

## **Licensing Panel**

### **Licensing Act 2003 Application for New Premises Licence**

### **Kobe Ruger, The Greaves Building, Harshead Street, Oldham OL4 5EE**

Report of Executive Member for: Housing & Licensing

Officer contact: Elise Brophy

**10<sup>th</sup> September 2024**

#### **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 Kobe Ruger, The Greaves Building, Hartshead Street, Oldham OL4 5EE 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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## Licensing Panel – 10<sup>th</sup> September 2024

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 Kobe Ruger, The Greaves Building, Hartshead Street, Oldham OL4 5EE 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 19<sup>th</sup> July 2024 the applicant, Kobe Ruger Ltd., applied for the grant of a premises licence for Kobe Ruger. The last date for representations in relation to this application was the 26<sup>th</sup> August 2024.

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 the premises	Tuesday to Saturday 9am to 11pm Sunday 9am to 10pm
Recorded music	Indoors and Outdoors	Tuesday to Saturday 9am to 11pm Sunday 9am to 10Pm
Live Music	Indoors and Outdoors	Friday to Sunday 4pm to 9pm

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

3.6 A copy of the proposed plan is attached at **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** and **14.5** to the report.

The highlighted section of the representation at **Appendix 14.5** cannot be considered; when determining applications under the Licensing Act 2003 traffic and parking issues are not matters that we can consider.

4.2 It should also be noted that following consultation with Environmental health and Public Health their representations were withdrawn when the applicant agreed to incorporate the following amendments to requested hours and revised conditions on the premises licence.

### **Environmental Health**

The external terraced area shall not be used between the hours of 8.00pm and 9.00am.

No music shall be played on the external terrace area between 8.00pm and 9.00am

Smokers/drinkers wanting to go outside after 8.00pm will be directed to the outside via the entrance onto Hartshead Street and not Lauren Close

### **Public Health**

The premises will operate a "Challenge 25" proof of age policy and signage to this effect is to be prominently displayed within the premises. Persons who appear to be under the age of 25 must produce for thorough scrutiny by staff, proof of identity/age before being sold/supplied alcohol. Only a passport or photo-card driving licence or a proof of age card bearing the official 'PASS' accreditation hologram and military ID should be accepted as proof of age.

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.

The premises is to maintain a refusals book to record the details of incidents/descriptions of individuals whenever a member of staff has refused to sell alcohol to a person suspected of being under the age of 18. The book must be made available to the police/authorised officers of the Licensing Authority on request.

## 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

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 (December 2023).

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 and disorder...For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television 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:-

- 2.25 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.
- 2.27 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 instead of outside, and to respect the rights of people living nearby to a peaceful night.

In relation to 'Public Safety, the following paragraphs provide:-

- 2.8 Licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the 2003 Act. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning. Conditions relating to public safety may also promote the crime and disorder objective as noted above. There will of course be



occasions when a public safety condition could incidentally benefit a person's health more generally, but it should not be the purpose of the condition as this would be outside the licensing authority's powers (be ultra vires) under the 2003 Act. Conditions should not be imposed on a premises licence or club premises certificate which relate to cleanliness or hygiene.

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 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.

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## 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: Elise Brophy

## 14. Appendices

Appendix 14.1 – Application  
Appendix 14.2 – Plan  
Appendix 14.3 – Location Map  
Appendix 14.4 – Representation  
Appendix 14.5 – Representation