

Licensing Panel

Licensing Act 2003 – Application for New Premises Licence

Failsworth Service Station

Report of: Executive Member – Housing & Licensing

Officer Contact: Nicola Lord

Date of Hearing: 16th April 2024

Reason for Hearing:

The purpose of this report is to inform members of an application for the grant of a premises licence in respect of Failsworth Service Station, 337 Oldham Road, Failsworth M35 0AN which, due to representations being received, has been referred to this Panel for determination.

Recommendations:

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

Licensing Panel – 16th April 2024

Application for a New Premises Licence

Failsworth Service Station, 337 Oldham Road, Failsworth M35 0AN

1. Purpose of Report

1.1 The purpose of this report is to inform members of an application for the grant of a premises licence in respect of Failsworth Service Station, 337 Oldham Road, Failsworth M35 0AN which, due to representations being received, has been referred to this Panel for determination.

2. Recommendations

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

3. The Application

3.1 On 22nd February 2024 the applicant, Motor Fuel Ltd., applied for the grant of a premises licence for Failsworth Service Station. The last date for representations in relation to this application was the 21st March 2024.

3.2 Details of the licensable activities and the times applied for are as follows:

Activity	Indoors / Outdoors	Hours
Supply of Alcohol	For consumption OFF the premises	Monday to Sunday 06:00 to 23:00
Late night refreshment	On and OFF the premises	Monday to Sunday 23:00 to 05:00

3.5 A copy of the application is attached at **Appendix 14.1**.

3.6 Proposed plan **Appendix 14.2**.

3.7 A location map is attached at **Appendix 14.3**.

4. Representations

4.1 Following submission and advertisement of the application representations were received. These can be found at **Appendix 14.4** to the report.



5. Licensing Policy

5.1 Members considering this application should take note of the Authority's Licensing Policy Statement. Attention should be drawn to Section 6 – Crime & Disorder and also Section 7 – Public Safety.

5.2 A full copy of the Council's Licensing Policy Statement will be available at the hearing.

6. Secretary of State's Guidance

6.1 Members also need to consider statutory guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003.

6.2 Chapter 2 of the Guidelines deals with the Licensing Objectives and potential measures licence holders and the licensing authority should consider so they are not being undermined.

In relation to 'Crime & Disorder' the following paragraph(s) provide:

- 2.1 Licensing authorities should look to the police as the main source of advice on crime and disorder. They should also seek to involve the local Community Safety Partnership (CSP).
- 2.3 Conditions should be targeted on deterrence and preventing crime & disorder...for example, where there is good reason to suppose disorder may take place, the presence of CCTV cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour, and crime generally. Some licence holders may wish to have cameras on their premises for the prevention of crime directed against the business itself, its staff, or its customers. But any condition may require a broader approach, and it may be appropriate to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly covered and there is no subsequent dispute over the terms of the condition.

In relation to 'Public Safety, the following paragraphs provide:-

- 7.2 When addressing public safety, the applicant should initially identify any particular issues (having regard to their particular type of premises and/or activities), which are likely to adversely affect the promotion of the public safety objective. Such steps as are required to deal with these identified issues should be included within the applicant's Operating Schedule.

6.3 A full copy of the guidelines will be available at the hearing.

7. Options

7.1 When determining the application Members, having had regard to the representations, may take such steps as they consider appropriate for the promotion of the licensing objectives. The steps available to Members are:

- a. Grant the application as applied for
- b. Grant the application with the amendments agreed with Public Health
- c. Grant the application but modify the operating schedule in relation to hours, days, conditions, or activities
- d. Reject the application

7.2 Any steps appropriate to promote the licensing objectives should be specified. If none of the steps are appropriate and proportionate, no action should be taken.

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

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

8. Consultation

8.1 Consultation in accordance with the Act has taken place with all responsible bodies and notice has been given to allow for any representations from interested parties.

9. Legal Services Comments

9.1 In determining the application Members should have regard to the Authority's licensing policy statement and the Secretary of State's Guidance. The applicant or any other person who made relevant representations in relation to the application have a right of appeal to the Magistrates' court. (A Evans)

10. Environmental and Health & Safety Implications

10.1 Contained within the body of the report.

11. Equality, Community Cohesion & Crime Implications

11.1 The Councils Statement of Licensing Policy considers these matters. All decisions made by the Licensing Panel must have regard to this policy and national guidance.

12. Equality Impact Assessment Completed?

12.1 No

13. Background Papers

13.1 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: Nicola Lord
Contact No: 0161 770 3472

14. Appendices

Appendix 14.1 – Application
Appendix 14.2 – Plan
Appendix 14.3 – Location plan
Appendix 14.4 – Representation Public Health