

The Licensing Act 2003

Interested Party Representation Form

The Licensing Act 2003 (the act) makes local authorities responsible for the licensing of pubs, clubs, theatres, cinemas, restaurants, takeaways and so on. Some premises may apply to extend their hours or add some form of regulated entertainment and this is where interested parties can have their say by making relevant representations and objecting to the proposals.

Interested parties

As well as Responsible Authorities, any other person can play a role in a number of licensing processes under the 2003 Act. This includes any individual, body or business entitled to make representations to licensing authorities in relation to application for the grant, variation, minor variation or review of premises licences and club premises certificates, regardless of their geographical proximity to the premises. Any representations made by these persons must be 'relevant'. For a representation to be relevant it must:

- relate to the likely effect of the grant of the licence on the promotion of the licensing objectives
- be made by an interested party or responsible authority
- not have been withdrawn
- not be 'frivolous' or 'vexatious' or, in the case of a review, 'repetitious' if made by an interested party

In the case of variation applications, the representation must be confined to the subject matter of the variation.

What are the Licensing Objectives?

- **The prevention of crime and disorder**

(Examples of representations relevant to this objective are illegal drugs, sex related activities, violent behaviour, anti-social behaviour, drunkenness, drug dealing, underage selling, however, guidance issued under Section 182 of the Act states that beyond the immediate area surrounding the premises are matters for the personal responsibility of individuals under the law)

- **Public safety**

(Examples of representations relevant to this objective are lack of adequate lighting, unauthorised alterations to property and so on)

- **The prevention of public nuisance**

(Examples of representations relevant to this objective are noise nuisance, noxious smells, anti-social behaviour, litter in the vicinity and so on)

- **The protection of children from harm**

(Examples of representations relevant to this objective are underage selling, sexual activities, access to premises, drugs use and so on)

The Section 182 Guidance is a valuable source of information that interested parties may wish to consult when considering making a representation and can be found online on this link: <https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>

Section 1 - Application Details

Applicants Name	Grandpa Greene's Uppermill LTD
Premises Name	Greene's Bistro and Parlour
Premises Address	Wade Row, Uppermill, Oldham
Type of Application	Variation Application

Section 2 – Details of Person making Representation

(if you are a representative for an objector please use the next section)

Title <i>(Mr/Mrs/Miss/Ms/Other)</i>	Mr
Full Name	Ryan Smith
Telephone	xxxxxxxxxxxxxxxxxxxxxx
Email Address <i>(we will use this to correspond with you unless you notify us otherwise)</i>	xxxxxxxxxxxxxxxxxxxxxx
Full Address <i>(Including postcode)</i>	Wade Row House, Wade Row Top, Uppermill. OL3 6AY.

Please note that a full copy of your objection (including your name and address) will be sent to the applicant and will be a public document at any hearing of this matter.

Section 3 – Details of Representative

Title <i>(Mr/Mrs/Miss/Ms/Other)</i>	
Full Name	
Telephone	
Organisation	
Email Address <i>(we will use this to correspond with you unless you notify us otherwise)</i>	
Full Address <i>(Including postcode)</i>	

Please state nature of representation:

(residents association / ward councillor / MP / trade association)

Section 4 – Representation Details

- ☒ I object to the application being granted at all
☐ I object to the application being granted in its current form*

*if you choose this option remember to tell us in Section 5 what changes you would like to see

You need to complete the boxes below as fully as possible. If you do not, then the Licensing Panel may not understand why you have objected.

Try to be as specific as possible and give examples such as *“on 1st February 2021 I could hear loud music from the premises between 10pm and 1am. I am concerned that if the premises is allowed to open until 2am this will cause further public nuisance to me and other residents on the street”*

Licensing Objectives

The Prevention of Crime & Disorder

Please state the reasons you believe granting the application will undermine this objective

I don't agree with having extended hours of alcohol consumption within a park is morally acceptable. It is not within the Authorities power to police people who have consumed alcohol from entering a park, however promoting and supporting such is a different proposition. No other park in the entire Borough has a licensed premises within it for obvious reasons.

Public Safety

Please state the reasons you believe granting the application will undermine this objective

The Prevention of Public Nuisance

Please state the reasons you believe granting the application will undermine this objective

The planning application planning and heritage statement claimed – “The café will continue to operate daytime only (9am to 7pm) and as such the amenity of the neighbouring properties will be protected” however numerous attempts have been made to vary the business model to include alcohol sales from the start of the business operating. By referencing ‘neighbouring properties will be protected’ at planning stage the applicant recognises that longer opening hours can cause potential harm. The neighbouring properties are occupied by families and elderly residents, one such block being only meters (15) from the premises and the bin store (noisy especially when bottles are being emptied). Despite this an application for an alcohol license was granted, along with numerous special event licenses since the business began operating.

What has to be recognised is that the business was marketed as an ice cream parlour/café. It is now a fully fledged restaurant with an ancillary ice cream take away facility – all of which is located on a public and protected by way of a trustee arrangement, park. A park that attracts large numbers of children.

Given the application looks to increase the hours of operation there is an increased potential risk of people who have consumed alcohol, in a thriving village with numerous licensed premises, having to use the park (the only central part of the

village where the nighttime economy does not directly impact) to make their way to and from the premises.

The application must be seen in a context of the planning conditions – there are regular and consistent breaches of the original statements – deliveries do not always take place before 9am, they regularly block the roads and access to a single access row of homes, customers and staff regularly park on restricted areas (yellow lines) and block drives. The much-touted Access, Parking and Deliveries Management Plan has never been adhered to – it is a regular occurrence that deliveries park on double yellows, drag crates across Wade Row in and around 7am (this morning before 7am) and wake up residents rather than use the gates – guess this would take too much time for the drivers – extract from the plan below –

“The proposal will not add to the existing situation as all deliveries to the proposed café will take place from within the park itself. Informal agreement has been reached with the Council to allow delivery access only to the café through the park gates on Wade Row. Grandpa Greene’s will be given a set of keys to lock and unlock the park gates. This access will only used between the hours of 8am and 9am each day of the week when there is low use of the park. A system of marshalling will be put in place by Grandpa Greene’s which will result in two members of staff managing deliveries vehicles entering and leaving the café and to warn people about the presence of a delivery vehicle”

When this has been raised with council officers, there has never been an attempt to address it. A further extract below has also never been adhered to –

“The Traffic Team is concerned that vehicles will park at the entrance to the park whilst waiting for takeaway coffee. Whilst this could happen there are enforceable double yellow lines across the park entrance which will deter illegal parking and as such a bollard is not considered to be needed on this occasion”. The number of tickets issued to deter this from happening is minimal – indeed this is a regular activity from the business staff themselves.

By increasing the hours of operation to sell alcohol, therefore becoming more of a night time economy premises there is an increased risk of taxi’s and or people being picked up and dropped off later into the evening. All for an ‘ice cream parlour’ on a children’s park.

Numerous residents have reported to both elected members and council officers with little impact.

There seems to be a regular pattern of continuous applications to vary the original business plans – hours of operation, extraction fan changes at point of build, alcohol sales and exterior seating and decking – all of which attracts little or no consultation with local residents – residents who are constantly asked to ‘see how it goes’.

Again, the business was touted as follows (extract from the businesses own neighbourhood responses report). There has been a continuous attempt to move away from this with little or no regard to how it may impact the locality.

“The café will be open to members of the public between 9am until 7pm each day of the week. Staff will arrive and start preparing food from 8am. Most days the café will close about 5pm, but during the summer days the opening hours will be extended to 7pm. In a district centre location the proposed hours are comparable to other

similar uses. A suitably worded planning condition that restricts hours of use would meet the planning tests”

It feels as though it is only a matter of time until further applications are submitted to extend the hours to 11/12pm.

Protection of Children from Harm

Please state the reasons you believe granting the application will undermine this objective

The premises is located, with a direct view into such, in a public park and a children’s play area. Why do we need to have an increased number of hours for children to observe alcohol consumption by adults. No other premises can be sighted from the park where adults can be seen consuming alcohol other than this ‘ice cream parlour’. This includes the play area, the grassed area where significant numbers of children play sports, especially in the summer months when the nights are lighter and the much loved stepping stones over the River Tame. If adults chose to take their children to a location where alcohol consumption can be seen by children that is their choice – this removes that choice.

Numerous people purchased homes in and around this site – I strongly suspect that if they were given the choice now overlooking a licensed premises they would not do so – myself included. Alcohol sales were never mentioned at the point of planning, so were not considered as part of any detrimental harm and if it would be outweighed, the venue already has a license and the application does not clearly state why the additional hours are required or needed – it can only therefore be assumed that there is simply no need to increase the licenses hours over and above a commercial gain - using the leverage of supplying a single toilet (which again will have to be open for any additional hours)

Section 5 – Suggestions

(please provide any suggested conditions that could be added to the licence if granted which would remedy the cause of your representation, or other suggestions you would like the licensing panel to consider)

The applicant should continue to engage local residents, however this occurs sporadically as and when the message is more of a palatable one – i.e. private use of the venue outside of core licensed hours. There was no prior notification of this application other than the statutory notices. Although this is all that is required, I would suggest that earlier and constructive dialogue would result in a reduction in concerns and associated objections. This is the second application recently that contradicts the original plans that residents were given no prior notification of.

Section 6 – Signature

Sign: Ryan-james Smith.

Date: 09/04/2025

Guidance Notes:

Please provide all relevant information you feel is pertinent to the consideration of the application. The Licensing Authority will review all representations as they are received, and any information contained within representations that is not considered relevant for the purposes of determining the application will be highlighted.

Members of the Panel who preside over any subsequent hearing to determine the application will be alerted to the highlighted sections of representations and informed those sections cannot be considered in their decision-making process.

If you do make a representation you will be invited to attend the Licensing Panel hearing and any subsequent appeal hearings. Where you choose to attend the Panel, you may only address the panel around the relevant sections of your representation and will not be permitted to discuss the highlighted irrelevant information.

Please return the completed representation form, and any additional evidence, to the Licensing Service, Sir Robert Peacock House, Vulcan Street, Oldham, OL1 4LA or email to licensing@oldham.gov.uk

TIME LIMITS

All representations must be returned within the statutory period, generally 28 days from the date the notice was displayed on the premises or the date specified in the public notice in the newspaper.

If you are unsure of the time limit to lodge a representation for a particular application, please check with the Licensing Service by emailing licensing@oldham.gov.uk