and more appropriate. He asked the Sub-Committee to grant the application as set out in the variation application.

Mr Knapper had no questions for Mr Mitchener.

Councillor Anson asked if there were other licensed premises nearby. Mr Knapper replied that he did not have any information on other licensed premises in the area but as the police had made no representations then there was unlikely to have been a problem.

Mr Mitchener was invited to sum up and stated that the representations made by the residents association, although made in good faith, could not be based on what might happen in the future but must be relevant and attributable directly to the licenceable activity applied for. There was no evidence against this application and little likelihood that the hours applied for would give rise to the fears expressed. There had also been no representations submitted from the responsible authorities. He asked the Sub-Committee to grant the licence as applied for.

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

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

Resolved

That the Sub-Committee grants the premises licence variation in respect of Costcutter Express, Bloxwich Service Station, Tintern Crescent, Bloxwich, Walsall, WS3 2TZ as requested.

All parties were re-admitted to the meeting at 10.50am 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 10:52am.

Chairman

Date