

Licensing Panel

Licensing Act 2003

Application for Temporary Event Notice

The Grill, 59-61 Featherstall Road, Oldham OL9 6QB

Report of: Executive Member – Housing & Licensing

Officer Contact: Elise Brophy

Date of Hearing: 28th February 2025

Reason for Hearing:

The purpose of this report is to inform members of three applications for Temporary Event Notices for Ramadan events at The Grill, 59-61 Featherstall Road, Oldham OL9 6QB, which, due to a representation 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 – 28th February 2025

Application for Temporary Event Notice
The Grill, 59-61 Featherstall Road, Oldham OL9 6QB

1. Purpose of Report

1.1 The purpose of this report is to inform members of three applications for Temporary Event Notices for Ramadan events at The Grill, 59-61 Featherstall Road, Oldham OL9 6QB, which, due to a representation 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 representation received.

3. The Application

3.1 On the 13th February 2025, Mr Juned Ahmed applied for three Temporary Event Notices at The Grill, 59-61 Featherstall Road, Oldham OL9 6QB.

The last date for representations in relation to this application was 18th February 2025.

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

Activity	On/Off the premises	Hours/Dates	Maximum People
The provision of late night refreshment	On the premises	11pm to 5am 03/03/2025 to 09/03/2025	40
The provision of late night refreshment	On the premises	11pm to 5am 11/03/2025 to 17/03/2025	40
The provision of late night refreshment	On the premises	11pm to 5am 19/03/2025 to 25/03/2025	40

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

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



4. Representations

4.1 Following submission of the application a representations was received from Environmental Health. 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 pages Section 8 in relation to 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 In relation to Chapter 7.31 to 7.38 (Police and Environmental Health Intervention):-

Police and Environmental Health intervention

7.31 The system of permitted temporary activities gives police and EHAs the opportunity to consider whether they should object to a TEN on the basis of any of the licensing objectives.

7.32 Such cases might arise because of concerns about the scale, location, timing of the event or concerns about public nuisance. However, in most cases, where (for example) alcohol is supplied away from licensed premises at a temporary bar under the control of a personal licence holder, (for example, at weddings with a cash bar or small social or sporting events) this should not usually give rise to the use of these powers.

7.33 The police and EHA have the right under sections 109(5) and (6) of the 2003 Act to request the premises user to produce the TEN for examination. If the police do not intervene when a TEN is given, they will still be able to rely on their powers of closure under Part 8 of the 2003 Act should disorder or noise nuisance be expected or arise.

7.34 If the police or EHA believe that allowing the premises to be used in accordance with the TEN will undermine the licensing objectives, they must give the premises user and the licensing authority an objection notice. The objection notice must be given within three working days of their receipt of the TEN.

7.35 Where a standard TEN was given, the licensing authority must consider the objection at a hearing before a counter notice can be issued. At the hearing, the police, EHA and the premises user may make representations to the licensing authority. Following the hearing, the licensing authority may decide to impose conditions where there is an existing premises licence or club premises certificate at the venue or issue a counter notice to prevent the event going ahead. If the police, EHA or both give an objection to a late TEN, the TEN will not be valid.

Modification

7.36 As noted above, the police or EHA (as "relevant persons") may contact the premises user to discuss their objections and try to come to an agreement which will allow the proposed licensable activities to proceed. The TEN can be modified (for example, by changing the

details of the parts of the premises that are to be used for the event, the description of the nature of the intended activities or their duration). The other relevant person has to agree

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
- b. Reject the application and issue a counter notice

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 has a right of appeal to the magistrates' court if the Council refuses the application and the Environmental Health Section have a right of appeal to the magistrates' court if the Council grants the application. No appeal may be made later than 5 working days before the day on which the event periods specified in the temporary event notices begin. (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 – Applications x 3

Appendix 14.2 – Location Map

Appendix 14.3 – Representation Environmental Health