

Licence Hearing

Application for a Premises Licence under Section 17 of the Licensing Act, 2003 – UK Zabka Supermarket, 1 Caldmore Green, Walsall, WS1 3RL

The report of the Interim Regulatory Manager was submitted:-

(see annexed)

Councillor Sears 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 matter had been deferred from 8th April, 2014 for further information to be obtained. The application had been made under Section 17 of the Licensing Act, 2003 and was received on 12th February, 2014. Mr. Knapper drew the Sub-Committee's attention to the completed application (Appendix 1 refers) and to Section M where the applicant had identified the steps he intended to take to promote the licensing objectives. If the application was granted as requested, then these would become conditions of the licence. He referred to Paragraph 3.3 of the report which proposed the sale of alcohol, off the premises, from Monday to Sunday between the hours of 07.00 and 23.00.

Mr. Knapper referred to Paragraph 3.8 of the report and indicated that Police objection to the applicant, Mr. Shikha, had been withdrawn so the Sub-Committee should not consider it. There had also been three written representations from Councillors and a neighbouring business. (Appendix 4 refers).

Mr. Knapper also drew the Sub-Committee's attention to Paragraph 4.2 of the report.

Councillor Anson asked if the hours for alcohol sales mirrored those of the shop's opening hours. Mr. Knapper confirmed that this was correct.

Mr. Hardy had no questions for Mr. Knapper.

Mr. Ali, Manager of Vina Minimarket, was invited to make representations and informed the Sub-Committee that UK Zabka would provide competition for Vina Minimarket. He stated that they had applied for a 24 hour premises licence but had been unsuccessful because of Police objections. He indicated that they employed four or five staff so they could control alcohol sales as carefully as possible. He felt that competition would lead to lessening of control and added that they had applied for a 24 hour licence because their business sales were down.

Mr. Hardy, Licensed Trade Legal Services Limited, reported that he had acted for the Vina Minimarket in making their application. As a result of Police objection the application had not been pursued.

Councillor Clarke asked if Mr. Ali was objecting to the application on the grounds of competition alone. Mr. Ali replied that he was. He felt that Caldmore Green was a small area and another business selling alcohol would mean that a saturation point had been reached.

Councillor Clarke asked if there were other outlets selling alcohol in Caldmore Green. Mr. Ali replied that there was at least one other shop selling alcohol.

Councillor Anson asked for confirmation that Vina Minimarket was licensed to sell alcohol. Mr. Knapper confirmed that Vina Minimarket had a liquor licence. He added that competition was not a legitimate reason to refuse an application.

Mr. Hardy was invited to present his case and informed the meeting that the application had been made by the existing proprietors who had been established in Caldmore Green for 8 months. The premises were an international food store and, if the licence was granted, would be supplemented with international drink. He added the hours proposed, 7.00 a.m. to 11.00 p.m., reflected the trading patterns in Caldmore Green.

All parties were then invited to sum up and Mr. Ali expressed concern that if the licence was granted then an off licence would be operating next door to a primary school. He reiterated the fact that a small area like Caldmore Green did not need several off licences.

Mr. Hardy stated that his client had noted the representations made and had covered them with Challenge 25, CCTV coverage etc. Public nuisance had been addressed and due diligence shown. He continued that Mr. Shikha was a responsible retailer with well trained staff. Mr. Shikha was aware of the drink related problems within the area and would regulate his business accordingly.

Councillor Sears asked if all parties were satisfied that they had had the opportunity to air their views fully. This was confirmed then all parties left the meeting at 10.50 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 application for a premises licence under Section 17 of the Licensing Act, 2003 in respect of UK Zabka Supermarket, 1 Caldmore Green, Walsall, be granted as requested.

All parties were re-admitted to the meeting at 10.58 a.m. and advised of the Sub-Committee’s decision and informed of their right of appeal to the local Magistrates Court within 21 days of the receipt of the decision letter.

Termination of meeting

The meeting terminated at 11.00 a.m.

Chairman

Date