Minutes of:	**LICENSING HEARING SUB COMMITTEE**
Date of Meeting:	12th June 2025
Present:	Councillor T Rafiq (in the Chair) Councillors I Rizvi and M Walsh M. Bridge (Licensing Unit) M. Cunliffe (Democratic Services) S. Kazam (Legal Services) R. Thorpe (Legal Services)
Also in attendance:	Mr M Hamasalih (Applicant) Councillor L. Smith (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 or press were in virtual attendance other than those listed above.

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1 APOLOGIES FOR ABSENCE

Apologies for absence were submitted by B. Thomson (Assistant Director of Operations Strategy).

2 DECLARATIONS OF INTEREST

There were no declarations of interest made.

3 MINUTES OF THE LAST MEETING

The minutes of the last Licensing Hearing Sub Committee meeting held at 1.00pm on Thursday the 24th April 2025 was attached to the agenda.

Resolved:- That the minutes of the Licensing Hearing Sub Committee held at 1.00pm on the 24th April 2025 be approved as a correct record.

4 APPLICATION FOR A PREMISES LICENCE TO BE GRANTED UNDER THE LICENSING ACT 2003 IN RESPECT OF MELIS 2 LTD, 6 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 Melis 2 Ltd, 6 Thatch Leach Lane, Whitefield, M45 6BE.

The applicant for the licence is Melis 2 Ltd, 6 Thatch Leach Lane, Whitefield, M45 6BE. Mr Mohammad Hamasalih of Owl Barn Hampsons Farm, Coal Pit Lane, Smithills, Bolton, BL1 7PE is the proposed Designated Premises Supervisor (DPS).

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

The Licensing Unit Manager presented the report and 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 Where representations are made and not withdrawn Members are required to determine them.

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

The application is for the grant of a Premises Licence under Part 3 of the Licensing Act 2003.

Opening Times:

Monday to Sunday	12.00 till 23.30
New Years Eve	12.00 till 02.00

Supply of Alcohol (on the premises only):

Monday to Sunday	12.00 till 23.00
New Years Eve	12.00 till 02.00

Late Night Refreshment (Indoors)

Monday to Sunday	23.00 till 23.30
New Years Eve	23.00 till 02.00

Dance (indoors)

Monday to Saturday	12.00 till 23.30
New Years Eve	12.00 till 02.00

Due to the Live Music Act 2012, there is no need to licence this activity until after 23.00.

Recorded Music (Indoors)

Monday to Saturday	12.00 till 23.30
New Years Eve	12.00 till 02.00

Due to the Live Music Act 2012, there is no need to licence this activity until after 23.00.

The conditions contained in the operating schedule submitted by the applicant were contained at Appendix 1 in the agenda packs.

Three representations (Not two as stated in the report) had been received from interested parties and they had been invited to make their representations at the hearing. The representations were attached at Appendix 2 in the agenda packs.

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.

The Secretary of State's Guidance to the Licensing Act 2003 is provided to licensing authorities in relation to the carrying out of their functions under the 2003 Act. It also provides information to magistrates' courts hearing appeals against licensing decisions and has been made widely available for the benefit of those who run licensed premises, their legal advisers and the general public. It is a key medium for promoting best practice, ensuring consistent

application of licensing powers across England and Wales and for promoting fairness, equal treatment and proportionality.

Section 4 of the 2003 Act provides that, in carrying out its functions, a licensing authority must 'have regard to' guidance issued by the Secretary of State under section 182. The Guidance is therefore binding on all licensing authorities to that extent. However, the Guidance cannot anticipate every possible scenario or set of circumstances that may arise and, as long as licensing authorities have properly understood this Guidance, they may depart from it if they have good reason to do so and can provide full reasons.

Departure from the Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken. In making its decision with regard to this application hearing, the steps the Sub-Committee can take are:

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

All licensing determinations should be considered on the individual merits of the application.

The Sub-Committee's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve. Findings on any issues of fact should be on the balance of probability.

It is important that a licensing authority should give comprehensive reasons for its decisions in anticipation of any appeals. Failure to give adequate reasons could itself give rise to grounds for an appeal.

The Sub-Committee was asked to determine what steps, as set out above, are appropriate for the promotion of the licensing objectives.

The Licensing Unit Manager explained that the licence had lapsed at the premises although this was for a different restaurant company which explains the application.

The applicant, Mr Hamasalih addressed the Sub Committee and informed Members that the restaurant building was in a good neighbourhood and would serve excellent food and listen to local residents. The business was not to open a club or late bar and it would be a warm and welcoming family restaurant for a nice meal.

In relation to possible issues about music disturbing residents, Mr Hamasalih stated this would be background music indoors only within responsible hours. The dance element was related to Mediterranean culture and any performances would be between 8.00-9.00pm.

Any issues related to anti-social behaviour would be covered by them as a responsible business via a full CCTV system, incident logs and the Challenge 25 scheme being implemented.

Mr Hamasalih confirmed the new business which had a restaurant in Wigan was not related to the previous business which was run from the site.

Members of the Committee questioned the number of covers and, service time and would the venue host weddings?

Mr Hamasalih stated there would be a maximum of 200 covers but anticipated it not being that full and the restaurant was more aimed at family meals and birthday celebrations. The last food orders would be taken at 10.00pm with customers leaving by 11.30pm and the building being closed after cleaning had been conducted for 11.30pm.

The Chair clarified that the report before the Committee stated capacity for 140 and not 200 covers. Mr Hamasalih explained that some extra chairs had been introduced with capacity inside covering a maximum of 150 and outdoor seating available for around 40 to 50 people. The external area was near to houses and only food would be available outside and the opportunity for customers to smoke. Mr Hamasalih was accepting of the original numbers contained in the report if it was minded to be approved.

A Member asked about the parking situation in the area and if the windows of the building are double glazed. Mr Hamasalih reported that the windows were double glazed and could be closed from 6.00-7.00pm with there being a front self-closing double door. Music would not be loud and the venue would be willing to accept a noise management policy. There was no private parking for the venue with customers utilising street parking.

The Licensing Unit Manager clarified that parking was not a consideration of the committee.

A Member questioned the noise levels from the collecting of waste glass and Mr Hamasalih confirmed a private company would collect the waste on a Monday or Thursday between 7.00am to 4.00pm. He could advise the company to come around midday should this be a problem.

A Member asked if there would be a contact number outside the premises for local residents to contact should there be any issues and Mr Hamasalih reported this would be done.

Councillor Lucy Smith who was in attendance at the meeting as a representor reported that there had been objections prior to the new ownership. The building was a retail outlet before transferring to a restaurant and since then the outside seating area had opened onto the street. The setting was in a highly residential area and if windows were open then noise levels would transmit to nearby homes. Councillor Smith was against granting the application within the hours submitted. The location was not ideal, there were too many covers and late night leavers would disturb local residents with noise.

Mr Hamasalih summed up that there would only be background music so customers could talk amongst themselves and windows could be closed early in the evening time. The venue would be well managed and not designed as a bar or nightclub.

The Licensing Unit Manager reminded Members of the Committee that due to the Live Music Act 2012, there was no need to licence music until after 11.00pm. He also reported that there was a review process available should there be any representations submitted from responsible authorities after approval of a licence if the promotion of the licensing objectives were not being met.

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 the relevant provisions of the national guidance and the Council's licensing policy statement.

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, the Sub-Committee found there were no causes for concern so far as the promotion of the licensing objectives were concerned in relation to:-

- the prevention of crime and disorder
- public safety, and
- protection of children from harm

However, Members had reservations about music, dance and noise from the restaurant impacting upon local residents in neighbouring properties and the surrounding residential area, causing concern for the promotion of the following licensing objective:-

- prevention of public nuisance

It was therefore agreed unanimously that the Sub- Committee **grant the application for a Premises Licence subject to conditions** and **to amend or modify existing or proposed conditions in order to promote the licensing objectives.**

The Sub-Committee carefully considered the representations and evidence provided which could lead to public nuisance. It was therefore unanimously resolved to modify some conditions of the licence in order to promote the licensing objectives.

The amendments to the following conditions (Underlined and highlighted in bold below) submitted in the application for the grant of a Premises Licence under Part 3 of the Licensing Act 2003 was as follows:-

Opening Times:

Monday to Sunday	12.00 till **23.00** ***(From 23.30)***
New Years Eve	12.00 till 02.00

Supply of Alcohol (on the premises only):

Monday to Sunday	12.00 till 23.00
New Years Eve	12.00 till 02.00

Late Night Refreshment (Indoors)

Monday to Sunday	23.00 till **23.00** ***(From 23.30)***
New Years Eve	23.00 till 02.00

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Due to the Live Music Act 2012, there is no need to licence this activity until after 23.00.

Recorded Music (Indoors)
Monday to Saturday 12.00 till **23.00** ***(From 23.30)***
New Years Eve 12.00 till 02.00

Due to the Live Music Act 2012, there is no need to licence this activity until after 23.00.

The amendment to conditions submitted in the operating schedule submitted by the application was as follows:-

Public safety

PS1: The maximum number of persons (including staff) allowed at the premises shall not exceed 140.
The amendment was that the number of 140 persons would be for internal areas only and not include the use of any external areas.

The prevention of crime and disorder

CD2: An incident log shall be kept and maintained at the premises which will include a log of the following, including pertinent details:
i. Any incidents of disorder or of a violent or antisocial nature;
ii. All crimes reported to the venue, or by the venue to the police;
iii. All ejections of patrons;
iv. Any complaints received;
v. Seizures of drugs or offensive weapons;
vi. Any faults in the CCTV system;
vii. Any visits by a responsible authority (under the Licensing Act 2003) or emergency service.
Records must be completed within 24 hours of any incident, and will contain the time and date, the nature of the incident, the people involved, the action taken and details of the person responsible for the management of the premises at the time of the incident. The logs shall be kept for at least 12 months following the date of entry and be made available for inspection and copying upon request of an authorised officer of a responsible authority.

The amendment was to CD2, Point iv, that any complaints received, this would also include noise complaints and be recorded in a noise management policy and available for inspection by Environmental Health Officers.

Operating Schedule

General
G01: Prominent, clear notices shall be displayed at every public entrance stating the actual operating hours of the premises.

The prevention of crime and disorder
CD1: All staff engaged in licensable activity at the premises will receive training and information in relation to the following:
i. The Challenge 25 scheme in operation at the premises, including the forms of identification that are acceptable.
ii. The hours and activities permitted by the premises licence issued under the Licensing Act 2003 and conditions attached to the licence.
iii. How to complete and maintain the refusal register in operation at the premises (in relation to the sale of alcohol).
iv. Recognising the signs of drunkenness.

v. The operating procedures for refusing service to any person who is drunk, under-age or appears to be under-age, or appears to be making a proxy purchase.
vi. Action to be taken in the event of an emergency, including reporting an incident to the emergency services.
Training shall be recorded in documentary form and shall be regularly refreshed at no greater than 12 month intervals. Training records shall be made available for inspection and copying at reasonable times upon request of an authorised officer of a responsible authority. Training records will be retained for at least 12 months.

CD2: An incident log shall be kept and maintained at the premises which will include a log of the following, including pertinent details:
i. Any incidents of disorder or of a violent or antisocial nature;
ii. All crimes reported to the venue, or by the venue to the police;
iii. All ejections of patrons;
iv. Any complaints received, including noise complaints and be recorded in a noise management policy and available for inspection by Environmental Health Officers.
v. Seizures of drugs or offensive weapons;
vi. Any faults in the CCTV system;
vii. Any visits by a responsible authority (under the Licensing Act 2003) or emergency service.
Records must be completed within 24 hours of any incident, and will contain the time and date, the nature of the incident, the people involved, the action taken and details of the person responsible for the management of the premises at the time of the incident. The logs shall be kept for at least 12 months following the date of entry and be made available for inspection and copying upon request of an authorised officer of a responsible authority.

CD3: The premises shall install, operate, and maintain a comprehensive digital colour CCTV system to the satisfaction of the Police. All public areas of the licensed premises including entry and exit points will be covered. The system must record clear images permitting the identification of individuals, and in particular enable facial recognition images (a clear head and shoulder image) of every person entering and leaving in any light condition. The CCTV system will continually record whilst the premises are open for licensable activities and during all times when customers remain on the premises. All equipment must have a constant and accurate time and date generation. All recordings will be stored for a minimum period of 31 days with date and time stamping. Recordings will be made available immediately upon the request of an authorised officer of a responsible authority throughout the entire 31 day period. The CCTV system will be capable of downloading images to a recognisable viewable format. The CCTV system will capture a minimum of 4 frames per second. The CCTV system will be fitted with security functions to prevent recordings being tampered with, i.e., be password protected.

CD4: All alcohol on display will be in such a position so as not to be obscured from the constant view of the staff.

CD5: There shall be no self-service of alcohol on the premises.

CD6: In the event that an incident occurs for which the police have been called, the crime scene shall be preserved to enable police to carry out a full forensic investigation.

Public safety

PS1: The maximum number of persons (including staff) allowed at the premises shall not exceed 140, this was for internal areas only and not including use of any external areas.

PS2: The collection of glasses and bottles shall be undertaken at regular intervals to ensure there is no build-up of empties on the premises.

The prevention of public nuisance

PN1: A telephone number shall be made available and displayed in a prominent location where it can conveniently be read from the exterior of the premises by the public for local residents to contact in the case of noise-nuisance or anti-social behaviour by persons or activities associated with the premises. The telephone number will be a direct number to the management who are in control during opening hours. A record will be kept by management of all calls received, including the time, date and information of the caller, including action taken following the call. Records will be made available for inspection and copying by an authorised officer of a responsible authority throughout the trading hours of the premises.

PN2: No deliveries (in relation to licensable activities) to the premises shall take place between 23:00 hours and 07:00 hours.

PN3 During the hours of operation of the premises, sufficient measures will be taken to remove and prevent litter and waste arising or accumulating from customers in the area immediately outside the premises.

PN4: No collections of waste or recycling materials (including bottles) from the premises shall take place between 23:00 hours and 07:00 hours on the following day.

The protection of children from harm

CH1: All staff, supervisors and managers must be trained in the legality and procedure of alcohol sales, prior to undertaking the sale of alcohol and then at least every 12 months. Training shall be signed and documented. Training records must be kept on the premises and be made available for inspection and copying to an authorised officer of a responsible authority on request. The documentation relating to training should extend back to a period of at least 12 months and should specify the time, date and details of the persons both providing the training and receiving the training.

CH2: There will be in place a written age verification policy in relation to the sale or supply of alcohol, which will specify a Challenge 25 proof of age requirement. This means that staff working at the premises must ask individuals who appear to be under 25 years of age, attempting to purchase alcohol, to produce identification. The only acceptable identification documents will be:
- A photo driving licence
- A passport
- An identification card carrying the PASS hologram

Unless such identification is produced the sale of alcohol must be refused. This policy will include documented steps taken to prevent adults from purchasing alcohol for or on behalf of children under 18.

CH3: The premises shall display prominent signage indicating at any point of sale that a Challenge 25 scheme is in operation.

CH4: An alcohol sales refusal register shall be kept at the premises and be maintained to include details of all alcohol sales refused. The register will include:
i. the date and time of refusal
ii. the reason for refusal
iii. details of the person refusing the sale
iv. description of the customer
v. any other relevant observations

The refusals register will be made available for inspection and copying on request of an authorised officer of a responsible authority. All entries must be made within 24 hours of the refusal.

COUNCILLOR T RAFIQ
Chair

(Note: The meeting started at 1.00pm and ended at 2.25pm)