

LICENSING SUB-COMMITTEE

Monday 6. June 2022 at 10.30 am

In a Conference Room, Council House, Walsall

Committee Members present: Councillor S. Samra (Chair)
Councillor S. Cooper
Councillor N. Gandham

In attendance: S. Alom, Team Leader – Licensing
J. Mellor, Walsall Licensing and Regulatory Services
Officer, West Midlands Police
K. Price, Licensing Officer

G. Grant, Legal Advisor to the Sub Committee
N. Gough, Democratic Services Officer

P. Green, Solicitor (Observing)
M. Abdulla, Solicitor (Observing)
D. Bains, Solicitor (Observing)

Representatives in attendance: Gina Camelia – Applicant
Applicants Daughter

01/22 APPOINTMENT OF CHAIR

Resolved:

That Councillor Samra be appointed Chair of the Licensing Sub-Committee for the meeting.

The Chair extended a welcome to all persons present at the Licensing Sub-Committee, which had been established under the Licensing Act 2003.

02/22 APOLOGIES

Councillor Nawaz submitted an apology for the duration of the meeting.

03/22 DECLARATIONS OF INTEREST AND PARTY WHIP

There were no declarations of interest or party whip for the duration of the meeting.

04/22 APPLICATION FOR A NEW PREMISES LICENCE IN RESPECT OF LEO SHOP, 58 BRIDGE STREET, WALSALL, WS1 1JG

The Chair explained the purpose of the meeting and requested the Team Leader – Licensing, to outline the report.

The report of the Director of Resilient Communities was submitted [annexed]. The Team Leader presented the report and highlighted the salient points (annexed). It was noted that the application had been previously submitted, and later withdrawn. The Sub-Committee were informed that the applicant, who had nominated herself as designated premises supervisor (if the premises licence was granted), sought permission to sell alcohol for consumption off the premises at the following times:

- Monday to Sunday 14:00 – 18:00

The 28 day statutory consultation period had ran until 6th May 2022. There had been no representations from West Midlands Fire Service, Walsall Council Planning Department, or Public Health. A representation had been received from West Midlands Police.

There were no questions to the Licensing Officer from Members or interesting parties.

The West Midlands Police representative stated that if this application was granted it would undermine the following Licensing Objectives:

- The prevention of crime and disorder.
- The prevention of public nuisance.
- Public safety.

This representation referred to the Walsall cumulative impact policy, concerns to street drinking in the town centre, an increase in drunken violence – impact on police resources, and crime figures.

The Police representative addressed to Sub- Committee to stress that the Police representation was based on the cumulative impact policy – which had been agreed by Elected Members, this was further described. The statement contained within the evidence pack was highlighted (annexed). It was stressed that Walsall Town Centre was a hotspot for crime in the Borough. The location of this premises was noted, and the saturation of licenced preemies in this area, as listed in the appendix. There was evidence of an increase in crime in this area. Due to issues in this area, the Police were proactively dealing with this and were in the process of changing shift patterns to deal with crime in the area. However this would deplete the presence of Officers in other areas. The potential impact on crime and disorder was stressed. Although in principle this was a low risk application for a limited number of hours per day, the location of the premises was causing concern. When reviewing the conditions offered it was noted that they appeared to be comprehensive. However it was questioned how alcohol could be sold on a non-self-serve basis. The difference between the opening hours and the ‘sale

of alcohol hours' posed a potential problem, and may create further disorder. It was questioned how the conditions would be monitored. The facts of the application were listed:

- It sat within the cumulative impact area.
- It was in area of increasing crime levels.
- It was located in a Public Space Protection Order.

If the application was granted it had the potential to impact on crime and disorder, and would undermine the licensing objectives.

A Member asked the Police representative for further detail on the statement that the location was an area of great concern to the Police. The Sub Committee were informed of the potential impact of the pandemic lockdowns on the economy, and crime levels had increased significantly increasing pressure on Police staffing and resources with efforts concentrated on deterring crime and reducing violence. The Member asked a follow up question, in relation to the impact of this application (given that it's proposed sales would take place during the day). The Police representative stated that the location of the shop posed a problem as the venues in the area could potentially open during the daytime. An additional venue selling alcohol during the day caused concern and may contribute to crime in the area.

A Member stated that the Police representative had called this application a 'low risk' application, and requested further information on this. The Police representative stated that the location of the shop increased the risk of this application and due to the cumulative impact assessment.

Members clarified that an incident referred to in the evidence presented by the Police did not refer to this shop, the police representative stated that queues to other premises often tailed back past this shop.

The Legal representative to the Sub-Committee asked for confirmation that there were problems with street drinking in Bridge Street. The Police representative stated that street drinking problems occurred in the Town Centre and the concern was that this would be displaced to Bridge Street. The Legal representative stated that within the cumulative assessment it listed offences, and this suggested that offences against off-licences were low. The Police representative explained that she was presenting the current situation in terms of crime in the area.

The Applicant presented her case to the Committee. She stated that the following measures would be taken to prevent crime and disorder:

- CCTV is already in place at the store.
- She had a contract with a security agency.
- An incident log would be kept.
- An age identification policy would be followed.
- Alcohol would be kept in a locked cabinet, with no self-service.
- Consumption on the premises would not be allowed.

- Only 10% of the overall display area would be dedicated to alcohol with strict hours of sale.

It was stressed that alcohol sales were different to surrounding premises and the shop would be selling traditional Romanian drinks to regular customers which would be consumed at home – this made an increase in crime and disorder less likely.

A Member stated that the Police representation had raised concerns and asked how these concerns would be managed. The applicant stated that there would be a locked cabinet, the applicant would be the designated license holder. Further detail was provided on the lockable cabinet. The applicant described it as a small cabinet with windows displaying one bottle of each variety of mostly Romanian beer/spirits. The alcohol would be stored in the back of the shop.

All parties summarised their cases. The Chair asked if all parties were satisfied that they had ample opportunity to air their views. This was confirmed and the parties withdrew from the meeting.

All parties were re-admitted to the meeting and were informed of the Sub-Committee's decision, which was as follows:

This application for a new Premises Licence is GRANTED, with modification of the conditions, pursuant to section 18 of the Licensing Act 2003.

1. The Licensing Sub Committee recognises and accepts that there were a high-level of alcohol related issues in Walsall Town Centre caused by the concentration of licensed premises selling alcohol, including from off-licences. These problems include high rates of violence and anti-social behaviour and the presence of street drinkers on nearby roads.
2. This premises was within Walsall's cumulative impact area and so the onus was on the applicant to establish that, given the individual circumstances of their application, the grant of a new alcohol off-licence will not undermine the licensing objectives.
3. The Licensing Sub Committee concluded that the Applicant had demonstrated that the grant of this particular alcohol off-licence would not add to cumulative impact issues. In this case Members were satisfied that an exception to the policy could be made but only with the addition of further robust conditions that go beyond those offered by the applicant in her application. This decision was based on the special circumstances of this application and should not be seen as a precedent for any other off-licence applications in the cumulative impact area.
4. The decision of the Licensing Sub Committee was to grant the application subject to conditions. The Licensing Sub Committee has had particular regard to these special factors:
 - i. The application was for the sale of alcohol during very limited daytime hours between 2pm-6pm which were outside the night-time economy hours where

the great majority of issues that gave rise to the cumulative impact policy took place.

- ii. The applicant's shop caters primarily for the Romanian community in Walsall and the alcohol stocked would be mainly of a specialised nature. It was unlikely to attract street drinkers or others intent on alcohol-fuelled violence. Customers were known personally to the applicant as they were regulars.
 - iii. The alcohol stocked would be limited in scope and number and kept in a lockable cabinet to which the public do not have access.
5. In addition to the mandatory conditions, and the substantial number of conditions offered in the operating schedule (as appropriately revised so they are enforceable), the LSC determines that the following additional conditions must be imposed on the premises licence as appropriate and proportionate steps to promote the licensing objectives:
- i. Alcohol shall not be on public display during non-licensable hours.
 - ii. Alcohol may only be displayed during licensable hours in a small non-prominent cabinet kept behind the counter that is not accessible to customers.
 - iii. Outside licensable hours the alcohol cabinet must be covered from public display with a lockable opaque screen or shutter if it remains on the retail floor.
 - iv. Only a personal licence holder may lock and unlock the alcohol cabinet.
 - v. CCTV shall cover the alcohol cabinet at all times and in other places where alcohol is stored (including the stock room).
 - vi. There shall be a prominent sign in the shop window that is visible from the street clearly indicating that alcohol may only be sold between 2-6pm.
6. These conditions were shown to the applicant and West Midlands Police prior to the announcement of this determination and no concerns were raised as to practical compliance with these conditions.

Any appeal must be commenced by notice of appeal within the period of 21 days beginning with the day on which the appellant was notified by the Licensing Authority of the decision appealed against.

There being no further business the Licensing Sub Committee concluded at 12.35pm.