

## AGENDA FOR

## LICENSING HEARING SUB COMMITTEE



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**To: All Members of Licensing Hearing Sub Committee**

**Councillors** : T Holt (Chair), J Lewis and G McGill

Dear Member/Colleague

### **Licensing Hearing Sub Committee**

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

<b>Date:</b>	Thursday, 27 January 2022
<b>Place:</b>	Virtual meeting via Microsoft Teams
<b>Time:</b>	12.30 pm
<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 Hearing Sub Committee are asked to consider whether they have an interest in any matter on the agenda, and, if so, to formally declare that interest.

### **3 MINUTES OF THE LAST MEETING** *(Pages 3 - 8)*

The Minutes of the last Licensing Hearing Sub Committee meeting held at 10.00am on the 14<sup>th</sup> December 2021 are attached.

### **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** *(Pages 9 - 30)*

Report from the Executive Director (Operations) is attached: -

**Minutes of:** LICENSING HEARING SUB COMMITTEE

**Date of Meeting:** 14 December 2021

**Present:** Councillor T Holt (in the Chair)  
Councillors G McGill and Y Wright

**Also in attendance:** J. Witkowski (Legal)  
L. Jones (Licensing)  
M. Cunliffe (Democratic Services)  
Mr Celik (Applicant)  
Mrs Clarke (Applicants Representative)  
Councillors A. Simpson and L. Smith (Representors)

**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.

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**1 APOLOGIES FOR ABSENCE**

Apologies for absence were submitted from B. Thomson, Head of Public Protection and M. Bridge, Licensing Manager.

**2 DECLARATIONS OF INTEREST**

There were no declarations of interest made.

**3 MINUTES OF THE LAST MEETING(S)**

The minutes of the last Licensing Hearing Panel held virtually at 10.00am and 1.00pm on the 21<sup>st</sup> October 2021 were attached to the agenda.

**Resolved:- That the minutes of the Licensing Hearing Sub Committee held virtually at 10.00am and 1.00pm on the 21<sup>st</sup> October 2021 be approved as a correct record.**

**4 APPLICATION FOR A PREMISES LICENCE TO BE GRANTED UNDER THE LICENSING ACT 2003 IN RESPECT OF MEZEPOTAMIA CAFE & RESTAURANT, 6-8 THATCH LEACH LANE, WHITEFIELD, M45 6BE**

The Licensing Authority received an application for a Premises Licence to be granted under the Licensing Act 2003 in respect of Mezepotamia Café & Restaurant, 6-8 Thatch Leach Lane, Whitefield, M45 6BE. The applicant is Lara Restaurant Ltd of 6a Thatch Leach Lane, Whitefield, M45 6XE. The proposed Designated Premises Supervisor (DPS) is Mevlit Celik of the flat above 6-8 Thatch Leach Lane, Whitefield, M45 6BE.

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 3 other interested parties who are Councillors on Bury Council.

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.

Extra information circulated prior to the meeting after publication of the agenda pack included a document from JMC Licensing Consultants which addressed the issues raised by the Representors.

The proposed operating schedule showed the following:

- |    |  |                |
|----|--|----------------|
| a. | Supply of alcohol – For consumption on and off the Premises. |                |
|    | Monday to Sunday   | 09:00 to 23:30 |
|    | New Years Eve  | 09.00 to 00.30 |
| b. | Hours open to the Public                                     |                |
|    | Monday to Sunday   | 09.00 to 00.00 |
|    | New Years Eve  | 09.00 to 01.00 |

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.

Mrs June Clarke, representing the Applicant provided the Sub-Committee with background information as to how the business would operate from the premises, which has laid derelict for the past 25 years. She advised the Sub-Committee that the building had been seen in the local community as an eyesore and would become a high class restaurant in the area. Clarity on a number of points were addressed in relation to representations submitted by the ward councillors. Mrs Clarke explained that the premises would be open to service breakfasts as well as providing facilities for functions such as funerals, weddings and christenings. She went on to explain the finishing time was to enable clients to finish their meals.

It was stated that no local ward councillors had been to visit the Applicant at the premises to discuss their concerns and the restaurant business had no intention of running like a bar or public house. Mrs Clarke also advised the Sub-Committee that the Applicant had also written a letter of information to local residents who lived on residential streets surrounding the location, to explain the plans and stages of the building along with the renovation process and no objections had been lodged from them.

Mrs Clarke further added that there would be noise log books and other recordings of any issues if complaints occurred at the premises.

The Council's legal representative sought clarification as to the spelling of the Applicant's DPS's surname which appeared in the report as Mr Celit. It was

confirmed that the correct spelling was Mr Celik and the Applicant's representative stated she could provide a passport copy to verify this information.

Questions were asked by the Sub-Committee regarding the number of seats available and was advised 70 outside and 40/50 inside. A query was also raised as to the planning permission, but the Legal Advisor stated this was not relevant.

Councillor A. Simpson in her role as a Representor at the meeting drew attention to other restaurants in the Whitefield area and their opening and closing times whilst having concerns about the closing time and impact on local residential in the community.

Councillor L. Smith in her role as a Representor at the meeting questioned how many local residents had received the information letter and which streets had they been distributed to. She also stated that she was happy to arrange a date and time to visit the Applicant's premises but stressed her concerns for policing customers when they leave a premises and felt the hours were too late in a residential area.

Mrs Clarke advised that the letter had been delivered to all houses around the restaurant. She went on to add that the hours were normal within the industry but offered a reduced closing time by half an hour to address any ongoing concerns.

Both the ward Councillors addressed the Sub-Committee and explained the premises are on the edge of a residential area and that there are concerns as to the opening hours and noise from outside and the conservatory. They went on to stress concerns as the restaurant is close to a school and this may impact when children are going to school, taking into account the opening hours and the proposed late closure.

Questions were asked by the Sub-Committee in particular as to clarifying the impact on children. Councillor Simpson advised she was concerned as to the late closing time and the effect on families of people going in and out at midnight.

All parties were invited to sum up and the Representors reiterated that they had received a number of concerns from residents in the local area.

Mrs June Clarke stated the applicant was accepting to amend the last sale of the alcohol condition from 11.30pm to 11.00pm.

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 all of the representations and assurances made by the Applicant, the Sub-Committee found there were causes for concern so far as the promotion of the licensing objectives in view of the late sales and closing times, in relation to public nuisance. However, it was agreed unanimously, that this could be mitigated by amending the latest time for the sale of alcohol and the closing time, as proposed by the Applicant and its representative at the hearing, in relation to the sale of alcohol ending at 23.00 and not 23.30 and in relation to the closing time of 23.30 and not midnight.

The Sub-Committee therefore granted the licence with the following hours: -

- |    |  |                |
|----|--|----------------|
| a. | Supply of alcohol – For consumption on and off the Premises. |                |
|    | Monday to Sunday   | 09:00 to 23:00 |
|    | New Years Eve  | 09.00 to 00.30 |
| b. | Hours open to the Public                                     |                |
|    | Monday to Sunday   | 09.00 to 23.30 |
|    | New Years Eve  | 09.00 to 01.00 |

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

1. A tamper-proof digital colour CCTV system shall be installed and maintained on the premises. All recordings will be retained on the premises for 31 days.
2. The CCTV system must provide a clear head and shoulders view to an evidential quality on the customers entry.
- 3 Record footage must be provided within a reasonable time to an authorised responsible Authority Officer upon request.
4. Such footage must be provided in an immediately viewable format and must include any software etc. that is required to view the footage.
5. The Designated Premises Supervisor shall ensure that the CCTV system is checked at least once ever month. This check shall include the operation of the cameras, the recording facilities, the facilities for providing footage and the accuracy of the time and date. A written record of these checks shall be kept on the premises at all times and made available to a representative of any responsible authority on request.
6. Alcohol shall only be supplied to diners ancillary with a substantial food order.
7. A contact number for the Designated Premises Supervisor will be available on the premises when not on duty.
8. Relevant staff will be given the appropriate training on the legislation relating to alcohol and diners under the age of 18.
9. Signage will be displayed in prominent positions as a reminder to staff regarding serving alcohol to under 18's.

10. The premises and toilets are situated on the ground floor A full written Health & Safety assessment will be carried out and fire extinguishers will be in place.
11. Prominent, clear and legible notices shall be displayed at all exits and in key areas, requesting the public to respect the needs of the local residents and to leave the premises and the area quickly and quietly.
12. No exterior lighting will be positioned so it will not be an annoyance to any resident
13. The extractor fan will be fitted with special anti-vibration shock absorbers
14. Deliveries of goods will only be permitted between the hours of 08.00 and 18.00
15. All refuse will be stored in suitable industrial containers and will be removed by a reputable waste company between the hours of 08.00 and 18.00. Page 20 16. When the premise is open for business, except for access and egress, all doors and windows shall be kept closed at all times to control any noise that may escape from the restaurant.
17. The owners shall conduct regular noise assessments at regular intervals after 21.00 if they believe that noise coming from the premises may be causing a nuisance to local residents and use remedial action to reduce if possible.
18. Prominent signage will be displayed advising customers of the designated smoking area. Customers will be encouraged to use the area.
19. Training regarding Challenge 25 and 16 or 17 year old's consuming alcohol on the premises shall be introduced for all staff who are in a position to take food and drink orders, sell or serve customers. This programme shall be made available for inspection at the request of a Responsible Officer. A written record shall be kept of the content of the training for a minimum of 12 months.
20. The premises shall operate a Refusals Log and an Incident Log.
21. A Challenge 25 Scheme shall be in operation at the premises and signage shall be prominently displayed at key areas. The only forms of ID that will be accepted will be valid photographic Driving Licenses, valid Passports, or other reliable photo ID that would be accepted by the Home Office.
22. The DPS or PLH shall conduct six monthly reviews with all members of staff authorised to sell, serve or deliver alcohol in order to reinforce the training and to promote best practice. A written record shall be kept of the content of such reviews.

**COUNCILLOR**  
**Chair T. Holt**

**(Note: The meeting started at 10.05am and ended at 11.46am)**

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<b>Classification</b>	<b>Item No.</b>
Open	

<b>Meeting:</b>	Licensing Hearings Sub-Committee
<b>Meeting date:</b>	27 January 2022
<b>Title of report:</b>	Application for a Variation to a Premises Licence under the Licensing Act 2003 in respect of Carmelo's & Bilardi's Bar, 1 Chapel Street, Tottington, BL8 4AL
<b>Report by:</b>	Executive Director (Operations)
<b>Decision Type:</b>	Council
<b>Ward(s) to which report relates</b>	Tottington

### **Executive Summary:**

This report relates to 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 in respect of which representations have been received from a Responsible Authority and two interested parties.

### **Recommendation**

#### **Options & recommended option**

- To refuse the application
- To grant the application in the terms requested
- To grant the application subject to conditions
- To amend or modify existing or proposed conditions

### **Key considerations**

This is a Council Function that is delegated to the Licensing and Safety Panel by the Council's Constitution.

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**Community impact / Contribution to the Bury 2030 Strategy**

Not applicable

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**Equality Impact and considerations:**

A GM-wide Equality Impact Assessment has been undertaken and a copy is available on request.

*Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:*

*A public authority must, in the exercise of its functions, have due regard to the need to -*

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.*

*The public sector equality duty requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services.*

*The Licensing Service have considered the Equality Act 2010 and due to each application being dealt with on its own merits there is no positive or negative on any of the protected characteristics*

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**Assessment of Risk:**

The following risks apply to the decision:

<b>Risk / opportunity</b>	<b>Mitigation</b>
Not applicable	

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**Consultation:**

Not applicable

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**Legal Implications:**

Under the legislation the Council is required to determine representations. The report is in accordance with the appropriate legislation.

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**Financial Implications:**

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.

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**Report Author and Contact Details:**

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Duke Street  
Bury  
BL9 0EJ      Tel: 0161 253 5209    Email: [m.bridge@bury.gov.uk](mailto:m.bridge@bury.gov.uk)

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**Please include a glossary of terms, abbreviations and acronyms used in this report.**

Term	Meaning
DPS	Designated Premises Supervisor

**Background papers:**

Application form  
Representations received

**1.0 BACKGROUND**

- 1.1 The Licensing Act 2003 and the Licensing Act 2003 (Hearings) Regulations are 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 INTRODUCTION**

- 2.1 The applicant for the licence in respect of the above premises is Mr Carmelo Bilardi, Pindersfield, Ashersbottom, Ewood Bridge, Rossendale, BB4 6JY. Mr Bilardi is also the Designated Premises Supervisor (DPS) at these premises.

- 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 grant of a licence. Where representations are made and not withdrawn Members are required to determine them.
- 2.4 Representations must be relevant to the licensing objectives defined within the Act. The objectives are: -
- the prevention of crime and disorder
  - public safety
  - prevention of public nuisance and
  - protection of children from harm

### **3.0 THE APPLICATION**

- 3.1 The application is for the Variation of a Premises Licence under Part 3 of the Licensing Act 2003:

**The Current operating schedule shows the following:**

#### **Supply of alcohol – For consumption On the Premises.**

Monday to Saturday	11.00 until 00.00
Sunday	12.00 until 23.30
Bank & Public Holidays	As per embedded conditions

#### **Embedded Conditions**

##### **Justices' On Licence with Restaurant Conditions\***

The licence is granted for premises structurally adapted and bona fide used or intended to be used, for the purpose of habitually providing the customary main meal at midday or in the evening or both for the accommodation of persons frequenting the premises and is subject to the conditions:

1. Alcohol shall not be sold or supplied on the premises otherwise than to person(s) taking table meals there and for consumption by such persons(s) as ancillary to his(her) meal
2. Suitable beverages other than alcohol (including drinking water) shall be equally available for consumption with or otherwise as an ancillary to meals served in the licensed premises
3. Permitted hours - Alcohol shall not be sold or supplied except during permitted hours.  
In this condition permitted hours means:  
On weekdays other than Christmas Day, Good Friday or New Years Eve:  
from 11am to 12 midnight;  
On Sundays, Christmas Day and Good Fridays: from 12noon to 11.30pm;  
On New Years Eve, except on a Sunday, 11am to 12 midnight;  
On New Years Eve on a Sunday, 12 noon to 11.30pm

On New Years Eve from the end of permitted hours on New Years Eve to the start of permitted hours on the following day. (or, if there are no permitted hours on the following day, midnight on the 31<sup>st</sup> December)

The above restrictions do not prohibit:

- (a) during the first twenty minutes after the above hours the taking of alcohol from the premises unless the alcohol is supplied or taken in an open vessel
  - (b) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking table meals there if the alcohol was supplied for the consumption as ancillary to the meals
  - (c) the consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises; the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
  - (c) the sale of alcohol to a trader or club for the purposes of the trade or club;
  - (d) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
  - (e) the taking of alcohol from the premises by a person residing there; or
  - (f) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or
  - (e) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises
- 4 The relaxation provisions in section 182 Licensing Act 1964 shall apply in relation to the provision of public entertainment in the premises by the reproduction of wireless (including television) broadcasts or music and singing solely provided by the reproduction of recorded sound.

### **Late Night Refreshment (Indoors)**

Monday to Saturday	11.00 until 00.30
Sunday	12.00 until 00.00
Bank & Public Holidays	Extra 30 mins past alcohol terminal hour

## **3.2 Proposed Variation – Opening Hours**

### **Supply of Alcohol - For consumption On the Premises**

Sunday to Thursday	14.00 until 00.00
Friday and Saturday	14.00 until 01.30

### **Provision of Live Music (Indoors)**

Sunday to Thursday	14.00 until 00.00
Friday and Saturday	14.00 until 01.30

### **Hours open to the Public**

Sunday to Thursday	11.00 until 00.30
Friday and Saturday	14.00 until 02.00

- 3.3 Members should be aware that the Live Music Act 2012 permits the provision of live music at licensed premises between the hours of 08.00 until the 23.00 with no more than 500 occupancy. Members will see that this application is requesting that live music is permitted beyond these hours therefore this is required to be an authorised regulated activity.

### **4.0 REPRESENTATIONS FROM GREATER MANCHESTER POLICE**

- 4.1 Greater Manchester Police have been mediating during the representation period with the applicant prior to today's hearing and they have accepted the conditions contained at Appendix 1.

### **5.0 REPRESENTATIONS FROM INTERESTED PARTIES**

- 5.1 Two relevant representations from interested parties have been made against this application a summary of this is detailed below:-

- Indoor/Outdoor Music
- Anti-Social behaviour
- Extend into unsociable hours to the detriment of local residents.
- Noise from patrons leaving the premises
- Location of the premises
- Further licence applications

- 5.2 The representations are attached at Appendix 2.

- 5.3 The first representation in appendix 2, has requested to remain anonymous due to her personal circumstances.

### **6.0 Observations**

- 6.1 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.

## Appendix 1

- 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.



## **Appendix 2**

### **First Representation**

Dear Sirs,

I wish to record my concerns about the above application to extend opening hours.

Tottington is already affected by noise and other disturbances from Stanley's bar who conduct business from a marquee. The additional noise from both Carmelos later closing time and the playing of music will cause issues for nearby residents. Excess alcohol can cause flashpoints and arguments which can escalate. From a safety point of view the doorway opens on to a relatively narrow pavement and if a car is turning left from Turton Road and there are patrons milling about outside this could be an accident waiting to happen.

Concern about anti social behaviour at 2am worries me greatly. Tottington village is not an appropriate place to conduct what is in effect a nightclub. This would be better suited to a town centre where there is night time policing.

My son's bedroom overlooks the doorway and he will be hugely disturbed by the noise and I am appealing against the extension because the granting of this would be detrimental to the enjoyment of his homelike.

Dear Sirs,

Thank you for your email confirming that you have received my representation on the matter of application ref 78.

I do not wish my personal details to be disclosed. I am a 70 year old living alone and would be concerned about any unsolicited approach from interested parties. I would be very concerned also about any approach made to my son. He is a vulnerable adult and would be extremely distressed if contact was made with him.

I will perhaps contact my local councillors

### **Second Representation**

Dear Mr. O'Farrell,

Reference: Extended licence of Carmelo's and Bilardi's.

I willingly support business development in Tottington, but not at the detriment of others.

Please remember that this is also a residential area, and residents already have to co exist alongside Stanley's and their indoor/outdoor music until midnight.

It seems unfair and unreasonable for an existing thriving business serving food and alcohol to extend into unsociable hours to the detriment of local residents.

As customers exit from the premises, residents will have to endure the consequences of noise and high spirits induced from even more consumed alcohol, car doors slamming and taxis with engines running.

Vehicles park and wait at Carmelo's entrance, at the narrowest point of the traffic lane alongside the pavement on a blind bend. It is precarious enough manoeuvring in this area during daylight hours, let alone late at night.

Patrons exiting Carmelo's, leave the narrow pavement, walk into the road, searching for their transportation, it is an accident waiting to happen? Perhaps a further viewing of this busy junction would be appropriate to ascertain the safety of patrons.

My property is within yards of Carmelo's, containing a residential flat with windows overlooking Carmelo's restaurant, where a young man with special needs has resided in the flat for the last 10 years. He already has to cope with the late night music from Stanley's, is it acceptable that he must now endure more noise and late night music from Carmelo's as well as from Stanleys? Especially as his bedroom window is only yards from Carmelo's entrance.

If this extended licence is granted, will it open the floodgates for more late night licence applications from the other properties adjacent, such as The Robin Hood pub, The Dungeon, and Stanley's, who will also feel the only way to compete for trade, is to have extended licensing hours!



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

For help contact  
[licensing@bury.gov.uk](mailto: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

Variation of premises license carmelos

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

Carmelo

\* Family name

Bilardi

\* E-mail

carmelostottington@gmail.com

Main telephone number

Include country code.

Other telephone number

☐ 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.

*Continued from previous page...***Your Address**

Address official correspondence should be sent to.

* Building number or name	<input type="text" value="Carmelos"/>
* Street	<input type="text" value="1 chapel street"/>
District	<input type="text" value="tottington"/>
* City or town	<input type="text" value="bury"/>
County or administrative area	<input type="text"/>
* Postcode	<input type="text" value="BL8 4AL"/>
* Country	<input type="text" value="United Kingdom"/>

**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	<input type="text" value="PL0078"/>
---------------------------	-------------------------------------

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	<input type="text" value="Carmelos"/>
Street	<input type="text" value="1 chapel street"/>
District	<input type="text" value="tottington"/>
City or town	<input type="text" value="bury"/>
County or administrative area	<input type="text" value="greater manchester"/>
Postcode	<input type="text" value="BL8 4AL"/>
Country	<input type="text" value="United Kingdom"/>

**Premises Contact Details**

Telephone number	<input type="text" value="01204 882307"/>
Non-domestic rateable value of premises (£)	<input type="text" value="4,725"/>

**Section 3 of 18****VARIATION**

*Continued from previous page...*

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.

We are implementing variations in order to play live music, and slightly amend our opening and alcohol consumption hours

## 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

[See guidance on regulated entertainment](#)

*Continued from previous page...*

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?

☐ Yes ☒ No

## Section 7 of 18

### PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

☐ Yes ☒ No

## Section 8 of 18

### PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

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

☒ Yes ☐ No

### Standard Days And Timings

#### MONDAY

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.

#### TUESDAY

Start

End

Start

End

#### WEDNESDAY

Start

End

Start

End

#### THURSDAY

Start

End

Start

End

#### FRIDAY

Start

End

Start

End

#### SATURDAY

Start

End

Start

End

*Continued from previous page...*

SUNDAY

Start

End

Start

End

Will the performance of live music take place indoors or outdoors or both?

☒ Indoors ☐ Outdoors ☐ Both

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

State any seasonal variations for the performance of live music

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

Non-standard timings. Where the premises will be used for the performance of live music at different times from those listed, above below.

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

## Section 9 of 18

### PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

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

☐ Yes ☒ No

## Section 10 of 18

### PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

☐ Yes ☒ No

## Section 11 of 18

*Continued from previous page...***PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE**[See guidance on regulated entertainment](#)

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?

☐ Yes ☒ No

**Section 12 of 18****PROVISION OF LATE NIGHT REFRESHMENT**

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

**Standard Days And Timings****MONDAY**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.

**TUESDAY**Start End Start End **WEDNESDAY**Start End Start End **THURSDAY**Start End Start End **FRIDAY**Start End Start End



*Continued from previous page...*

**SATURDAY**

Start  End

Start  End

**SUNDAY**

Start  End

Start  End

Will the sale of alcohol be for consumption?

- ☒ On the premises      ☐ Off the premises      ☐ Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

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 the premises will be used for the supply of alcohol 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.

**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**

*Continued from previous page...*

MONDAY

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.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

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.

*Continued from previous page...*

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.

door staff, dress code, strict entry requirements & full CCTV coverage of inside and outside premises

b) The prevention of crime and disorder

door staff, dress code, strict entry requirements & full CCTV coverage of inside and outside premises

c) Public safety

door staff, dress code, strict entry requirements & full CCTV coverage of inside and outside premises

d) The prevention of public nuisance

door staff, dress code, strict entry requirements & full CCTV coverage of inside and outside premises

e) The protection of children from harm

door staff, dress code, strict entry requirements & full CCTV coverage of inside and outside premises. Curfew for under 18's

*Continued from previous page...*

on Fridays and Saturdays.

## Section 17 of 18

### NOTES ON REGULATED ENTERTAINMENT

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08:00 and 23:00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08:00 and 23:00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
  - o a performance of unamplified live music between 08:00 and 23:00 on any day, on any premises.
  - o 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.
  - o a performance of amplified live music between 08:00 and 23:00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
  - o a performance of amplified live music between 08:00 and 23:00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - o a performance of amplified live music between 08:00 and 23:00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
  - o 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.
  - o any playing of recorded music between 08:00 and 23:00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - o any playing of recorded music between 08:00 and 23:00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

**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 you 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 (£)

315.00

**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.

*Continued from previous page...*

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

\* Capacity

\* Date  /  /   
dd mm yyyy

Add another signatory

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.**

**OFFICE USE ONLY**

Applicant reference number

Fee paid

Payment provider reference

ELMS Payment Reference

Payment status

Payment authorisation code

Payment authorisation date

Date and time submitted

Approval deadline

Error message

Is Digitally signed ☐

[1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) [10](#) [11](#) [12](#) [13](#) [14](#) [15](#) [16](#) [17](#) [18](#) [Next >](#)