

LICENSING SUB-COMMITTEE

Tuesday 16th June, 2015 at 10.30am

In a Conference Room, Council House, Walsall

Present

Councillor Rochelle (Chairman)
Councillor Sarohi
Councillor Sears

In attendance

Mr Steven Knapper – Principal Licensing Officer – Walsall MBC
Mr Paul Green – Legal Services – Walsall MBC
Mrs Magdalena Jankowiak – Applicant
Mr Wojciech Jankowiak – Personal Licence Holder

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 Anson.

Declarations of Interest

There were no declarations of interest.

Licence Hearing

Application for a premises licence under Section 34 of the Licensing Act, 2003 – Gama Polish Shop, 17 Leamore Lane, Walsall, WS3 2BJ

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

(see annexed)

Councillor Rochelle explained the purpose of the meeting and requested the Principal Licensing Officer (Mr Knapper) to explain the 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 in respect of the Gama Polish Shop, 17 Leamore Lane, Walsall, WS3 2BJ 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 completed application which also included the proposed layout of the premises was given in Appendix 1 to the report and in Section M identified the steps intended to be taken in order to promote the licensing objectives.

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 2 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 6th May, 2015 the applicant had agreed further conditions for the premises licence with West Midlands Police. These would become conditions on the licence if it was granted.

A representation had been received from an "other person", a local Ward Councillor, for the area concerned and was given at Appendix 3 to the report. It had not been possible to mediate the representation.

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 & Mrs Jankowiak were invited to explain their application which involved the supply of alcohol off the premises between the hours of 8.00 a.m. and 9.00 p.m. Monday to Sunday. The proposed opening hours for the premises were 8.00 a.m. to 9.00 p.m. Monday to Sunday.

Mrs Jankowiak referred to the objection submitted by the Ward Councillor and expressed concern that it did not include the address of the premises involved and contained abbreviations and the use of slang which made it difficult to comprehend.

Mr. Jankowiak indicated that although the Ward Councillor referred to the concerns of shopkeepers in the precinct over the application to sell alcohol from unit 17, he had spoken to adjoining shopkeepers and they had stated that they were happy with the application. He continued that he had spoken with West Midlands Police and had agreed additional conditions with them. He was concerned that the Ward Councillor was not in attendance to address his concerns and give Mr & Mrs Jankowiak a right of reply.

Mr Jankowiak stated that as the shop had not opened yet it would be unfair to blame him and his wife for drink problems in Leamore Square which had occurred in the past. He added that the shop would sell mainly food and newspapers/magazines and it would be largely Polish people who would be visiting the premises. Many would come by car and would leave with their purchases so it was unlikely that they would drink in the shop or the precinct. He added that there were three other shops selling alcohol and a public house all within 100 metres of the shop premises so people could purchase alcohol from those outlets to drink on street if they wished.

Mrs Jankowiak stated that she and her husband did not intend to advertise the fact that alcohol was available for sale from their premises.

Mr Jankowiak reported that the shop would sell over 2000 Polish products and less than three percent would be alcohol. He added that he had held a personal licence since 2009 at a shop in Tipton and there had never been any problems at that premise.

Mr Knapper had no questions for Mr & Mrs Jankowiak.

Members indicated that Mr & Mrs Jankowiak had answered their questions during their submission.

Both parties were invited to sum up and Mrs Jankowiak reported that the shop was currently open from 8.00 a.m. to 7.00 p.m. Monday to Saturday and from 9.00 a.m. to 4.00 p.m. on Sundays. She and her husband had applied for additional hours (8.00 a.m. to 9.00 p.m.) for the sale of alcohol so that in future if the business was successful they could extend their hours without having to apply to the licensing authority again.

Mr. Knapper had nothing further to add.

Councillor Rochelle asked if the 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 10.46 a.m..

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 application under Section 17 of the Licensing Act, 2003 in respect of the Gama Polish Shop, 17 Leamore Lane, Walsall, WS3 2BJ as requested.

All parties were re-admitted to the meeting at 10.48am 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 10.50 a.m.

Chairman

Date