

LICENSING PANEL
Regulatory Committee
Agenda

Date Friday 7 December 2018

Time 9.30 am

Venue Crompton Suite, Civic Centre, Oldham, West Street, Oldham, OL1 1NL

Notes 1. DECLARATIONS OF INTEREST- If a Member requires any advice on any item involving a possible declaration of interest which could affect his/her ability to speak and/or vote he/she is advised to contact Paul Entwistle or Sian Walter-Browne in advance of the meeting.

2. CONTACT OFFICER for this Agenda is Sian Walter-Browne Tel. 0161 770 5151 or email sian.walter-browne@oldham.gov.uk

3. PUBLIC QUESTIONS – Any member of the public wishing to ask a question at the above meeting can do so only if a written copy of the question is submitted to the Contact officer by 12 Noon on Tuesday, 4 December 2018.

4. FILMING - The Council, members of the public and the press may record / film / photograph or broadcast this meeting when the public and the press are not lawfully excluded. Any member of the public who attends a meeting and objects to being filmed should advise the Constitutional Services Officer who will instruct that they are not included in the filming.

Please note that anyone using recording equipment both audio and visual will not be permitted to leave the equipment in the room where a private meeting is held.

Recording and reporting the Council's meetings is subject to the law including the law of defamation, the Human Rights Act, the Data Protection Act and the law on public order offences.

MEMBERSHIP OF THE LICENSING PANEL IS AS FOLLOWS:
Councillors Byrne, Rehman and Shuttleworth

Item No

1 Election of Chair

The Panel is asked to elect a Chair for the duration of the meeting.

2 Apologies For Absence

3 Urgent Business

Urgent business, if any, introduced by the Chair

4 Declarations of Interest

To Receive Declarations of Interest in any Contract or matter to be discussed at the meeting.

5 Public Question Time

To receive Questions from the Public, in accordance with the Council's Constitution.

6 Order of Proceedings (Pages 1 - 4)

7 Licensing Act 2003 - Review of Premises Licence following Review Notice (Pages 5 - 34)

Pursuant to Section 53C of the Licensing Act 2003, the purpose of this report is to ask Members to review the premises licence in respect of the Royal Oak, 496 Oldham Road, Failsworth, Oldham, following the application for a 'Summary Review', of those premises, made by Greater Manchester Police on the 14th November 2018.

OLDHAM BOROUGH COUNCIL

LICENSING PANEL - ORDER OF PROCEEDINGS

The procedure outlined below, which was enclosed with the notice of hearing sent to each party, and a copy of which is before you today, will be followed.

Documentary evidence may be relied upon and considered by the Panel if it has been served on the Licensing Authority prior to the hearing, or if all parties consent it can be produced on the day of the hearing.

Any person wishing to call a witness to speak at the hearing must have applied in writing for permission from the Licensing Authority at least 2 working days before the hearing and must also have provided the name of the witness and a brief description of the points on which that person may be able to assist the authority in relation to their application, representations or notice. Any application to call a witness where the party has not given 2 working days' notice will be considered by the Panel at the beginning of the hearing and permission will not be unreasonably withheld.

Each party will have the same amount of time in which to address the Panel, each party will have up to 60 minutes to address the authority and give any further information (which must be relevant to that party's or another party's application or representation). Where any party considers this time to be insufficient then, a request in writing may be made to the Constitutional Services Officer for an extension of time at least two working days before the hearing; however this will not automatically be granted, and will be at the discretion of the Panel.

Any person behaving in a disruptive manner will be asked to leave the hearing, however, if this occurs that person will be entitled to submit in writing any information they would have been entitled to give orally.

The Authority will provide a record of the hearing in a permanent and intelligible form and keep it for 6 years from the date of determination or disposal of any Appeal.

Members are advised that they are making decisions in a quasi-judicial manner. As such, they have a duty to view all evidence presented before them impartially. Members must disregard any information given by a party which is not relevant to the promotion of the licensing objectives. The Panel is not bound by the formal rules of evidence. Nevertheless, Members must carry out their duty placing what weight they feel is appropriate given the nature of the evidence and the manner in which it was obtained, and communicated.

ORDER OF PROCEEDINGS

INTRODUCTION

The Constitutional Services Officer (“the Clerk”) will welcome those present and outline the procedure to be followed (as set out below) and record those present. The Clerk will remind everyone that each party will have up to 60 minutes to address the Panel and give any further information.

APPLICATION

The Licensing Officer will outline the nature of the application.

The applicant and/or their representative to address the Panel, present additional information in support of the application (where consent to do so has been granted) and call any witnesses (subject to having given the required prior notice or having received permission at the beginning of the hearing). The Applicant and any witnesses may be questioned by Members of the Panel.

Any party, if given permission by the panel, may question the applicant and his witnesses, but this shall not take the form of cross examination.

REPRESENTATIONS

The Party making the representation and/or their representative to address the members of the Panel, providing any additional information in support of their representation (where consent to do so has been granted) and call any witnesses (subject to having given the required prior notice or having received permission at the beginning of the hearing). The party and any witnesses may be questioned by Members of the Panel.

In the event that a number of members of the public are present at the meeting who intend to make a representation in relation to the application as interested parties then the Chair has discretion to ask that they appoint a nominated spokesperson to present their representations.

Any party, if given permission by the panel, may question the party making representations and his witnesses, but this shall not take the form of cross examination.

These representations will be taken in the following order: -

- Police Representation (unless they are the applicant)
- Licensing Authority
- Environmental Health Representation
- Other Responsible Authorities Representation
- Public Representation (Interested Parties)

CLOSING STATEMENTS

The party making the representation may summarise their representation and make a closing statement.

The holder of the premises licence may summarise their representation and make a closing statement.

The Applicant may summarise the application and make a closing statement.

SUMMARY The Chair to summarise who has made representations.

DETERMINATION

The Panel Members will leave the hearing to consider their decision in private. The panels may request the services of a legal representative and Constitutional Services Officer.

The Chair of the Panel will announce the determination of the application and the reasons for that determination, and it will then be confirmed in writing within 5 working days of the hearing.

This page is intentionally left blank



Licensing Panel

Licensing Act 2003 Review of Premises Licence following Review Notice

Royal Oak 496 Oldham Road, Failsworth, Oldham, M35 0EH

Report of Executive Member for: Neighbourhood Services

Officer contact: David Smith
Ext. 3472

4th December 2018

Reason for Decision

Pursuant to Section 53C of the Licensing Act 2003, the purpose of this report is to ask Members to review the premises licence in respect of the Royal Oak, 496 Oldham Road, Failsworth, Oldham, M35 0EH following the application for a 'Summary Review', of those premises, made by Greater Manchester Police on the 12th November 2018.

Recommendations

Members are recommended to consider the application, taking into account the representations received.

Licensing Act 2003

Review of Premises Licence following Review Notice Royal Oak, 496 Oldham Road, Failsworth, Oldham, M35 0EH

1 Background

Pursuant to Section 53C of the Licensing Act 2003, the purpose of this report is to ask Members to review the premises licence in respect of Royal Oak, 496 Oldham Road, Failsworth, Oldham, following the application for a 'Summary Review', of those premises, made by Greater Manchester Police on the 12th November 2018.

2 Recommendations

Members are recommended to consider the application, taking into account the information before them.

3 The Summary Review

3.1 An application for a Summary Review was submitted by PC 1684 Farrell in his capacity as the Licensing Officer for the borough of Oldham, endorsed by Superintendent Daniel Inglis of Greater Manchester Police, a copy of the application, and accompanying certificate is attached at **Appendix 1**.

3.2 The application outlines the reasons given for the summary review but in essence it is the view of Greater Manchester Police that the premises are associated with serious crime and / or disorder.

3.3 A copy of the existing Premises Licence is attached at **Appendix 2**.

A location map is attached at **Appendix 3**

4 Interim Steps

4.1 In accordance with Section 53B of the Licensing Act 2003, on Wednesday 14th November 2018, a duly constituted Licensing Panel considered whether it was necessary, based on the information before them, to take interim steps against the premises licence pending this review taking place.

4.2 Members of that Panel heard submissions from Greater Manchester Police and representatives of the Premises Licence Holder.

Having taken into account all the information before them, Members of the Panel took the decision to suspend the premises licence pending this full review taking place. A copy of the decision letter is attached at **Appendix 4**.

5 Review of Interim Steps

5.1 Once Members have made their decision on what action, if any, to take against the premises licence, a review of the Interim Steps must take place.

5.2 In reviewing the interim steps Members must:-

-
- a) consider whether the interim steps are appropriate for the promotion of the licensing objectives;
 - b) consider any relevant representations; and
 - c) determine whether to withdraw or modify the interim steps taken

5.3 If Members are minded to say the interim steps should continue but be modified, the options open to Members include:-

- a) the modification of the conditions of the premises licence;
- b) the exclusion of the sale of alcohol by retail from the scope of the licence;
- c) the removal of the designated premises supervisor from the licence;
- d) the suspension of the licence;

6 Representations

6.1 One representation was received during the consultation period. The representation was made by Gosschalks Solicitors acting on behalf of their client EI Group PLC who are the owners of the premises. The representation is attached at **Appendix 5**.

7 Secretary of State's Guidance

7.1 Chapter 11 of the guidance deals with reviews. Members attention is drawn to paragraphs 11.17 to 11.20 which provide:-

11.17 The licensing authority may decide that the review does not require it to take any further steps appropriate to promoting the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder.

11.18 However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate. Similarly, licensing authorities may take into account any civil immigration penalties which a licence holder has been required to pay for employing an illegal worker.

11.19 Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:

- (i) modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
- (ii) exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption)¹⁰;

-
- (iii) remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
 - (iv) suspend the licence for a period not exceeding three months;
 - (v) revoke the licence.

11.20 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review.

7.2 A full copy of the guidance will be available at the hearing.

8 **Licensing Policy**

8.1 Members considering this application should take note of the Authority's Licensing Policy Statement when determining an application. In particular as crime and disorder were the basis of the summary review, attention should be drawn to Section 6 of the Policy.

8.2 A copy of the Policy will be available at the hearing.

9 **Options/Alternatives**

9.1 The options open to Members, having had regard to the information before them, including any verbal representations made by parties to the hearing, are -

- a) the modification of the conditions of the premises licence;
- b) the exclusion of a licensable activity from the scope of the licence;
- c) the removal of the designated premises supervisor from the licence; and
- d) the suspension of the licence for a period not exceeding 3 months; and
- e) the revocation of the licence.

Modification of the conditions of the premises licence can include the alteration or modification of existing conditions or addition of any new conditions, including those that restrict the times at which licensable activities authorised by the licence can take place.

9.2 Findings on any issues of fact should be on the balance of probability.

9.3 In arriving at a decision Members must have regard to the relevant provisions of national guidance and if applicable the licensing policy statement and reasons must be given for any departure.

9.4 The decision should be based on the individual merits of the application.

10 **Consultation**

10.1 There is no requirement to consult on interim steps.

10.2 In relation to the substantive hearing, consultation in accordance with the Act has commenced.

11 **Legal Services Comments**

- 11.1 In determining the application Members should have regard to the Authority's licensing policy statement and the Secretary of State's Guidance referred to in paragraph 7. The chief officer of police for the police area in which the premises are situated, the holder of the premises licence or any other person who made relevant representations in relation to the application for the review have a right of appeal to the Magistrates' court within the period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against. (A Evans)

12 **Environmental and Health & Safety Implications**

- 12.1 If applicable, contained within the body of the report.

13 **Equality, community cohesion and crime implications**

- 13.1 The Council's 'Statement of Licensing Policy' takes into account these matters. All decision made by the Licensing Panel, must have regard to this policy and National Guidance.

14 **Equality Impact Assessment Completed?**

- 14.1 No

15 **Background Papers**

- 15.1 The following is a list of background papers on which this report is based in accordance with the requirements of Section 100(1) of the Local Government Act 1972. It does not include documents which would disclose exempt or confidential information as defined by the Act :

File Ref: Records held in Directorate
Officer Name: David Smith
Contact No: 0161 770 3472

16 **Appendices**

Appendix 1 – Application & accompanying certificate
Appendix 2 – Existing Premises Licence
Appendix 3 – Location map
Appendix 4 – Interim steps decision letter
Appendix 5 – Representation – Gosschalks Solicitors

This page is intentionally left blank



Expedited Review Application - Schedule 8A

Application for the review of a premises licence under section 53A of The Licensing Act 2003 (premises associated with serious crime, serious disorder or both)

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 the 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.

I, Police Constable 1684 Tony FARRELL,

On behalf of the chief officer of police for Oldham District, Greater Manchester Police, apply for the review of a premises licence under section 53A of the Licensing Act 2003.

Postal address of premises, (or if none or not known, ordnance survey map reference or description):

Royal Oak Hotel, 496 Oldham Road, Failsworth, Manchester,
Post town: Oldham

Post code (if known): OL5 0AA

Name of premises licence holder: Mia Call Ltd

Premises licence number (Local Authority reference): PL298

I confirm that a certificate has been given by a senior member of the police force for the police area above that in his opinion the above premises are associated with serious crime or serious disorder or both, and the certificate accompanies this application.

(Please tick the box to confirm)

Details of association of the above premises with serious crime, serious disorder or both: [Please read guidance note 2]

Greater Manchester Police have received evidence of serious crime at the premises Royal Oak Hotel 496 Oldham Road, Failsworth, Manchester, M35 0EH.

On Saturday 10th November 2018 there was an incident of serious violence committed at the premises whereby a member of the public seriously assaulted. It was the professional opinion of medical personnel present that the victim had been assaulted with a knife causing a large cut to his thigh.

The injury was described by attending officers as a "gash down right side 2 inches deep 4 inches wide - muscle and bone exposed"

The victim denied being assaulted but stated he fell upon a glass within the premises. The attending paramedics advised that his injury was consistent with a knife. No members of the public were prepared to readily come forward and provide an account of what had gone on.

The police were informed of this incident by the Northwest Ambulance Service, no call was received from staff at the premises.

There are no forensic opportunities to obtain evidence, as the scene was cleaned by pub staff prior to police arrival.

There was no DPS present on the night of the incident.

The following day Police Sergeant Archer attended at the premises and again the DPS was not present. A short time later Debbie Richardson arrived and stated that she was the DPS for the Royal Oak and had been present the night before but did not witness incident and had no knowledge as to what had happened, believing it had occurred outside of the venue.

There was no CCTV as the premise CCTV system was seized due to a serious assault occurring on the 13th October 2018. The DPS was not present on this occasion and staff were unable to operate the system so the

police were left with no alternative but to seize the entire system. This incident occurred 1 month ago and the premises have taken no action or seek another system or make arrangements to have CCTV installed.

There is concern over the management of the premises at The Royal Oak and their capability to run the venue. The DPS and staff are unhelpful and reluctant to support policing objectives and therefore in turn the licensing objectives. There is a history of incidents and local police officers have tried to work together with the premises over time. Previous incidents will be referred to and drawn upon by the police at the final review hearing.

The criminal investigation is currently in its infancy, but due to the lack of cooperation from the victim and staff at the premises it is unlikely that the suspects will be identified and a successful prosecution brought.

There is no doubt that these incidents are of a very serious nature and patrons at the premises are at risk of serious injury or harm should further incidents occur. The premises do not deal with such matters by reporting them to the police or assisting the police, this in turn has led to a premises where individuals feel they can act in a manner where people can be seriously injured as in this case.

On Monday 12th November 2018 I have requested an expedited review take place, following this serious incident of crime.

Greater Manchester Police request that the licensing authority consider the suspension of the premises licence until the full review is heard before the committee.

Signature of applicant:

Date: 12/11/2018.....

Capacity / role: Licensing Officer, Oldham

Contact details for matters concerning this application: P.C. 1684 Tony Farrell

Address: Sir Robert Peacock House, Vulcan Street, Oldham

Telephone number(s): 0161 856 9069

Email: Tony.Farrell@gmp.police.uk

Greater Manchester Police
Oldham Police Station,
Barn Street,
Oldham,
OL1 1LR

CERTIFICATE UNDER SECTION 53A(1)(b) OF THE LICENSING ACT 2003

I hereby certify that in my opinion the premises described below are associated with serious crime / serious disorder / both serious crime and serious disorder¹.

Premises²:

Royal Oak Hotel
496 Oldham Road,
Failsworth,
Manchester,

Premises licence number (if known): PL298

Name of premises supervisor (if known): Antonia Leigh Critchley-Poole

I am a Superintendent³ in the Greater Manchester police force.

I am giving this certificate because I am of the opinion that other procedures under the Licensing Act are inappropriate in this case, because⁴:

On Saturday 10th November 2018 at 00:51 hours police received a call from the Ambulance Service reporting that a male had been stabbed outside the Royal Oak on Oldham Road in failsworth.

Police attended and report that a male was being treated for a serious injury to his right thigh consisting of a 12inch long cut which was so deep that muscle and bone was exposed.

¹ Delete as applicable.

² Include business name and address and any other relevant identifying details.

³ Insert rank of officer giving the certificate, which must be superintendent or above.

⁴ Give a brief description of why other procedures such as a standard review process are thought to be inappropriate, e.g. the degree of seriousness of the crime and/or disorder, the past history of compliance in relation to the premises concerned.

The victim denied being assaulted but stated he fell upon a glass within the premises. The attending paramedics advised that his injury was consistent with a knife.

The scene had been cleaned by staff at the premises prior to police arrival, no CCTV was available due to the system being previously seized as part of the investigation into a previous serious assault. The staff claim not to have witnessed anything.

It is apparent, that the management of the premises are failing to promote the licensing objectives of the prevention of crime and disorder.

I am satisfied that the conduct constitutes an offence for which a person aged 21 years of age or over with no previous convictions could reasonably be expected to be sentenced to imprisonment for 3 or more years as per section 81 (3) Regulation of Investigatory Powers Act 2000 (RIPA 2000).

The incident which occurred on Saturday 10th November 2018 raises concerns over the management of the premises and the ability of the Premises Licence Holder and Designated Premise Supervisor to promote the licensing objectives.

I have considered all powers available and feel that closure powers contained within Section 76 of the Anti-Social Behaviour, Crime & Policing Act 2014 are inappropriate due to the limited 48-hour closure not being sufficient to protect the public.

Section 51 of the Act in addition to the above is inappropriate due to the serious nature of the offences being investigated.

The powers contained under Section 53A the Licensing Act 2003 are appropriate to be exercised due to the above previously mentioned powers being inappropriate for the purposes of this review. There are real serious and immediate concerns that the mis-management of the premises is failing to promote the licensing objective of the prevention of crime and disorder. By failing to promote this licensing objective it has led to serious crime occurring at this premise and a serious life threatening injury to a patron of the premises.

In the interim Greater Manchester Police would request that the Licensing Authority consider suspension of the Premises Licence until the full review is heard before the committee. At that time all matters can be fully addressed whilst being able to consider all the necessary evidence.

Supt D Inglis
Oldham District

(Signed)

(Date)

LOCAL AUTHORITY



Oldham Council
 Sir Robert Peacock House
 Vulcan Street
 Oldham
 Greater Manchester
 OL1 4LA

tel: 0161 770 4730
 web: www.oldham.gov.uk

Part 1 - Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Royal Oak Hotel

496 Oldham Road, Failsworth, Manchester, M35 0EH.

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

Licence Issued 23/08/2018

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- an indoor sporting event
- a performance of live music
- any playing of recorded music
- entertainment of a similar description to that falling within a performance of live music, any playing of recorded music or a performance of dance
- the supply of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
C. Indoor sporting event	Monday to Thursday	11:00am	12:30am
	Friday and Saturday	11:00am	1:30am
	Sunday	Noon	12:30am
E. Performance of live music (Indoors)	Monday to Saturday	11:00am	Midnight
	Sunday	Noon	Midnight
F. Playing of recorded music (Indoors & Outdoors)	Monday to Thursday	11:00am	12:30am
	Friday and Saturday	11:00am	1:30am
	Sunday	Noon	12:30am
	Seasonal Variations:		
	Christmas Eve from 11:00 to 01:30 New Year's Eve from 11:00 to 03:00 Sundays of Bank Holiday weekends from 12:00 to 01:30		
H. Entertainment of a similar description to that falling within E, F, or G (Indoors)	Monday to Thursday	11:00am	12:30am
	Friday and Saturday	11:00am	1:30am
	Sunday	Noon	12:30am

Premises Licence**THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES continued ...**

Activity (and Area if applicable)	Description	Time From	Time To
J. Supply of alcohol for consumption ON and OFF the premises	Monday to Thursday	11:00am	Midnight
	Friday and Saturday	11:00am	1:00am
	Sunday	Noon	Midnight
	Seasonal Variations:		
	Christmas Eve from 11:00 to 01:00		
	New Year's Eve from 11:00 to 02:30		
	Sundays of Bank Holiday weekends from 12:00 to 01:00		

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Thursday	11:00am	12:30am
Friday and Saturday	11:00am	1:30am
Sunday	Noon	12:30am
Seasonal Variations:		
Christmas Eve from 11:00 to 01:30		
New Year's Eve from 11:00 to 03:00		
Sundays of Bank Holiday weekends from 12:00 to 01:30		

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- J. Supply of alcohol for consumption ON and OFF the premises

Part 2

NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

Mia Call Ltd

50 Woodbourne Road, Sale, Cheshire, M33 3TN.

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Antonia Leigh CRITCHLEY-POOLE

1 Edmonton Road, Newton Heath, Manchester, M40 2SR.

PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL

Licence No. 173912

Issued by Manchester

Premises Licence

ANNEXES

Annex 1 - Mandatory conditions

19 Mandatory conditions where licence authorises supply of alcohol

- (1) Where a premise licence authorises the supply of alcohol, the licence must include the following conditions.
- (2) The first condition is that no supply of alcohol may be made under the premises licence -
- (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
- (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- (3) The second condition is that every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

The following conditions came into force on 28th May 2014

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1-

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(a);

(b) "permitted price" is the price found by applying the formula-

$$P = D + (D \times V)$$

where-

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence-

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994

(b).

ANNEXES continued ...

Mandatory Licensing Conditions from 1st October 2014

1.-(1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises-

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to-

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

3.-(1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either-

- (a) a holographic mark, or
- (b) an ultraviolet feature.

4. The responsible person must ensure that-

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other

Premises Licence

ANNEXES continued ...

than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-

- (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

Annex 2 - Conditions consistent with the Operating Schedule**General - all four licensing objectives**

The entertainment proposed is no more than normal pub entertainment. I have considered the terms of the local licensing policy for Oldham Council and propose the following.

The Prevention of Crime and Disorder

As no "drinking up" time is allowed under the new policy I propose to serve the last drink 30 minutes before the terminal hour which will allow people ample time to consume their drinks and disperse orderly.

Public Safety

No capacity restriction is provided as risk assessment shows no risk of crowding.

The Prevention of Public Nuisance

Live music will end at 00:00, recorded music outdoors will end at 22:00. Recorded music indoors will be turned down at 00:00 to prevent nuisance to nearby neighbours.

For premises where entertainment frequently takes place, music and associated sources (including DJs, and amplified voices) should generally not be audible inside noise sensitive property at any time. Where entertainment takes place less frequently, such noise should not be audible inside noise sensitive property between 23.00 and 07.00 hours.

The Protection of Children from Harm

The current restrictions with regard to children will apply. No greater controls are required.

All children should be accompanied and supervised by an adult whilst on the premises.

All children under the age of 16 should be off the premises by 10:30pm.

Annex 4 - Embedded Conditions**On-licences**

Alcohol shall not be sold or supplied except during permitted hours.
In this condition, permitted hours means:

Premises Licence

ANNEXES continued ...

- g. On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

The existing restrictions do not prohibit:

- (d) consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises;
- (e) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (f) the sale of alcohol to a trader or club for the purposes of the trade or club;
- (g) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- (h) the taking of alcohol from the premises by a person residing there; or
- (i) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or
- (j) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

**S.166 LA 1964
Licensed Premises**

Alcohol shall not be sold or supplied unless it is paid for before or at the time when it is sold or supplied, except alcohol sold or supplied:

- (a) with and for consumption at a meal supplied at the same time, consumed with the meal and paid for together with the meal;
- (b) for consumption by a person residing in the premises or his guest and paid for together with his accommodation;
- (c) to a canteen or mess.

**S.168, 171, 201 LA
1964 On-licence,
no children's
certificate**

No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:

- (1) He is the child of the holder of the premises licence.
- (2) He resides in the premises, but is not employed there.
- (3) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
- (4) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.

In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.



John Garforth
Trading Standards & Licensing Manager

Premises Licence Summary

LOCAL AUTHORITY

**Oldham Council**

Sir Robert Peacock House
 Vulcan Street
 Oldham
 Greater Manchester
 OL1 4LA

tel: 0161 770 4730

web: www.oldham.gov.uk

Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Royal Oak Hotel

496 Oldham Road, Failsworth, Manchester, M35 0EH.

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

Licence Issued 23/08/2018

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- an indoor sporting event
- a performance of live music
- any playing of recorded music
- entertainment of a similar description to that falling within a performance of live music, any playing of recorded music or a performance of dance
- the supply of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
C. Indoor sporting event	Monday to Thursday	11:00am	12:30am
	Friday and Saturday	11:00am	1:30am
	Sunday	Noon	12:30am
E. Performance of live music (Indoors)	Monday to Saturday	11:00am	Midnight
	Sunday	Noon	Midnight
F. Playing of recorded music (Indoors & Outdoors)	Monday to Thursday	11:00am	12:30am
	Friday and Saturday	11:00am	1:30am
	Sunday	Noon	12:30am
	Seasonal Variations:		
	Christmas Eve from 11:00 to 01:30 New Year's Eve from 11:00 to 03:00 Sundays of Bank Holiday weekends from 12:00 to 01:30		
H. Entertainment of a similar description to that falling within E, F, or G (Indoors)	Monday to Thursday	11:00am	12:30am
	Friday and Saturday	11:00am	1:30am
	Sunday	Noon	12:30am

Premises Licence Summary

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES continued ...

Activity (and Area if applicable)	Description	Time From	Time To
J. Supply of alcohol for consumption ON and OFF the premises	Monday to Thursday	11:00am	Midnight
	Friday and Saturday	11:00am	1:00am
	Sunday	Noon	Midnight
	Seasonal Variations:		
	Christmas Eve from 11:00 to 01:00		
	New Year's Eve from 11:00 to 02:30		
	Sundays of Bank Holiday weekends from 12:00 to 01:00		

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Thursday	11:00am	12:30am
Friday and Saturday	11:00am	1:30am
Sunday	Noon	12:30am
Seasonal Variations:		
Christmas Eve from 11:00 to 01:30		
New Year's Eve from 11:00 to 03:00		
Sundays of Bank Holiday weekends from 12:00 to 01:30		

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- J. Supply of alcohol for consumption ON and OFF the premises

NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

Mia Call Ltd

50 Woodbourne Road, Sale, Cheshire, M33 3TN.

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Antonia Leigh CRITCHLEY-POOLE

Premises Licence Summary

STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED

Any Restrictions or Prohibitions imposed by the Licensing Act 2003

All children should be accompanied and supervised by an adult whilst on the premises.

All children under the age of 16 should be off the premises by 10:30pm.

S.168, 171, 201 LA No person under fourteen shall be in the bar of the
1964 On-licence, licensed premises during the permitted hours
no children's unless one of the following applies:
certificate

- (1) He is the child of the holder of the premises licence.
 - (2) He resides in the premises, but is not employed there.
 - (3) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
 - (4) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.
- In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.

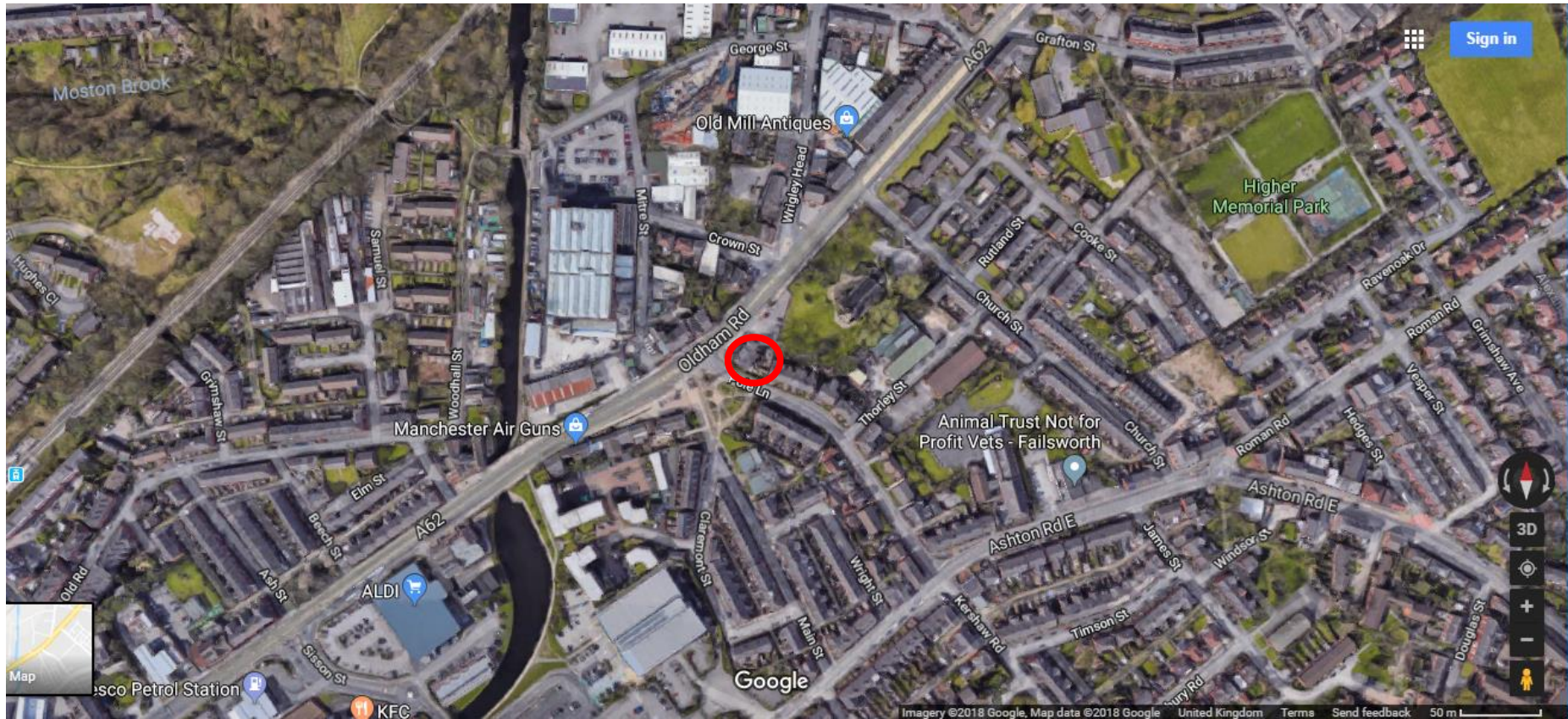


John Garforth

Trading Standards & Licensing Manager

This page is intentionally left blank





= Royal Oak, 496 Oldham Road, Failsworth

Date: 14 November 2018
Our ref: PL298_PLHLet_DecisionLet
Your ref:



Miacall Limited
11 Lancelot Road
Wythenshawe
Manchester
M22 5JN

Economy, Skills & Neighbourhoods
Public Protection Services (Licensing)
Sir Robert Peacock House, Vulcan Street,
Oldham, OL1 4LA
Tel: 0161 770 3472
Email: david.smith@oldham.gov.uk

Dear Ms Debbie Richardson & Mr Callum Richardson,

**RE: SECTION 53A LICENSING ACT 2003 - SUMMARY REVIEW OF PREMISES LICENCE -
PL298 – ROYAL OAK, 496 OLDHAM ROAD, FAILSWORTH, OLDHAM**

I refer to the above application for a Summary Review and the 'Interim Steps' hearing held on Wednesday 14th November 2018, at which you, Ms Debbie Richardson and your partner Mr Gerard Hodgkin were in attendance.

I write to confirm the verbal decision given to those present at the hearing.

Members, having considered the information before them, including representations from the Police and Mr Hodgkin representing you as the Premises Licence Holder and having regard to the licensing objectives, in particular the prevention of crime and disorder, took the decision to suspend the premises licence for The Royal Oak, for a period of 3 months. This suspension has immediate effect.

The Panel considered it necessary to take Interim Steps as there had been three very serious criminal incidents at or in the immediate vicinity of the premises in the last month.

If you require any further information please do not hesitate to contact me on the number above.

Yours sincerely,

A handwritten signature in black ink, appearing to read "David Smith".

David Smith
Principal Licensing Officer

This page is intentionally left blank



BY EMAIL ONLY
FAO David Smith
Principal Licensing Officer
Oldham Council
Sir Robert Peacock House
Vulcan Street, Oldham
Greater Manchester OL1 4LA

Please ask for: Richard Taylor
Direct Tel: 01482 590216
Email: rjt@gosschalks.co.uk
Our ref: RJT / MJM / 098454.25370
#GS2299517
Your ref:
Date: 27 November 2018

Dear Sir,

**Re: Licensing Act 2003 – Review Proceedings
Royal Oak Hotel, 496 Oldham Road, Failsworth**

We act on behalf of Ei Group Plc. Our client is the freeholder owner of these premises and we have just received details of the expedited review held on 14th November 2018. We understand that today is the last date for representations in respect of the full review.

We would be grateful if you would accept this letter as a formal representation on behalf of our client. Ei Group Plc owns around 4000 public houses in England and Wales. The company operates around 300 premises but the vast majority of its estate are the subject of lease/tenancy agreements by which the tenant operates his/her/its own business out of our client's premises. The lease/tenancy agreement makes it clear that all operational responsibility for the premises lies with the tenant. The Royal Oak is the subject of a 5 year agreement in favour of Debbie Richardson, a Director of Mia Call Limited (the premises licence holder). Ms Richardson has been responsible for the operation of these premises since March 2015.

Please note, that our client takes a wholly neutral stance with regard to the issues raised in the application for review. The purpose of this letter is to make representations with regard to the promotion of the licensing objectives moving forward.

We note from the information that we have received from the Police that there can be no certainty with regard to whether or not there was a stabbing or indeed the time of the incident that led to the injuries. In the circumstances, and without any certainty with regard to the time of any incident then the committee may not find it appropriate to determine that it would be appropriate to reduce the trading hours of the premises.

On the evidence that we have seen, it would appear that an appropriate and proportionate response would be to impose conditions on the premises licence relating to operation. It may also be

appropriate and proportionate (dependent upon the evidence) to remove the existing designated premises supervisor and require new management on site.

We reserve the right to expand upon matters raised within this letter of representation once we have seen any further evidence. At this stage, however we would be grateful if you would acknowledge receipt of this representation and advise as to the date of the hearing in order that we may discuss with our clients whether it wishes to be represented at the hearing.

We look forward to hearing from you.

Yours faithfully



GOSSCHALKS