

## AGENDA FOR

## LICENSING HEARING PANEL

*Contact:* Andrea Tomlinson  
*Direct Line:* 0161 253 5133  
*E-mail:* a.j.tomlinson@bury.gov.uk  
*Web Site:* www.bury.gov.uk

**To: All Members of Licensing Hearing Panel**

**Councillors:** J Grimshaw, B Mortenson and T Rafiq  
(Chair)

Dear Member/Colleague

### Licensing Hearing Panel

You are invited to attend a meeting of the Licensing Hearing Panel which will be held as follows:-

<b>Date:</b>	Tuesday, 14 January 2020
<b>Place:</b>	Council Chamber - Town Hall
<b>Time:</b>	10.00 am
<b>Briefing Facilities:</b>	If Opposition Members and Co-opted Members require briefing on any particular item on the Agenda, the appropriate Director/Senior Officer originating the related report should be contacted.
<b>Notes:</b>	

## **AGENDA**

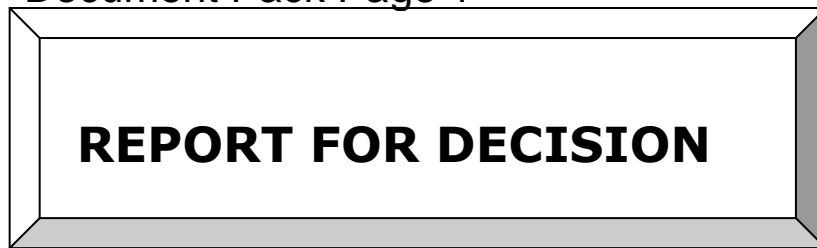
### **1 APOLOGIES FOR ABSENCE**

### **2 DECLARATIONS OF INTEREST**

Members of the Licensing Hearings Panel are asked to consider whether they have an interest in any matter on the agenda, and, if so, to formally declare that interest.

### **3 APPLICATION FOR THE VARIATION OF A PREMISES LICENCE UNDER THE LICENSING ACT 2003 IN RESPECT OF DOOTIES, 297 & 299 HOLLINS LANE BURY. (Pages 1 - 32)**

Report attached



<b>DECISION OF:</b>	<b>LICENSING HEARINGS PANEL</b>
<b>DATE:</b>	<b>14<sup>TH</sup> JANUARY 2020</b>
<b>SUBJECT:</b>	<b>THIS REPORT RELATES TO AN APPLICATION FOR THE VARIATION OF A PREMISES LICENCE UNDER THE LICENSING ACT 2003 IN RESPECT OF DOOTIES, 297 &amp; 299 HOLLINS LANE, BURY</b>
<b>REPORT FROM:</b>	<b>ASSISTANT DIRECTOR (LEGAL AND DEMOCRATIC SERVICES)</b>
<b>CONTACT OFFICER:</b>	<b>MR M BRIDGE</b>
<b>TYPE OF DECISION:</b>	<b>COUNCIL</b>
<b>FREEDOM OF INFORMATION/STATUS:</b>	This paper is within the public domain
<b>SUMMARY:</b>	This report relates to an application to vary a Premises Licence under section 34 of the Licensing Act 2003 in respect of Dooties, 297 & 299 Hollins Lane, Bury of which representations have been made.
<b>OPTIONS &amp; RECOMMENDED OPTION</b>	<ul style="list-style-type: none"> <li>• To refuse the application</li> <li>• To grant the application in the terms requested</li> <li>• To grant the application subject to conditions</li> <li>• To amend or modify existing or proposed conditions</li> </ul>
<b>IMPLICATIONS:</b>	
<b>Corporate Aims/Policy Framework:</b>	Do the proposals accord with the Policy Framework? <b>Yes</b> No
<b>Statement by the S151 Officer: Financial Implications and Risk Considerations:</b>	There are no specific issues from the report other than potential costs/risks associated with legal appeals.
<b>Statement by Executive Director of Resources:</b>	The cost of the licensing function are funded through the fees and charges levied by the Council. There may be additional costs if appeals are lodged with the Magistrates and Crown Courts.
<b>Equality/Diversity implications:</b>	Yes <b>No</b>

	(see paragraph below)
<b>Considered by Monitoring Officer:</b>	Yes Under the legislation the Council is required to determine representations. The report is in accordance with the appropriate legislation.
<b>Wards Affected:</b>	Unsworth
<b>Scrutiny Interest:</b>	Overview and Scrutiny Panel

**TRACKING/PROCESS**

**DIRECTOR:**

Chief Executive/ Strategic Leadership Team	Executive Member/Chair	Ward Members	Partners
Scrutiny Committee	Committee	Council	

**1.0 INTRODUCTION**

- 1.1 The Licensing Act 2003 and the Licensing Act 2003 (Hearings) Regulations is the relevant legislation.
- 1.2 The Panel will make a decision on the day of the hearing and the parties will be notified subsequently of the decision and the reasons for it by letter from the Licensing Office.

**2.0 BACKGROUND**

- 2.1 The premises licence holder in respect of these premises is Mr Damian Greenwood, 299 Hollins Lane, Bury, BL9 8BD. Mr Damian Greenwood is also the Designated Premises Supervisor.
- 2.2 The applicant has complied with all the necessary procedural requirements laid down by the Act.
- 2.3 As part of the statutory process the Responsible Authorities and interested parties are entitled to make representations in relation to the variation of a premises licence. Where representations are made and not withdrawn Members are required to determine them. Representation has been received from interested parties.
- 2.2 Representations must be relevant to the licensing objectives defined within the Act. The objectives are:-
  - a) the prevention of crime and disorder
  - b) public safety
  - c) prevention of public nuisance and
  - d) protection of children from harm

### **3.0 THE APPLICATION**

3.1 The application is for a variation to the current Premises Licence under Part 3 of the Licensing Act 2003 for the purpose of incorporation of 297 Hollins Lane, Bury within the existing premises licence at 299 Hollins Lane, Bury. The restaurant bar area is being reduced and moved into the 297 Hollins Lane. This will become the new entrance. The existing restaurant bar will be removed, this space will be used for additional covers.

The current operating schedule for 299 Hollins Lane, Bury shows the following:

a. Supply of alcohol – For consumption On/Off the Premises.

Monday to Sunday            9.00am to 11.00pm

b. Playing of Recorded Music (Indoors)

Sunday to Tuesday        9.00am to 10.00pm  
Wednesday to Saturday 9.00am to 11.00pm

c. Performance of Live Music (Indoors)

Friday to Saturday        6.00pm to 10.00pm

d. Hours the premises are open to the public:

Monday to Sunday        9.00am to 11.00pm

3.2 The proposed operating schedule for 297/299 Hollins Lane, Bury is as above. The conditions that are currently attached to the premises licence are attached at appendix 1.

### **4.0 REPRESENTATIONS**

4.1 Representations in respect of the application have been received from three interested parties. Each representor will shortly give their reason(s) for their representations in relation to this application which they request the Panel to refuse. The representations are attached at appendix 2.

4.2 All the representations were received before the end of the objection period.

### **5.0 SECTION 182 GUIDANCE**

5.1 Under the Section 182 Guidance issued under the Licensing Act 2003, the following sections are relevant:-

8.62 Many small variations to layout will have no adverse impact on the licensing objectives. However changes to layout should be referred to the full variation process if they could potentially have an adverse impact on the promotion of the licensing objectives, for example by:-

- Increasing the capacity for drinking on the premises;
- Affecting access between the public part of the premises and the rest of the premises or the street or public way, for instance, block emergency exits or routes to emergency exits; or

- Impeding the effective operation of noise reduction measure such as an acoustic lobby.

16.6 As a result of deregulatory changes that have amended the 2003 Act, no licence is required for the following activities:

Live music: no licence permission is required for:

A performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.

Recorded Music: no licence permission is required for:

Any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.

### **6.0 HISTORY OF RECENT COMPLAINTS**

6.1 The Licensing Service have received the following complaint and have taken the following actions:-

3<sup>rd</sup> August 2018 – Complaint received relating to both live and recorded music constantly coming through the party wall between our properties. On Sunday 29<sup>th</sup> July 2018, a private party was held with live music between 9.00pm and 10.50 pm. The complainant indicated that people who live 70 yards away could hear the music from their house. The complainant's son spoke to the proprietor the following day and his answer was I can do this 7 nights a week if I want as I have a licence until 11.00pm. The complainant indicated that there is also a piano which is located next to the party wall which can be heard in both the complainant's bedrooms and even the bathroom which is the furthest point in the house.

18<sup>th</sup> August – The licensing service spoke to the designated premises supervisor whilst undertaking enforcement duties. The noise complaint was discussed, in particular conditions and prevention measures that could be taken.

18<sup>th</sup> January 2019 – The licensing service visited the premises and carried out an external noise check which found that noise was not audible. Officers noted that the premises licence holder had opened next door but the bar remained in the same place.

### **7.0 OBSERVATIONS**

7.1 After hearing the representations made and the evidence presented Members are obliged to determine the application with a view to promoting the licensing objectives and having regard to the Authority's Licensing Policy and National Guidance.

---

#### **List of Background Papers:-**

Application form  
Plan

# Document Pack Page 5

Representations received

***For further information on the details of this report, please contact:***

Mr M Bridge  
Licensing Office  
Town Hall  
Bury  
Telephone No: 0161 253 5209  
Email: [m.bridge@bury.gov.uk](mailto:m.bridge@bury.gov.uk)

---

## Appendix 1

This licence is granted subject to any **Mandatory Conditions** imposed by the Licensing Act 2003, **and conditions volunteered** on the application form to be undertaken by the applicant and where necessary, **conditions imposed by the Licensing Authority** in order to promote the Licensing Objectives.

### **Mandatory Conditions:**

- a No supply of alcohol may be made under the Premises Licence at a time when there is no Designated Premises Supervisor (DPS) in respect of the Premises Licence OR at a time when the Designated Premises Supervisor does not hold a Personal Licence or his/her Personal Licence has been suspended.
- b Every supply of alcohol under the Premises Licence must be made or authorized by a person who holds a Personal Licence.
- c Any Door Security staff employed to carry out a security activity at the premises must be licensed with the Security Industry Authority (SIA).
- d. In respect of the exhibition of films as mentioned below:
  - 1 The admission of children to the exhibitions of any film is restricted as follows:
  - 2 Where the film classification body is specified in the licence, unless 3(b) below applies, the admission of children is restricted in accordance with any recommendation of that body.
  - 3 Where:-
    - (a) The film classification body is not specified in this licence, or
    - (b) The licensing authority has notified the holder of the licence that this subsection applies to the film in question,The admission of children is restricted in accordance with any recommendation made by the licensing authority.
  - 4 In relation to the above:

"Children" means persons under the age of 18 years; and  
"Film classification body" means the persons or person designated as the authority under section 4 of the Video Recordings Act 1984.

### **Mandatory Conditions pursuant to The Licensing Act 2003 Mandatory Licensing Conditions (Amendment) Order 2014**

1. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises:

  - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to:
    - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or



- (ii) drink as much alcohol as possible (whether within a time limit or otherwise)
- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective
- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective
- (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner
- (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

**2.** The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

**3.** (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:

- (a) a holographic mark, or
- (b) an ultraviolet feature.

**4.** The responsible person must ensure that:

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:

- (i) beer or cider: ½ pint
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml, and
- (iii) still wine in a glass: 125 ml

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises, and

(c) where a customer does not in relation to a sale of alcohol specify the quantity

## Document Pack Page 8

of alcohol to be sold, the customer is made aware that these measures are available.

### Definition:

#### ***Responsible person - as defined by section 153 (4) Licensing Act 2003***

(a) *In relation to a licensed premises -*

- (i) *The holder of a premises licence in relation to a premise*
- (ii) *The designated premises supervisor (if any) under such a licence*
- (iii) *Any individual aged 18 or over who is authorised for the purposes of this section by such a holder or supervisor.*

(b) *In relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables him to prevent the supply in question.*

### **The Licensing Act 2003 (Mandatory Conditions) Order 2014**

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1-

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979

(b) "permitted price" is the price found by applying the formula-

$$P = D + (D \times V)$$

Where-

- (i) P is the permitted price,
  - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
  - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence-
- (i) the holder of the premises licence,
  - (ii) the designated premises supervisor (if any) in respect of such a licence, or
  - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "Value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

### **Conditions Consistent with the Operating Schedule**

- The premises are to operate an effective CCTV system which is to be maintained in good working order at all times the premises is open for business. The recording medium (e.g. disks / tapes / hard drive, etc.) and associated images are to be retained and securely stored for a minimum period of 28 days and are to be made available to the police / authorised officers of the Licensing Authority upon request. The premises licence holder or designated premises supervisor is to provide the police with the contact details of at least two members of staff (or other person(s)) who are trained and familiar with the operation of the equipment so that, at the expense of the premises licence holder, they are able to check that the equipment is operating properly and that they are able to provide copies of recorded data upon request and within no more than 24 hours from the time of the request. The premises licence holder or the Designated Premises Supervisor must notify the licensing office or the Police in the event of CCTV breakdown or malfunction as soon as is reasonably practicable and in any event within 24 hours.
- Staff training shall take place on the Licensing Act and Licensing objectives upon commencement of employment and every six months thereafter, a written record of this training is to be maintained and made available to the police and any authorised officer of the Council for inspection on request.
- Customers are to be prevented from leaving the premises and associated outside area with glasses or open bottles. Empty bottles must be placed into locked bins so as to prevent them from being used as weapons.
- Prominent clear and legible notices must be displayed at all exits requesting that customers respect the needs of local residents and to leave the premises and area quietly.
- Music and associated other noise sources (e.g. DJs and amplified voices) shall not be generally audible inside noise sensitive property at any time. The DPS or a member of staff is to carry out noise level checks of the surrounding outside area whenever entertainment is being provided taking action to reduce noise levels where there is a potential for nuisance to be caused.
- All external doors and windows are to be kept closed when live entertainment or recorded music is in progress.
- Management and staff are to use their best endeavours to prevent persons loitering outside the premises and to ensure that persons refused entry or ejected are asked to leave the vicinity of the premises
- At an appropriate time before closing time, announcement should be made reminding customers to leave quietly.

## Document Pack Page 10

- The premises will operate a "Challenge 25" proof of age policy, and signage to this effect is to be prominently displayed within the premises. Persons who appear to be under the age of 25 must produce for thorough scrutiny by staff, proof of identity/age before being sold/supplied alcohol. Only a passport or photo-card driving licence or a proof of age card bearing the official 'PASS' accreditation hologram should be accepted as proof of age.
- The premises is to maintain a refusals / incident book to record the details of incidents / descriptions of individuals whenever a member of staff has refused to sell alcohol to a person suspected of being under the age of 18 and record the circumstances of any incident. The book must be made available to the police / authorised officers of the Licensing Authority on request.

ZHELO0001853-£190.



**Bury**  
**Application to vary a premises licence**  
**Licensing Act 2003**

6 3502

For help contact  
licensing@bury.gov.uk  
Telephone: 0161 253 5208

\* required information

**Section 1 of 18**

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference

Not Currently In Use

This is the unique reference for this application generated by the system.

Your reference

You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

- Yes  No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

**Applicant Details**

\* First name

Damian

\* Family name

Greenwood

\* E-mail

damian@dooties.co.uk

Main telephone number

0161 222 9618

Include country code.

Other telephone number

07572406423

- Indicate here if you would prefer not to be contacted by telephone

Are you:

- Applying as a business or organisation, including as a sole trader  
 Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

**Applicant Business**

Is your business registered in the UK with Companies House?

- Yes  No

Note: completing the Applicant Business section is optional in this form.

Is your business registered outside the UK?

- Yes  No

Business name

Dooties

If your business is registered, use its registered name.

VAT number

-

Put "none" if you are not registered for VAT.

Legal status

Partnership

**Continued from previous page...**Your position in the business Home country 

The country where the headquarters of your business is located.

**Business Address**

If you have one, this should be your official address - that is an address required of you by law for receiving communications.

Building number or name Street District City or town County or administrative area Postcode Country **Section 2 of 18****APPLICATION DETAILS**

**This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.**

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

\* Premises Licence Number 

Are you able to provide a postal address, OS map reference or description of the premises?

 Address     OS map reference     Description
**Postal Address Of Premises**Building number or name Street District City or town County or administrative area Postcode Country **Premises Contact Details**Telephone number

Continued from previous page...

Non-domestic rateable value of premises (£)

**Section 3 of 18**

**VARIATION**

Do you want the proposed variation to have effect as soon as possible?  Yes  No

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?

Yes  No

You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

**Describe Briefly The Nature Of The Proposed Variation**

Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.

The Variation is to Incorporate 297 Hollins Lane within the Premises License for 299 Hollins Lane. The restaurant Bar area is being reduced in size and moved into 297 Hollins Lane which will become the new entrance. the existing Restaurant Bar will be removed. This space will be used for additional covers.

**Section 4 of 18**

**PROVISION OF PLAYS**

See guidance on regulated entertainment

Will the schedule to provide plays be subject to change if this application to vary is successful?

Yes  No

**Section 5 of 18**

**PROVISION OF FILMS**

See guidance on regulated entertainment

Will the schedule to provide films be subject to change if this application to vary is successful?

Yes  No

**Section 6 of 18**

**PROVISION OF INDOOR SPORTING EVENTS**

<i>Continued from previous page...</i>	See guidance on regulated entertainment
<p>Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?</p> <p><input type="radio"/> Yes                      <input checked="" type="radio"/> No</p>	
<b>Section 7 of 18</b>	
<b>PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS</b>	
<p>See guidance on regulated entertainment</p> <p>Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?</p> <p><input type="radio"/> Yes                      <input checked="" type="radio"/> No</p>	
<b>Section 8 of 18</b>	
<b>PROVISION OF LIVE MUSIC</b>	
<p>See guidance on regulated entertainment</p> <p>Will the schedule to provide live music be subject to change if this application to vary is successful?</p> <p><input type="radio"/> Yes                      <input checked="" type="radio"/> No</p>	
<b>Section 9 of 18</b>	
<b>PROVISION OF RECORDED MUSIC</b>	
<p>See guidance on regulated entertainment</p> <p>Will the schedule to provide recorded music be subject to change if this application to vary is successful?</p> <p><input type="radio"/> Yes                      <input checked="" type="radio"/> No</p>	
<b>Section 10 of 18</b>	
<b>PROVISION OF PERFORMANCES OF DANCE</b>	
<p>See guidance on regulated entertainment</p> <p>Will the schedule to provide performances of dance be subject to change if this application to vary is successful?</p> <p><input type="radio"/> Yes                      <input checked="" type="radio"/> No</p>	
<b>Section 11 of 18</b>	
<b>PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE</b>	
<p>See guidance on regulated entertainment</p> <p>Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?</p> <p><input type="radio"/> Yes                      <input checked="" type="radio"/> No</p>	
<b>Section 12 of 18</b>	
<b>PROVISION OF LATE NIGHT REFRESHMENT</b>	



*Continued from previous page...*

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

Yes  No

**Section 13 of 18**

**SUPPLY OF ALCOHOL**

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

Yes  No

**Section 14 of 18**

**ADULT ENTERTAINMENT**

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

Provide information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

**Section 15 of 18**

**HOURS PREMISES ARE OPEN TO THE PUBLIC**

**Standard Days And Timings**

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

**Continued from previous page...**

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

Reasons why I have failed to enclose the premises licence or relevant part of premises licence.

**Section 16 of 18**

**LICENSING OBJECTIVES**

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

**Continued from previous page...**

Same as Current

b) The prevention of crime and disorder

Same As Current

c) Public safety

Same as Current

d) The prevention of public nuisance

Same as Current

e) The protection of children from harm

Same as Current

**Section 17 of 18**

**NOTES ON REGULATED ENTERTAINMENT**



**Continued from previous page...**

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
  - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
  - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
  - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
  - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

**Section 18 of 18**

**PAYMENT DETAILS**

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Variation Fees are determined by the non-domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at [http://www.voa.gov.uk/business\\_rates/index.htm](http://www.voa.gov.uk/business_rates/index.htm)

- Band A - No RV to £4300 £100.00
- Band B - £4301 to £33000 £190.00
- Band C - £33001 to £8700 £315.00
- Band D - £87001 to £12500 £450.00\*
- Band E - £125001 and over £635.00\*

\*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then your are required to pay a higher fee

- Band D - £87001 to £12500 £900.00
- Band E - £125001 and over £1,905.00

If you own a large premise you are subject to additional fees based upon the number in attendance at any one time

- Capacity 5000-9999 £1,000.00
- Capacity 10000 -14999 £2,000.00
- Capacity 15000-19999 £4,000.00
- Capacity 20000-29999 £8,000.00
- Capacity 30000-39000 £16,000.00
- Capacity 40000-49999 £24,000.00
- Capacity 50000-59999 £32,000.00
- Capacity 60000-69999 £40,000.00
- Capacity 70000-79999 £48,000.00
- Capacity 80000-89999 £56,000.00
- Capacity 90000 and over £64,000.00

\* Fee amount (£)

**ATTACHMENTS**

**AUTHORITY POSTAL ADDRESS**

Continued from previous page...

**Address**

Building number or name	<input type="text"/>
Street	<input type="text"/>
District	<input type="text"/>
City or town	<input type="text"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text"/>
Country	<input type="text" value="United Kingdom"/>

**DECLARATION**

\* Please visit [www.bury.gov.uk/privacy](http://www.bury.gov.uk/privacy) to read our recently updated Privacy Policy which explains how Bury Council uses and shares your personal data to give you the best possible experience across our services.

I/we understand it is an offence, under Section 158 of the Licensing Act 2003, to make a false statement in or in

\* connection with this application. Those who make a false statement may be liable on summary conviction to a fine of any amount.

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name	<input type="text"/>
* Capacity	<input type="text"/>
Date (dd/mm/yyyy)	<input type="text"/>

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/bury/change-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

**IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.**

Band E - £125001 and over £1,905.00

If you own a large premise you are subject to additional fees based upon the number in attendance at any one time

Capacity 5000-9999 £1,000.00

Capacity 10000 -14999 £2,000.00

Capacity 15000-19999 £4,000.00

Capacity 20000-29999 £8,000.00

Capacity 30000-39000 £16,000.00

Capacity 40000-49999 £24,000.00

Capacity 50000-59999 £32,000.00

Capacity 60000-69999 £40,000.00

Capacity 70000-79999 £48,000.00

Capacity 80000-89999 £56,000.00

Capacity 90000 and over £64,000.00

\* Fee amount (£)

190.00

**DECLARATION**

\* Please visit [www.bury.gov.uk/privacy](http://www.bury.gov.uk/privacy) to read our recently updated Privacy Policy which explains how Bury Council uses and shares your personal data to give you the best possible experience across our services.

I/we understand it is an offence, under Section 158 of the Licensing Act 2003, to make a false statement in or in connection with this application. Those who make a false statement may be liable on summary conviction to a fine of any amount.

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

\* Full name

Damian Greenwood

\* Capacity

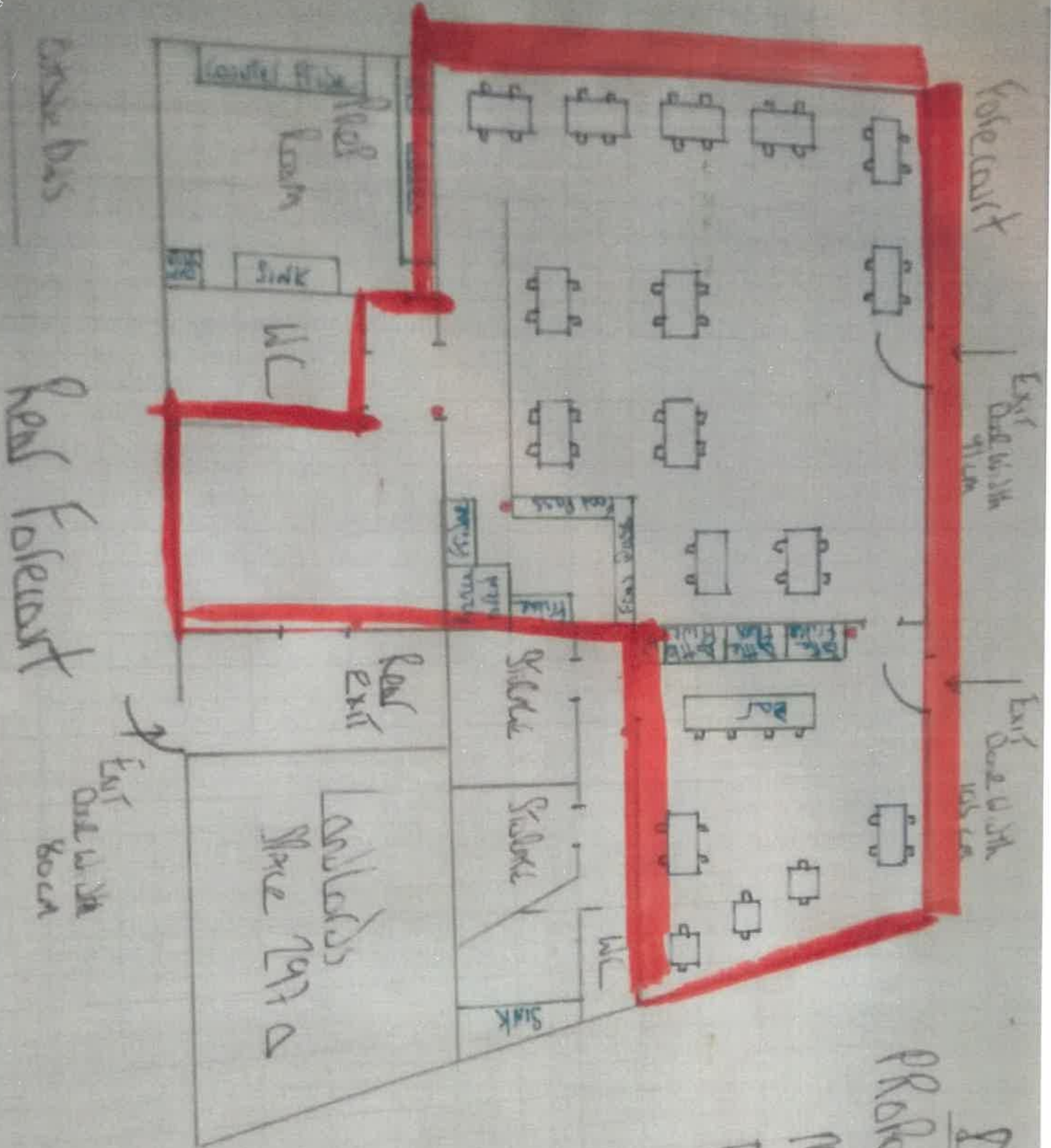
Managing Partner

\* Date

13 / 11 / 2019  
dd mm yyyy







Carry Bus

Red Forecourt

Dooties Pizzeria  
 Proposed Lot 291-292  
 Main Restaurant Area  
 Extended Drink Area

Scale here to here

• Fire Exits

Hollins Lane

Pavement

Forecourt

Exit Door Width 91cm

Exit Door Width 105cm



Outside Dins

Rest Forecourt

Exit Door Width 80cm

Dooties Pizzeria

Proposed Layout 297 - 299 Hollins Lane  
BL 9 860

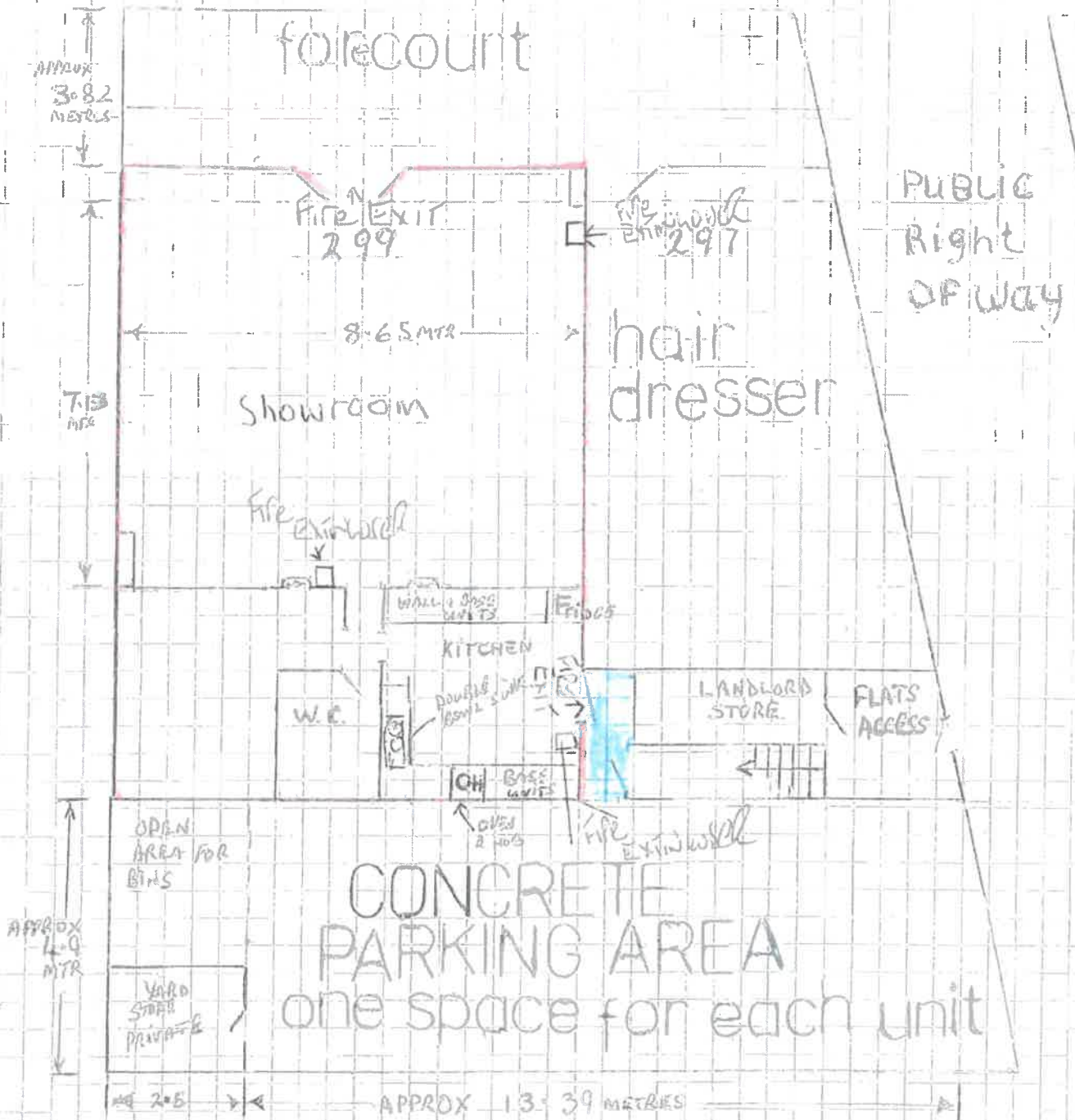
Main Restaurant Area 108 Covers

Extended Dining Area 14 Covers

Scale 10mm to 100mm @ A4

- Fire Extinguishers

# PLAN OF TIRATH



Plan 1

This page is intentionally left blank

Recd. 18/11/19

1 Braemar Drive  
Bury  
BL9 7PF

18<sup>th</sup> November, 2019

The Licensing Unit Manager  
Level 2  
3 Knowsley Place  
Duke Street  
Bury BL9 0EJ

Dear Sirs,

Re: Notice of an application to vary a premises licence. Damian Greenwood 297-299 Hollins Lane, Bury BL9 8BD

With regard to the structural alterations, i.e. opening up the wall between 299 and 297 Hollins Lane, the two premises were let to Mr Damian Greenwood and Ms Rachel Heraghty as two separate units and the leases do not run concurrently. The lease for 299 Hollins Lane runs for 5 years from November 2016. The lease for 297 Hollins Lane runs for 5 years from February 2018.

We strongly object to 297 being incorporated into 299 Hollins Lane. In the autumn of 2018 the tenants knocked through the dividing wall between 297 and 299 Hollins Lane, to form an access between the two shops, without the landlord's permission, without having planning permission and without applying to building regulations.

297 Hollins Lane has been used during 2019 (up until October) as an ice cream shop, which use adheres to the terms of the lease. Before the lease for 297 Hollins Lane was signed, Damian Greenwood advised Marian Lightfoot by email that 297 would be used as a delicatessen, grocers and ice cream counter and we agreed to lease the premises to Damian Greenwood and Rachel Heraghty on this basis.

When Damian Greenwood and Rachel Heraghty used 297 Hollins Lane as an overflow for their restaurant situated in 299 Hollins Lane in December and January 2018/2019, the tenant of the flat above 297 complained about the noise and disturbance that this caused.

We have observed people standing in the street outside the premises at 297-299 Hollins Lane at 10pm. We assume these people were customers of the restaurant possibly going outside to smoke. This gives the impression that the premises are being used as a bar where people overflow to outside on a summers evening.

We are concerned that if this variation of licence is granted, our other tenants living above 297 and 299 Hollins Lane and neighbours will be disturbed as described here:

Damian Greenwood and Rachel Heraghty do not abide by the rules of their lease with regard to several issues including disturbing neighbours with noise and loud music, not disposing of waste from the business in a safe and considerate manner, often leaving waste from overflowing bins on

the ground in the public areas behind the premises (the public areas are shared with tenants of the flats above 297 and 299 Hollins Lane).

With regard to the application of a licence variation for 297 Hollins Lane, this would be a breach of the lease. Despite Damian Greenwood and Rachel Heraghty not having our permission to open 297 Hollins Lane as a bar, they have already installed a bar into the premises (in October 2019) and already are serving drinks from there. We are taking action through our Solicitors, Butcher and Barlow in Bury to take back possession of the leases as the tenants are breaching the terms of the leases for 297 and 299 Hollins Lane.

Yours faithfully

Graeme Lightfoot and Marian Lightfoot

Landlords and owners of the building 297 – 299 Hollins Lane, Hollins, Bury BL9 8BD

**Henry, Laura**

---

**From:** Dave Bell <Dave@nwtools.co.uk>  
**Sent:** 20 November 2019 15:57  
**To:** Licensing  
**Subject:** Representation against Dooties Variation

To whom it may concern

I would like to object against this Licence Application

My name is David Bell and live at 297a Hollins Lane BL98BD in a flat ( for almost 9 years)that was above a hairdressers until a few years ago when a restaurant opened in the vacant property next door called Dooties but then knocked through under my flat in November December last year.

My worst fears have come to light with him opening under me an unlicensed bar which has held a function but has since quietened down since a council visit but is still pouring drinks for the restaurant

This is directly under mine and the children's bedrooms so you can appreciate my concern we have people already from his restaurant drinking and smoking and making noise outside his premises under the bedroom window I hate to think of the impact this bar will have as it is going to be directly at the side of the restaurant and one of the main entrances so encouraging to more people passing by and making a nuisance, where as I believe before the bar was at the back out of the way

Since December there have been functions and parties the worst being New Year with DJs it sounded like the extension was used as the dancefloor with crazily loud music since I have found he has no licence for alcohol or music.

The doors to the extension and restaurant were constantly opening and closing and the noise was not being contained the noise in the street was bad enough but upstairs there was nowhere to escape

Damian does not police his customers going out with drinks and making noise now, or stop them from blocking our access with cars and parking in the residents car park behind so how it will be if it gets approved I hate to think it is stressful enough for myself my children and direct neighbours

He is saying it is just for customers waiting for tables but we have had many run ins with Damian over the years with lots of noise problems and rubbish issues and I find it hard now to believe a word he says

I would never have considered renting above a bar and feel helpless that someone can just come along and open one

Kind Regards



Dave Bell  
Sales and Direct Sourcing | BlueSpot Tools

---

A Orme Business Centre, Oldham, OL4 3NS  
P 0161 834 3277 M 07968 167 827  
F 0161 832 9957  
E Dave@bluespot.uk.com  
W www.bluespot.uk.com

This page is intentionally left blank



## Stansfield, David

---

**From:** Lisa Robinson <robinson798@btinternet.com>  
**Sent:** 09 December 2019 20:13  
**To:** Licensing  
**Subject:** Representation against Dooties Variation

### To whom it may concern

I writing in response to the notice displayed on the premises of 297-299 Hollins Lane, Bury, BL9 8BD.

My name is Lisa Robinson and I live in the flat above Dooties (flat 2, 297a Hollins Lane) and have done since 2016 which was before the opening of the restaurant.

I wish to express my concern against the licence application for the above which includes the opening of a larger bar area under a residential dwelling. My flat is directly above the restaurant where I have tolerated, on many occasions, loud restaurant noises which have included piano music and several private parties. I am employed as a nurse and work shifts so as you can understand involves me sleeping during the day, although this has resulted in lack of sleep, I have never felt it necessary to express a concern about the noise.

However, I feel concerned if a license is accepted for the opening of a larger bar that this is likely to cause an increased noise nuisance which could impose on my every day life. The opening of Dooties has already impacted on my normal day to day living which has included excessive waste from the restaurant resulting in bin bags overflowing and not in appropriate bins which is attracting vermin and also the customers using the residents car park and the access driveway being blocked, which I have again tolerated.

Damian does not appear to be respectful to his neighbours and I have on many occasions had to go into the restaurant to ask if cars can be moved so I can get my car out. This disrespectful attitude is also reflected in his disregard to his waste management.

Although I feel I have in then past tolerated many issues with the restaurant and remained silent, I cannot remain silent any longer . I am concerned that this larger bar area which is now situated at the front of the premises will encourage more people and more noise outside the premises which will be directly under my flat. The noise already has proved to be problematic with many customers smoking and drinking outside and with the application being for alcohol to be consumed on and off the premises, I feel this will only encourage further noise pollution to a residential area.

Please take in consideration the residents who live in close proximity to Dooties restaurant and that when we moved into our properties we did not expect to be living above or near to a licensed bar.

Thank you

Lisa Robinson

Sent from [Mail](#) for Windows 10

This page is intentionally left blank