

## ***LICENSING PANEL***

### ***Agenda***

Date Tuesday 16 November 2021

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 in advance of the meeting.

2. CONTACT OFFICER for this Agenda is Tel. 0161 770 5151 or email [constitutional.services@oldham.gov.uk](mailto: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 the Contact officer by 12 Noon on Thursday, 11 November 2021.

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 Malik, Taylor and Wilkinson

#### 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       Review of a Premises Licence following Review Notice- Sunnys News and Off Licence (Pages 5 - 28)

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 Sunny News & Off Licence, 4 Oxford Street, Oldham, OL9 7SN following an application for review of those premises made by Oldham Council Trading Standards.

8       Application for a Temporary Event Notice- Chillz Restaurant, Bar and Lounge, 476-478 Oldham Road, Failsworth, M35 0FH (Pages 29 - 44)

The purpose of this report is to inform Members of a Temporary Event Notice served on the Council in relation to an 'Old School Night' event at Chillz Restaurant, Bar and Lounge, 476-478 Oldham Road, Failsworth, which, due to representations being received, has been referred to this Panel for determination.

## **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.

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## **Licensing Panel**

### **Licensing Act 2003 – Review of a Premises Licence following Review Notice**

#### **Sunny News & Off Licence 4 Oxford Street Oldham, OL9 7SN**

Report of: Executive Member – Neighbourhoods

Officer Contact: Nicola Lord  
Ext. 3472

**Date of Hearing: 16<sup>th</sup> November 2021**

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#### **Reason for Hearing:**

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 Sunny News & Off Licence, 4 Oxford Street, Oldham, OL9 7SN following an application for review of those premises made by Oldham Council Trading Standards.

#### **Recommendations**

Members are recommended to consider the application.

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## **Licensing Panel – 16<sup>th</sup> November 2021**

Review of Premises Licence following Review Notice

Sunny News & Off Licence, 4 Oxford Street, Oldham, OL9 7SN

### **1. Purpose of Report**

1.1 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 Sunny News & Off Licence, 4 Oxford Street, Oldham, OL9 7SN following an application for review of those premises made by Oldham Council Trading Standard.

### **2. The Premises**

2.1 Sunny News & Off Licence is located at 4 Oxford Street, Oldham, OL9 7SN. The Premises Licence Holder (PLH) and Designated Premises Supervisor (DPS) is Mr Riaz Ahmed.

2.2 A location map is attached at **Appendix 1**.

2.3 A copy of the existing premises licence is attached at **Appendix 2**.

### **3. The Application**

3.1 On 23<sup>rd</sup> July 2021 the applicant, Oldham Council Trading Standards, applied for a review of the premises licence for Sunny Off Licence. A copy of the application is attached at **Appendix 3**. The last date for representations in relation to this application was 20<sup>th</sup> August 2021.

3.2 The review was lodged on the following grounds:

Prevention of Crime & Disorder  
Public Safety; and,  
Protection of Children from Harm

3.3 In summary Trading Standards have found illicit tobacco and single cigarettes being sold on several occasions from this premises following complaints being received. The most recent occasion being the 20<sup>th</sup> February 2021 and dating back to the 8<sup>th</sup> April 2014. During this period illicit and counterfeit tobacco has been found on six occasions.

3.4 Following the seizure of illicit and counterfeit tobacco from the premises on the 8<sup>th</sup> April 2014 the premises were issued with a letter which was acknowledged and signed by the PLH and DPS. Since this, illicit and counterfeit tobacco has been found on a further five occasions. On the 31<sup>st</sup> October 2019 and the 16<sup>th</sup> January 2021 letters were sent to the premises notifying them of recent complaints, however, no response was received.

3.5 Full details of the complaints and visits to the premises are included in the Review Application attached at **Appendix 3**.

3.6 As part of the review, Trading Standards are seeking revocation of the premises licence.

### **4. Representations**

4.1 No representations have been received for this application



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## **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, Section 7 – Public Safety and Section 9 – Protection of Children from Harm.

5.2 A full copy of the Councils 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 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.

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

- a. 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;
- b. 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)<sup>10</sup>;
- c. remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
- d. suspend the licence for a period not exceeding three months;
- e. 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.

6.3 Sections 11.24 to 11.28 cover reviews arising in connection with crime and members attention is drawn to this area and specifically paragraph 11.27 and 11.28 which provide:

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11.27 There is certain activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises...for the sale or storage of smuggled tobacco and alcohol.

11.28 It is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter any such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.

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

## **7. Options**

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

- a. To modify the conditions of the licence
- b. To exclude a licensable activity
- c. To remove the designated premises supervisor
- d. To suspend the premises licence for a period not exceeding 3 months; or
- e. To revoke the licence

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. 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.

## **8. Legal Services Comments**

8.1 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. (S Rawat)

## **9. Environmental and Health & Safety Implications**

9.1 None

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## **10. Equality, Community Cohesion & Crime Implications**

10.1 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.

## **11. Background Papers**

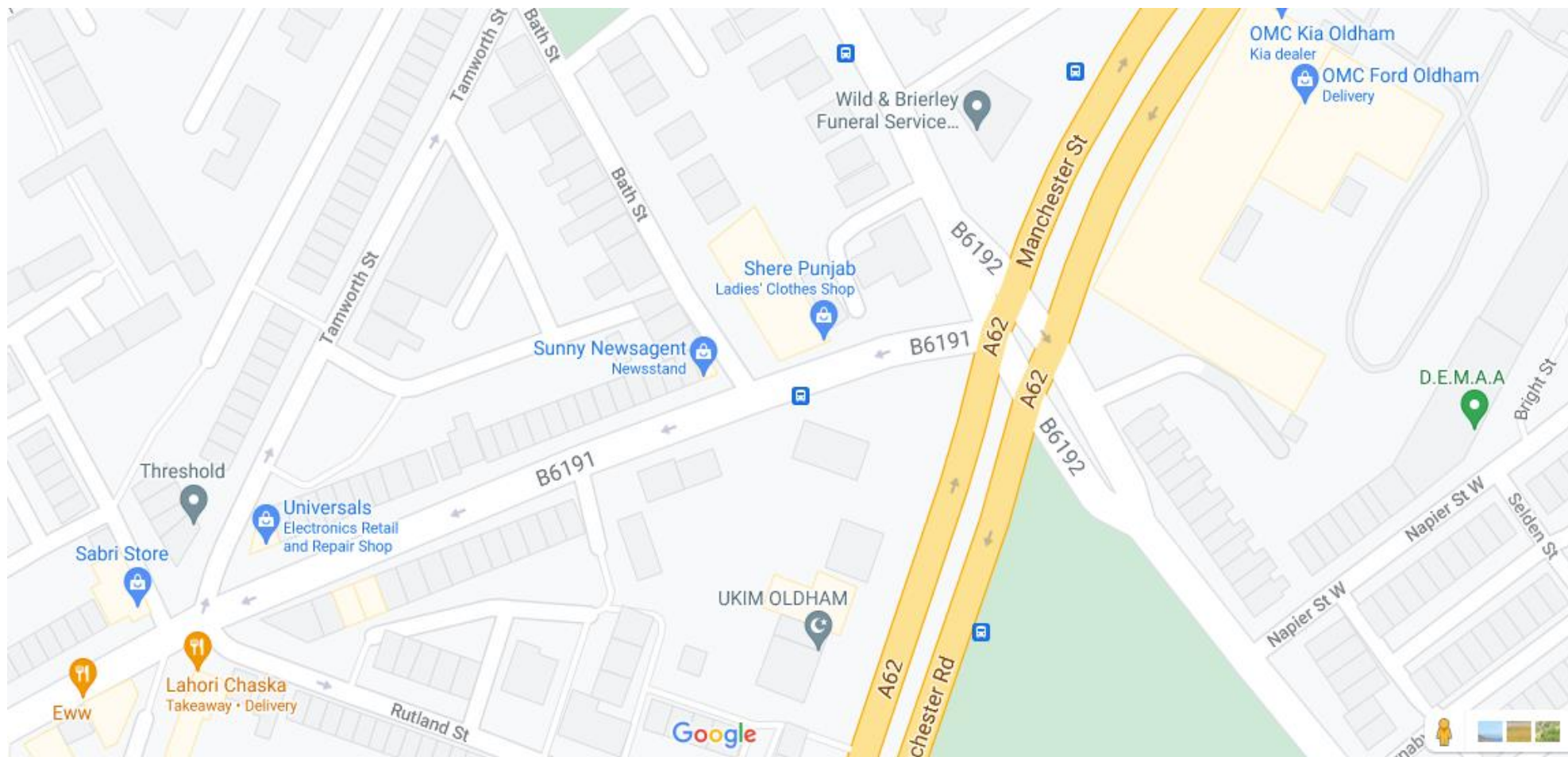
11.1 The following is a list of background papers on which this report is based in accordance with the requirements of Section 100(1) of the Local Government Act 1972. It does not include documents which would disclose exempt or confidential information as defined by the Act:

File Ref: Records held in Directorate  
Officer Name: Nicola Lord  
Contact No: 0161 770 3472

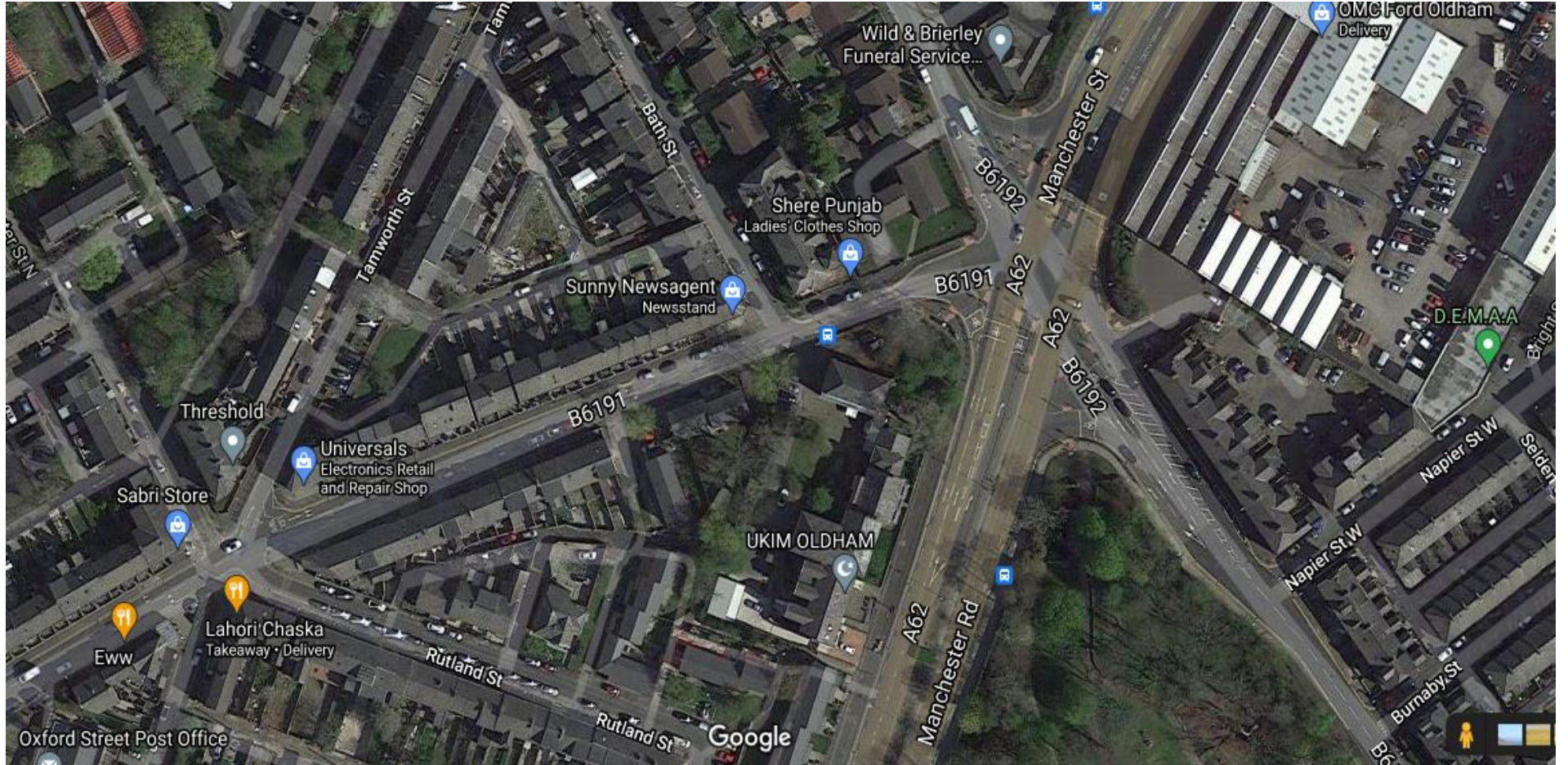
## **12. Appendices**

Appendix 1 – Location map  
Appendix 2 – Existing premises licence  
Appendix 3 – Review Application

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Licensing Act 2003  
**Premises Licence**

**PL0611**

LOCAL AUTHORITY



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

tel: 0161 770 4730  
web: [www.oldham.gov.uk](http://www.oldham.gov.uk)

Part 1 - Premises Details

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

**Sunny Video**

4 - 6 Oxford Street, Werneth, Oldham, OL9 7SN.

Telephone 01616269274

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

**Licence Issued** 05/02/2021

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- 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	
J. Supply of alcohol for consumption OFF the premises only	Monday to Saturday	8:00am	11:00pm	other than Christmas Day
	Sunday	10:00am	10:30pm	other than Christmas Day
	Christmas Day	Noon	3:00pm	and 19:00 to 22:30
	Good Friday	8:00am	10:30pm	

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
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WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- J. Supply of alcohol for consumption OFF the premises only

Licensing Act 2003  
**Premises Licence**

**PL0611**

Part 2

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

Riaz Ahmed

4 Oxford Street, Oldham, Greater Manchester, OL9 7SN.  
Telephone 01616269274

**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**

Riaz AHMED

4 Oxford Street, Oldham, Greater Manchester, OL9 7SN.  
Telephone 01616269274

**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. PA0151

Issued by Oldham

# 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.

### ADDITIONAL MANDATORY CONDITIONS

1. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol

(2) 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 a holographic mark

### Annex 4 - Embedded Conditions

#### S.164 LA 1964

#### Off-licence

Alcohol shall not be sold in an open container or be consumed in the licensed premises.

#### Off-licences and off-sales departments of on-licensed

- a. On weekdays, other than Christmas Day, 8 a.m. to 11 p.m. premises
- b. On Sundays, other than Christmas Day, 10 a.m. to 10.30 p.m.
- c. On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.
- d. On Good Friday, 8 a.m. to 10.30 p.m.

The above restrictions do not prohibit:

- (a) during the first twenty minutes after the above hours, the taking of the alcohol from the premises, unless the alcohol is supplied or taken in an open vessel;
- (b) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (c) the sale of alcohol to a trader or club for the purposes of the trade or club;
- (d) 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.

## ANNEXES continued ...

**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.



**John Garforth**  
**Trading Standards & Licensing Manager**

## 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

**Sunny Video**

4 - 6 Oxford Street, Werneth, Oldham, OL9 7SN.

Telephone 01616269274

## WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

**Licence Issued** 05/02/2021

## LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- 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	
J. Supply of alcohol for consumption OFF the premises only	Monday to Saturday	8:00am	11:00pm	other than Christmas Day
	Sunday	10:00am	10:30pm	other than Christmas Day
	Christmas Day	Noon	3:00pm	and 19:00 to 22:30
	Good Friday	8:00am	10:30pm	

## THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
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## WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- J. Supply of alcohol for consumption OFF the premises only

## NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

Riaz Ahmed

4 Oxford Street, Oldham, Greater Manchester, OL9 7SN.

## 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

Riaz AHMED

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

Any Restrictions or Prohibitions imposed by the Licensing Act 2003



**John Garforth**  
**Trading Standards & Licensing Manager**

*[Insert name and address of relevant licensing authority and its reference number (optional)]*

**Application for the review of a premises licence or club premises certificate under the  
Licensing Act 2003**

**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 this 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.  
You may wish to keep a copy of the completed form for your records.

**I Antony Perkins on behalf of Oldham Trading Standards**

*(Insert name of applicant)*

**apply for the review of a premises licence under section 51 / apply for the review of a club  
premises certificate under section 87 of the Licensing Act 2003 for the premises described in  
Part 1 below (delete as applicable)**

**Part 1 – Premises or club premises details**

**Postal address of premises or, if none, ordnance survey map reference or description**

Sunny Newsagents and Off-Licence, 4 Oxford Street, Oldham, OL9 7SN

**Post town** Oldham

**Post code (if known)** OL9 7SN

**Name of premises licence holder or club holding club premises certificate (if known)**

Mr Riaz Ahmed

**Number of premises licence or club premises certificate (if known)**

PL0611

**Part 2 - Applicant details**

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible  
authority (please read guidance note 1, and complete (A)  
or (B) below)

☐

2) a responsible authority (please complete (C) below)

☒

3) a member of the club to which this application relates  
(please complete (A) below)

☐

**(A) DETAILS OF INDIVIDUAL APPLICANT** (fill in as applicable)

Please tick ✓ yes

Mr ☐ Mrs ☐ Miss ☐ Ms ☐ Other title  
(for example, Rev)

**Surname**

**First names**

**I am 18 years old or over**

Please tick ✓ yes

☐

**Current postal  
address if  
different from  
premises  
address**

**Post town**

**Post Code**

**Daytime contact telephone number**

**E-mail address  
(optional)**

**(B) DETAILS OF OTHER APPLICANT**

Name and address

Telephone number (if any)

E-mail address (optional)



### (C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address

Oldham Trading Standards, Sir Robert Peacock House, Vulcan Street, Oldham, OL1 4LA

Telephone number (if any)

**0161 770 4100**

E-mail address (optional)

tradingstandards@oldham.gov.uk

**This application to review relates to the following licensing objective(s)**

1) the prevention of crime and disorder

2) public safety

3) the prevention of public nuisance

4) the protection of children from harm

Please tick one or more boxes ✓

☒☒☐☒

**Please state the ground(s) for review** (please read guidance note 2)

- In response to complaints received about illegal and single cigarettes being sold from these licensed premises trading standards have found and seized counterfeit and illicit tobacco on four occasions since 2014.
- This illegal tobacco was found on the premises despite Mr Riaz AHMED (premises licence holder and designated premises supervisor) previously being issued with warning letters by trading standards in 2014 and also again 2019.
- A warning had also been issued to Mr Mohammed ALAM (a purported owner of the business) in 2019.
- The illegal tobacco was found under the counter as opposed to being within the shop's visible tobacco gantry which stocks genuine cigarettes. On one occasion illegal tobacco was observed being hidden at the rear of Mr ALAM's residential address located on the same street as the shop. This occurred while searches were being executed simultaneously at both locations and the tobacco was subsequently seized.
- On several occasions opened cigarettes packets were found under the shop counter which indicates that cigarettes were being sold as singles from the premises as alleged in some of the complaint received by this department.

**PLEASE SEE THE SUPPORTING INFORMATION SECTION OF THIS APPLICATION FOR FURTHER DETAILS OF THESE INCIDENTS AND COMPLAINTS**

#### **PREVENTION OF CRIME AND DISORDER**

We believe that this review application relates to the licensing objective of **prevention of crime and disorder** because it is a criminal offence to sell or offer for sale cigarettes which are counterfeit or illicit. It is also a criminal offence to split cigarette packs and sell cigarettes as 'singles'

s.92 **Trade Marks Act 1994** makes it a criminal offence to expose for sale or possess for supply counterfeit cigarettes and tobacco products which bear a sign identical to or likely to be mistaken for a registered trade mark. For illicit (smuggled) tobacco it is a criminal offence under **The Standardised Packaging of Tobacco Products Regulations 2015** to offer or possess for supply sale tobacco products which do not bear the standardised packaging and graphic health warnings in English. Illicit tobacco does not comply with these labelling or health warning requirements. It is also a criminal offence under these same Regulations to split and sell cigarette packets or to sell cigarettes as 'singles'. Finally it is also a criminal offence under s.144 **Licensing Act 2003** for the premises licence holder or DPS to knowingly keep or allow to be kept, on any relevant premises, any goods which have been imported without payment of duty or which have otherwise been unlawfully imported. Such goods would include illicit cigarettes as these products are not intended for sale in the UK and duty has not been paid.

The illegal cigarettes found at the premises were seized under this criminal trade marks and standardised packaging legislation on all four occasions. Given the recurring pattern of complaints from members of the public against the premises and the subsequent seizures by trading standards officers of illicit and counterfeit tobacco we have concerns that the illegal sales of these products are a core activity of this business.

The warnings and advice issued to both Mr AHMED and Mr ALAM does not appear to have stopped these repeated occurrences. Moreover, the fact that these products were found under the counter and in one instance were observed being deposited outside from the back of an associated residential address while searches were being conducted suggests that attempts are being made to avoid this criminal activity being detected.

#### **PUBLIC SAFETY AND THE PROTECTION OF CHILDREN FROM HARM**

We believe that this review also relates to the licensing objective of **public safety and the protection of children from harm**.

The World Health Organisation has identified the illicit trade in tobacco products to be a serious threat to public health. In its *Protocol to Eliminate Illicit Trade in Tobacco Products* (ratified by the UK Government in June 2018) it states that the illicit trade in tobacco products, '*poses a serious threat to public health. Illicit trade increases the accessibility and affordability of tobacco products, thus fuelling the tobacco epidemic and undermining tobacco control policies.*'<sup>1</sup>

Oldham trading standards have received complaints of underage tobacco sales and cigarettes being sold singly from the premises as outlined in the supporting information. Searches at the premises have identified opened packets of illegal tobacco underneath the shop counter on several occasions. Illegal tobacco products are sold at a cheaper price than legitimate tobacco making them more affordable to children. They are even more affordable when packets of cigarettes are split and sold as singles. A survey of 14-17 year olds commission by Trading Standards North West found that 14% of the 14-17 years surveyed in the North West said that they had purchased illegal cigarettes within the last 12 months. 66% of these illegal cigarettes were purchased from shops.

Since 2017 all cigarettes and hand rolling tobacco sold in the UK must be contained within standardised packaging with graphic warnings and images. Some of the objectives of these standardised packaging being brought in as law were;

- discouraging people from starting to use tobacco products
- encouraging people to give up using tobacco products

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<sup>1</sup> WHO Protocol to Eliminate Illicit Trade in Tobacco Products  
[https://www.who.int/fctc/protocol/illicit\\_trade/protocol-publication/en/](https://www.who.int/fctc/protocol/illicit_trade/protocol-publication/en/)

- reducing potential for packaging to detract from the effectiveness of health warnings.<sup>2</sup>

However, illicit and counterfeit cigarettes such as those found at Sunny Newsagents do not comply with these requirements and have branded packaging meaning that any health warnings are less prominent and serve to undermine these objectives.

Based on the grounds outlined above and the repeated criminal offences detected at the shop we are seeking a review of its premises licence. We would respectfully ask the panel to consider revocation of the premises licence on the following grounds;

- we have concerns that removal of the DPS would not address the issues given that our enforcement activities have identified that the other operators associated with the business (including the owner, Mr Alam and his wife) are also both involved in this illegal activity. As a result it is unclear whether there is anyone with sufficient control of the business, who could take on this role with sufficient assurance that this criminal activity would cease
- we are also not confident that a temporary suspension would address the issues given that despite both Mr Riaz as DPS/PLH and Mr Alam having opportunity over a number of years to act on the comprehensive advice and warnings provided to them, illegal tobacco has continued to be seized throughout this period.
- Finally, the repeated discovery of illegal tobacco under the shop counter despite our seizures and warnings suggests that it is the intention of the business operators to habitually engage in this illegal activity which brings into doubt their suitability to adhere to the licensing objectives

Details of the complaints, seizure and actions taken against the premises to date can be found in the following supporting information section.

**Please provide as much information as possible to support the application** (please read guidance note 3)

According to departmental records 10 complaints have been received since 2014 which relate to the sale of illicit illegal tobacco from the premises and/or underage sales. The nature of the allegations are as follows

January 2021 Illegal tobacco being sold and underage sales of tobacco to children  
 August 2019 Underage sales of cheap tobacco  
 August 2019 Counterfeit cigarettes being sold  
 July 2019 Counterfeit cigarettes being sold from under the counter  
 April 2019 Counterfeit cigarettes sales  
 March 2019 Counterfeit and single cigarette sales  
 March 2019 Sales of counterfeit cigarettes  
 January 2019 Counterfeit cigarettes being sold  
 August 2015 Sales of foreign imported cigarettes – customers asked to hide them before leaving the shop.  
 February 2014 Illicit tobacco being sold from the premises

On **8<sup>th</sup> April 2014** Mr AHMED (Premises Licence Holder and Designated Premises Supervisor). was issued with a warning in relation to a seizure illicit and counterfeit tobacco from his premises. That seizure comprised of 60 x cigarettes & 100g of hand rolling tobacco which were all counterfeit. On 17<sup>th</sup> April Mr Ahmed signed an acknowledgement in the presence of a trading standards officer to confirm that he had received the letter and agreed to comply with the requirements and advice it

<sup>2</sup> EXPLANATORY MEMORANDUM TO THE STANDARDISED PACKAGING OF TOBACCO PRODUCTS REGULATIONS 2015 No. 829  
[https://www.legislation.gov.uk/uksi/2015/829/pdfs/ukxiem\\_20150829\\_en.pdf](https://www.legislation.gov.uk/uksi/2015/829/pdfs/ukxiem_20150829_en.pdf)

provided. Mr Ahmed at the time also signed a voluntary forfeiture for the seized illicit and counterfeit cigarettes so that Oldham trading standards could securely destroy them.

**However, since Mr Ahmed received this warning illegal tobacco products have been recovered from the trading standards on the following occasions;**

1. On **24<sup>th</sup> June 2019** in response to allegations of counterfeit and illicit tobacco the premises were searched and 180 Richmond cigarettes (counterfeit) were found under the counter along with two opened packets. Mr Mohammed ALAM was present.
2. On **9<sup>th</sup> October 2019** in response to allegations of sales of illicit tobacco, single cigarettes and sales to persons under the age of 18 the premises was searched and an opened packet containing 3 x illicit 'Heritage Premium' cigarettes was found under the shop counter. Mr AHMED the licence holder was present at the time. While a search of the shop was taking place an entry warrant was simultaneously executed at a nearby residential address on the same street used by both Mr ALAM and Mr AHMED. A police officer stationed at the rear of the property observed an Asian female remove a box and place it outside an external toilet at the rear before she opened the front door so that the search could commence. The box was recovered and found to contain 400 x illicit cigarettes of the same brand as found within the shop premises and the Asian female was identified to be Ms Nasreen AKHTAR, Mr ALAM's wife. Mr AHMED also subsequently attended the residential premises. Warning letters in relation to these seizures were issued to Mr AHMED, Mr ALAM and Ms AKHTAR.
3. On **31<sup>st</sup> October 2019** a letter was sent to Mr ALAM at the premises notifying him that trading standards had received allegations of underage sales taking place at the premises. We have no record of any response being received.
4. On **15<sup>th</sup> January 2020** 40 x assorted cigarettes comprising of 4 x opened packets of various brands were found under the shop counter and a further 140 x Richmond cigarettes were found concealed within a coat pocket behind the same counter. The sole employee present at the premises claimed that it was his first day and he had not been trained because he was just covering for the owner. The employee did not know whether there was an underage sales refusals book on the premises. MR RIAZ was (and still is) the licence holder for the shop. However, Mr ALAM attended a recorded interview and stated that he had been involved with the shop since 2014 and was now the sole director of the business. Mr ALAM signed to confirm that he had received written advice about the criminal offences relating to the sale of illegal tobacco. Mr ALAM attempted to claim that the tobacco found under the shop counter was for 'personal use' by his staff. Following interview he was given comprehensive written advice during a meeting with a trading standards officer recommending that he provide lockers for staff personal property so that no illegal tobacco would be found within the shop floor or counter area in the future.
5. On **16<sup>th</sup> January 2021** a letter was sent to the premises raising allegations of underage sales taking place and notifying the business that trading standards will be conducting test purchases. We have no record of any response being received.
6. On **11<sup>th</sup> February 2021** 200 x counterfeit Richmond Cigarettes were purchased from the premises during an undercover test purchasing operation arranged by trading standards. In that instance the cigarettes were obtained from the back room of the premises by the staff member.
7. Nine days later on **20<sup>th</sup> February 2021** Mr ALAM himself was in attendance at the premises when 180 Richmond Cigarettes were found in a bag under the shop counter and seized from the premises. This recurrence suggests that the advice given to Mr ALAM the previous year to provide staff with lockers for their tobacco for 'personal' use' had not been followed.

Given the repeated recurrences at the premises despite prolonged enforcement action and warnings being issued to the licence holder and purported owner there appears to be a wilful intention to undertake this illegal activity. We believe that this criminal activity breaches the licensing objectives outlined in the previous section.

Have you made an application for review relating to the premises before

**NO**

If yes please state the date of that application

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

**If you have made representations before relating to the premises please state what they were and when you made them**

N/A

**Please tick ✓**

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate

☐

- I understand that if I do not comply with the above requirements my application will be rejected ☐

**IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.**

**Part 3 – Signatures** (please read guidance note 4)

**Signature of applicant or applicant's solicitor or other duly authorised agent** (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature   
.....

Date **23/07/2021**  
.....

Capacity **Trading Standards Officer on behalf of Oldham Trading Standards**  
.....

**Contact name (where not previously given) and postal address for correspondence associated with this application** (please read guidance note 6)

**Post town**

**Post Code**

**Telephone number (if any)**

**If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)**

**Notes for Guidance**

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.



## **Licensing Panel**

### **Licensing Act 2003 Application for a Temporary Event Notice**

#### **Chillz Restaurant, Bar and Lounge, 476-478 Oldham Road, Failsworth, M35 0FH**

Report of Executive Member for: Neighbourhoods

Officer contact: Nicola Lord  
Ext. 3472

**16<sup>th</sup> November 2021**

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#### **Reason for Decision**

The purpose of this report is to inform Members of a Temporary Event Notice served on the Council in relation to an 'Old School Night' event at Chillz Restaurant, Bar and Lounge, 476-478 Oldham Road, Failsworth, which, due to representations being received, has been referred to this Panel for determination.

#### **Recommendations**

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

**Licensing Act 2003 – Application for a Temporary Event Notice**  
**Chillz Restaurant, Bar and Lounge, 476-478 Oldham Road, Failsworth**

**1 Background**

- 1.1 The purpose of this report is to inform Members of a Temporary Event Notice which has been served on the Council in relation to an 'Old School Night' event at Chillz Restaurant, bar and lounge 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 notice, taking into account the representation received.

**3 The Notice**

- 3.1 On the 2<sup>nd</sup> November 2021, the applicant, Enitan Omolaja, served a temporary event notice in respect of the premises named above. The last day for representations for this event was the 5<sup>th</sup> November 2021.
- 3.2 Details of the licensable activities and the times applied for are as follows:-

Licensable Activity	Days & Times
Sale by Retail of Alcohol On the Premises 100 People	26 & 27 November 2021 22:00-04:00
Regulated Entertainment On the Premises 100 People	26 & 27 November 2021 22:00-04:00
Late Night Refreshment On the Premises 100 People	26 & 27 November 2021 22:00-04:00

- 3.3 A copy of the notice is attached at **Appendix 1**.
- 3.4 A location map is attached at **Appendix 2**.



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## 4 Representations

- 4.1 There has been one representation submitted by Environmental Health on 3<sup>rd</sup> November 2021 relating to concerns of public nuisance. This representation can be found at **Appendix 3** to this report.

## 5 Licensing Policy

- 5.1 Members should take note of the Authority's Licensing Policy Statement when determining an application. Attention should be drawn to Page 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 Guidance

- 6.1 Members also need to consider statutory guidance issued, by the Secretary of State, under Section 182 of the Licensing Act 2003 (April 2018).

- 6.2 In relation to Chapter 7.32 to 7.39 **(Police and Environmental Health Intervention):-**

7.32 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.

7.33 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 the period of three working days following the day on which they received the TEN.

7.34 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 which already apply to an existing premises licence or club premises certificate at the venue, or issue a counter notice to prevent the event going ahead. As noted above, there is no scope for hearings in respect of late TENs and if objections are raised by the police or EHA in relation to a late TEN, the notice will be invalid and the event will not go ahead.

7.35 Such cases might arise because of concerns about the scale, location, timing of the event or concerns about public nuisance – even where the statutory limits on numbers are being observed. The premises user who signs the form is legally responsible for ensuring that the numbers present do not exceed the permitted limit at any one time. In cases where there is reason to doubt that the numbers will remain within the permitted limit the premises user should make clear what the nature of the event(s) is and how they will ensure that the permitted persons limit will not be exceeded. For example, where notices are being given for TENs simultaneously on adjacent plots of land it may be appropriate for door staff to be employed with counters. In each case it is important that licensing authorities and relevant persons can consider whether they believe that the premises user intends to exceed the 499 person limit, or will be unable to control or know whether the limit will be exceeded. Where the planned activities are likely to breach the statutory limits or undermine the

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licensing objectives, it is likely to be appropriate for the police or EHA to raise objections.

7.36 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, (such as at weddings with a cash bar or small social or sporting events) this should not usually give rise to the use of these powers.

### **Modification**

7.37 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 for the modification to be made. There is no scope under the 2003 Act for the modification of a late TEN.

### **Applying conditions to a TEN**

7.38 The 2003 Act provides that only the licensing authority can impose conditions to a TEN from the existing conditions on the premises licence or club premises certificate at the venue. 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;
- if 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.

7.39 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 guidance will be available at the hearing.

## **7 Options/Alternatives**

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

- a) Confirm the notice as served on the Licensing Authority
- b) To reject the notice and issue a counter notice;

7.2 Any steps appropriate to promote the licensing objectives should be specified. If no steps are appropriate the application should be granted.

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

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7.4 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.

7.5 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 other persons.

## **9 Legal Services Comments**

In determining the application Members should have regard to the Authority's licensing policy statement and the Secretary of State's Guidance. The applicant has a right of appeal to the magistrates' court if the Council refuses the application and the Environmental Health Section have a right of appeal to the magistrates' court if the Council grants the application. No appeal may be made later than 5 working days before the day on which the event period specified in the temporary event notice begins. (A Evans)

## **10 Environmental and Health & Safety Implications**

10.1 Contained within the body of the report.

## **11 Equality, community cohesion and crime implications**

11.1 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.

## **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 1 – Temporary Event Notice

Appendix 2 – Location Map

Appendix 3 – Representation received 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.

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



Post town	Postcode
9. Alternative contact details (if applicable)	
Telephone numbers: Daytime	
Evening (optional)	
Mobile (optional)	
Fax number (optional)	
E-Mail address (if available)	

<b>2. The premises</b>	
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)	
<b>476 – 478 OLDHAM ROAD, FAILSWORTH. MANCHESTER. M35 0FH</b>	
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	<b>PL0017</b>
Club premises certificate number	
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)	
<b>N/A</b>	
Please describe the nature of the premises below. (Please read note 4)	
<b>We provide hospitality services as we are a Restaurant, Bar and Lounge</b>	
Please describe the nature of the event below. (Please read note 5)	
<b>26<sup>th</sup> November 2021 - This is a one-off event to celebrate our last old school night event of the year. We host an Old School night every last Friday of the month and this event has become very popular amongst our customers.</b>	

The arrangement of the event is that the DJ plays popular old school music from the 80s, 90s and early 2000s in the background and we have also made provisions for 2 Door Men (SIA registered) to provide extra security for the night.

27<sup>th</sup> November 2021 - This is a one-off event to celebrate the diverse genre of African music e.g., Afrobeat, Amapiano etc. We hope this event will forge better and stronger bond/unity within the African community in Manchester and also help publicise the Restaurant. The arrangement of the event is that the DJ plays various genre of African music in the background and we have also made provisions for 2 Door Men (SIA registered) to provide extra security for the night.

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 checked="" type="checkbox"/>
The provision of late night refreshment		<input checked="" 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)		
<b>26 &amp; 27<sup>th</sup> November 2021</b>		
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)		
<b>The event will be between 22:00 – 04:00.</b>		
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)		<b>100</b>
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)

No

**4. Personal licence holders (Please read note 14)**

Do you currently hold a valid personal licence? (Please tick)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
If "Yes" please provide the details of your personal licence below.		
Issuing licensing authority	[REDACTED]	
Licence number	[REDACTED]	
Date of issue	[REDACTED]	
Any further relevant details		

**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	2	
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 checked="" type="checkbox"/>	No <input 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"/>

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 checked="" 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:

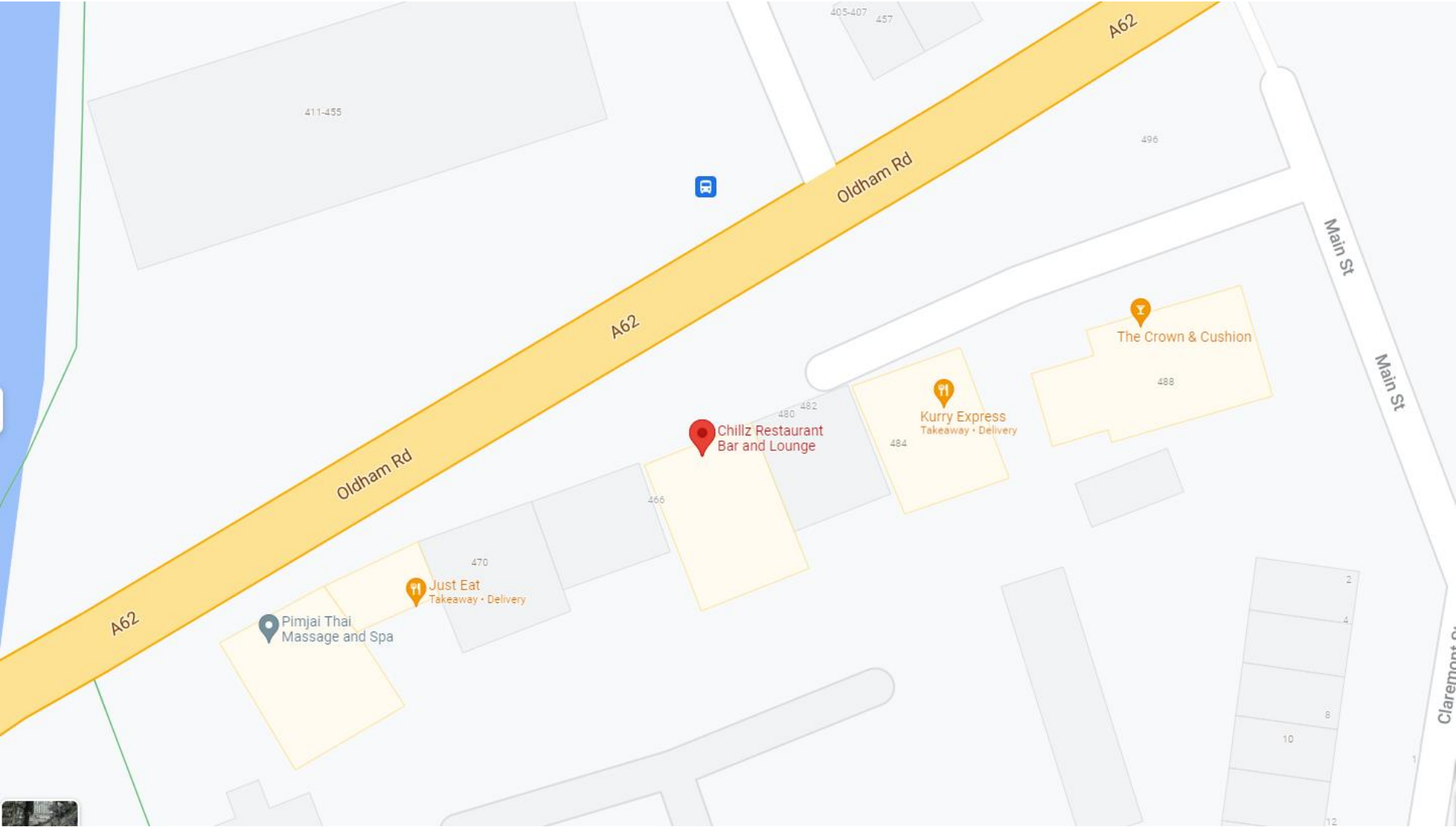
- (i) to knowingly or recklessly make a false statement in or in connection with this temporary event notice and that a person is liable on summary conviction for such an offence to a fine of any amount; and
- (ii) to permit an unauthorised licensable activity to be carried on at any place and that a 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	02/11/2021
Name of Person signing	ENITAN OMOLAJA

For completion by the licensing authority

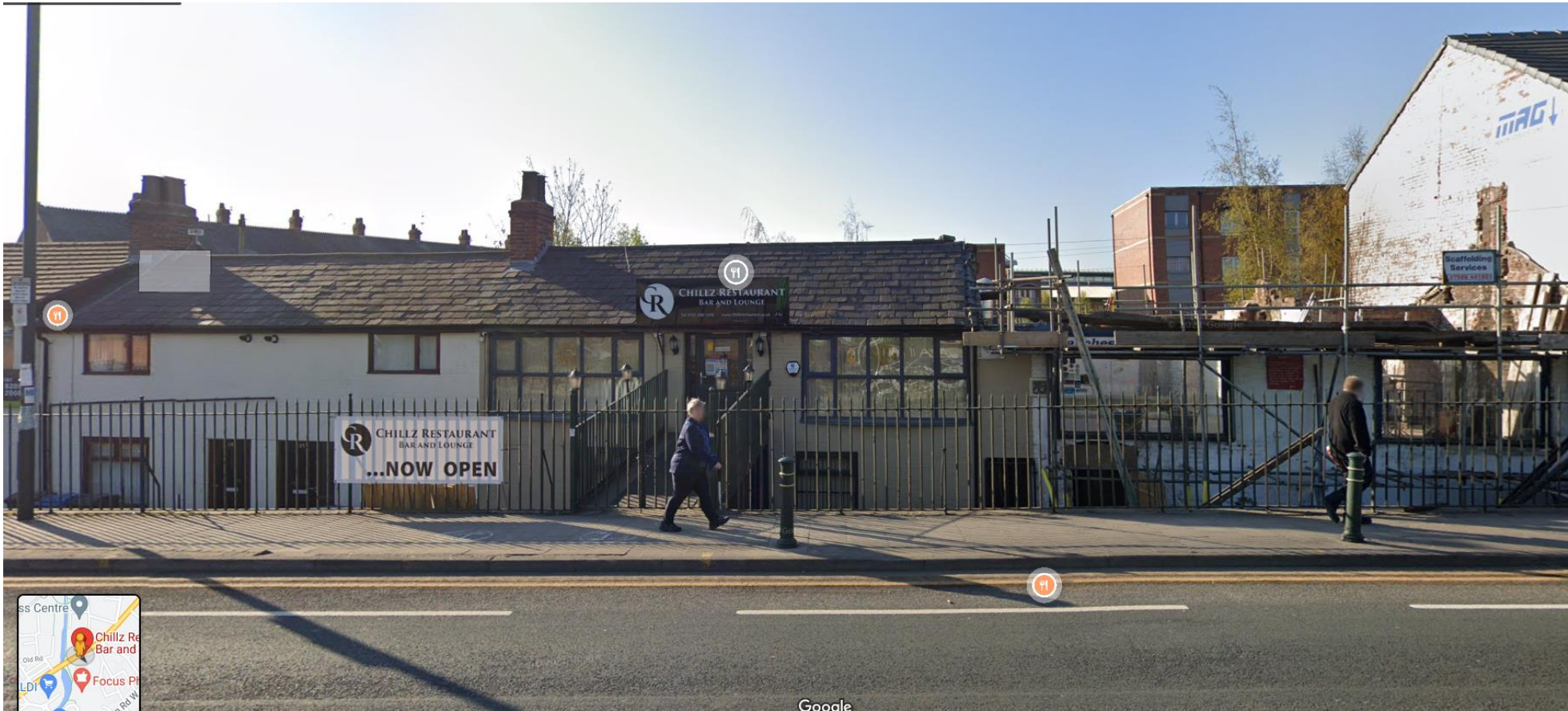
10. Acknowledgement (Please read note 20)	
I acknowledge receipt of this temporary event notice.	
Signature	On behalf of the licensing authority
Date	
Name of Officer signing	

Appendix 2- Location Map





Appendix 2- Location Map



**From:** Paul Edmonds

**Sent:** 03 November 2021 11:51

**To:** ENV LICENSING

**Subject:** FW: Temporary Event Application Chillz Restaurant, Bar and Lounge, 476-478 Oldham Road, Failsworth M35 0FH

As per my e-mail of 1 November in respect of the separate applications for these proposed events, given the proximity of the residential complex at Ben Brierley Wharf and prior complaints about this venue from the occupier of 480 Oldham Road, we would oppose these events, as there are certain to be noise complaints from local residents both about the playing of music and noise from persons leaving at 4:00 a.m. We note that their current licensed hours are until 2:00 a.m. already on the dates in question.

Regards,

Paul Edmonds  
Senior Environmental Health Officer  
Oldham Council  
Chadderton Town Hall  
Middleton Road  
Chadderton  
OL9 6PP

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