

Report to Licensing Sub Committee 1

Friday 17 December at 10.00am

Subject:	Application for a Full Variation of the current Premises Licence at Nowa Polka, 17 Waterloo Road, Smethwick B66 4JX
Director:	Director – Borough Economy Alice Davey
Contact Officer:	Kiran Dhesi Licensing Officer licensing_team@sandwell.gov.uk

1. Recommendations

- 1.1 To consider the application for a Full Variation of the current premises licence under section 34 of the Licensing Act 2003 in respect of Nowa Polka, 17 Waterloo Road, Smethwick B66 4JX
- 1.2 Each application must be considered on its merits taking into account the evidence presented at the hearing, and the Guidance issued under Section 182 of the Licensing Act 2003 and the Council’s Licensing Policy. The options that can be considered once evidence has been heard are detailed at section 5.

2. Reasons for Recommendations

- 2.1 The Licensing Sub Committee is asked to make a decision on the application based on any evidence presented at the hearing taking into account the Guidance issued under Section 182 of the Licensing Act 2003 and the Council’s own Statement of Licensing Policy and to give reasons for their decision.



- 2.2 To consider an application for the Variation of a premises licence in respect of Nowa Polka, 17 Waterloo Road, Smethwick B66 4JX following receipt of a representation received from the Police Licensing Officer of West Midlands Police. This is due to concerns that the Licensing objective Prevention of Crime and Disorder would be undermined.

3. How does this deliver objectives of the Corporate Plan?

	<p>A strong and inclusive economy Investing in people and jobs. Licensed premises provide employment in the Borough and help to support the Borough's economy.</p> <p>It is the Authority's aim to offer a wide choice of high quality and well managed entertainment and cultural venues within a safe, orderly and attractive environment; valued by those who live here, work here and come to visit. We want to ensure that businesses operate responsibly and safely so that our residents live in decent neighbourhoods and have a good quality of life.</p>
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4. Context and Key Issues

- 4.1 Under the Licensing Act 2003, a responsible authority or any other person may make representations in respect of the application which must be relevant to one or more of the four licensing objectives, namely:
- The Prevention of Crime and Disorder
 - Public Safety
 - The Prevention of Public Nuisance
 - The Protection of Children from Harm
- 4.2 Representation has been received from the Police Licensing Officer. A copy of the representation is attached at Appendix 2.

CURRENT POSITION

- 4.3 An application has been made by Hamidreza Radjou for the Variation of a Premises Licence.
- 4.4 A copy of the application is attached at Appendix 1.



- 4.5 The application is to increase operating hours and sale of alcohol at the premises to 24 hours a day. A copy of the current Licence is attached at Appendix 4.
- 4.6 The proposed hours the premises will be open to the public Monday - Sunday 00:00 – 23.59 and the hours for sale of alcohol also being Monday to Sunday 00:00 – 23:59
- 4.7 The premises operates as a Convenience store with an Off Licence known as Nowa Polka.
- 4.8 **Operating Schedule/Proposed Conditions**

General

A Challenge 25 policy will be strictly followed by all staff. Staff are trained as appropriate in respect of relevant licensing law. The open nature of the Shop allows for good viewing coverage.

CCTV cameras are installed.

A minimum of 2 members of staff will be on duty between the hours of 22:00 and 07:00

The prevention of crime and disorder

The premises will operate Challenge 25 policy as a minimum in order to ensure that alcohol is sold only to persons of lawful age.

The Designated Premises Supervisor and their staff will at all times remain aware of their responsibilities for the prevention of crime and disorder on the premises and demonstrate a responsible attitude to the marketing and sale of alcohol. Any person who appears drunk /aggressive will not be permitted on the premises.

No consumption of alcohol will be permitted inside the premises. CCTV recordings will be kept for at least 28 days and made available to responsible authorities.



There will be a minimum of 2 members of staff on duty between 22:00 and 07:00.

CCTV to cover both inside and outside the premises.

A Refusals Book will be maintained at the premises and all refusals to serve alcohol will be recorded in this book. It will be made available to any of the appropriate authorities on request.

Public Safety

We will fully support any directives received from the authorities. Floor staff will conduct physical sweep inside the premises to remove hazardous objects/waste as deemed necessary by the management.

The Designated Premises Supervisor is aware of his responsibilities to the staff and customers in respect of public safety and will take all reasonable steps to ensure the maintenance of all provided safety arrangements and equipment in accordance with the requirements of current installations.

The prevention of public nuisance

All deliveries will be conducted prior to 19:00 to control noise nuisance.

In conjunctions with the steps proposed for the prevention of crime and disorder objectives, the Licensees and staff will at all times remain responsible for the prevention of public nuisance in and around the premises.

The Designated Premises Supervisor will arrange to monitor levels of noise from both inside and outside the premises and remedial action will be taken as appropriate. Doors and windows will be kept closed as deemed necessary by the Designated Premises Supervisor.



The Protection of children from harm

The Designated Premises Supervisor and staff will at all times remain aware of their responsibilities under the objective, including that alcohol shall not be sold to anyone under the age of 18.

Staff on duty have been trained and made aware of these requirements and the need to demand an acceptable form of age id.

The premises will operate Challenge 25 policy.

No adult entertainment is permitted at these premises.

A refusals register will be maintained.

4.9 A location map of the premises is attached at Appendix 3.

4.10 Consultation (customers and other stakeholders)

A notice has been published in a local paper and a public notice has been displayed at the premises outlining the application and inviting comments/representations to be sent to the Licensing Authority, detailing a closing date for these to be received. Details of the application were also published on the Council's website.

5. Alternative Options

5.1 The options available to the Licensing Sub-Committee having considered all the relevant information are as follows:

- to grant the licence subject to conditions consistent with the operating schedule accompanying the application, and any mandatory conditions which must be included in the licence
- to exclude from the scope of the licence any of the licensable activities to which the application relates;
- to refuse to specify a person in the licence as the premises supervisor;



- to reject the application

5.2 Conditions may be altered or omitted, or any new condition added.

5.3 Additional conditions or restrictions to licensable activities and/or times should only be imposed if considered appropriate for the promotion of the licensing objectives. If other law already places certain statutory responsibilities on a premise, it would not be appropriate to impose similar duties.

5.4 Members of the Sub Committee should be advised that the applicant, or any other person who made relevant representations in relation to the application, may appeal against the decision made to the Magistrates' Court within 21 days of the date on which they were notified.

6. Implications

Resources:	<p>There are no direct strategic resource implications associated with this application.</p> <p>In respect of premises licence applications, we do not foresee any issues in respect of sustainability of proposals.</p> <p>The application relates to a privately owned property.</p>
Legal and Governance:	<p>Members of the Licensing Sub Committee when making their decision on the application must take into account the four licensing objectives, the Guidance issued under Section 182 of the Licensing Act 2003 and the Council's own Statement of Licensing Policy. The applicant and those who have made relevant representations have the right to appeal the decision made by the Licensing Sub Committee to the Magistrates Court, so the Committee are asked to give reasons for their decision wherever possible.</p> <p>Members of the Sub-Committee should not allow themselves to predetermine the application or to be prejudiced in favour or opposed to the applicant and/or the licence holder and shall only determine the</p>



	application having had an opportunity to consider all relevant facts.
Risk:	<p>The Police are a statutory consultee for all Licensing Act 2003 applications. Prevention of Crime and Disorder is one of the four licensing objectives and applicants have to demonstrate how they will achieve this objective by volunteering measures in the operating schedule submitted with the Licence application.</p> <p>The Police have made a representation to this application</p> <p>Whilst full details of the application and any representations have been shared with the committee members, only information that is in the public domain has been made available for the reports that have been made public online, in line with data protection protocols.</p>
Equality:	<p>The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society.</p> <p>The operators of this premises are responsible for complying with all relevant legislation.</p>
Health and Wellbeing:	This is not applicable to applications for premises licences submitted under the Licensing Act 2003.
Social Value	This is not applicable to applications for premises licences submitted under the Licensing Act 2003.

7. Appendices

- Appendix 1 – Licence Variation Application
- Appendix 2 – Representations
- Appendix 3 – Location Plan
- Appendix 4 – Current Premises Licence

8. Background Papers

- Sandwell Metropolitan Borough Council Licensing Policy
- Guidance issued under Section 182 of the Licensing Act 2003
- The Licensing Act 2003 (Hearings) Regulations 2005

