

Classification	Item No.
Open / Closed	

Meeting:	Licensing Hearings Sub-Committee
Meeting date:	12 June 2025
Title of report:	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
Report by:	Executive Director (Corporate Core)
Decision Type:	Council
Ward(s) to which report relates	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 Where representations are made and not withdrawn Members are required to determine them.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.

Community impact/links with Community Strategy

Not Applicable

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.

Equality Analysis	<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>	

Assessment of Risk:

The following risks apply to the decision:

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

Consultation:

Not Applicable

Legal Implications:

Yes, under the legislation the Council is required to determine representations. The report is in accordance with the appropriate legislation.

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.

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

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>
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