

LICENSING PANEL
14/12/2021 at 9.30 am



Present: Councillor McLaren (Chair)
Councillors G. Alexander and C. Gloster

Also in Attendance:

Elise Brophy	Licensing Projects and Hearings Officer
Alan Evans	Group Solicitor
Nicola Lord	Principal Licensing Officer
Sian Walter-Browne	Assistant Constitutional Services Officer
Mr Ahmed	Applicant Item 7
Cllr R Surjan	Objector Item 7
Mr Raham	Objector Item 7
Mr Mir	Objector Item 7
Russell White	Senior Environmental Health Officer

1 **ELECTION OF CHAIR**

RESOLVED that Councillor McLaren be elected Chair for the duration of the meeting.

2 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Taylor. Councillor McLaren attended as a substitute.

3 **URGENT BUSINESS**

There were no items of urgent business received.

4 **DECLARATIONS OF INTEREST**

There were no declarations of interest received.

5 **PUBLIC QUESTION TIME**

There were no public questions received.

6 **ORDER OF PROCEEDINGS**

RESOLVED that the order of proceedings be noted.

7 **COLDHURST OFF LICENCE, 162 CHADDERTON WAY,
COLDHURST, OLDHAM, OL1 2EW**

Consideration was given to a report of the Principal Licensing Officer which asked the Panel to determine an application for the grant of a premises licence in respect of Coldhurst Off Licence, 162 Chadderton Way, Oldham, OL1 2EW.

The Panel was informed that on 30th September 2021 the applicant, Taj Ahmed, applied for the grant of a premises licence for Coldhurst Off Licence. The last date for representations in relation to this application was 28th October 2021.



Representations had been received and were attached at Appendix 3 to the report.

The Panel were asked to consider the Authority's Licensing Policy Statement. Their attention was drawn to Section 6 – Crime & Disorder, Section 7 – Public Safety and Section 8 – Public Nuisance. They were also asked to consider the statutory guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003.

The Panel were reminded that the steps available to them were:

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

The steps taken that were appropriate to promote the licensing objectives should be specified. If none of the steps were appropriate and proportionate, no action should be taken.

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.

The Panel heard from the applicant, who informed them that the licensed area in the shop would be very small and the amount of sales would not cause any issues.

There were no questions for the applicant.

The Panel heard representations from the public. A statement was read out on behalf of the local mosque which outlined the local concerns about a rise in crime and disorder, a rise in anti-social behaviour and a reduction in the local quality of life. The reduction in the number of police officers would reduce their ability to deal with any incidents. There had been incidents of anti-social behaviour and the local children's play areas were used for drinking by youths. This was a deprived community, already affected by Covid, which had a higher than average number of alcohol-related deaths. An alcohol licence would be a setback to the local community and would contribute to crime and disorder.

The Panel were informed that there were residential flats above the shop and a school nearby. When the shop had previously been open till late at night, there had been youths hanging around and the police had often been called. A petition in objection had been submitted, with over 1000 signatures.

There had previously been complaints about loud music from the shop causing disturbance to the people living above and nearby. The concerns were that, if the shop sold alcohol till late, it would attract youths to the area, who would remain there

drinking and causing noise and disturbance. There were also concerns about under-age sales and the need to keep children from harm.

There were no questions for those making representations.

The applicant and those making representations summarised their evidence and submissions.

At this point in the proceedings the Panel, in accordance with Regulation 14 (2) of the Licensing Act 2003 (Hearings) Regulation 2005, moved into private session. In reaching a decision the Panel took into account the relevant provisions of National Guidance and the Council Licensing Policy Statement with reference to the prevention of crime and disorder, public safety, prevention of public nuisance and protection of children from harm.

RESOLVED that having regard to the statutory licensing objectives, in particular the prevention of public nuisance, it was appropriate for the premises licence to be granted, subject to the supply of alcohol being permitted between 12.00 noon and 10.00 pm Monday to Sunday

The reasons given were that the Panel had considered the application and the objections made and had noted that the premises were in a densely populated area.

8

TEMPORARY EVENT NOTICE- THE ANGLERS ARMS, 95 WRIGLEY HEAD, FAILSWORTH, OLDHAM, M35 9BH

Consideration was given to a report of the Principal Licensing Officer which asked the Panel to determine an application for a Temporary Event Notice served on the Council in relation to a Christmas Event at The Anglers Arms, 95 Wrigley Head, Failsworth, Manchester, M35 9BH.

The Panel was informed that on the 3rd December 2021 the applicant, Annette Nokes, served a temporary event notice in respect of the premises named above. The last date for representations in relation to this application was 8th December 2021.

A representation had been received from Environmental Health on 7th December 2021 relating to concerns of previous complaints. This representation was attached at Appendix 3 of the report.

The Panel were asked to consider the Authority's Licensing Policy Statement. Their attention was drawn to Section 8 – Public Nuisance. They were also asked to consider the statutory guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003.

The legal provisions around Temporary Event Notices (TEN's) were outlined and Members were informed that the only

conditions a licensing authority could impose on a TEN were the existing conditions on the premises licence or club premises certificate at the venue.



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The Panel were reminded that the steps available to them were:

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

It was clarified that there was no option to modify the application.

The steps taken that were appropriate to promote the licensing objectives should be specified. If none of the steps were appropriate and proportionate, no action should be taken.

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.

The Applicant was not in attendance.

The Panel heard from Russell White from the Environmental Health Service, who informed them of a previous event at the premises in July 2021, which had generated complaints about noise and anti-social behaviour. An event advertised as a family fun day had become a music festival and had caused nuisance as the premises were in a residential area.

He had visited the premises and met with the applicant to discuss the concerns that a market event was likely to attract a lot of people and traffic and would again cause public nuisance.

Initially a one-day event had been proposed and this would have been acceptable and could have built confidence in the applicant's ability to hold a good event. It had then become a full weekend event and there were concerns that an event of that size would be beyond the applicant's control and would again not be restricted as indicated in the application.

Members asked for and received clarification of the following:-

- Why a full weekend would be worse than one day – a one-day event would be much smaller and easier to control. The applicant needed to prove that she could run an event correctly.
- Other events after July – a bonfire and a pumpkin event, both of which had been very small and local. A Christmas market was expected to be much bigger and cause more nuisance. It was the first application for a large event since the July event, which had not been as applied for.
- Time of licence in July – had been until 9.00pm, but the event had been very different from that applied for.
- Conditions on TEN – only those already on the premises licence

- Could the times be restricted – the Panel could only grant or refuse what had been applied for. The application could not be modified.



There were no closing statements.

RESOLVED that having regard to the statutory licensing objectives, in particular the prevention of public nuisance, the application was REFUSED.

The Panel gave the following reasons:-

1. The Panel had considered the application and the objection from the Council's Environmental Health Section and had noted that a previous event in July 2021 had resulted in a number of noise nuisance complaints.
2. The Panel considered that to grant the application would undermine the licensing objectives, in particular the prevention of public nuisance.

The meeting started at 9.30 am and ended at 11.27 am