

[Insert name and address of relevant licensing authority and its reference number (optional)]

**Application for the review of a premises licence or club premises certificate under the
Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

**I Kuldeep MAAN, Principal Trading Standards Officer - Dudley Metropolitan
Borough Council**

(Insert name of applicant)

**apply for the review of a premises licence under section 51 / apply for the review of a club
premises certificate under section 87 of the Licensing Act 2003 for the premises described in
Part 1 below (delete as applicable)**

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description

Nisa Local,
15, Glebe Lane
Stourbridge,
West Midlands.

Post town Dudley

Post code (if known) DY8 3YG

Name of premises licence holder or club holding club premises certificate (if known)

Mr Vinoth Balachandran

Number of premises licence or club premises certificate (if known)

DY/51/0144

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible
authority (please read guidance note 1, and complete (A)
or (B) below)

☐

2) a responsible authority (please complete (C) below)

☒

3) a member of the club to which this application relates

☐

(please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr ☐ Mrs ☐ Miss ☐ Ms ☐ Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick ✓ yes

☐

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Kuldeep MAAN Principal Trading Standards Officer Environmental Health & Trading Standards Health & Wellbeing Dudley Council 4, Ednam Road, Dudley, DY1 1HL
Telephone number (if any) 01384 814675
E-mail address (optional) Kuldeep.maan@dudley.gov.uk

This application to review relates to the following licensing objective(s)

- | | | |
|---|-------------------------------------|---------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> | Please tick one or more boxes ✓ |
| 2) public safety | <input type="checkbox"/> | |
| 3) the prevention of public nuisance | <input type="checkbox"/> | |
| 4) the protection of children from harm | <input checked="" type="checkbox"/> | |

Please state the ground(s) for review (please read guidance note 2)

The grounds for this review relate to breaches of the '***Prevention of Crime & Disorder***' and the '***Protection of Children from Harm***' licensing objectives as detailed in the Licensing Act, 2003. The Premises Licence holder has not met these two licensing objectives above due to the poor management of the premises following:

On Thursday 25th January 2024

At shop premises known as Nisa Local, Glebe Lane, Stourbridge

(1) 16-year-old child volunteer was sold a four pack of 440ml Thatcher's Haze cider, 4.5% ABV, for £5.50 - *contrary to section 146(1) and (7) of the Licensing Act 2003*

(2) 16-year-old child volunteer was sold a packet of Richmond Blue cigarettes for £12.50 - *contrary to section 7(1) of the Children and Young Persons Act 1933.*

Please provide as much information as possible to support the application (please read guidance note 3)

Trading Standards are designated as a "Responsible Authority" for the purposes of the Licensing Act 2003.

The Premises Licence was transferred to Mr Vinoth Balachandran in August 2022, and he became the Designated Premises Supervisor (DPS) with effect from this date also. He holds a Personal Licence, **22/01051/LAPER**, issued by Maidstone Council.

Circumstances of underage sale Thursday 25th January 2024

On Thursday 25th January 2024, Dudley MBC Trading Standards officers were conducting a series of intelligence led 'test-purchase' exercises across the Borough in order to check the compliance of retailers that sold a range of age restricted products to the public. For the duration of this particular exercise, officers were accompanied by a 16-year-old child volunteer. At approximately 1740 hours that day the volunteer was briefed to attempt to purchase alcohol & cigarettes from retail premises known as Nisa Local, Glebe Lane, Stourbridge. Enforcement Officer, Richard Jones, accompanied the volunteer into the store to witness events. The volunteer selected a pack of cider from the display and went directly to the till area where he then asked the male behind the counter for Richmond cigarettes. The member of staff seemed confused and clearly struggled to understand what was being requested by the volunteer. Eventually, the member of staff handed the volunteer a packet of Richmond cigarettes. Both alcohol and tobacco were scanned through the till and without asking for either identification or age, the shop assistant announced the price of £18. The volunteer handed over a £20 note and was in turn handed back £2 in change. Both volunteer and Richard Jones then exited the premises separately. A short time later Richard Jones and a colleague returned to the store and identified themselves to the member of staff that had just sold to the volunteer. Following a caution, he identified himself as [REDACTED] (DM).

Additional Relevant Information

Communication with the seller, DM, proved extremely difficult. He spoke very little English and effectively relied on a second member of staff, Mr [REDACTED] (JB), to translate. JB was not present in the shop at the time of the UAS and only appeared after officers had returned to the shop and DM had made a telephone call. JB stated that DM had only started working in the shop shortly before the underage sale and was being trained up by him. DM had arrived from India 25 days previously and resided at an undisclosed address in Ross-on-Wye.

A brief inspection of the shop premises on the evening of 25/1/24 also revealed the following issues.

- (1) No statutory Tobacco Notice displayed
- (2) Absence of a 'Refusals Register'
- (3) No summary section of Premises Licence on display
- (4) Absence of any 'Challenge 25' signage.

Subsequent enquiries with HM Immigration resulted in the below information being received from Immigration Officer 18804 Adam Waters on 29th January 2024...

DM

[REDACTED] – *Entered the UK on Skilled Work Visa to work for Golden Little Gem LTD (Care Agency). As working for Nisa Local does not fall under his Visa Conditions, or is it part of the Shortage Occupation List, this individual is classed as a Worker in Breach of his Employment Restrictions (Failing to Observe a Condition of Leave) contrary to s24(1)(b) Immigration Act 1971*

During a compliance visit, conducted on 7th February 2024, DM was again found working on his own in the store. Issues (1) to (4) above were still not resolved.

Recommendation to Committee

Should the committee not deem it necessary to suspend or revoke the premises licence then it is recommended that the following conditions are added to the licence.

1. Age Verification - the premises will operate an age verification policy set at a minimum of 'Challenge 25'. All staff authorised to sell alcohol will be trained in this policy and without exception adhere to it. Acceptable forms of identification to verify age will only include a passport, photographic driving licence or a Proof of Age Standards Scheme (PASS) such as Citizen Card, or equivalent. No other form of identification will be accepted.

2. Advisory Notices - suitable age restricted advisory and warning notices are to be displayed (1) on the main door to the premises (2) at the point of sale (3) in prominent positions at all points within the premises where alcohol is displayed for sale to the public.

3. Refusals Register – a register for age restricted products will be maintained at the premises. This can be either a written register or an electronic version. As a minimum, the register will record the date, time and reason for the refusal of sale. All staff working on the premises will know of the existence of the register and will produce it at the time of request by any authorised officer from the Responsible Authority. The PLH, DPS or store manager will review the register once a week ensuring it is completed and accurate and for audit purposes be in a position to corroborate this review in writing or electronically. Failure to continue recording refusals due to a written register being full will be considered a breach of this particular condition.

4. CCTV will be installed at the premises and will record at all times when the premises are open for licensable activities for a minimum of 30 days. It will record, as a minimum (1) those areas within the store where alcohol is displayed to the public and (2) the point of sale. A camera is also to be installed to record all incidents immediately outside the premises. The camera views of these areas will remain unobstructed at all times. All recordings will be backed up to a separate server (i.e Cloud or similar).

5. Any CCTV hard drive that is damaged or broken will be retained at the premises for a minimum of 30 days and available upon request by the Police or any other responsible authority. In the event that a CCTV system is returned by the premises to the original manufacturer due to a warranty, they will have to show evidence of this.

6. In any event that a CCTV system is seized, a replacement system will be sought immediately.

7. At least one member of staff on duty at all times will be conversant with the viewing and downloading of the CCTV system. They will be able to download any footage at the request of the Police and any other Responsible Authority within 24 hours of the request, and they will provide their own USB and/or disc for this purpose or will supply footage via a link provided by West Midlands Police if necessary.

8. At the beginning of every day, prior to licensable activity taking place, the CCTV will be checked that it is in working order and this will be documented, date, timed and signed by the checker and made available to the Police and any other responsible authority upon request.

9. Staff Training - anyone employed to work on the premises who finds themselves on duty during licensable hours of business and being in a position where it is reasonable to expect them to potentially take payment from customers for goods which may include alcohol must already have completed an initial training programme in relation to the requirements of the Licensing Act 2003. This initial training must include a written test to verify the competency of that person. This initial training must be completed prior to that member of staff being left alone in the store for any period of time whatsoever. Existing employees will undertake refresher training every 12 months, as a minimum. A record of all staff training will be maintained and stored on the premises and produced upon request to an authorised officer from the Responsible Authority.

10. Casual Staff - during the hours of licensable activity and where any alcohol is visibly on display in the premises for sale to the public, persons who are not formally employed and trained to work at the premises are NOT to be left in temporary control regardless of the period of time. In the case of an emergency situation the PLH, DPS or store manager should close the store until a suitable member of staff can be present.

11. Personnel File – a file shall be maintained and stored at the premises for each member of staff authorised to sell alcohol. As a minimum, this must include proof of identity, date of birth, current home address and National Insurance Number. The only acceptable form of identity and age verification will be a signed copy of passport and/or driving licence. Proof of an address will include a letter from a current utility provider that clearly shows the name of the specific member of staff and not a relative or friend. Personnel files will be produced upon request to any authorised officer from the Responsible Authority.

12. Proxy Sales - any person suspected of attempting to purchase alcohol for anyone under age shall be refused service and an appropriate entry made within the Refusals Register.

13. The employer must carry out checks relating to the 'right to work' of their employees and any prospective employees before entering into a contract of employment.

14. All copies of documents acquired by the employer as a result of conducting checks relating to the 'right to work' must be stored securely by the employer at the premises or a digital copy be immediately accessible from the premises for ease of inspection by immigration officials

15. The employer, or any person appearing to represent the employer, must be able to produce on demand documents relating to the 'right to work', at the request of an immigration officer who enters the premises to carry out an inspection under section 179 (1A) of the 2003 Act

Have you made an application for review relating to the premises before

Please tick ✓ yes

☐

If yes please state the date of that application

Day		Month		Year	
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

If you have made representations before relating to the premises please state what they were and when you made them

Please tick ✓

yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate **YES**
- I understand that if I do not comply with the above requirements my application will be rejected **YES**

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature



.....

Capacity Responsible Authority Applicant, Principal Trading Standards Officer

.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.

6. This is the address which we shall use to correspond with you about this application.