

Licensing Panel

Licensing Act 2003 – Application for New Premises Licence

Dean's Local 1, 31 Hardman Lane, Failsworth, Oldham M35 0DZ

Report of: Executive Member – Housing & Licensing

Officer Contact: Nicola Lord

Date of Hearing: 18th July 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 Dean's Local 1, 31 Hardman Lane, Failsworth, Oldham M35 0DZ 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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Application for a New Premises Licence

Dean's Local 1, 31 Hardman Lane, Failsworth M35 0DZ

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 the 7th June 2023 the applicant, Kirshna Ltd., applied for the grant of a premises licence for Dean's Local 1. The last date for representations in relation to this application was the 5th July 2023.

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

Activity	Indoors / Outdoors	Hours
Supply of Alcohol	Off the premises	Monday to Sunday 8am to 11pm

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

3.6 A location map is attached at **Appendix 14.2**.

4. Representations

4.1 Following submission and advertisement of the application a representation was received. This can be found at **Appendix 14.3** 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 7, Prevention of Crime and Disorder, and Section 12, Public Safety, and Section 13, Prevention of Public Nuisance and Section 15, Protection of Children from Harm.

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 (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 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
Contact No: 0161 770 3472

14. Appendices

Appendix 14.1 – Application & Plan
Appendix 14.2 – Location Map
Appendix 14.3 – Representations