

**APPLICATION FOR A PREMISES LICENCE VARIATION UNDER SECTION 34
OF THE LICENSING ACT 2003 IN RELATION TO**

**Nisa Local
152 Beacon Road
Great Barr
B43 7BN**

**HEARING BEFORE THE LICENSING SUB COMMITTEE AT 10:30AM ON
WEDNESDAY 5 April 2023 IN A:**

**Council Chamber
Council House
Lichfield Street
Walsall
West Midlands**

The matter was heard by:

Councillor Bains – Chairperson
Councillor Nawaz
Councillor Rasab

For the applicant:

Prof Roy Light – Advocate (Barrister)
Mr Sanjeevan Sivakumaran – Applicant Director
Mr Richard Baker – Agent

Objectors

Responsible authorities
Jennifer Mellor – Walsall Licensing & Regulatory Services Officer (West Midlands
Police)

Interested parties / other persons

Gary and Sadie Lambert

Also Present:

Sayful Alom – Licensing Team Leader
Jack Thompson – Democratic Services Officer
Paul Green – Solicitor

An application for a premises licence variation was received by the Licensing Authority on 4 January 2023.

A summary of the variation and current licensable proposed activities and times applied for are as follows:

| Licensable Activities | Days | From | To |
|---|------------------------------|--------------|--------------|
| Sale of alcohol for consumption off the premises (only) | Monday to Sunday (inclusive) | 08.00- 22.00 | 07.00 - 1.00 |
| Late Night Refreshment | Monday to Sunday (inclusive) | N/A | 23.00 – 1.00 |
| Hours open to public | Monday to Sunday (inclusive) | 08.00-22.00 | 06.00-01.00 |

The variation also sought to remove the conditions of the current licence and replace them with conditions as per the application.

The Sub-Committee considered the Report of the Director of Resilient Communities that contained amongst other things, the applicant's application and the representations from West Midlands Police (as a Responsible Authority) objecting to the application and the 17 representations from "other persons" who were opposed to the application.

The Sub-Committee noted that there were no objections received from other responsible authorities specifically Environmental Health, West Midlands Fire Service, and Community Protection. Moreover the Sub-Committee noted that on 5 August 2022 mediated conditions had been agreed between the applicants and West Midlands Police.

Objections.

The written objections received were on the grounds of Crime and Disorder, Public Nuisance and Public Safety. In essence, the representations asserted that the granting of the application would encourage anti-social behaviour, attract undesirable characters to the area and encourage young people to congregate and race their cars and motorbikes in and around the vicinity. There were concerns that the issues occurring at the nearby Cat and Fiddle public house would be mirrored at the Nisa Local premises if the application were to be granted. Mr Lambert attended the hearing and made oral representations to the Sub Committee to this effect.

Withdrawal of police representation

Jennifer Mellor on behalf of West Midlands Police confirmed that the applicant had consulted with the police and varied its application to take account of the concerns raised by the police. The applicant had withdrawn its application for late night refreshments and had also varied the hours applied for. In light of the concessions made by the applicant, Jennifer Mellor confirmed that the police had withdrawn its objections to the application.

Representations on behalf of the Applicant

Mr Light referred the Sub-Committee to the 'Hearing Note' that he had submitted on behalf of the applicant in advance of the hearing. Mr Light expounded upon the Hearing Note highlighting the concessions that had been made by the applicant in response to the concerns raised by both the police and residents. He confirmed that there had been no objections to earlier opening time variation applied for from 08.00 to 07.00 hours. Mr Light expressed that all rules of responsible retailing were in place and Mr Baker went through the content of the applicant's training manual. Mr Light further highlighted that there has been no anti-social behaviour associated with the applicant's premises but notwithstanding this, the applicant would not be remaining open later than the Cat & Fiddle public house.

Determination:

The Sub-Committee considered the report and additional documentation presented before it and listened keenly to the oral representations made both for and against the application for a licence variation submitted by the applicant.

The Sub-Committee accept that there are genuine concerns about crime and disorder and anti-social behaviour experienced by residents locally but have noted that the applicant has been professionally running the premises for a number of years and there was no direct evidence associating the premises to any of the issues raised by objectors.

The Sub-Committee commended the applicant for reviewing its position and amending its application to take account of the concerns raised by the police and local residents, which led to the police withdrawing its representation. In light of those concessions the Sub-Committee determined to grant the application on the following terms:-

1. The sale of alcohol off premises varied to 07.00 to 23.00 Sunday to Thursday and 07.00 to 24.00 Friday and Saturday;
2. The conditions in the current licence removed and replaced with the conditions in the operating schedule;
3. The Applicant to maintain a complaints book;

4. Provide a contact number for local residents to make contact concerning any matters arising.

Application Granted.