

Licensing Panel

Licensing Act 2003 Application for New Premises Licence

Null and Void, 18 Greaves Street, Oldham, OL1 1AD

Report of Executive Member for: Neighbourhoods

Officer contact: David Smith
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19th November 2019

Reason for Decision

The purpose of this report is to inform Members of an application for new premises licence in respect of Null and Void, 18 Greaves Street, Oldham, OL1 1AD which, due to representations being received, has been referred to this Panel for determination.

Recommendations

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

**Licensing Act 2003 – Application for New Premises Licence
Null and Void, 18 Greaves Street, Oldham**

1 Background

- 1.1 The purpose of this report is to inform Members of an application for new premises licence in respect of Null and Void, 18 Greaves Street, Oldham which, due to a representation being received, has been referred to this Panel for determination.
- 1.2 The hearing was originally scheduled to take place on the 17th September 2019, however, due to one of the members sitting not being able to attend the hearing due to unforeseen circumstances it was adjourned and rescheduled to the 15th October 2019.
- 1.3 On the 15th October 2019 the applicant was unable to attend the scheduled hearing due to his wife being taken ill. The hearing was adjourned and rescheduled to take place on the 19th November 2019.

2 Recommendations

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

3 The Application

- 3.1 On the 7th June 2019, the applicant, Null and Voids Bar Limited (registered company number 10841392), applied for a new premises licence in respect of the premises named above. The last day for representations in respect of the application was the 5th July 2019.
- 3.2 Details of the licensable activities and the times applied for are as follows:-

Licensable Activity	Days & Times	
Supply of Alcohol (On and Off the Premises)	Monday - Sunday	12:00 – 23:00 (Christmas Eve and New Years Eve – 12:00 – 01:00)
Hours premises are open to the public	Monday - Sunday	12:00 – 23:00 (Christmas Eve and New Years Eve – 12:00 – 01:00)

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

4 Representations

- 4.1 Following submission and advertisement of the application a representation was received on the 5th July 2019 opposing the grant of the application from Oldham Council's Building Control section. Their comments can be viewed at **Appendix 3**.
- 4.2 Members should note that the concerns expressed by Building Control regarding the safety of the premise. Summarily, no change of use application has been made in respect of the premises and works undertaken within the premise are in contravention therefore public safety cannot be ascertained.
- 4.3 It should also be noted that following consultation with Greater Manchester Police and the Licensing Authority the application has been amended to incorporate the following to replace what was provided in the original Operating Schedule:

General

1. Staff Training

Any staff employed at the premises will receive training by the Designated Premises Supervisor on first appointment and at least every three months thereafter. Training will include input on preventing underage sales, sales of alcohol to people who are drunk, application of the drugs policy and any other relevant matters. A written record will be kept of all training carried out. This record must be kept on the premises and made available for inspection by any responsible authority.

2. Designated Premises Supervisor (DPS)

The DPS to give the police 7 days' notice of any absence from the premises of more than 7 days. i.e. holidays and nominate who will be the responsible person in charge whilst away.

3. List of Authorised Persons

The Designated Premises Supervisor must maintain a written record of all members of staff who are authorised to sell alcohol. This record must include a photograph of the relevant members of staff to be kept on the premises at all times and be made available to a representative of any responsible authority on request.

4. Pubwatch

Where such a scheme is in operation, the Designated Premises Supervisor must be an active member (as attending 50% + of annual meetings per calendar year) of a local Pubwatch scheme or equivalent.

The prevention of crime and disorder

5. CCTV

A tamper-proof digital colour CCTV system must be installed and maintained at the premises to the satisfaction of Greater Manchester Police.

The system must run and record continuously for 24 hours a day, 7 days per week and recorded footage must be stored for a minimum of 28 days.

The system must provide a clear head and shoulders view to an evidential quality on every entry/exit route and within any other vulnerable areas as identified by Greater Manchester Police.

Recorded footage must be provided to a representative of any responsible authority on request. Such footage must be provided in an immediately viewable format and must include any software etc. which is required to view the footage. Any discs, portable drives or other storage media onto which footage is transferred must be provided by the premises and sufficient stock of such storage media must be kept on the premises at all times.

A member of staff who is trained to operate the system and supply footage must be present at the premises at all times when licensable activities are taking place.

The Designated Premises Supervisor must ensure that the CCTV system is checked at least once every week by a suitably trained member of staff. This check must include the operation of the cameras, the recording facilities, the facilities for providing footage and the accuracy of the time & date. A written record of these checks must be kept, including a signature of the person carrying out the check. This written record must be kept on the premises at all times and made available to a representative of any responsible authority on request.

A book of maintenance and checks will be kept on the premises for inspection when required.

6. Incident Book

An incident book (with the pages numbered sequentially) must be kept on the premises and be made available for inspection by responsible authorities. The incident book must be used to record the following:

- (i) Any incident of violence or disorder on or immediately outside the premises
- (ii) Any other crime or criminal activity on the premises
- (iv) Any refusal to serve alcohol to persons who are drunk
- (v) Any refusal to serve alcohol to under 18's or anyone who appears to be under 18
- (vi) Any call for police assistance to the premises
- (vii) Any ejection from the premises
- (viii) Any first aid/other care given to a customer

Any refusal should include the following information;

- a) Time, day & date of refusal
- b) Item refused
- c) Reason for refusal
- d) Name of staff member refusing the sale
- e) Name & address of customer (if given)
- f) Description of customer
- g) Details of identification offered (if shown)

7. Drugs Policy

The management of the premises must introduce a strict "zero tolerance" written policy in respect of the use and/or supply of illegal drugs on the premises. The policy to include checks of the toilet areas every half-hour whilst the premises are open and suitable signage to be placed in prominent areas within the premises.

Public safety

8. Glass Collection

In order to minimise the risk of persons becoming injured by broken glass, the designated premises supervisor must ensure that empty glasses, bottles and other containers are collected and disposed of regularly and at least every half-hour whilst the premise is open.

The prevention of public nuisance

9. High Strength Alcohol

The premise must not stock, sell, or offer for sale any low cost, high strength beer, lager or cider with an ABV (alcohol by volume) value greater than 6.5% synonymous with street drinking culture. This is not inclusive of 'Real Ale'/speciality craft beers and ciders.

10. Notices to Customers

Notices requesting customers to leave quietly must be displayed in a prominent position next to each entrance/exit. The Designated Premises Supervisor must

ensure that customers are encouraged to keep noise to a minimum when leaving the premise.

11. Litter Control

The Designated Premises Supervisor must ensure that a member of staff collects all litter from the curtilage of the premises every day at the conclusion of trading.

The protection of children from harm

12. Challenge 25

The premises must operate a "Challenge 25" scheme at the premise in relation to age verification for alcohol sales and other age-restricted products. Signs and/or posters must be displayed in prominent positions inside the premise to inform customers of this condition.

13. Children off premises

No persons under the age of 18 on the premises after 21:00

14. Proxy notices

The premise must display, in a prominent position, a notice or notices explaining that it is an offence for adults to purchase alcohol and then supply it to persons under 18.

5 Licensing Policy

5.1 Members considering the application should take note of the Authority's Licensing Policy Statement when determining an application. In particular as Public Safety plays a key part in the representations, attention should be drawn to Section 7 of the Council's Statement of Licensing Policy.

5.2 In relation to Public Safety paragraph 7.2 provides:-

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

5.3 Members attention should also be drawn to Section 23 of the Council's Statement of Licensing Policy.

5.4 In relation to Planning paragraphs 23.1 – 23.3 provides:-

There are several key differences between licensing and planning control. Licensing is concerned with the operation and management of the premises. Planning control relates to the use of the premises.

The Authority recognises that licensing applications should not be seen as a re-run of any planning application and that there should be clear separation of the planning and licensing regimes to avoid duplication and inefficiency.

Applicants for a premises licence need to be aware that the granting of a licence under the Licensing Act does not negate the need to obtain planning permission.

5.5 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 'Public Safety', paragraph 2.7 provides:-

Licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the 2003 Act. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning.

6.3 Furthermore at paragraph 8.97 (making reference specifically to a 'provisional statement', of which this application is not, but does make reference to the relevance of building control approval) provides:-

Any decision of the licensing authority on an application for a provisional statement will not relieve an applicant of the need to apply for planning permission, building control approval of the building work, or in some cases both planning permission and building control.

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

7 Options/Alternatives

- 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 are -
- a) Grant the application as applied for with or without the amendments agreed with Greater Manchester Police;
 - b) Grant the application but modify the operating schedule in relation to hours, days, conditions or activities;
 - c) To reject the application;
- 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.
- 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

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

10 Environmental and Health & Safety Implications

- 10.1 Contained within the body of the report.

11 Equality, community cohesion 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
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14 Appendices

Appendix 1 – Premises Licence Application

Appendix 2 – Location Map

Appendix 3 – Representation from Oldham Council Building Control section
opposing the grant of the licence.