

## Licensing Panel

### **Licensing Act 2003 – Application for a New Premises Licence - Jason Kenny, 90-94 Rochdale Road, Royton, Oldham OL2 6QF**

Report of: Executive Member – Neighbourhoods

Officer Contact: Nicola Lord

**Date of Hearing: Tuesday 20<sup>th</sup> June 2023**

#### 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 Jason Kenny, 90-94 Rochdale Road, Royton, Oldham OL2 6QF, 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 Panel – 20<sup>th</sup> June 2023

Application for a New Premises Licence  
Jason Kenny, 90-94 Rochdale Road, Royton, Oldham OL2 6QF

### 1. Purpose of Report

1.1 The purpose of this report is to inform members of an application for the grant of a premises licence in respect of Jason Kenny, 90-94 Rochdale Road, Royton, Oldham OL2 6QF 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 11<sup>th</sup> April 2023 the applicant Jason Kenny, applied for the grant of a premises licence for Jason Kenny, 90-94 Rochdale Road, Royton, Oldham OL2 6QF.

The last date for representations in relation to this application was 9<sup>th</sup> May 2023.

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

Activity	Details	Hours
Live music	Indoors	Monday to Sunday 8am to 11pm
Recorded music	Indoors	Monday to Sunday 8am to 11pm
Late night refreshment	Indoors	Monday to Sunday 11pm to 1am
Supply of Alcohol	For consumption ON and OFF the premises	Monday to Sunday 10am to 1am

3.5 A copy of the application and proposed plan is attached at **Appendix 14.1** of the report.

3.6 A location map is attached at **Appendix 14.2** of the report.

## 4. Representations

4.1 Following submission and advertisement of the application, representations were received. These can be found at **Appendix 14.3** of the report.

4.2 On the 1<sup>st</sup> May 2023, supporting evidence was received from one of the objectors, Mr Heneghan. This included a copy of the Lease and a copy of the existing planning permission.

Having reviewed this information there are two points relevant to the representations; attention should be paid to the following:

Section 6 of the Planning Permission which relates to restrictions on opening hours:  
*The opening hours of the retail units shall be restricted to the hours of 08.00 to 18:00 hours only.*

Page 9 paragraph 3.7 of the Lease, which relates to the use of the property:  
*Use: property is not to be used "for the manufacture, sale or consumption of beer, wine or spirituous liquors."*

The documents are attached at **Appendix 14.4** of the report.

The full evidence bundle containing the remainder of the lease will be available at the hearing where required.

4.3 The representations received were served upon the applicant as required by the Act. Upon receipt of these the applicant proposed amended operating hours. The proposed amended hours can be found in the table below.

A copy of the proposal can be found at **Appendix 14.5** of the report.

Details of proposed amended operating hours:

Activity	Details	Hours
Live music	Indoors	Occasional live music 12pm to 6pm
Recorded music	Indoors	Monday to Sunday 8am to 6pm
Late Night Refreshment	Indoors	No longer required – <i>(only licensable between 11pm and 5am)</i>
Supply of Alcohol	For consumption ON and OFF the premises	Monday to Sunday 10am to 6pm

4.4 All parties who made representation were contacted and informed of the proposed amendments to the operating hours. Upon receipt of the information the Environmental Health Service withdrew their representation.

## 5. Licensing Policy

5.1 Members considering this application should take note of the Authority's Licensing Policy Statement. Attention should be drawn to Sections 7, 12, 13 and 15 in relation to each of the four licensing objectives.

5.2 A full copy of the Council's 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 (April 2018).

6.2 Chapter 2 of the guidelines deals with the Licensing Objectives and potential measures licence holders and the licensing authority should consider so they are not being undermined.

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

- 2.1 Licensing authorities should look to the police as the main source of advice on crime and disorder. They should also seek to involve the local Community Safety Partnership (CSP).
- 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.

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.

2.21 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.

In relation to 'Protecting of children from harm', the following paragraphs provide:-

2.22 The protection of children from harm includes the protection of children from moral, psychological, and physical harm. This includes not only protecting children from the harms associated directly with alcohol consumption but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment). Licensing authorities must also consider the need to protect children from sexual exploitation when undertaking licensing functions.

2.26 Licensing authorities and responsible authorities should expect applicants, when preparing an operating schedule or club operating schedule, to set out the steps to be taken to protect children from harm when on the premises.

6.3 A full copy of the guidance 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
- 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 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

## 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 14.1 – Application & Plan  
Appendix 14.2 – Location Map  
Appendix 14.3 – Representations  
Appendix 14.4 – Evidence (Lease & Planning Permission)  
Appendix 14.5 – Proposed amended hours