

LICENSING SUB-COMMITTEE

Thursday, 24th January, 2013 at 10.30 a.m.

Conference Room, Council House, Walsall

Present

Councillor Anson
Councillor Cook
Councillor Rochelle

In attendance

Hazel Powell - Senior Licensing Officer, Walsall MBC
Dominic Patouchas - Legal Services, Walsall MBC
Mohammed Hanif - Applicant
Brian Wain - Trent Licensing Consultants for the applicant

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.

Apologies

No apologies were submitted.

Declarations of Interest

There were no declarations of interest.

Licence Hearing

Application for a Premises Licence under Section 17 of the Licensing Act, 2003 – Late Express, Henry House, Springhill Road, Walsall. WS1 2LN

The report of the Interim Regulatory Manager was submitted:-

(see annexed)

Councillor Rochelle explained the purpose of the meeting and requested the Senior Licensing Officer to explain the application.

The Senior Licensing Officer (Hazel Powell) enlarged upon the report and informed the meeting that the application for a premises licence under Section 17 of the Licensing Act, 2003 in respect of Late Express, Henry House, Springhill Road, Walsall WS1 2LN could be granted as requested, granted with additional/modified conditions or the application could be rejected. She continued that the application had been received on 19th November, 2012 and sought to supply alcohol off the premises from Monday to Sunday from 8.00 a.m. to 10.00 p.m.

Hazel Powell drew the Sub-Committee's attention to the completed application which included the proposed layout of the premises (Appendix 1 refers). She added that in Section P of the application, the applicant had identified the steps he intended to take in order to promote the licensing objectives. If the application was granted as requested then they would become conditions on the licence.

The application had been advertised by way of the blue site notice displayed at the premises and a licensing notice had been placed in a newspaper circulating within the area. As the blue site notice had not been displayed correctly, the date for representations to be made had been extended to 26th December, 2012. There had been no representations submitted from any of the responsible authorities but on 7th December, 2012 a written representation had been received from the Headmaster of Queen Mary's Grammar school dated 4th December, 2012 (Appendix 3 refers).

Councillor Rochelle asked if the applicant, his agent or members had any questions for the Senior Licensing Officer. There were no questions for the Senior Licensing Officer.

Dominic Patouchas (Legal Services) read out the contents of the objection letter for the benefit of the meeting.

The applicant was invited to present his case and Mr. Wain (Trent Licensing Consultants) explained the application to the Sub-Committee on Mr. Hanif's behalf. He stated that he had visited the area and most pupils were in school uniform and were under aged so they would not be sold alcohol. The store would use the Challenge 25 Scheme and staff would be trained in its use. There would be 2 staff on duty after 6.00 p.m. and the police and the local authority would continue to carry out test purchases relating to under-age sales.

Mr. Wain stated that the Headmaster was attempting to anticipate what might happen if the licence was granted and there was Case Law to refute this. He added that if the licence was granted and problems resulted then the local authority could require a review to be carried out. If the premises were run correctly then he could not foresee any problems arising.

Mr. Wain then explained the steps Mr. Hanif proposed to put in place to promote the licensing objectives.

Councillor Rochelle asked if there were any questions for the applicant.

Councillor Anson asked if there were existing off-licensed premises closer to the school than Late Express. Mr. Hanif replied that McColl's, was the closest shop to the school selling alcohol. There was also the Aldi supermarket.

Councillor Cook asked why Mr. Hanif wanted to sell alcohol from 8.00 a.m. Mr. Patouchas (Legal Services) drew the Sub-Committee's attention to Paragraph 7 of Section 4.2 of the report which stated:-

Shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours.

Councillor Cook asked what Mr. Hanif would do to deter youths from hanging around outside his premises. Mr. Hanif replied that the curtilage of the premises would be covered by CCTV. If he saw youths congregating outside the store then he, or his staff, would politely request them to move along.

Councillor Cook referred to the problem of adults purchasing alcohol then giving it to under-age persons. Mr. Hanif replied that his staff would be trained to look out for this and take appropriate action.

Mr. Patouchas (Legal Services) asked what percentage of the floor space would be given over to alcohol. Mr. Hanif referred to the plan of the premises and replied that at most 30% of the floor space would be used for alcohol.

Councillor Rochelle invited Mr. Hanif, or his representative to summarise his case. Mr. Wain stated that he had nothing further to add on behalf of his client.

Councillor Rochelle asked if all parties were satisfied that they had had the opportunity to air their views fully. This was confirmed then all parties withdrew from the meeting at 10.55 a.m.

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

Resolved

That the application for a Premises Licence under Section 17 of the Licensing Act, 2003 in respect of Late Express, Henry House, Springhill Road, Walsall WS1 2LN be granted as set out in the report (Paragraph 3.3 refers).

All parties were re-admitted to the meeting at 11.00 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 receipt of the decision letter.

Termination of meeting

The meeting terminated at 11.02 a.m.

Chairman

Date