

Licensing Panel

Licensing Act 2003 – Application for New Premises Licence

The Woodlands Café, Dunwood Park, Shaw, Oldham OL2 7UR

Report of: Executive Member – Housing & Licensing

Officer Contact: Nicola Lord

Date of Hearing: 14th November 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 Woodlands Café, Dunwood Park, Shaw, Oldham OL2 7UR 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

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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 Woodlands Café, Dunwood Park, Shaw, Oldham OL2 7UR 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 22nd September 2023 the applicant, GP Care Group CIC, applied for the grant of a premises licence for The Woodlands Café. The last date for representations in relation to this application was 20th October 2023.

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

Activity	Indoors / Outdoors	Hours
Supply of Alcohol	For consumption On and OFF the premises	Monday to Sunday 10am to 11pm

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

3.6 Proposed plan **Appendix 14.2**.

3.7 A location map is attached at **Appendix 14.3**.

4. Representations

4.1 Following submission and advertisement of the application representations were received. These can be found at **Appendix 14.4** to the report.

4.2 It should also be noted that following consultation with Public Health, their representation was withdrawn when the applicant agreed to incorporate the following amendments to requested hours and conditions:

Agreed hours:

Activity	Indoors / Outdoors	Hours
Supply of Alcohol	For consumption ON the premises only	<p>Standard timings</p> <p>Monday to Sunday 11am to 5pm</p> <p>Non-standard timings</p> <p>On the 2nd and 3rd Saturday of each month 11am to 9pm</p>

Revised conditions:

1. Alcohol sales are permitted at the premise from 11am to 5pm
2. Alcohol sales are permitted for consumption on the premise only.
3. Training will be provided to all staff members within 3 months of joining on an Age verification training scheme. The training subject matter will consist of underage sales, checking ID, proxy sales, basic conflict management and relevant areas of the Licensing Act 2003 with penalties for breach. Refresher training will be carried out every 12 months. All training records to be stored on the premises and available for inspection by Authorised Officers.

Removal of the following as they are not required

- Only plastic glasses or bottles will be permitted in children’s play areas, beer gardens and recreational areas, or in any area where customers are required to remove footwear. (no off sales permitted)
- The licence holder, or persons authorised by them, must control the volume of regulated entertainment taking place at the premises. (no regulated entertainment taking place)
- No one under the age of 18 years must be admitted into the premises whilst entertainment of an adult nature is taking place. (no entertainment of an adult nature taking place)

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 and Section 8 – Public Nuisance.

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 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:-

- 2.24 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.
- 2.26 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.

6.3 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
- b. Grant the application with the amendments agreed with Public Health
- c. Grant the application but modify the operating schedule in relation to hours, days, conditions, or activities
- d. 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
Contact No: 0161 770 3472

14. Appendices

- Appendix 14.1 – Application
- Appendix 14.2 – Plan
- Appendix 14.3 – Location plan
- Appendix 14.4 – Representation – Maggie Carter