

APPLICATION TO VARY PREMISES LICENCE

**EMERALD SUPERMARKET
38 BRIDGE STREET
WALSALL, WS1 1JG.**

**SUPPORTING DOCUMENTS FOR
LICENSING SUB COMMITTEE 16/7/2021**

- 1. Written submissions;**
- 2. Email correspondence with Walsall Pubwatch;**
- 3. Confirmation of Pubwatch membership;**
- 4. Examples of posters, forms and other due diligence records to be used in the shop**

1.

APPLICATION TO VARY PREMISES LICENCE - THE EMERALD SUPERMARKET

WRITTEN SUBMISSIONS

The Emerald Supermarket is a very well-established general convenience store selling a wide range of goods including alcohol. The focus of the shop will continue as a convenience store, and the alcohol sales are a part of the overall business.

The shop has held a licence for many years, and the Committee report presented to you does not include details of any re have been no issues in terms of the promotion of the licensing objectives. It is a well-run shop.

The current licence does not contain any licence conditions apart from the mandatory conditions. Should this application be approved, a new raft of conditions would be attached to the licence to further promote the licensing objectives.

During the 28 day consultation period, the applicant agreed a detailed and comprehensive set of licence conditions with Jennifer Mellor from the Police.

The applicant also agreed, as per the Police's recommendation, to reduce the proposed opening and licensed hours to 2.30am on Thursday, Friday and Saturday. The shop will continue to operate until 11pm on the other days as it does currently (apart from Sundays which is currently 10.30pm).

The Police are the Council's principal source of information on crime and disorder issues. They have confirmed in writing that they are satisfied that this application would promote the licensing objectives and that a later licence as above can be granted. This is a significant point in this matter.

If the Police had any concerns whatsoever that this application was likely to undermine the licensing objectives, then they would have submitted their opposition and attended the hearing to address the Panel.

There are also no representations from any of the other Responsible Authorities. Again, this is an important fact to note. They are all satisfied with the application and that an extended licence can be issued. Furthermore, there are no representations from the Ward Councillors.

The 2 submitted representations are noted. Their concerns are based on crime and disorder although the Police raise no such concerns.

We have engaged with the objectors and explained the amended hours and the steps that would be taken following discussions with the Police. In particular, the presence of security at the premises provides reassurance in terms of the prevention of crime and disorder objective.

I have discussed the matter in detail with Dan Morris from Walsall Pubwatch, and he appears reassured that this application will promote the licensing objectives. Dan helpfully recommended a particular doorman/security company to use. We have been in contact with that company, PRP Security, and they are ready and available to be utilised to provide security at the premises. They already operate in Bridge Street and have significant knowledge and experience of working in this area.

The applicant has also committed to, and joined, the Walsall Pubwatch scheme, and Dan recently visited the premises to confirm this. The applicant is keen to work with Pubwatch and the various Authorities to ensure the promotion of the licensing objectives and to help prevent problems.

I have also contacted Rick Helsby from the Religion Club. We discussed the application, the steps that would be taken, and the local issues etc. I explained that the Police are satisfied with the proposals but Rick wishes to continue with his opposition to the application, which is his right.

However, this application, with a comprehensive set of new conditions as proposed and agreed with the Police, will promote the licensing objectives.

There is no evidence to suggest otherwise.

Matters which are outside the immediate control of the applicant, and general speculation about the effects of the licence being granted, cannot be taken into account. Police resources are a matter for the Police – and they are satisfied that the application can be granted.

The review process is available for any person or Authority to use should there be any evidence that the Emerald Supermarket, or indeed any licensed premises, was undermining the licensing objectives. The objectors have been made aware of this.

The applicant has fully engaged and co-operated with the Police. All of the other Responsible Authorities have also carefully assessed this application and are satisfied that an extended licence can be approved.

The proposed conditions are robust and will promote the licensing objectives. Therefore, this application should be approved.

Reference to the Guidance issued under section 182 of the Act (April 2018)

Para 1.16

'Licence conditions cannot seek to manage the behaviour of customers once they are beyond the direct control of management and their staff....'

This is also referred to in the Council's Statement of Licensing Policy (section 2 – Scope of the Policy) which states;

The Guidance makes it clear, and the Authority recognises that licensing should not be seen as the primary mechanism for the general control of nuisance and anti social

behaviour by individuals once they are beyond the direct control of those with responsibility for managing and controlling licensed premises. Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. Individuals who engage in anti social behaviour are accountable in their own right. However, the Authority may reasonably impose a condition. Following relevant representations, that requires the licence holder or club to place signs at the exit of the building encouraging patrons to be quiet when leaving the area...

However, licence holders should take all reasonable steps to prevent the occurrence of crime and disorder and public nuisance’.

Para 9.12

‘Each responsible authority will be an expert in their respective field, and in some cases it is likely that a particular responsible authority will be the licensing authority’s main source of advice in relation to a particular licensing objective. For example, the police have a key role in managing the night-time economy and should have good working relationships with those operating in their local area⁵. The police should usually therefore be the licensing authority’s main source of advice on matters relating to the promotion of the crime and disorder licensing objective’.

Para 9.43

‘The authority’s determination should be evidence based, justified as being appropriate for the promotion of the licensing objectives and proportionate for what it is intended to achieve.’

The word evidence is important in this matter, and no evidence has been provided at all to support the representations. The Licensing Authority have helpfully included reference to the Thwaites Case in their report which of course refers to evidence.

Para 10.13

‘Licensing Authorities are best placed to make decisions about appropriate opening hours in their areas based on their local knowledge and in consultation with the other responsible authorities. However, licensing authorities must always consider each supplication and must not impose pre-determined licensed opening hours, without giving individual consideration to the merits of each application’.

Para 10.15

‘Shops, store 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.’

2.

CORRESPONDENCE WITH WALSALL PUBWATCH

From: [Ian Rushton](#)
Sent: 30 June 2021 15:11
To: contact@walsallpubwatch.com
Subject: EMERALD SUPERMARKET - APPLICATION TO VARY PREMISES LICENCE
Importance: High

Hi Daniel

I hope you are well.

I'm dealing with the above application on behalf of the shop.

I've received a copy of your objection to the application, and it would be useful if we could discuss the matter by phone.

Could you give me a call on the number below please when you have a few minutes?

Or if you send me your number, I'd be happy to call you.

Regards, Ian

Ian Rushton
JL Licence and Retail
07909 511953

Sent from [Mail](#) for Windows 10

From: [Ian Rushton](#)
Sent: 09 July 2021 12:01
To: contact@walsallpubwatch.com
Subject: RE: EMERALD SUPERMARKET - APPLICATION TO VARY PREMISES LICENCE
Importance: High

Hi Dan

Further to our recent telephone conversation which was really useful and helpful.

I've left a couple of voicemails for you over the last few days – could you give me a call when you have a few minutes please?

Just so we can catch up and discuss where we are in respect of this matter.

The doorman you recommended called me earlier this week and we had a really good conversation about the local issues and security at the Emerald. He certainly is the right person to deal with this matter and I've advised that we'd get back in touch with him to arrange and finalise things - once we know the position regarding the licence application.

Also, I can confirm that Yohan at the Emerald is more than happy to commit to the local Pubwatch and support it. He's on the 'same page' as the other businesses. Yohan wants to run a good business and try to develop his shop. He wants to work and co-operate with the various local parties and the Authorities to help deal with and prevent any problems in the area - and of course to fully promote the licensing objectives.

At the minute, I understand that the licence doesn't have any licence conditions on it (apart from the mandatory conditions) and so a new licence would include a new raft of conditions which must be complied with.

The new conditions would include CCTV, Challenge 25, regular staff training and of course a security presence after 11pm. All of these conditions were discussed and agreed with the Police – whom are satisfied that the later licence can be issued.

We ask that, in view of the above, that the shop be given the opportunity to develop with the later licence. In the event of any particular problems in the future, then the matter can be addressed in the usual way through enforcement action, a licence review etc.

I look forward to hearing from you.

Also, I've not heard from Rick at the Religion club – have you been able to speak to him?

Thanks, Ian

Ian Rushton
JL Licence and Retail
07909 511953

Sent from [Mail](#) for Windows 10

3.

Confirmation of Pubwatch Membership

From: [Daniel Morris](#)

Sent: 13 July 2021 15:51

To: ijrushy@hotmail.com

Subject: Walsall pubwatch

Hey,

Emrald supermarket is now signed up to pubwatch see images attached with his supporting poster up. Ill call you tomorrow as in a loud environment for the rest of the evening.

Regards,

Daniel Morris
Walsall Pubwatch



bezilinet2
yabot



**BANNED
FROM ONE;
BANNED
FROM ALL**

SUPPORTED BY



THESE PREMISES OPERATE PUBWATCH,
ANTI-SOCIAL BEHAVIOUR OR CRIMINAL ACTIVITY
WILL NOT BE TOLERATED AND CAN RESULT IN A BAN
FROM ALL LICENSED PREMISES IN THIS AREA.

WWW.WALSALLPUBWATCH.COM

