
Meeting of the Licensing Sub-Committee 4 – 30th April 2024

Report of the Director of Environment

Application for Review of a Premises Licence – Nisa Local, Glebe Lane, Stourbridge, DY8 3YG

Purpose

1. To consider the application for the review of the premises licence in respect of Nisa Local, Glebe Lane, Stourbridge.

Recommendation

2. That the Sub-Committee determine the application for the review of the premises licence received from the Principal Trading Standards Officer in respect of the premises known as Nisa Local.

Background

3. Nisa Local, was first issued with a premises licence on the 12th July 2005 (previously known as Midlands Co-Op), the current premises licence is in the name of Mr Vinoth Balachandran. The premises licence is issued for the following days and times:

Supply of Alcohol

Monday to Sunday 07.00 until 22.00

Hours Open to the Public

Monday to Saturday 07.00 until 23.00
Sunday 07.00 until 22.30

4. On the 8th February 2024, an application for the review of the premises licence was received from the Principal Trading Standards Officer, the grounds for the review relate to the prevention of crime and disorder and the protection of children from harm. A copy of that application has been forwarded to the Premises Licence Holder, Responsible Authorities and Other Persons in accordance with the Licensing Act 2003 and is attached to this report as Appendix 1.
5. The Council advertised the application for review of the premises licence in accordance with Licensing Regulation SI, 2005, No. 42, Section 38.
6. Representations in support of the application for review have been received from Safeguarding, Licensing Authority and the West Midlands Police.
7. Copies of all representations have been forwarded to the Premises Licence Holder and are attached to this report as Appendix 2.
8. This matter was due to be considered by the Licensing Sub-Committee on 26th March 2024, however, at the request of the Premises Licence Holders representative, the Chair agreed to defer the matter to a future hearing to take place after 20th April 2024.

Finance

9. There are no financial implications.

Law

10. The law relating to the review of licences is governed by the Licensing Act, 2003 Section 52(1).

52(1) This section applies where:-

- a) The relevant licensing authority receives an application made in accordance with Section 51.
- b) the applicant has complied with any requirement imposed on him under subsection (3)(a) or (d) of that section, and
- c) the authority has complied with any requirement imposed on it under subsection (3)(b) or (d) of that section.

Before determining the application, the authority must hold a hearing to consider it and any relevant representations.

11. The authority must, having regard to the application and any relevant representations, take such of the steps mentioned in subsection (4) (if any) as it considers appropriate for the promotion of the licensing objectives.

12. The steps are -

- a) to modify the conditions of the licence;
- b) to exclude a licensable activity from the scope of the licence;
- c) to remove the designated premises supervisor;
- d) to suspend the licence for a period not exceeding three months;
- e) to revoke the licence;

and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

13. Subsection (3) is subject to sections 19, 20 and 21 (requirement to include certain conditions in premises licences).

14. Where the authority takes a step mentioned in subsection (4) (a) or (b) it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.

15. In this section “relevant representations” means representations which -

- a) are relevant to one or more of the licensing objectives, and
- b) meet the requirements of subsection (8).

16. The requirements are -

- a) that the representations are made –
 - i) by the holder of the premises licence, a responsible authority or an interested party, and
 - ii) within the period prescribed under section 51(3)(c)

- b) that they have not been withdrawn, and
 - c) if they are made by an interested party (who is not also a responsible authority), that they are not, in the opinion of the relevant licensing authority, frivolous or vexatious.
17. Where the relevant licensing authority determines that any representations are frivolous or vexatious, it must notify the person who made them of the reasons for that determination.
18. Where a licensing authority determines an application for review under this section it must notify the determination and its reasons for making it to -
- a) the holder of the licence
 - b) the applicant
 - c) any person who made relevant representations, and
 - d) the chief officer of police for the police area (or each police area) in which the premises are situated.
19. A determination under this section does not have effect -
- a) until the end of the period given for appealing against the decision, or
 - b) if the decision is appealed against, until the appeal is disposed of
20. Pursuant to schedule 5 part 1, section 8(2)
- An appeal may be made against the decision of the committee by –
- a) the applicant for the review
 - b) the holder of the premises licence or
 - c) any other person who made relevant representations in relation to the application for review.

Risk Management

21. There are no material risk implications.

Equality Impact

22. This report takes into account the Council's policy on equal opportunities.
23. The licensing of premises and individuals will impact on children and young people through their attendance at licensed premises.
24. There has been no consultation or involvement of children and young people in developing these proposals.

Human Resources/Organisational Development

25. There are no organisational development/transformation implications.

Commercial/Procurement


26. There are no commercial/procurement implications.

Environment/Climate Change

27. There are no Environment/Climate Change implications.

Council Priorities and Projects

28. This application falls within the Council's statutory responsibility for Licensing as a direct link to the Council's Plan 2022-25 as a place where communities can lead stronger, safer and healthier lives.
 - Dudley the borough of opportunity
 - Dudley the safe and healthy borough
 - Dudley the borough of ambition and enterprise
 - Dudley borough the destination of choice



Nicholas McGurk
Director of Environment

Report Author: Mr Simon Smith
Telephone: 01384 815101
Email: simon.smith@dudley.gov.uk

Appendices

Appendix 1 – Application for review

Appendix 2 – Representations

List of Background Documents

None