

LICENSING PANEL
17/01/2023 at 9.30 am



Present: Councillor Shuttleworth (Chair)
Councillors Byrne and Nasheen

Also in Attendance:

Laila Chowdhury	Constitutional Services
Alan Evans	Group Solicitor
Susan Loftus	Licensing Projects and Hearing Officer
Nicola Lord	Principal Licensing Officer
Kaidy McCann	Constitutional Services

1 **ELECTION OF CHAIR**

RESOLVED that Councillor Shuttleworth be elected Chair for the duration of the meeting.

2 **URGENT BUSINESS**

There were no items of urgent business received.

3 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Goodwin.

4 **DECLARATIONS OF INTEREST**

There were no declarations of interest received.

5 **PUBLIC QUESTION TIME**

There were no public questions received.

6 **ORDER OF PROCEEDINGS**

RESOLVED that the order of proceedings be noted.

7 **APPLICATION FOR VARIATION OF A PREMISES LICENCE**

Consideration was given to the report of the Principal Licensing Officer which asked the Panel to determine an application for a Variation of a Premises Licence in respect of Chillz Restaurant Bar & lounge, 476-478 Oldham Road, Failsworth M35 0FH.

The Panel was informed that on the 21st November 2022 the applicant applied for the grant of a premises licence for Chillz Restaurant, Bar & lounge. The last day for representations in respect of the application was the 19th December 2022. Representations had been received and were attached at Appendix 3 to the report.

The Panel were asked to consider the Authority's Licensing Policy Statement. Their attention was drawn to Section 8 –

Public Nuisance. They were also asked to consider the statutory guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003.



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The Panel were reminded that the steps available to them were:

- a) Grant the application as applied for with or without the amendments agreed with Greater Manchester Police.
- b) Grant the application but modify the operating schedule in relation to hours, days, conditions or activities.
- c) To reject the application.

Any steps appropriate to promote the licensing objectives should be specified. If no steps were appropriate the application should be granted.

In arriving at a decision Members must have regard to the relevant provisions of national guidance and the licensing policy statement and reasons must be given for any departure. The decision should be based on the individual merits of the application.

The Panel heard from the applicant, who informed them that the premises had been used as a restaurant since 2005 prior to taking over the premises in 2020. The premises had never had police issues in the past and extensive work and visits with the Licensing Department and Greater Manchester Police had been undertaken prior to the takeover to ensure all the licensing objectives would be met. The premises' focus was as a restaurant with the lounge being used as an overflow or for private functions. Access into the restaurant was gained via the bridge with an internal staircase to get to the lounge. The premises did have a fire door on the ground floor; however, this was not used for access and was always manned by security. The windows were also kept locked to avoid sound leakage.

The following questions were put to the applicant:

- What was the policy in regard to children being in the premises? The applicant stated that all under 16's needed to be out of the premises by 10pm unless booked as a private function. Security would arrive at 9.30pm and would begin to notify families with children to vacate by 10.00pm.
- Was there proof of a soundcheck? The applicant stated that there was no proof, however the premises did have soundproofing done as it was another reason for the premises being chosen.
- What was the parking arrangements? The applicant stated that the premises owned a car park across the road that could accommodate 20 cars. There was also an additional area shared with the Crown and Cushion used for car parking.
- What was the policy for those coming in from different bars in the area after their closing times? The applicant stated that customers would not be allowed into the premises by security if they did not meet the dress code

or were visibly intoxicated. At the closing times of the bars in the area, the roving security guard would join the other security guard on the door.

- What was the capacity for the premises? The applicant stated that the premises did not take in more than 100 customers. There were 68 seats available in the restaurant and 30 in the lounge. The furniture was also fixed.

The Panel heard representations from an objector, who informed them that the properties at 482 and 480 Oldham Road, which were next door to the restaurant, were experiencing excessive noise levels inside the properties until 12.00am. It was felt that an extension until 4.00am was excessive. The exit point of the restaurant was bedroom height to 482 due to the bridge being installed to access the higher part of Oldham Road in 2014. The exit was only a few metres away from the bedroom window of 482 and customers leaving the premises would cause a disturbance. Failsworth Pole was a conservation area and regeneration of the area should be residential.

The following questions were put to the objector:

- Were they aware the premises had been a restaurant previously? The objector stated that they were aware of the previous restaurant.
- Were they aware the bridge was the disabled access into the restaurant? The objector stated that they were not aware it was the disabled access.
- How long they had lived in the area? The objector stated that they had not lived near the premises since the restaurant opened and was the landlord of a property.
- How many formal complaints had been submitted about the noise? The objector stated that no official formal complaints had been submitted.

The applicant and those making representations summarised their evidence and submissions.

At this point in the proceedings the Panel, in accordance with Regulation 14 (2) of the Licensing Act 2003 (Hearings) Regulation 2005, moved into private session. In reaching a decision the Panel took into account the relevant provisions of National Guidance and the Council Licensing Policy Statement with reference to the prevention of crime and disorder, public safety, prevention of public nuisance and protection of children from harm.

RESOLVED that having regard to the statutory licensing objectives, in particular the prevention of public nuisance, it was appropriate for the premises licence to be granted as applied for with the amendments agreed with Greater Manchester Police as set out in the report of the Principal Licensing Officer.

The reasons given were that the Panel had considered the application and the objections made and had noted that no

objections from residents living in the area had been made to the proposal.

The meeting started at 9.52 am and ended at 11.18 am

