

**Report to:** **SPEAKERS PANEL (LIQUOR LICENSING)**

**Date:** 5 August 2019

**Reporting Officer:** Emma Varnam – Assistant Director, Operations & Neighbourhoods

**Subject:** **APPLICATION TO VARY A PREMISES LICENCE - MINERS ARMS, 147 MOSSLEY ROAD, ASHTON-UNDER-LYNE, OL6 6NE**

**Report Summary:** Members are requested to determine the application

**Recommendations:** Having regard to the application and the relevant representations, Members are invited to take such steps (if any) as it considers appropriate for the promotion of the licensing objectives. The steps available are:

- a) modify the conditions of the licence (conditions are deemed to be modified if any are altered, omitted or any new condition added); or,
- b) reject the whole or part of the application

If neither of these steps are taken, the application must be granted

**Corporate Plan:** Living Well – Improve satisfaction with local community

**Policy Implications:** Members are provided with policy guidelines to assist in the decision making process.

**Financial Implications:** There are limited financial implications for the Council, as detailed in the report, however, any legal challenge to a policy decision may potentially incur costs.  
**(Authorised by the statutory Section 151 Officer & Chief Finance Officer)**

**Legal Implications:** If the Panel rejects the application that decision can be challenged by the Applicant. If the Panel grants the licence the Applicant can appeal against any of the conditions imposed on the licence or against a decision to refuse to specify a person in the licence as the premises supervisor. Any person who made relevant representations can appeal against the decision to grant the licence or against any of the conditions imposed on the licence or on the grounds that the Panel should have refused to specify a person in the licence as the premises supervisor. Any challenge would be by way of an appeal to the Magistrate's Court which may dismiss the appeal, substitute for the decision appealed against any other decision which could have been made by the licensing authority, or remit the case to the licensing authority to dispose of it in accordance with the direction of the court, and may make such order as to costs as it thinks fit. If an appeal were successful the Magistrates would be unlikely to order costs against the Local Authority if the authority had acted honestly, reasonably, properly and on grounds that reasonably appeared to be sound, in exercise of its public duty.  
**(Authorised by the Borough Solicitor)**

**Risk Management:** Failure to give full consideration to the determination of licensing issues has the potential to impact on public safety.

**Access to Information:** The author of the report is Mike Robinson – Regulatory Services Manager (Licensing)

**Background Information:** The background papers relating to this report can be inspected by contacting Mike Robinson



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## 1. INTRODUCTION

- 1.1 Section 34 of the Licensing Act 2003 outlines the procedure whereby an application can be made to the Licensing Authority to vary an existing premises licence.
- 1.2 Section 35(3) of the Licensing Act 2003 states that where relevant representations are made in respect of such an application, the authority must:
- (a) hold a hearing to consider them, unless the authority, the applicant and each person who has made such representations agree that a hearing is unnecessary, and
  - (b) having regard to the representations, take such steps as mentioned in subsection (4) (if any) as it considers appropriate for the promotion of the licensing objectives.
- 1.3 The steps mentioned in subsection (4) are:
- (a) to modify the conditions of the licence;
  - (b) to reject the whole or part of the application;

and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

## 2. REPORT

- 2.1 On 11 June 2019, the Licensing Authority received an application from the premises licence holder, Admiral Taverns Limited, to vary the premises licence relating to the Miners Arms, 147 Mossley Road, Ashton under Lyne, OL6 6NE. A copy of the application can be seen at **Appendix 1**.
- 2.2 The Designated Premises Supervisor is Carol Kershaw who has been in place since 15 April 2019.
- 2.3 The Miners Arms is a public house, these premises currently have a Premises Licence with the following hours:

### Hours Open to the Public

Monday to Saturday	11:00 to 23:00
Sunday	12:00 to 22:30
Good Friday	12:00 to 22:30
Christmas Day	12:00 to 15:00
Christmas Day	19:00 to 22:30

### Sale by Retail of Alcohol for Consumption On and Off the Premises

Monday to Saturday	11:00 to 23:00
Sunday	12:00 to 22:30
Good Friday	12:00 to 22:30
Christmas Day	12:00 to 15:00
Christmas Day	19:00 to 22:30

### Playing of Recorded Music (Indoors)

Monday to Saturday	11:00 to 23:00
Sunday	12:00 to 22:30
Good Friday	12:00 to 22:30
Christmas Day	12:00 to 15:00
Christmas Day	19:00 to 22:30

2.4 The application received on 11 June 2019, seeks to vary the Premises Licence as follows:

**Hours Open to the Public**

Monday to Sunday 09:00 to 00:30

**Sale by Retail of Alcohol for Consumption On and Off the Premises**

Monday to Sunday 09:00 to 00:00

**Playing of Recorded Music (Indoors)**

Monday to Sunday 09:00 to 00:00

**Non-standard timings**

To include the standards hours plus one extra hour for; All Bank Holidays, Christmas Eve, Christmas Day, Boxing Day, New Year's Day.

From the start of the standard timing on New Year's Eve to the start of the standard timing on New Years Day

2.5 Following receipt of the application the Officer's acting on behalf of the Licensing Authority contacted the premises licence with a view to agreeing conditions could be attached to the premises licence. These conditions were deemed appropriate in order to ensure the necessary promotion of the licensing objectives. The agreed conditions are attached at **Appendix 2**.

2.6 On 28 June 2019, the Licensing Office received a representation from the resident of a neighbouring property, this representation remains unresolved.

2.7 A location map showing the location of the Miners Arms is attached at **Appendix 3**.

**3. REPRESENTATIONS & EVIDENCE SUBMITTED**

3.1 A representation has been received from a local resident, whose representation is attached at **Appendix 4**.

3.2 A response to the representation has been received from the PLH and DPS, this is attached at **Appendix 5**.

**4. CONCLUSION AND OPTIONS FOR THE PANEL**

4.1 Panel are requested to consider the evidence and decide what (if any) steps to take as it considers appropriate for the promotion of the licensing objectives. The options available to the Panel are;

- a) modify the conditions of the licence (conditions are deemed to be modified if any are altered, omitted or any new condition added); or,
- b) reject the whole or part of the application

If neither of these steps are taken, the application must be granted.

**5. RECOMMENDATIONS**

5.1 As set out at the front of the report.