

Licensing Panel

Licensing Act 2003

Application for Variation of a Premises Licence

King William IV, 134 Chew Valley Road, Greenfield, Oldham, OL3 7DD

Report of Executive Member for: Neighbourhoods

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13th July 2021

Reason for Decision

The purpose of this report is to inform Members of an application for variation of a premises licence in respect of King William IV, 134 Chew Valley Road, Greenfield, Oldham, OL3 7DD 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
King William IV, 134 Chew Valley Road, Greenfield, Oldham, OL3 7DD**

1 Background

- 1.1 The purpose of this report is to inform Members of an application for variation of a premises licence in respect of King William IV, 134 Chew Valley Road, Greenfield which, due to representations being received, has been referred to this Panel for determination.

2 Recommendations

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

3 The Application

- 3.1 On the 24th May 2021 Punch Partnerships (PTL) Limited, applied for the variation of a premises licence in respect of the premises named above. The last day for representations in respect of the application was the 24th June 2021.

- 3.2 Details of the proposed variation are as follows:-

Amend the licensing plan in accordance with the drawing accompanying the application, to permit the sale of alcohol from an external bar servery

Extend the opening hours (premises to open at 8am daily for breakfast, coffee, tea etc) – no extension to licensable activities

Condition in Annex 2 currently states – “No unaccompanied children, accompanied children must leave the premises by 20:30” – proposal to replace this condition with “No unaccompanied children, accompanied children must leave the premises by 10pm except on New Years Even or when attending a private function, when they may remain until the premises close”

Removal of Embedded Conditions as follows (now outdated or covered by other primary legislation):

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.

S.168, 171, 201 LA1964 On-licence, no children’s certificate

No person under fourteen shall be in the bar of the licensed premise during the permitted hours unless one of the following applies:

- (1) He is the child of the holder of the premises licence.
- (2) He resides in the premises, but is not employed there.

(3) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.

(4) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.

In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.

3.3 A copy of the application & proposed plan 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 representations have been received. These can be found at **Appendix 3** to this report.

4.2 Following receipt of the first interested party representation, made by a local resident, the applicant volunteered a condition to be added to the licence in relation to the use of the outside area, the condition reads:

"The sale of alcohol from the external bar servery and the use of the rear external area by customers shall both cease at 22:00"

4.3 It should also be noted that following consultation with Greater Manchester Police, their representation was withdrawn when the applicant agreed to incorporate the following conditions on the premises licence:

"The premises shall install and maintain a comprehensive CCTV system which shall continuously record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 28 days with date and time stamping. Viewing of recordings shall be made available immediately upon request of police or an authorised officer"

"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"

"An incident log shall be kept at the premise and include any refused sales of alcohol. The log must be made available for inspection by the responsible authorities"

4.4 In addition to the representations against the application, there have also been a total of 13 representations from local residents in support of the application, these can be found at **Appendix 4** to this report.

5 Licensing Policy

5.1 Members considering the application should take note of the Authority's Licensing Policy Statement when determining an application. Attention should be drawn to Section 8 of the Council's Statement of Licensing Policy relating to Public Nuisance.

5.2 In relation to Public Nuisance paragraph 8.2 provides:-

When addressing public nuisance 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 nuisance objective. Such steps as are required to deal with these identified issues should be included within the applicants operating schedule.

5.3 A full copy of the Councils 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 Nuisance', the following paragraphs provide:-

2.19 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11pm and 8am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.

2.20 Measures to control light pollution will also require careful thought. Bright light outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.

2.21 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises and to respect the rights of people living nearby to a peaceful night.

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 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
Officer Name: Nicola Lord
Contact No: 0161 770 3472

14 Appendices

Appendix 1 – Premises Licence Application & Proposed Site Plan

Appendix 2 – Location Map

Appendix 3 – Representations against the application from the following:

1. Environmental Health
2. Lawrence Milner
3. Arwel Ap Thomas & Julie Anne Garner
4. Christina Troisi
5. Joanne Dean
6. Mary Edwards
7. Rachel Procter
8. Sarah Speedy
9. Susan Carol Boyle
10. Mavis Bingley (Ward Councillor for Greenfield)
11. Rebecca Andrew

Appendix 4 – Representations in support of the application from the following:

1. Alan Mills
2. Debbie Mills
3. Deborah Curley
4. Helen Harrison
5. John Reed
6. Martine Clay
7. Matthew Hilton
8. Michelle Barlow
9. Mrs & Mrs J Southon
10. Paul Ellison
11. Samuel Crossland
12. Rebecca Giles

13. Alex Armstrong