

Licensing Panel

Licensing Act 2003

Application for a Variation of a Premises Licence

Greene's Bistro and Parlour, Wade Road, Uppermill, Oldham OL3 6BA

Report of: Executive Member – Housing & Licensing

Officer Contact: Elise Brophy

Date of Hearing: Tuesday 12th November 2024

Reason for Hearing:

The purpose of this report is to inform Members of an application for the variation of a premises licence in respect of Greene's Bistro and Parlour, Wade Road, Uppermill, Oldham OL3 6BA 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 – 12th November 2024

Licensing Act 2003 – Application for a Variation of a Premises Licence for Greene’s Bistro and Parlour, Wade Road, Uppermill, Oldham OL3 6BA

1. Purpose of Report

1.1 The purpose of this report is to inform Members of an application for the variation of a premises licence in respect of Greene’s Bistro and Parlour, Wade Road, Uppermill, Oldham OL3 6BA 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 2nd October 2024 the applicant Grandpa Greene’s Uppermill Ltd., applied for variation of a premises licence in respect of the premises Greene’s Bistro and Parlour, Wade Road, Uppermill, Oldham OL3 6BA.

The last date for representations in relation to this application was 30th October 2024.

3.2 Details of the proposed variations are as follows:

Activity	Current Hours	Proposed Hours
Supply of Alcohol For consumption ON the premises	Monday to Sunday 11am to 7pm	Monday to Wednesday 11am to 7 pm Thursday to Sunday 11am to 9:30 pm

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

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



4. Representations

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

4.2 It should also be noted that following consultation with Environmental Health, their representation was withdrawn when the applicant agreed to incorporate the following conditions.

- *The applicant will adopt a bespoke dispersal policy for the premises and shall provide any of the responsible authorities with a copy of it if requested.*
- *Signs will be displayed at the premises encouraging customers to leave the premises quietly.*

5. Licensing Policy

5.1 Members considering this application should take note of the Authority's Licensing Policy Statement. Attention should be drawn to page 7, Prevention of Crime and Disorder, and page 11, Public Safety, and page 13, Prevention of Public Nuisance and page 15, Protection of Children from Harm.

5.2 In relation to 'Public Nuisance' the following paragraph(s) provide:-

8.2 When addressing public nuisance, the applicant should initially identify any particular issues (having regard to their particular type of premises and/or activities), which are likely to adversely affect the promotion of the public nuisance objective. Such steps as are required to deal with these identified issues should be included within the applicants operating schedule.

8.3 If relevant representations are received, the Authority may impose conditions to prevent nuisance, noise, disturbance, light pollution, noxious smells, vermin and pest infestations and accumulations of rubbish and litter.

8.8 Conditions may include restrictions on the times when music or other licensable activities may take place and may include technical restrictions on sound levels at the premises. Conditions may be imposed requiring licensees to display signs at all exits of premises reminding customers to leave premises quietly and to respect the rights of nearby residents.

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 Safety', the following paragraph provide:-

- 2.15 Licence holders should make provision to ensure that premises users safely leave their premises. Measures that may assist include:
- Providing information on the premises of local taxi companies who can provide safe transportation home; and
 - Ensuring adequate lighting outside the premises, particularly on paths leading to and from the premises and in car parks.

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.
- 2.6 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:-

- 2.27 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.
- 2.31 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/ 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 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 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 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: Elise Brophy

14. Appendices

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