

Report to:	Speakers Panel (Liquor Licensing)
Date:	13 January 2020
Reporting Officer:	Emma Varnam – Assistant Director, Operations & Neighbourhoods
Subject:	APPLICATION TO VARY A PREMISES LICENCE – ASTLEY NEWS, 194 ASTLEY STREET, DUKINFIELD, SK16 4QD
Report Summary:	Members are requested to determine the application
Recommendations:	<p>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:</p> <ul style="list-style-type: none"> 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 <p>If neither of these steps are taken, the application must be granted</p>
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: (Authorised by the statutory Section 151 Officer & Chief Finance Officer)	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.
Legal Implications: (Authorised by the Borough Solicitor)	Members should determine the application in accordance with Section 35 of the Licensing Act 2003 and Chapter 9 of the Statutory Guidance issued under section 182.
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
	 Telephone: 0161 342 4122
	 e-mail: mike.robinson@tameside.gov.uk

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 Astley News has held a premise licence with Tameside Council since 8 December 2008. A copy of the current premises licence can be found at **Appendix 1**.
- 2.2 On 31 October 2019, the Licensing Department received an application to vary the existing premise licence at Astley News, 194 Astley Street, Dukinfield. The application is seeking to extend the terminal hour for the sale of alcohol and opening hours for the premises to 01:00am;

	Current	Proposed
Sale of alcohol	Monday-Saturday 22:00 Sunday 21:30	Monday-Sunday 01:00
Opening hours	Monday-Saturday 22:00 Sunday 21:30	Monday-Sunday 01:00

- 2.3 The application was submitted by Mr Hamza Ali who is the current Premises Licence Holder and Designated Premises Supervisor (DPS). Mr Ali has been the DPS since 9 January 2018 and has held the premises licence since 13 March 2019. A copy of variation application is attached at **Appendix 2**.
- 2.4 The premises is located within a row of terraced residential properties and is adjacent to a licensed public house, The Chapel House, 192 Astley Street, Dukinfield.
- 2.5 A map of the local area with the shop marked is attached at **Appendix 3**.
- 2.6 In accordance with the legislation a number of representations have been received by the Licensing Authority, the representations are relevant and remain unresolved.

3. REPRESENTATIONS AND EVIDENCE SUBMITTED

- 3.1 A local resident has made a representation, this is attached at **Appendix 4**.
- 3.2 On behalf of the Licensing Authority, Regulatory Compliance Officer Brad Byrne has made representation. This is attached at **Appendix 5**.
- 3.3 PC Martin Thorley acting on behalf of Greater Manchester Police has made representation. This is attached at **Appendix 6**.
- 3.4 James Mallion on behalf of TMBC Public Health has made representation. This is attached at **Appendix 7**.
- 3.5 Councillors John Taylor, Jackie Lane and Brian Wild in their capacity as an interested party have also made representation. This is attached at **Appendix 8**.

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.