

# Minutes of Licensing Sub Committee 1

**Friday 17 December 2021 at 10.00am  
in the Council Chamber, Sandwell Council House, Oldbury**

**Present:** Councillor Allen (Chair)  
Councillor Fenton and Webb

**Officers:** Kiran Dhesi (Licensing Officer)  
Mr Radjou (applicant)  
Duncan Craig (representing the applicant)  
Nicola Stansbie (West Midlands Police)  
David Elliott (Legal Advisor)  
Trisha Newton (Senior Democratic Services Officer)  
Gabrielle Evans (Democratic Services Officer)  
Connor Robinson (Democratic Services Officer)

## **59/21 Apologies for Absence**

Apologies for absence were received from Councillor Chidley.

## **60/21 Declarations of Interest**

There were no declarations of interest

## **61/21 Additional Item of Business**

There were no additional items of business to consider.



## Application for a variation of a Premises Licence for Nowa Polka, 17 Waterloo Road, Smethwick

The Sub Committee considered the application for a variation of a Premises Licence for Nowa Polka, 17 Waterloo Road, Smethwick, following representations by West Midlands Police.

The premises operated as a convenience store with an off licence known as Nowa Polka, the application sought to increase the operating hours and sale of alcohol at the premises to 24 hours a day Monday-Sunday.

The West Midlands Police representative addressed the Sub Committee and set out the reasons for their representation:

- the Premises was situated in an Impact Area (a small geographical area comprising a few neighbourhoods where there was a disproportionate amount of crime, demand, deprivation and harm);
- the sale of alcohol 24 hours a day at this location was a serious concern and would undermine the prevention of the crime and disorder objective;
- the Premises was located near to supported accommodation for young, vulnerable adults many of whom have been subject to drug and alcohol issues and exploitation;
- a similar Premises opposite to Nowa Polka had at the same time also applied for a 24-hour licence, raising the possibility of a trend which was a concern for the Police (these Premises had subsequently withdrawn their application).

In response to the representations made, the applicant's legal representative addressed the Sub Committee, stating that the applicant was aware of the challenges in the area, that the convenience store was not selling solely alcohol, and the reasoning for the change was to meet a demand locally for a service the establishment provided.

The applicant's legal representative outlined a series of draft conditions for consideration by the Sub Committee as a means of addressing any concerns with a particular focus on:



- a minimum of one personal licence holder would be on the premises whenever licensable activities are being undertaken;
- the personal licence holder would ensure there was sufficient, competent staff on duty at the premises for the purpose of fulfilling the conditions of the licence and for preventing crime and disorder;
- CCTV would be installed and maintained in good working order and be correctly time and date stamped;
- an incident book would be kept at the Premises and maintained up to date at all times;
- every sale of alcohol for consumption off the premises would not be less than the minimum price calculated at 99 pence per cans or bottles of beer and cider;
- the minimum price applicable to the supply of alcohol not being a can or bottle of beer or cider would be the minimum price for the type of alcohol most similar to that supplied. The minimum price would be varied every two years following discussions with the Premises Licence Holder (unless the Licensing Authority considered it appropriate not to do so);
- the premises would not stock or sell beers or ciders with an ABV in excess of 6.5% with the exception of craft beers;
- the premises would have no more than 20% of its overall display area in the retail area dedicated to alcoholic products.

The applicant stressed his desire to operate his business within the proposed conditions and how he would ensure his business operated fully at all time within them all.

The Sub Committee questioned the effectiveness of minimum pricing on alcohol and stocking of products with an ABV with an excess of 6.5% on deterring any alcohol abuse.

West Midlands Police indicated that no compromise had been proposed by the applicant despite Police representation, with the applicant noting that the business model depended on the 24-hour opening.

The Sub Committee took advice from its Legal Advisor before adjourning to make a decision on the application.



The Sub Committee had taken into consideration representations made by all parties and was minded to refuse the application on the basis that:-

- members had first-hand knowledge of the area and understood the issues prevalent in the community and considered that the application would have a detrimental impact in that area;
- consideration had been given to the Police representation and considered that the extension of the operating hours would undermine the crime and disorder objectives;
- while the proposed conditions of the applicant had been considered, they did not in the opinion of the Sub Committee address the core issues and concerns raised by the Police and members.

**Resolved** that the application for a variation in relation to the Premises Licence for Nowa Polka, 17 Waterloo Road, Smethwick, B66 4JX be refused.

In making its decision the Sub Committee took into account the Licensing Act itself, the Section 182 Guidance and noted that it must carry out all its functions under the Act with a view to promoting the licensing objectives. It also took into account the Human Rights Act 1998.

The Premises Licence Holder would be advised of his right of appeal under section 53c of the Licensing Act 2003 to the Magistrates Court within 21 days of receipt of the decision letter.

63/21

### **Application for a variation of a Premises Licence for Tani Sklep, 6 – 8 Waterloo Road, Smethwick B66 4JW**

The Sub Committee was advised that, following discussions with the responsible authorities prior to the meeting, the applicant had withdrawn the application for the Temporary Event Notice.



Consideration of this matter by the Sub Committee was therefore no longer required.

Meeting ended at 1.45pm

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