

Minutes of: LICENSING HEARING SUB COMMITTEE

Date of Meeting: 27 January 2022

Present: Councillor T Holt (in the Chair)
Councillors J Lewis and G McGill

Also in attendance: J. Witkowski (Legal)
L. Jones (Licensing)
M. Cunliffe (Democratic Services)
Mr Carmelo Bilardi (Applicant)
Mr Gareth Williams (Applicants Representative)
Mrs Sandra Featherstone (Representor)

Public Attendance: The Hearing was held virtually and interested members of the public were provided with a link to access the hearing online via Microsoft Teams or could be telephoned into the meeting via audio only. No members of the public were in virtual attendance..

Apologies for Absence: Greater Manchester Police

1 APOLOGIES FOR ABSENCE

Apologies for absence were submitted from Greater Manchester Police.

2 DECLARATIONS OF INTEREST

There were no declarations of interest made.

3 MINUTES OF THE LAST MEETING

The minutes of the last Licensing Hearing Panel held virtually at 10.00am on the 14th December 2021 were attached to the agenda.

Resolved:- That the minutes of the Licensing Hearing Sub Committee held virtually at 10.00am on the 14th December 2021 be approved as a correct record.

4 APPLICATION FOR A PREMISES LICENCE TO BE GRANTED UNDER THE LICENSING ACT 2003 IN RESPECT OF CARMELO'S & BILARDI'S BAR, 1 CHAPEL STREET, TOTTINGTON, BL8 4AL

The Licensing Authority received an application to vary a Premises Licence under section 34 of the Licensing Act 2003 in relation to Carmelo's & Bilardi's Bar, 1 Chapel Street, Tottington, Bury, BL8 4AL. Representations had been received from a Responsible Authority, namely Greater Manchester Police (GMP) and two interested parties, namely members of the public.

The Applicant in respect of the above premises is Mr Carmelo Bilardi. Mr Bilardi is also the Designated Premises Supervisor (DPS) at these premises.

The Applicant had complied with all the necessary procedural requirements laid down by the Act.

Representations were received within the appropriate period by the Licensing Authority from GMP and 2 other interested parties.

All representations were contained within the written submissions provided in the report to the Sub-Committee.

All documentary evidence provided with the agenda pack comprising the application, the report and representations were served on all parties in advance of the hearing.

The proposed variation of the operating schedule requested was as follows:

Supply of Alcohol - For consumption On the Premises

Sunday to Thursday	11.00 until 00.00
Friday and Saturday	11.00 until 01.30

Provision of Live Music (Indoors)

Sunday to Thursday	23:00 until 00.00
Friday and Saturday	23.00 until 01.30

Hours open to the Public

Sunday to Thursday	11.00 until 00.30
Friday and Saturday	11.00 until 02.00

The Deputy Licensing Officer confirmed the above hours were correct and the report in the agenda packs was incorrect which contained a 14.00 start time for the above. It was also reported that GMP had been mediating during the representation period with the Applicant prior to the hearing and they have agreed and accepted the conditions contained at Appendix 1.

The Deputy Licensing Officer presented a report and the operating schedule with conditions attached in Appendix 1 of the report.

Appendix 2 of the report contained information in relation to the interested parties who had made representations to this application.

Mr Gareth Williams, representing the Applicant advised the Sub-Committee that the main time extension was for a Friday and Saturday night of one and half hours, with an increase on Sundays of 30 minutes and that there had been no reported problems with the current operating times. He explained that the reasoning behind the extension was that customers who had eaten their meal could enjoy a drink afterwards in the bar area beyond the current midnight deadline. He went on to refer to some of the representations received and stated that the use of the restaurant's car park for drop offs and pick ups could be a condition or policy so door staff would be instructed to advise people stopping at

the front to go to the car park, in order to avoid the road junction being blocked by vehicles and to help with any possible noise issues.

Mr Williams noted that it was believed that the loud noises reported would more than likely be from other establishments with an outdoor venue further along the road. He advised that the bar area at the front of the premises was a piano bar and there were no plans for rock bands or similar performers. He also noted that there had been no concerns raised by Environmental Health.

The Applicant provided the Sub-Committee with background information as to how the business operated from the premises, which had been in existence at the location for over 30 years and which was previously a public house and then a sports bar. The Applicant added that the restaurant would close at 2.00am and alcohol would only be served until 1.30am on the days requested.

Mrs Featherstone reported that vehicles such as taxis currently park on the road outside the door to the restaurant. She felt the current hours were sufficient and the later times could impact upon local residents. She had noise concerns for a tenant who rented a flat from herself which was located across the road from the premises. She thought the slamming of car doors in the early hours would be a disturbance and had concerns that the venue could be a late night drinking establishment.

All parties were invited to sum up and Mr Williams reported that door staff would not allow new customers to enter the premises after midnight to avoid the public using the venue for late night drinking and a dispersal policy could be undertaken by staff.

The Sub-Committee then duly retired to consider the application.

The Members of the Panel were advised by the Legal Officer as to their duties under Section 4 of the Licensing Act 2003 to at all times consider the promotion of the Licensing Objectives, these being:

- a) the prevention of crime and disorder
- b) public safety
- c) the prevention of public nuisance
- d) the protection of children from harm

The Members were also advised of their duties in carrying out those functions in relation to:

- a) the Council's published Statement of Licensing Policy
- b) the Guidance issued by the Secretary of State as contained in section 182 of the Licensing Act 2003, which was updated in April 2018

In addition, Members were advised to give appropriate weight to the steps that are appropriate to promote the licensing objectives together with relevant representations presented by all parties.

Delegated decision

All of the evidence was considered with care, and it was established that having understood the application and equally noting and understanding the representations and assurances made by the Applicant and in view of the agreement reached between the Applicant and the Responsible Authority (GMP),

the Sub-Committee found there were causes for concern so far as the promotion of the licensing objectives were concerned, namely public nuisance caused by vehicles stopping at the front of the premises and therefore it was agreed unanimously, to add an additional condition in relation to public nuisance that could be mitigated by door and bar staff at the premises assisting customers being dropped off or picked up by vehicles via the restaurant's car park and not from the public highway, an additional condition listed above which was suggested and accepted by the Applicant and his representative.

It was therefore agreed unanimously, to grant the application for the variation of the Premises Licence as requested, subject to the conditions proposed by GMP in the report (Appendix 1) being attached to the Licence together with the matters set out within the Operating Schedule within the application, where they are not otherwise covered by the conditions at Appendix 1; along with an additional condition that;

- Vehicles dropping off or collecting clientele, must not be allowed to do so at the front of the Licensed Premises and must be directed by staff, to the car park attached to the Licensed Premises.

The Sub-Committee therefore granted the variation of the licence with the new timings:-

In addition, it agreed that the following conditions to be applied :-

- 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 12 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. The premises will not re-open until the CCTV system is in full working order.
- 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.
- A personal licence holder must be contactable at all times when open to the public.
- Any Door staff employed at the premises must be SIA registered and a daily log must be maintained at the premises showing the full name, date of birth, contact telephone number and SIA badge number of the Door

Security Staff on duty, the time when they started and ended their shift and the details of any incidents that take place to include incidents when a member of the public is refused entry to the premises. The log is to be made available to the police, to SIA inspectors and to Authorised Officers of the Licensing Authority on request.

- No person in possession of a drink in a sealed or unsealed container shall be allowed to enter the premises except for the purposes of delivery or from moving from one part of the premises to another.
- There shall be maintained on the premises at all times an adequate and appropriate supply of first aid equipment and materials.
- Customers are to be prevented from leaving the premises with glasses or open bottles. No drink shall be removed from the premises in an unsealed container.
- Empty bottles must be placed into locked bins so as to prevent them from being used as weapons.
- Clientele must not be admitted to the premises after 00.00hrs (midnight) or within one hour of the end of licensable activity.
- The DPS or premises licence holder must develop and operate a dispersal policy for clientele leaving the premises. [this may include links to taxis and other transport providers.
- The DPS/ Licence holder must ensure members of staff are adequately trained with regard to First Aid.
- Only plastic glasses/plastic bottles/toughened glass are to be used in the outside areas.
- 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.
- The outside area is not to be used for licensable activities or for the consumption of alcohol after 23.00 hours daily.
- No refuse shall be disposed of or collected from the premises between the hours of 00.00 and 0700 where such disposal or collection is likely to cause disturbance to local residents.
- 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.
- All alcohol must be displayed/stored behind the counter.
- No person under the age of 18 shall be permitted to remain on the premises after 22.00 hours unless supervised by an adult.

COUNCILLOR T HOLT
Chair

(Note: The meeting started at 12.30pm and ended at 1.30pm)