

**LICENSING PANEL**  
**18/07/2023 at 9.30 am**



**Present:** Councillor J. Hussain (Chair)  
Councillors Byrne and Hamblett

Also in Attendance:

Laila Chowdhury	Constitutional Services
Alan Evans	Group Solicitor
John Garforth	OMBC Licensing & Trading Standards
Kaidy McCann	Constitutional Services

1           **ELECTION OF CHAIR**

**RESOLVED** that Councillor J Hussain be elected Chair for the duration of the meeting.

2           **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Cosgrove.

3           **URGENT BUSINESS**

There were no items of urgent business received.

4           **DECLARATIONS OF INTEREST**

A Declaration of interest was received from Councillor Byrne. The Legal representative advised that this was not an interest as the Objector lived in same residential area as her and this did not need to be declared.

5           **PUBLIC QUESTION TIME**

There were no public questions received.

6           **ORDER OF PROCEEDINGS**

**RESOLVED** that the order of proceedings be noted.

7           **VARIATION OF PREMISES LICENCE THE OLD LIBRARY  
CAFE & BAR**

Consideration was given to the report of the Head of Licensing which asked the Panel to determine an application for a Variation of a Premises Licence served on the Council in respect of The Old Library Café & Bar, Unit 6, 45 High Street, Uppermill, Oldham OL3 6HS (also known as the Hidden Garden) which, due to representations being received, has been referred to this Panel for determination.

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.



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

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

In reaching a decision Members of the Panel 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 attended the hearing and made representations in support of the application.

The objector attended the hearing and made representations against the application.

**RESOLVED** that the Panel has considered the application to vary the premises licence for the Old Library Garden Café and Bar (also known as the Hidden Garden) and the objection made by a neighbouring resident relating to noise issues.

The Panel has also considered the four licensing objectives in particular the prevention of public nuisance.

The Panel has noted that the premises and the neighbouring resident are located in the centre of Uppermill and that there is noise generated by other premises in the village.

Having regard to the licensing objectives and the prevention of public nuisance, it was considered that it is appropriate to **GRANT** the variation as requested except for the variation to allow the playing of recorded music outdoors from 9am to 9pm.

## 8 **NEW PREMISES DEAN'S LOCAL 1**

This item was withdrawn.

The meeting started at 9.30 am and ended at 10.56 am