

LICENSING SUB-COMMITTEE

Thursday 18th August, 2016 at 10.30am

In a Conference Room at the Council House, Walsall

Present:

Councillor Sears (Chairman)
Councillor Sarohi
Councillor Worrall

In attendance:

Hazel Powell- Senior Licensing Officer- Walsall MBC
Karen Price- Licensing Officer- Walsall MBC
Dominic Patouchas- Legal Services- Walsall MBC
Mrs Gill Sherratt- Licensing Matters representing Mr and Mrs Karia
Mrs Tina Karia (Applicant)
Mr Manish Karia (Applicant)
Councillor I. Robertson- Objector

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.

Apology

An apology for non-attendance was submitted on behalf of Councillor Rochelle.

Declarations of Interest

There were no declarations of interest.

Licence Hearing

Application for a premises licence under Section 17 of the Licensing Act, 2003 – Mountford News, 166 Blakenall Lane, Walsall WS3 1HU.

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 Mountford News, 166 Blakenall Lane, Walsall, WS3 1HU had been made under Section 17 of the Licensing Act, 2003. The application had been made by Licensing Matters on behalf of Tina and Manish Karia. The application had been received by the Licensing Authority on 23rd June, 2016 (appendix 1 refers) and could be granted as requested, granted with additional/modified conditions or be rejected. Miss Powell drew the Sub-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 6am-11pm Monday-Sunday. The premises opening times were 6am-11pm Monday-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 notice displayed at the premises site and a Licensing Notice had been placed in a newspaper circulating in the air to comply with the requirements of the Licensing Act. West Midlands Police had agreed mediated conditions with the applicant and if the application was granted, would be attached to the licence (paragraph 3.8 refers).

Miss Powell also referred to paragraph 3.10 of the report which indicated that a Ward Councillor had made a written representation regarding the application on 6th July, 2016. (Appendix 3 refers). A further representation had been received from an "other person" on 20th July, 2016. (Appendix 4 refers).

There were no questions for Miss Powell on the report.

Councillor Robertson (Objector) explained that he was a Ward Councillor for Blakenall and sat on the board of New Horizons Community Enterprise and was a Cabinet Member for Health. He was particularly concerned that alcohol was freely and readily available in this area and that another premise selling alcohol would only excavate

existing problems of on street drinking and anti-social behaviour associated with alcohol being taken to excess. He added that access to cheap alcohol was a major problem in Walsall and the Council and its Partner Organisations were attempting to reduce incidents of drunkenness within the borough. He was particularly concerned that the hours proposed were excessive and asked if reduced hours for the sale of alcohol could be considered.

The applicants were invited to present their case and Gill Sherratt, speaking on their behalf, reported that their application was robust as they had had over twenty years experience of selling alcohol in eight different shops. The last shop had been in Wolverhampton and incorporated a Post Office. They sold alcohol off the premises there for eight years. They had reluctantly been forced to leave that establishment because Royal Mail wanted to change the way the Post Office Unit was run and so they had moved to Walsall.

Gill Sherratt referred to a test purchase carried out by Environmental Health which had been passed successfully by Mrs Karia as the children involved had been unable to get near the alcohol. She continued that Mountford News had been operating for twenty years and was in need of a revamp. Her clients lived only ten minutes away from the premises and could monitor the shop from their home via CCTV.

The Karias were assisted by the Bargain Booze Organisation which provided excellent support to their franchisees.

Mrs Sherratt reported that the premises had been completely renovated including the provision of two CCTV cameras outside the shop and eight internally. The till system was linked to the Bargain Booze Organisation and provided prompts with regard to refusals, challenge 25 etc. She referred to the fact that the Police had agreed the proposals subject to additional conditions which would become part of the licence if the application was granted.

Referring to the objection from Mr Brice of New Horizons Community Enterprise, Mrs Sherratt stated that the grounds were largely irrelevant and the problems with a nearby alleyway had nothing to do with the licence application. She reminded the meeting that a well run establishment would become part of the community and would help resolve any difficult situations. There was no cumulation impact policy operating in the area and the Licensing Objectives were being supported by the application so the application should be granted.

Finally, Mrs Sherratt reminded the meeting that under the guidelines, shops were entitled to sell alcohol during their opening hours. Mrs Karia had applied for a licence from 6am because the building was a Newsagents and shift workers may wish to purchase alcohol on their way home in the early morning. She added that Mr and Mrs Karia were experienced licence holders and if they could operate successfully at

peak times on a busy Friday evening then they would have no problem dealing with the limited numbers of customers purchasing alcohol at 6am when the store was quiet. There was a petrol station nearby that operated for 24 hours and was licensed to serve alcohol during opening hours.

Councillor Robertson asked if Mrs Karia would accept a reduction in hours for the sale of alcohol. Mrs Sherratt replied no.

Councillor Worrall asked what opening hours applied to their former premises in Wolverhampton. Mr Karia replied 6am-11pm. He added that they sold very little alcohol at 6am and it was normally purchased by workers who had just completed their night shift.

Councillor Sarohi asked if Mr Karia had ever had any problems with customers over early morning sales. Mr Karia replied no. Councillor Sarohi asked if he had problems with sales after 10pm. Mr Karia replied that occasionally an inebriated person would try to purchase alcohol from their premises after 10pm but if it was apparent that they were drunk then he would not sell alcohol to them.

Councillor Sears asked if the premises had CCTV installed. Mr Karia replied that it had but the system was being upgraded and modernised.

Both parties were invited to sum up and Councillor Robertson reiterated his concerns over the sale of alcohol between 6am and 11pm. He reminded the meeting of the problems of on street drinking already occurring in the area and was concerned that a further shop selling alcohol would harm the re-generation process in the area.

Mrs Sherratt referred to the fact that no hard evidence had been produced by Objectors to warrant a reduction in the hours requested. She referred to the light touch and flexibility referred to in Government Guidelines and to the fact that the Police had not objected to the proposed licensing hours. She reminded the Sub-Committee that if problems arose, then a premises review could be carried out. She asked the Sub-Committee to grant the licence as requested.

Councillor Sears asked if all parties were satisfied that they had had a proper opportunity to air their views. This was confirmed and the parties withdrew from the meeting at 11.07am.

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 Mountford News, 166 Blakenall Lane, Walsall, WS3 1HU under Section 17 of the Licensing Act, 2003 as requested together with the mediated conditions agreed with West Midlands Police.

All parties were re-admitted to the meeting at 11.14am 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 11.15pm.

Chairman.....

Date.....