

Licensing Panel

Licensing Act 2003

Application for the Grant of a Premises Licence

Eurocity Mini Market, 93-95 Yorkshire Street, Oldham, OL1 3ST

Report of Executive Member for: Neighbourhoods

Officer contact: Nicola Lord

13th September 2022

Reason for Decision

The purpose of this report is to inform Members of an application for variation of a premises licence in respect of Eurocity Mini Market, 93-95 Yorkshire Street, Oldham 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 to Vary a Premises Licence
Eurocity Mini Market, 93-95 Yorkshire Street, Oldham, OL1 3ST**

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 Eurocity Mini Market, 93 Yorkshire Street, Oldham 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 representations received.

3 The Application

- 3.1 On the 14th July 2022 Mr Shako Mohammed applied for the grant of a premises licence in respect of the premises named above. The last day for representations in respect of the application was the 11th August 2022.

- 3.2 Details of the application are as follows:-

Supply of alcohol for consumption OFF the premises only

Monday to Sunday 9am – 11pm

- 3.3 A copy of the application & proposed plan is attached at **Appendix 1**.

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 A representation was received from public health regarding staff training to mitigate risks of underage sales. The applicant provided further information and public health subsequently withdrew their representation.

5 Licensing Policy

- 5.1 Members considering the application should take note of the Authority's Licensing Policy Statement when determining an application.

- 5.2 Attention should be drawn to Sections 6 of the Council's Statement of Licensing Policy relating to Prevention of Crime & Disorder. 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.

6.2 In relation to 'Crime & Disorder' the following paragraph(s) provide:

2.3 Conditions should be targeted on deterrence and preventing crime & disorder...for example, where there is good reason to suppose disorder may take place, the presence of CCTV cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally. Some licence holders may wish to have cameras on their premises for the prevention of crime directed against the business itself, its staff or its customers. But any condition may require a broader approach, and it may be appropriate to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly covered and there is no subsequent dispute over the terms of the condition.

6.3 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

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

14 Appendices

Appendix 1 – Premises Licence Application & Proposed Plan

Appendix 2 – Location Map

Appendix 3 – Representation against the application from the following:

1. Trading Standards