

LICENSING PANEL

Agenda

Date Tuesday 14 March 2023

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 Constitutional Services in advance of the meeting.
 2. CONTACT OFFICER for this Agenda is Constitutional.Services, Tel. 0161 770 5151 or email constitutional.services@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 Constitutional Services by 12 Noon on Thursday, 9 March 2023.
 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.

Please also note the Public attendance Protocol on the Council's Website

https://www.oldham.gov.uk/homepage/1449/attending_council_meetings

MEMBERSHIP OF THE LICENSING PANEL IS AS FOLLOWS:
Councillors S Hussain, Sheldon and Surjan

Item No

6 Order of Proceedings (Pages 1 - 4)

- 7 Application for a Temporary Event Notice, Unit BS1, The Ground Works Building
(Pages 5 - 24)

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 Chair will welcome those present and outline the procedure to be followed (as set out below) and the Clerk will 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.

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Licensing Panel

Licensing Act 2003

Application for Temporary Event Notice

Unit BS1, The Ground Works Building, Shaw Road, Oldham OL1 4AW

Report of: Executive Member – Neighbourhoods

Officer Contact: Nicola Lord
Ext. 3472

Date of Hearing: 14th March 2023

Reason for Hearing:

The purpose of this report is to inform members of an application for a Temporary Event Notice for an Event Party up to 03:00 a.m., at Unit BS1, The Ground Works Building, Shaw Road, Oldham OL1 4AW which, due to a representation being received, has been referred to this Panel for determination.

Recommendations:

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

Licensing Panel – 14th March 2023

Application for Temporary Event Notice
Unit BS1, The Ground Works Building, Shaw Road, Oldham OL1 4AW

1. Purpose of Report

1.1 The purpose of this report is to inform members of an application for a Temporary Event Notice for an Event Party up to 03:00 a.m., at Unit BS1, The Ground Works Building, Shaw Road, Oldham OL1 4AW which, due to a representation 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 representation received.

3. The Application

3.1 On the 1st March 2023 the applicant, Mr De Almeida Freitas, applied for a Temporary Event Notice for an Event Party up to 03:00 a.m., at Unit BS1, The Ground Works Building, Shaw Road, Oldham OL1 4AW

The last date for representations in relation to this application was 6th March 2023.

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

Activity	On/Off the premises	Hours	Maximum People
The sale by retail of alcohol	On the premises	18th March 2023 18:00 - 03:00	100

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

3.6 A location map is attached at **Appendix 14.2**.

4. Representations

4.1 Following submission of the application a representation was received from Environmental Health. This can be found at **Appendix 14.3** 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 pages 14 & 15.

5.2 In relation to Public Nuisance paragraph 8.

5.3 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 In relation to Chapter 7.31 to 7.38 (Police and Environmental Health Intervention):-

Police and Environmental Health intervention

7.31 The system of permitted temporary activities gives police and EHAs the opportunity to consider whether they should object to a TEN on the basis of any of the licensing objectives.

7.32 Such cases might arise because of concerns about the scale, location, timing of the event or concerns about public nuisance. However, in most cases, where (for example) alcohol is supplied away from licensed premises at a temporary bar under the control of a personal licence holder, (for example, at weddings with a cash bar or small social or sporting events) this should not usually give rise to the use of these powers.

7.33 The police and EHA have the right under sections 109(5) and (6) of the 2003 Act to request the premises user to produce the TEN for examination. If the police do not intervene when a TEN is given, they will still be able to rely on their powers of closure under Part 8 of the 2003 Act should disorder or noise nuisance be expected or arise.

7.34 If the police or EHA believe that allowing the premises to be used in accordance with the TEN will undermine the licensing objectives, they must give the premises user and the licensing authority an objection notice. The objection notice must be given within three working days of their receipt of the TEN.

7.35 Where a standard TEN was given, the licensing authority must consider the objection at a hearing before a counter notice can be issued. At the hearing, the police, EHA and the premises user may make representations to the licensing authority. Following the hearing, the licensing authority may decide to impose conditions where there is an existing premises licence or club premises certificate at the venue or issue a counter notice to prevent the event going ahead. If the police, EHA or both give an objection to a late TEN, the TEN will not be valid.

Modification

7.36 As noted above, the police or EHA (as “relevant persons”) may contact the premises user to discuss their objections and try to come to an agreement which will allow the proposed licensable activities to proceed. The TEN can be modified (for example, by changing the details of the parts of the premises that are to be used for the event, the description of the nature of the intended activities or their duration). The other relevant person has to agree.

Applying conditions to a TEN

7.37 The 2003 Act provides that only the licensing authority can impose conditions from the existing conditions on the premises licence or club premises certificate to a TEN. The licensing authority can only do so: • if the police or the EHA have objected to the TEN; • if that objection has not been withdrawn; • there is a licence or certificate in relation to at least a part of the premises in respect of which the TEN is given; • and if the licensing authority considers it appropriate for the promotion of the licensing objectives to impose one or more conditions.

7.38 This decision is one for the licensing authority alone, regardless of the premises user’s views or willingness to accept conditions. The conditions must be notified to the premises user on the form prescribed by regulations.

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. Confirm the notice as served on the Licensing Authority
- b. Reject the application and issue a counter notice

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

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 – Location Map
Appendix 14.3 – Representation from Environmental Health

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Temporary Event Notice

Before completing this notice, please read the guidance notes at the end of the notice. If you are completing this notice by hand, please write legibly in block capitals. In all cases, ensure that your answers are inside the boxes and written in black ink or typed. Use additional sheets if necessary. You should keep a copy of the completed notice for your records. You must send at least one copy of this notice to the licensing authority and additional copies must be sent to the chief officer of police and the local authority exercising environmental health functions for the area in which the premises are situated. The licensing authority will give to you written acknowledgement of the receipt of the notice.

I, the proposed premises user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry on a temporary activity at the premises described below.

1. The personal details of premises user (Please read note 1)			
1. Your name			
Title	Mr <input checked="" type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)		
Surname	Freitas		
Forenames	Bruce		
2. Previous names (Please enter details of any previous names or maiden names, if applicable. Please continue on a separate sheet if necessary)			
Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)		
Surname			
Forenames			
3. Your date of birth		Day	Month
4. Your place of birth			
5. National Insurance Number			
6. Your current address (We will use this address to correspond with you unless you complete the separate correspondence box below)			
Post town Oldham		Postcode	
7. Other contact details			
Telephone numbers			
Daytime			
Evening (optional)			
Mobile (optional)			
Fax number (optional)			
E-Mail address (if available)			
8. Alternative address for correspondence (If you complete the details below, we will use this address to correspond with you)			

Post town	Postcode
9. Alternative contact details (if applicable)	
Telephone numbers: Daytime	
Evening (optional)	
Mobile (optional)	
Fax number (optional)	
E-Mail address (if available)	
2. The premises	
Please give the address of the premises where you intend to carry on the licensable activities or, if it has no address, give a detailed description (including the Ordnance Survey references) (Please read note 2)	
Unit BS1, The Ground Works Building Shaw Road, Oldham OL1 4AW	
Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)? If so, please enter the licence or certificate number below.	
Premises licence number	N/A
Club premises certificate number	N/A
If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details below. (Please read note 3)	
Please describe the nature of the premises below. (Please read note 4)	
Party Venue with two rooms and a bar Room 1 being the main room / dance floor Room 2 sitting lounge	
Please describe the nature of the event below. (Please read note 5)	
Event party	

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3. The licensable activities		
Please state the licensable activities that you intend to carry on at the premises (please tick all licensable activities you intend to carry on). (Please read note 6)		
The sale by retail of alcohol		<input checked="" type="checkbox"/>
The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club		<input type="checkbox"/>
The provision of regulated entertainment (Please read note 7)		<input type="checkbox"/>
The provision of late night refreshment		<input type="checkbox"/>
Are you giving a late temporary event notice? (Please read note 8)		<input type="checkbox"/>
Please state the dates on which you intend to use these premises for licensable activities. (Please read note 9)		
18/03/23		
Please state the times during the event period that you propose to carry on licensable activities (please give times in 24-hour clock). (Please read note 10)		
From 18h – 03h in the morning		
Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers. (Please read note 11)		100
If the licensable activities will include the sale or supply of alcohol, please state whether these will be for consumption on or off the premises, or both (please tick as appropriate). (Please read note 12)	On the premises only	<input checked="" type="checkbox"/>
	Off the premises only	<input type="checkbox"/>
	Both	<input type="checkbox"/>

Please state if the licensable activities will include the provision of relevant entertainment. If so, please state the times during the event period that you propose to provide relevant entertainment (including, but not limited to lap dancing and pole dancing). (Please see note 13)

4. Personal licence holders (Please read note 14)						
Do you currently hold a valid personal licence? (Please tick)		<table border="1"> <tr> <td>Yes</td> <td>No</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> </tr> </table>	Yes	No	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Yes	No					
<input type="checkbox"/>	<input checked="" type="checkbox"/>					
If "Yes" please provide the details of your personal licence below.						
Issuing licensing authority	N/A					
Licence number	N/A					
Date of issue	N/A					
Any further relevant details	N/A					

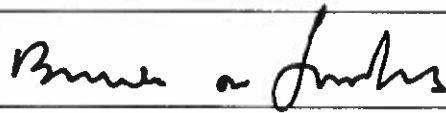
5. Previous temporary event notices you have given (Please read note 15 and tick the boxes that apply to you)		
Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
If answering yes, please state the number of temporary event notices (including the number of late temporary event notices, if any) you have given for events in that same calendar year	1	
Have you already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

6. Associates and business colleagues (Please read note 16 and tick the boxes that apply to you)		
Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your associate(s) have given for events in the same calendar year.		
Has any associate of yours already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your business colleague(s) have given for events in the same calendar year.		

Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
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7. Checklist (Please read note 17)	
I have: (Please tick the appropriate boxes, where applicable)	
Sent at least one copy of this notice to the licensing authority for the area in which the premises are situated	<input checked="" type="checkbox"/>
Sent a copy of this notice to the chief officer of police for the area in which the premises are situated	<input checked="" type="checkbox"/>
Sent a copy of this notice to the local authority exercising environmental health functions for the area in which the premises are situated	<input checked="" type="checkbox"/>
If the premises are situated in one or more licensing authority areas, sent at least one copy of this notice to each additional licensing authority	<input type="checkbox"/>
If the premises are situated in one or more police areas, sent a copy of this notice to each additional chief officer of police	<input type="checkbox"/>
If the premises are situated in one or more local authority areas, sent a copy of this notice to each additional local authority exercising environmental health functions	<input type="checkbox"/>
Made or enclosed payment of the fee for the application	<input type="checkbox"/>
Signed the declaration in Section 9 below	<input checked="" type="checkbox"/>

8. Condition (Please read note 18)
It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the sale or supply of alcohol that all such supplies are made by or under the authority of the premises user.

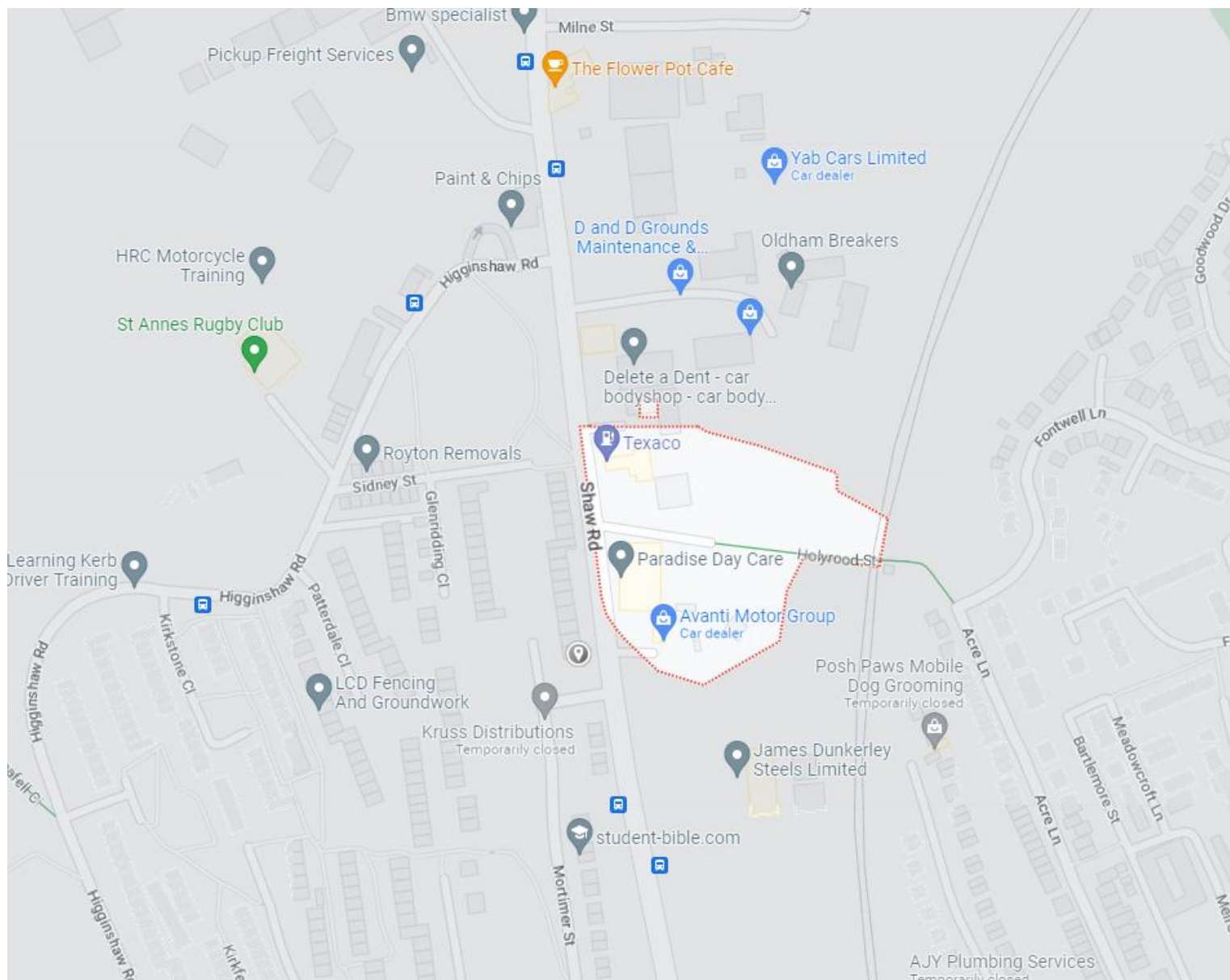
9. Declarations (Please read note 19)	
The information contained in this form is correct to the best of my knowledge and belief.	
I understand that it is an offence: (i) to knowingly or recklessly make a false statement in or in connection with this temporary event notice and that a person is liable on summary conviction for such an offence to a fine of any amount; and (ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on summary conviction for any such offence to a fine of any amount, or to imprisonment for a term not exceeding six months, or to both.	
Signature	
Date	27/02/23
Name of Person signing	Bruce Freitas

For completion by the licensing authority

10. Acknowledgement (Please read note 20)	
I acknowledge receipt of this temporary event notice.	
Signature	 On behalf of the licensing authority
Date	
Name of Officer signing	







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The Licensing Act 2003

Responsible Authority Representation Form



The Section 182 Guidance is a valuable source of information that responsible authorities may wish to consult when considering making a representation and can be found online on this link: <https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>

Section 1 - Application Details	
Applicants Name	Mr Bruce Freitas
Premises Name	Unit BS1, The Groundworks Building
Premises Address	Shaw Road, Oldham, OL1 4AW
Type of Application	Temporary Event Notice

Section 2 – Responsible Authority Details																			
Please tick the appropriate box	<table border="1"> <tbody> <tr> <td><input type="checkbox"/></td> <td>Greater Manchester Police</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Greater Manchester Fire & Rescue</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Environmental Health</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Trading Standards</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Public Health</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Safeguarding</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Planning Service</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Home Office Immigration</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Licensing Service</td> </tr> </tbody> </table>	<input type="checkbox"/>	Greater Manchester Police	<input type="checkbox"/>	Greater Manchester Fire & Rescue	<input checked="" type="checkbox"/>	Environmental Health	<input type="checkbox"/>	Trading Standards	<input type="checkbox"/>	Public Health	<input type="checkbox"/>	Safeguarding	<input type="checkbox"/>	Planning Service	<input type="checkbox"/>	Home Office Immigration	<input type="checkbox"/>	Licensing Service
<input type="checkbox"/>	Greater Manchester Police																		
<input type="checkbox"/>	Greater Manchester Fire & Rescue																		
<input checked="" type="checkbox"/>	Environmental Health																		
<input type="checkbox"/>	Trading Standards																		
<input type="checkbox"/>	Public Health																		
<input type="checkbox"/>	Safeguarding																		
<input type="checkbox"/>	Planning Service																		
<input type="checkbox"/>	Home Office Immigration																		
<input type="checkbox"/>	Licensing Service																		
Full Name	Gary Maclean																		
Telephone	07808 783 987																		
Email Address <i>(we will use this to correspond with you unless you notify us otherwise)</i>	gary.maclean@oldham.gov.uk																		
Full Address <i>(Including postcode)</i>	Chadderton Town Hall Middleton Road Oldham OL9 6PP																		

Section 3 – Representation Details

<input checked="checked" type="checkbox"/>
<input type="checkbox"/>

I object to the application being granted at all

I object to the application being granted in its current form*

*if you choose this option remember to tell us in Section 4 what changes you would like to see

Licensing Objectives

The Prevention of Crime & Disorder

Please state the reasons you believe granting the application will undermine this objective

Public Safety

Please state the reasons you believe granting the application will undermine this objective

The Prevention of Public Nuisance

Environmental Health has been dealing with several complaints from neighbouring residents regarding loud music from the premises and disturbance as people leave the venue in the early hours of the morning. I am concerned that granting the application will cause further noise nuisance to the neighbouring residents.

Protection of Children from Harm

Please state the reasons you believe granting the application will undermine this objective

Section 4 – Suggestions

(please provide any suggested conditions that could be added to the licence if granted which would remedy the cause of your representation, or other suggestions you would like the licensing panel to consider)

Section 6 – Signature
Sign: <i>G. Maclean</i> Date: 6 th March 2023

Please return the completed representation form, and any additional evidence, to the Licensing Service, Sir Robert Peacock House, Vulcan Street, Oldham, OL1 4LA or email to representations@oldham.gov.uk

TIME LIMITS

All representations must be returned within the statutory period, generally 28 days from the date the notice was displayed on the premises or the date specified in the public notice in the newspaper.

If you are unsure of the time limit to lodge a representation for a particular application, please check with the Licensing Service by emailing representations@oldham.gov.uk

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