



## Responsible Authorities

### Licensing Application/Review response form

<b>Authority: Children's Services Safeguarding</b>	Head of Safeguarding and Quality Assurance/Principal Social Worker  Nicola Hale
<b>New Premises Licence Application</b>	Nisa Local Stourbridge  DY/51/0144

Further to the review application received for the premises, the Head of Safeguarding (Children's) is aware of the premises having found to have sold alcohol and tobacco to a 16 year old child volunteer.

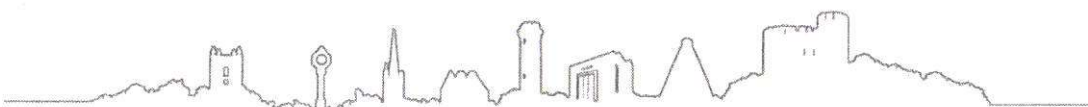
This action would have placed the young person at direct risk of harm and is contrary to the licensing requirement to not sell alcohol or tobacco to children.

Furthermore the inspection revealed there was no 'challenge 25' signage to indicate compliance with safeguarding responsibilities. A further visit following the incident found that this issue, amongst others had not been resolved.

Therefore, I am submitting a representation to suspend or revoke the license for this premises, or for additional conditions to be added to the license as set out in the application.

Nicola Hale

09.02.24



To: Nick McGurk Head of Service

From: Kerry Mullings Enforcement Officer

Date: 22<sup>nd</sup> February 2024

**Review of a premises licence**

Nisa,

15 Glebe Lane,

Stourbridge,

DY8 3YG

Premise Licence No: DY/51/0144

**Representations of Dudley Licensing Authority in relation to The Prevention of crime and disorder and The Protection of children from harm.**

These representations are submitted on behalf of Dudley Licensing Authority to support a review of the licence called by Kuldeep Maan Environmental Health & Trading Standards, Dudley Council.

The premises licence was transferred to Mr Vinoth Balachandran on 4<sup>th</sup> August 2022 with effect from 2<sup>nd</sup> August 2022. He is also the Designated premises supervisor and has been since 2<sup>nd</sup> August 2022.

On 25<sup>th</sup> January 2024 Trading Standards carried out a test purchase at these premises where a child volunteer was sold alcohol and cigarettes. It was also found that a male member of staff DM working at the premises at the time of this visit was doing so in breach of his employment restrictions Contrary to Section 24(1)(b) Immigration Act 1971.

On 7<sup>th</sup> February 2024 together with Richard Jones Trading Standards Officer, Kerry Mullings Enforcement Officer carried out a compliance check at the premises. The main objective of the visit was to check that the premises were being operated in accordance with the premises licence. Mr Balachandran was not present during this check.

Mr DM was working behind the counter at the time of the visit. Miss Mullings explained the purpose of the visit and DM said he would contact his boss. When asked if he meant Mr Balachandran, the premise licence holder? He did not understand.

A few moments later a female known as Mrs JJ then entered the premises. She informed Miss Mullings that she worked at the premises 7 days a week and had been doing so for several months since September 2023. She said her husband was a friend of the PLH. Miss Mullings explained to Mrs J that they were there to

carry out a compliance check but she did not understand the officer and said she would contact Mr Balachandran which she did. Miss Mullings spoke to Mr Balachandran explaining the purpose of the visit. He was a couple of hours drive away so she informed him that she would continue with the check in his absence as all members of staff working behind the counter should be aware of the premises licence and its operating schedule.

JJ was asked if she had a copy of the premises licence as Miss Mullings noticed that the summary was not displayed in the shop as required by legislation.

JJ did not seem to understand what the officer was asking and then made another phone call to the premise licence holder. After speaking to the PLH she then produced the licence from under the counter. She was informed to display the summary in the premises straight away.

Miss Mullings asked both JJ and DM to explain the purpose of a Challenge 25 policy. JJ said she didn't understand English and DM didn't answer. Miss Mullings referred JJ to the premises licence where it clearly states that the premises incorporates a Challenge 25 procedure and that all staff involved in the sale of alcohol are fully trained in all aspects of safety in particular reference to avoiding any underage sales. JJ still didn't understand and then just said 'age'. Miss Mullings then explained the purpose of operating a Challenge 25 policy, but it was clear from the conversation that she did not understand the licence. Both members of staff were asked what ID they would accept for the sale of alcohol JJ said she would accept a driving licence and 18 Plus. It was noted that there were no Challenge 25 posters displayed in the premises as would be expected.

Miss Mullings asked JJ if she had received any sort of training in regard to the sale of alcohol, again, she said she didn't understand. After further discussion, she did then show Miss Mullings an email on her phone for online training on 5<sup>th</sup> February 2024 from Arka Training. DM was asking if he had also received this training and he said yes. However, neither could produce any documentation to confirm that they had completed and passed this training.

Following this visit, an advisory letter was sent to Mr Balachandran making him aware of his responsibilities and the importance of complying with the operating schedule of the premises licence. He was informed a further visit would take place in a couple of weeks.

On 9<sup>th</sup> February 2024 Miss Mullings attended the premises to display a copy of the review notice as is required. JJ was the only person working in the shop at the time of this visit.

On 21<sup>st</sup> February 2024 Miss Mullings carried out a further pre-arranged compliance visit and met with Mr Balachandran. Mr JB the husband of JJ was also present during this visit. Mr Balachandran informed Miss Mullings that JB worked at the premises 7 days a week with his wife and they split the shifts between them.

Mr Balachandran said he works at the premises a couple of times a week but then returns home to his address in Kent. DM no longer works at the premises and left on

7th February 2024. Mr Balachandran informed Miss Mullings that JJ and her husband completed training on 5th February 2024 with Arka Training and are both in the process of applying to be personal licence holders. Confirmation has been requested from Arka Training to this effect. He said once Mr JB obtains his licence he will be applying to be the Designated Premises Supervisor at the premises.

Challenge 25 posters were displayed around the premises and Mr Balachandran produced a comprehensive folder which he said he will start using for refusals, incidents, staff training and visits. It was pointed out that all members of staff must be aware and understand the premises licence operating schedule, the Challenge 25 policy and the requirement to complete the refusals/incident register.

However, It raises concerns that during both the underage sale visit and the first compliance visit the members of staff left alone on duty could not communicate English effectively and had no understanding of the premises licence or the importance of it. There was no evidence that a Challenge 25 policy was being operated at the premises in accordance with the licence and the members of staff only received training following the underage sale. The Licensing Authority therefore support Trading Standards recommendation that conditions be added to the licence if the committee are minded not to suspend or revoke it.

Kerry Mullings

Enforcement Officer



West Midlands Police  
Brierley Hill Police Station  
Dudley DY5 3DH  
6<sup>th</sup> March 2024

**NISA LOCAL, GLEBE LANE, STOURBRIDGE – DY/51/0144**

West Midlands Police wish to support the application to review the Premise Licence of Nisa Local, Glebe Lane, Stourbridge DY8 3YG, under the Crime & Prevention & Protection of Children from Harm Licensing Objectives.

Trading Standards Officers have reported that on the 25<sup>th</sup> January 2024 a 16yr old child volunteer was sold both alcohol and tobacco, which is a criminal offence.

The representations from the Local Authority also makes reference to [REDACTED] (the seller) in breach of the conditions of his Visa on more than one occasion.

This clearly goes against the entry requirements and shows his complete disregard for process.

On this basis West Midlands Police believe that the DPS Mr Vinoth Balachandran has failed to carry out due diligence with regards to the members of staff he employs at his premises. Therefore we ask that he is removed as DPS with immediate effect.

If the Committee are not minded to revoke this Licence, then West Midlands Police support the list of conditions that are proposed by Trading Standards.

Kind regards

Sgt 1533 Andrews  
Partnerships Sgt  
Dudley Police LPA