

Licensing Panel

Licensing Act 2003 Section 53A Summary Review

Vibez 924

101 Yorkshire Street, Oldham, OL1 3SY

Report of Executive Member for: Neighbourhoods

Officer contact: John Garforth
Ext. 5026

25th January 2019

Reason for Decision

Pursuant to Section 53A of the Licensing Act 2003, the purpose of this report is to ask Members to consider an application for a 'Summary Review' of the Premises Licence in respect of the Vibez 924, 101 Yorkshire Street, Oldham, OL1 3SY; and, in light of the application made by Greater Manchester Police, and any further information that is made available to Members either at, or before, this hearing, determine whether the imposition of interim steps is necessary.

Recommendations

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

**Licensing Act 2003 – Application for Section 53A Summary Review
Vibez 924, 101 Yorkshire Street, Oldham, OL1 3SY**

1 Background

- 1.1 Pursuant to Section 53A of the Licensing Act 2003, the purpose of this report is to ask Members to consider an application for a ‘Summary Review’ of the Premises Licence in respect of Vibez 924, 101 Yorkshire Street, Oldham; and, in light of the application made by Greater Manchester Police, and any further information that is made available to Members either at, or before, this hearing, determine whether the imposition of interim steps is necessary

2 Recommendations

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

3 The Application

- 3.1 The application, 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, and the accompanying authorising certificate is attached to this report 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**.
- 3.4 CCTV footage in relation to the incident in the form of a DVD is attached at **Appendix 3**.

4 Representations

- 4.1 In relation to this interim steps hearing, there are no opportunities for Responsible Authorities or Interested Persons to make representation. The ability for the aforementioned to make representations, is limited to the substantive hearing; as such, for this interim steps hearing, representations are limited to those contained within the application for summary review and any verbal / written representations submitted at or before the hearing.

5 Secretary of State Guidance

- 5.1 Members should consider statutory guidance, issued by the Secretary of State under Section 182 of the Licensing Act 2003, in relation to summary reviews. Of particular relevance is Section 12.11 of that guidance which provides:-

12.11 The licensing authority may want to consult the police about the steps that it thinks are necessary, pending the determination of the review, to address the immediate problems with the premises, in particular the likelihood of serious crime and/or serious disorder.

The licensing authority may consider the interim steps without the holder of the premises licence having been given an opportunity to make representations. This does not, of course, mean that the licensing authority cannot afford such an opportunity if it thinks it appropriate and feasible to do so in all the circumstances.

6 Options/Alternatives

- 6.1 Members, having had regard to the application and any representations, may consider whether it is necessary to impose interim steps; steps open to Members are -
-

-
- 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; and
 - d) the suspension 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.

- 6.2 Findings on any issues of fact should be on the balance of probability.
- 6.3 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.
- 6.4 The decision should be based on the individual merits of the application.

7 **Consultation**

- 7.1 There is no requirement to consult on interim steps.
- 7.2 In relation to the substantive hearing, consultation in accordance with the Act has commenced.

8 **Legal Services Comments**

- 8.1 To be provided at the hearing

9 **Environmental and Health & Safety Implications**

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

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

- 10.1 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.

11 **Equality Impact Assessment Completed?**

- 11.1 No

12 **Background Papers**

- 12.1 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: John Garforth
Contact No: 0161 770 5026

13 **Appendices**

Appendix 1 – Application & accompanying certificate
Appendix 2 – Existing Premises Licence
Appendix 3 – CCTV Footage
