

**AGENDA FOR**  
**LICENSING HEARING SUB COMMITTEE**



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

**Councillors :** T Rafiq (Chair), I Rizvi and M Walsh

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, 12 June 2025
<b>Place:</b>	Virtual meeting via Microsoft Teams
<b>Time:</b>	1.00 pm
<b>Notes:</b>	To view the virtual meeting online, please email m.cunliffe@bury.gov.uk or phone 0161 2535399 who will provide you with a link to view the meeting via MS Teams or telephone you into meeting with the option of audio only

## **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 - 10)*

The Minutes of the last Licensing Hearing Sub Committee meeting held at 1.00pm on Thursday the 24<sup>th</sup> April 2025 are attached.

### **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** *(Pages 11 - 26)*

A report from the Executive Director (Operations) is attached:-

<b>Minutes of:</b>	<b>LICENSING HEARING SUB COMMITTEE</b>
<b>Date of Meeting:</b>	24 <sup>th</sup> April 2025
<b>Present:</b>	Councillor I Rizvi (in the Chair) Councillors G Marsden and G McGill  M. Bridge (Licensing Unit) M. Cunliffe (Democratic Services) R. Thorpe (Legal Services)
<b>Also in attendance:</b>	Mr P Miah (Applicant via telephone audio only)
<b>Public Attendance:</b>	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) and Mr J Baker (Representor).

## **2 DECLARATIONS OF INTEREST**

There were no declarations of interest made.

Councillor G McGill placed on record that in his role as the current Chair of the Planning Control Committee. Whatever decision was taken today would not impact upon his decision making for any future planning applications submitted by the applicant for this location.

## **3 MINUTES OF THE LAST MEETING**

The minutes of the last Licensing Hearing Sub Committee meeting held at 1.00pm on Wednesday the 29<sup>th</sup> January 2025 was attached to the agenda.

**Resolved:-** That the minutes of the Licensing Hearing Sub Committee held at 1.00pm on the 29<sup>th</sup> January 2025 be approved as a correct record.

## **4 APPLICATION FOR A PREMISES LICENCE TO BE GRANTED UNDER THE LICENSING ACT 2003 IN RESPECT OF ENGINE SHED, ROWLANDS ROAD, SUMMERSEAT, BURY, BL9 5QY**

The Licensing Authority received an application for a Premises Licence to be granted under the Licensing Act 2003 in respect of Engine Shed, Rowlands Road, Summerseat, Bury, BL9 5QY.

The applicant for the licence is Mr Ponke Miah, 38 Barnes Avenue, Rossendale, Lancashire, BB4 8ST and he 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:**

Sunday to Thursday	12.00 till 00.00 (Midnight)
Friday to Saturday	12.00 till 02.00
Christmas Eve	12.00 till 02.00
New Years Eve	12.00 till 02.00
New Years Day	12.00 till 02.00

### **Supply of Alcohol (on the premises only):**

Sunday to Thursday	12.00 till 11.30
Friday to Saturday	12.00 till 01.30
Christmas Eve	12.00 till 01.30
New Years Eve	12.00 till 01.30
New Years Day	12.00 till 01.30

### **Live Music (Indoors)**

Sunday to Thursday	12.00 till 11.00
Friday to Saturday	12.00 till 01.30
Christmas Eve	12.00 till 01.30
New Years Eve	12.00 till 01.30
New Years Day	12.00 till 01.30

Due to the Live Music Act 2012, there is no need to licence this activity until after 23.30

### **Recorded Music (indoors)**

Sunday to Thursday	12.00 till 11.00
Friday to Saturday	12.00 till 01.30
Christmas Eve	12.00 till 01.30
New Years Eve	12.00 till 01.30
New Years Day	12.00 till 01.30

Due to the Live Music Act 2012, there is no need to licence this activity until after 23.30

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

Sunday to Thursday	23.00 till 23.30
Friday to Saturday	23.00 till 23.30
Christmas Eve	23.00 till 23.30
New Years Eve	23.00 till 23.30
New Years Day	23.00 till 23.30

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

One representation had been received from an interested party and they had been invited to make their representations at the hearing. Due to work commitments the representor was unable to attend but their representations were attached at Appendix 2 in the agenda packs.

The Licensing Unit Manager reported that additional paperwork had been circulated to Members of the Licensing Hearing Sub Committee on the 22<sup>nd</sup> April. This was in response to the representation and detailed that the building is being renovated and adapted to allow it to function with a relevant new use. The design agent's statement explained that issues regarding traffic and the road leading to the Engine Shed are part of the character of the conservation area. Concerns about noise levels would be managed within the site, with late night entry and egress restricted to the far door, increasing the separation distance from residents. Designed to allow the public to appreciate the scale of the former railway building, it would retain original features preserved for all to see.

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 applicant, Mr Miah addressed the Sub Committee and informed Members that this was a small business and he had provided as many details as possible to comply with all the regulations and conditions.

The Licensing Unit Manager asked what would be happening at the venue.

Mr Miah explained that it would be a restaurant with bar and from time to time there would be some live music. They had responded to the representation via the information submitted by the architect.

Mr Miah in summing up hoped the application would be approved as an empty building would be brought back into use. Financial investment in the successful family business would see the creation of a few jobs creating employment in the local community.

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.

It was therefore agreed unanimously that the Sub- Committee **grant the application for a Premises Licence in the terms requested** and subject to the following conditions:-

The Licensing Unit Manager advised that there was still a process to appeal the decision.

### Operating Schedule

#### General

- The business will ensure a responsible approach to the sale of alcohol and late night trading and implement a positive attitude to management training on health, safety and public protection.
- All staff will be advised of licensing law, in particular the Licensing Act, in writing before they are allowed to serve alcohol.
- Training will be provided on premises' specific policies on the furtherance and promotion of the licensing objectives herein contained.
- A record will be kept of the date and names of persons trained or advised and will be made available for inspection by the police or licensing authority.
- The restaurant is on ground floor and mezzanine with close surveillance of all customers.

#### The prevention of crime and disorder

- CCTV. The premise is to operate an effective CCTV system both inside and outside the premises which is to be maintained in good working order at all times the premises are open for business. The type of system and the number / positioning of cameras is to be agreed in liaison with the police. The location of cameras will be recorded on the plan attached to the license. The recording medium (e.g. discs/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 persons) 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.
- A written record shall be kept every time images are recorded by CCTV and shall include details of the recording medium used, the time and date recording commenced and finished. This record shall identify the person responsible for the recording and shall be signed by him/her. Where the recording is on a removable medium (i.e. videotape, compact disc, flash card etc.), a secure storage system to store those recording mediums shall be provided.
- Emergency exits that are not visible to the staff will be alarmed when the premises are open to the public, so that staff are immediately notified of unauthorised opening or tampering.
- All staff and private areas will be kept locked and secured whilst the premises are open to the public.
- The recordings will be in real time and on hard drive with the availability to copy discs for other agencies such as the police.
- Care will be taken so that external lighting does not impact on neighbours whilst providing a deterrence.
- The alarm will be linked to a system that will notify management if it is activated when the premises is closed.
- Staff will be trained to supervise admissions and customers inside the premises.
- All staff will be made aware of the premises security policy.
- Daily staff briefing will take place on the premises after and before opening hours to help identify any weakness and improve working practice in the premises.
- Any problems identified and remedial action taken will be recorded with records kept on the premises,
- A door admission policy will be complied with to ensure there is no overcrowding or problems are not allowed to enter or congregate outside.

- Persons will be refused entry where they do not meet the admissions policy or are known to be violent or aggressive and an entry will be made in an incident book.
- A policy to manage capacity will be implemented and adopted to prevent overcrowding and patrons possibly becoming aggressive through accidental jostling.
- Glass drinking vessels will not be permitted to leave the premises at any time.
- There will be a robust glass collecting policy to ensure drinking vessels are collected and vessels are not removed from the premises.
- A zero-tolerance policy will be adopted to the use of drugs and carrying weapons.
- A customer dispersal policy will be implemented and adopted to minimise the potential for disorder from customers leaving the premises.
- Staff will be provided with training to give them knowledge and confidence to deal with difficult situations.
- Alcohol display will be in restricted areas only to ensure customers do not have access without staff supervision and to prevent theft and removal from the premises.
- Display areas will be covered by CCTV.
- Alcohol sale will be restricted at the end of opening hours to ensure there is a period of one hour to allow a 'drinking up' period of 30 minutes to prevent rapid consumption and to manage a safe dispersal of patrons leaving the premises.
- There will be a strict ban on irresponsible drinks promotions within the premises.
- Staff will be trained on the effects of alcohol and how to spot the early signs of customers being drunk.
- A duty of care policy will be implemented with regard to persons suffering adversely from the effects of drink. The policy will encourage staff to prevent a customer from deteriorating to an uncontrolled intoxicated extent. All staff will be briefed on their responsibilities.
- Management will not permit the sale of closed bottle beers or cans to be consumed off the premises.
- The Premises License Holder / Designated Premises Supervisor will conduct a risk assessment with regards to the employment of SIA register door supervisors taking into account key dates throughout the year such as Christmas Eve, New Years Eve, Bank Holidays as well as specific events held within the premises such as the showing of live sporting events.
- Staff training shall take place on the Licensing Act and Licensing objectives every six months and a written record of this training to be maintained and made available to the police and any authorised officer of the council for inspection 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 delivery or from moving from one part of the premises to another.
- An incident log (which may be electronically recorded) shall be kept at the premises for at least six months, and made available on request to the police or an authorised officer of the Licensing Authority, which will record the following incidents, including pertinent details:
  - all crimes reported to the venue, or by the venue to the police.
  - all ejections of patrons.
  - any incidents of disorder.
  - any faults of the CCTV system.
  - any visits by a relevant authority or emergency service,

## Public safety

- A full risk assessment taking into account public safety will be carried out at the premises to identify potential hazards posed to staff or customers and setting out precautions to manage the hazards. A risk assessment will be regularly reviewed at least every 12 months.



- All staff will be made aware of the risk assessment and precautionary measures therein.
- A copy of the risk assessment will be kept at the premises with sufficient in date stock.
- First aid boxes will be available at the premises and maintained with in date stock.
- Temperature levels and humidity will be controlled for the comfort and safety of customers.
- The premises capacity cap that has been assessed having regard to Health and Safety Standards. This capacity will remain and there are no increases planned or anticipated. Management and staff will ensure the capacity is not breached and managed effectively.
- Staff will be trained to manage the collection of glassware to ensure there is no accumulation within the premises.
- Staff will be trained to prevent glassware being taken off the premises.
- Spillages and broken glass will be cleared immediately to prevent floors becoming slippery and unsafe. Barriers and warnings will be placed accordingly to prevent injury.
- Staff will be trained to spot the signs of drink spiking and to report any such incidents to management.
- Management will make a record of any such incident of drink spiking and report the matter to the police.
- Management will discourage incidents of drink driving by promoting Designated Driver practice.
- Staff will be trained to spot the early dangers of drink driving and notify management of any potential dangers.
- Management will make a record of any incidents of potential drink driving and actively seek to prevent such incidents from arising. Such incidents will be reported to the police accordingly.
- A written policy to deal with all types of accidents and emergency incidents will be placed in the premises.
- Customers will be offered safe travel home where management and staff will offer contact numbers for taxi services and facilities to call and reserve a taxi.
- There will be a safe waiting area within the premises for customers awaiting transport to prevent congregation outside the premises.
- Customers are to be prevented from leaving the premises with glasses or open bottles.
- Empty bottles must be placed into locked bins so as to prevent them from being used as weapons.
- The DPS or premises licence holder must develop and operate a dispersal policy for clientele leaving the premises.
- Checks will be carried out each day after closing and before opening to ensure that exits are unblocked and there is no glassware outside the premises.
- An accident book will be kept in order to record all accidents or incidents and made available for inspection.
- Entry will be refused to anyone who appears to be showing signs of drug use or excessive alcohol consumption. In such cases an entry will be made in an incident logbook.
- Staff will be fully trained and made aware of their responsibilities regarding legislation permitting the sale of alcohol.
- Information will be displayed to customers with regard to safe options for traveling home.
- Tap water will be available free at all times.
- Management and staff will receive full training on crowd management and premises safety checks to ensure all incidents of anti-social behaviour is managed effectively and recorded.

#### The prevention of public nuisance

- A noise management policy will be in place which sets out sound attenuation measures to prevent singing and speech noise breakout from the premises.
- All staff will be trained on the policy to ensure a commitment to good noise management. A record will be kept of the date and name of the persons trained and made available for inspection by the licensing authority or environmental health responsible authority.
- Windows and doors will be kept closed whilst the premises licence premise is in use to prevent the breakout of noise.
- Doors will be closed with self-closing devices.
- Noise monitoring will be actively carried out on a regular basis.
- A logbook will be kept of any noise monitoring carried out, the findings and remedial action taken recorded. The log will indicate whether it was routine noise monitoring or the result of a complaint.
- The logbook will be made available for inspection by the licensing authority or environmental responsible authority.
- A contact telephone number will be made available to local residents that may be used to report any noise disturbances to a responsible person at the premises, as and when they occur. The phone line will be made available all the times the licensed premises is in use.
- Rowdy behaviour from people entering or leaving will not be tolerated, and entry into the premises will be refused to persons suspected or carrying out anti-social behaviour or under the influence of alcohol.
- Repeated re0admittance will be managed and not tolerated in particular after 10:00 pm.
- A customer dispersal policy will be adopted and implemented to ensure customers leave the premises in a quiet and efficient manner.
- Signs will be displayed close to the exit doors requesting patrons to leave the premises quickly and quietly.

## The protection of children from harm

- The premises will operate a "Challenge 25" proof of age policy and signage to this will be prominently displayed within the premises. Persons who appear to be under the age of 25 must produce for thorough scrutiny by staff, official documentation which is proof of identity/age before being sold/supplied alcohol. Only a passport, photo-card driving licence, HM Forces identification or a proof of age card bearing the official 'PASS' accreditation hologram should be accepted as proof of age. No digital/photocopies of official identification will be permitted.
- The premises is to maintain a refusals 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. The book must be made available to the police/authorised officers of the Licensing Authority on request.
- No person under the age of 18 shall be permitted to remain on the premises after 21:00 hours save for any private function where they are accompanied by an adult responsible for their welfare.

**COUNCILLOR I RIZVI**  
**Chair**

**(Note: The meeting started at 1.00pm and ended at 1.25pm)**



Classification	Item No.
Open / Closed	

<b>Meeting:</b>	Licensing Hearings Sub-Committee
<b>Meeting date:</b>	12 June 2025
<b>Title of report:</b>	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
<b>Report by:</b>	Executive Director (Corporate Core)
<b>Decision Type:</b>	Council
<b>Ward(s) to which report relates</b>	Besses

#### **Executive Summary:**

This report relates to 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.

#### **Recommendation(s)**

- 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

#### **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 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).
- 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 grant of a Premises Licence under Part 3 of the Licensing Act 2003:

#### **Opening Times:**

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

#### **Supply of Alcohol (on the premises only):**

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

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

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

#### **Dance (indoors)**

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

### **Recorded music (indoors)**

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

The conditions contained in the operating schedule submitted by the applicant are attached at Appendix 1.

## **4.0 REPRESENTATIONS FROM AN INTERESTED PARTY**

- 4.1 Two representations have been received from interested parties.
- 4.2 The representations attached at Appendix 2.

## **5.0 OBSERVATIONS**

- 5.1 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.

## **6.0 THE SECRETARY OF STATES GUIDANCE TO THE LICENSING ACT 2003**

- 6.1 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.
- 6.2 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.
- 6.3 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.

## **7.0 CONCLUSION**

- 7.1 A licensing authority must carry out its functions under this Act ("licensing

functions”) with a view to promoting the licensing objectives:

- the prevention of crime and disorder
- public safety;
- the prevention of public nuisance; and
- the protection of children from harm.

7.2 In reaching the decision, regard must be had to relevant provisions of the national guidance and the Council’s licensing policy statement.

7.3 The Sub-Committee must consider what steps are appropriate for the promotion of the licensing objectives.

7.4 In making its decision with regard to this grant 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

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

7.6 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.

7.7 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.

7.8 The Sub-Committee is asked to determine what steps, as set out in 8.4 above, are appropriate for the promotion of the licensing objectives.

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### **Community impact/links with Community Strategy**

Not Applicable

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### **Equality Impact and considerations:**

*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.*

<b>Equality Analysis</b>	<i>Please provide a written explanation of the outcome(s) of either conducting an initial or full EA.</i>
<i>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.</i>	

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### **Assessment of Risk:**

The following risks apply to the decision:

<b>Risk / opportunity</b>	<b>Mitigation</b>
There are no specific issues from the report other than potential costs/risks associated with legal appeals.	

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### **Consultation:**

Not Applicable

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### **Legal Implications:**

Yes, 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:**

***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)

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**Background papers:**

List of Background Papers:-  
Application form  
Representations received

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

Term	Meaning



# **Appendix One**

## **Operating Schedule submitted by the applicant**

## **Conditions Consistent with The Operating Schedule**

### Conditions consistent with the 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;
- 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

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.

## **APPENDIX TWO**

### **Representations from Interested Parties**

From: xxxxx  
Sent: 23 April 2025 16:22  
To: Licensing <[Licensing@bury.gov.uk](mailto:Licensing@bury.gov.uk)>  
Subject: [EXTERNAL] 6 thatchleach Lane

The restaurant is in a residential area with young families and older couples ,live music till 11:30 is not acceptable there are houses all around the restaurant.As it is a glass construction there is no sound proofing.Also there a big issue with parking no designated parking so customers park on double yellow lines across driveways, parking spills over into Windsor Avenue causing problems to residents who pay their taxes to bury council.Late night noise with music , taxi's shouting has been a problem in the past. I am sure this on our doorstep will have adverse effects on house prices. No neighbours have been informed again about these things like when the restaurant opened the first time and the licensing notice was posted in Newcastle and Cheltenham newspapers.

Hi there,

I am writing as I wish to raise my concerns in regards to the new licensing request for "Melis 2" at 6 Thatch Leach Lane, Whitefield.

The local area is residential and I am at a loss as to why an establishment like Melis 2 would want to trade in this area with such late trading hours and cause disruption to the area.

Due to the large windows, there is very little sound insulation. The application includes the request for "any playing of recorded music" and "a performance of dance", which I believe will cause noise disturbance to the local area, especially in the evenings. I would also request that windows are raised early in the evening to avoid disruption for young children going to sleep.

There is no parking for the restaurant, and parking is limited in the area. This is very likely to cause issues.

The application also states that they wish to "Supply of alcohol for consumption on the premises only". Again this is not an area that is suitable for a bar, and would hope that the application would be tied to them being able to serve alcohol only when serving food, in order to reduce anti-social behaviour in such a residential area.

I would request that this application is restricted in regards to the times that it can play music/dance, and not to 11.30pm which is very late when the music will be clearly heard through the windows.

I have also noticed on the current application there is a request in regards to live dancing. After looking at the other Melis restaurant there seems to be an application to allow bellydancing (please feel free to correct if I am wrong) but I don't feel like this is appropriate for the venue, especially when it is a glass fronted building.

There are a number of young families living close by as well as a local primary school, and more needs to be done to minimize disruption and the possibility of public disorder to people in the locality.

I am sorry about the long email in regards to this, but I feel like restricted licensing hours against what was applied for needs to be implemented for this premises as it just does not make sense for a residential area. I would hope that it could be agreed that all live music would finish at a reasonable hour, and that steps will be taken to restrict anti-social behaviour and disturbances to the local residents.

I would prefer to not have my name or address made public so I am hoping that by flagging this to you that it can remain confidential. Please feel free to contact me if you want to talk through any of the above,



I would like to object to the licence for Melis 2 on the current terms.

My understanding was that the police was called out to these premises previously causing much disturbance to residents.

The antisocial behaviour and noise nuisance is a concern with residents being disturbed late at night by customers, as well as noise and light pollution

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