

Licensing Panel

Licensing Act 2003 – Application for New Premises Licence

Timisoara, 248 Ashton Road, Oldham, OL8 1QN

Report of: Executive Member – Neighbourhoods

Officer Contact: Nicola Lord
Ext. 3472

Date of Hearing: 12th October 2021

Reason for Hearing:

The purpose of this report is to inform members of an application for the grant of a premises licence in respect of Timisoara, 248 Ashton Road, Oldham, OL8 1QN 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.

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1. Purpose of Report

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2. Recommendations

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

3. The Application

3.1 On 18th August 2021 the applicant, Mr Sardar Ahmad Mohammed, applied for the grant of a premises licence for Timisoara. The last date for representations in relation to this application was 15th September 2021.

3.2 Details of the licensable activities and the times applied for are as follows:

Activity	Indoors / Outdoors	Hours
Supply of Alcohol	For consumption OFF the premises	Monday to Sunday – 24 hours

3.5 A copy of the application and proposed plan is attached at **Appendix 1**.

3.6 A location map is attached at **Appendix 2**.

4. Representations

4.1 Following submission and advertisement of the application responsible authority representations were received from Greater Manchester Police and Trading Standards, objecting to the licence being granted at all. These can be found at **Appendix 3** to the report.

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.

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 Members attention should be drawn to section 2 in respect of Crime & Disorder and in particular paragraph 2.5 which provides the following in respect of duties of the DPS in preventing crime & disorder:

“Conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences. It will normally be the responsibility of the premises licence holder as an employer, and not the licensing authority, to ensure that the managers appointed at the premises are competent and appropriately trained. The designated premises supervisor is the key person who will usually be responsible for the day-to-day management of the premises by the premises licence holder, including the prevention of crime & disorder. A condition of this kind may only be justified as appropriate in rare circumstances where it can be demonstrated that, in the circumstances associated with particular premises, poor management competency could give rise to issues of crime & disorder and public safety.

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

7. Options

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 available to Members are:

- a. Grant the application as applied for with or without the amendments agreed with Environmental Health
- b. Grant the application but modify the operating schedule in relation to hours, days, conditions, or activities
- c. Reject the application

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.

7.4 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.

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 & Crime Implications

11.1 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.

12. Equality Impact Assessment Completed?

12.1 No



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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 – Application & Proposed Plan

Appendix 2 – Location Map

Appendix 3 – Representations