

Licensing Panel

Licensing Act 2003 – Application for New Premises Licence, Dessert Point

Report of Director of Environment

Officer Contact: Nicola Lord

Date of Hearing: Tuesday 14 July 2026

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 Dessert Point, Unit 1, 793 Ashton Road, Oldham OL8 2RJ, 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 – Tuesday 14 July 2026

Application for a New Premises Licence for Dessert Point, Unit 1, 793 Ashton Road, Oldham OL8 2RJ.

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 Dessert Point, Unit 1, 793 Ashton Road, Oldham OL8 2RJ, 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 21 April 2026 the applicant, S & A Desserts Limited applied for the grant of a premises licence for Dessert Point. The last date for representations in relation to this application was 19 May 2026.

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

Activity	Indoors / Outdoors	Hours
Late night refreshment	Indoors	Monday to Thursday 23:00 to 00:00 Friday to Sunday 23:00 to 02:00

3.3 A copy of the application is attached at **Appendix 14.1**. The proposed plan is attached at **Appendix 14.2**, and a location map is attached at **Appendix 14.3**.

4. Representations

4.1 Following the submission and advertisement of the application, representations were received. These are set out at **Appendices 14.4 to 14.11** of the report.

4.2 The representations received were served upon the applicant as required by the Act..

4.3 It should also be noted that, following consultation with Environmental Health, their representation was withdrawn after the applicant agreed to incorporate the following amendments to the requested hours.

The applicant and Environmental Health agreed to the following hours:

Activity	Indoors / Outdoors	Hours
Late night refreshment	Indoors	Monday to Sunday 23:00 to 00:00 During the Ramadan period 23:00 to 2.00am



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4.4 The amended hours were circulated to the representors; however, they confirmed that they wished their representations to remain for consideration.

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:-

"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."

"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."

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 (February 2025).

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:

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).

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 Safety', the following paragraphs provide:-

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.

The measures that are appropriate to promote public safety will vary between premises and the matters listed above may not apply in all cases. As set out in Chapter 8 (8.38-8.46), applicants should consider when making their application which steps it is appropriate to take to promote the public safety objective and demonstrate how they achieve that.

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

Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. 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.

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.

In relation to 'Protecting of children from harm', the following paragraphs provide:-

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.

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 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
- 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 no 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

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

14. Appendices

Appendix 14.1 – Application

Appendix 14.2 – Plan

Appendix 14.3 – Location Map

Appendices 14.4 to 14.11 – Representations