

LICENSING PANEL Regulatory Committee Agenda

Date Tuesday 17 January 2023

Time 9.30 am

Venue Crompton Suite, Civic Centre, Oldham, West Street, Oldham, OL1 1NL

- Notes
1. DECLARATIONS OF INTEREST- If a Member requires any advice on any item involving a possible declaration of interest which could affect his/her ability to speak and/or vote he/she is advised to contact Paul Entwistle or Constitutional Services in advance of the meeting.
 2. CONTACT OFFICER for this Agenda is Constitutional Services Tel. 0161 770 5151 or email Constitutional.Services@oldham.gov.uk
 3. PUBLIC QUESTIONS – Any member of the public wishing to ask a question at the above meeting can do so only if a written copy of the question is submitted to the Contact officer by 12 Noon on Thursday, 12 January 2023.
 4. FILMING - The Council, members of the public and the press may record / film / photograph or broadcast this meeting when the public and the press are not lawfully excluded. Any member of the public who attends a meeting and objects to being filmed should advise the Constitutional Services Officer who will instruct that they are not included in the filming.

Please note that anyone using recording equipment both audio and visual will not be permitted to leave the equipment in the room where a private meeting is held.

Recording and reporting the Council's meetings is subject to the law including the law of defamation, the Human Rights Act, the Data Protection Act and the law on public order offences.

Please also note the Public attendance Protocol on the Council's Website

https://www.oldham.gov.uk/homepage/1449/attending_council_meetings

MEMBERSHIP OF THE LICENSING PANEL IS AS FOLLOWS:
Councillors Byrne, Goodwin and Shuttleworth

Item No

1 Election of Chair

The Panel is asked to elect a Chair for the duration of the meeting.

2 Urgent Business

Urgent business, if any, introduced by the Chair

3 Apologies For Absence

4 Declarations of Interest

To Receive Declarations of Interest in any Contract or matter to be discussed at the meeting.

5 Public Question Time

To receive Questions from the Public, in accordance with the Council's Constitution.

6 Order of Proceedings (Pages 1 - 4)

7 Application for Variation of a Premises Licence (Pages 5 - 38)

The purpose of this report is to inform Members of an application for the variation of a premises licence in respect of Chillz Restaurant Bar & lounge, 476-478 Oldham Road, Failsworth M35 0FH which, due to representations being received, has been referred to this Panel for determination.

OLDHAM BOROUGH COUNCIL

LICENSING PANEL - ORDER OF PROCEEDINGS

The procedure outlined below, which was enclosed with the notice of hearing sent to each party, and a copy of which is before you today, will be followed.

Documentary evidence may be relied upon and considered by the Panel if it has been served on the Licensing Authority prior to the hearing, or if all parties consent it can be produced on the day of the hearing.

Any person wishing to call a witness to speak at the hearing must have applied in writing for permission from the Licensing Authority at least 2 working days before the hearing and must also have provided the name of the witness and a brief description of the points on which that person may be able to assist the authority in relation to their application, representations or notice. Any application to call a witness where the party has not given 2 working days' notice will be considered by the Panel at the beginning of the hearing and permission will not be unreasonably withheld.

Each party will have the same amount of time in which to address the Panel, each party will have up to 60 minutes to address the authority and give any further information (which must be relevant to that party's or another party's application or representation). Where any party considers this time to be insufficient then, a request in writing may be made to the Constitutional Services Officer for an extension of time at least two working days before the hearing; however this will not automatically be granted, and will be at the discretion of the Panel.

Any person behaving in a disruptive manner will be asked to leave the hearing, however, if this occurs that person will be entitled to submit in writing any information they would have been entitled to give orally.

The Authority will provide a record of the hearing in a permanent and intelligible form and keep it for 6 years from the date of determination or disposal of any Appeal.

Members are advised that they are making decisions in a quasi-judicial manner. As such, they have a duty to view all evidence presented before them impartially. Members must disregard any information given by a party which is not relevant to the promotion of the licensing objectives. The Panel is not bound by the formal rules of evidence. Nevertheless, Members must carry out their duty placing what weight they feel is appropriate given the nature of the evidence and the manner in which it was obtained, and communicated.

ORDER OF PROCEEDINGS

INTRODUCTION

The Constitutional Services Officer (“the Clerk”) will welcome those present and outline the procedure to be followed (as set out below) and record those present. The Clerk will remind everyone that each party will have up to 60 minutes to address the Panel and give any further information.

APPLICATION

The Licensing Officer will outline the nature of the application.

The applicant and/or their representative to address the Panel, present additional information in support of the application (where consent to do so has been granted) and call any witnesses (subject to having given the required prior notice or having received permission at the beginning of the hearing). The Applicant and any witnesses may be questioned by Members of the Panel.

Any party, if given permission by the panel, may question the applicant and his witnesses, but this shall not take the form of cross examination.

REPRESENTATIONS

The Party making the representation and/or their representative to address the members of the Panel, providing any additional information in support of their representation (where consent to do so has been granted) and call any witnesses (subject to having given the required prior notice or having received permission at the beginning of the hearing). The party and any witnesses may be questioned by Members of the Panel.

In the event that a number of members of the public are present at the meeting who intend to make a representation in relation to the application as interested parties then the Chair has discretion to ask that they appoint a nominated spokesperson to present their representations.

Any party, if given permission by the panel, may question the party making representations and his witnesses, but this shall not take the form of cross examination.

These representations will be taken in the following order: -

- Police Representation (unless they are the applicant)
- Licensing Authority
- Environmental Health Representation
- Other Responsible Authorities Representation
- Public Representation (Interested Parties)

CLOSING STATEMENTS

The party making the representation may summarise their representation and make a closing statement.

The holder of the premises licence may summarise their representation and make a closing statement.

The Applicant may summarise the application and make a closing statement.

SUMMARY The Chair to summarise who has made representations.

DETERMINATION

The Panel Members will leave the hearing to consider their decision in private. The panels may request the services of a legal representative and Constitutional Services Officer.

The Chair of the Panel will announce the determination of the application and the reasons for that determination, and it will then be confirmed in writing within 5 working days of the hearing.

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Licensing Panel

Licensing Act 2003

Application for Variation of a Premises Licence

Chillz Restaurant Bar & Lounge, 476-478 Oldham Road, Failsworth M35 0FH

Report of Executive Member for: Neighbourhoods

Officer contact: Nicola Lord

17th January 2023

Reason for Decision

The purpose of this report is to inform Members of an application for the variation of a premises licence in respect of Chillz Restaurant Bar & lounge, 476-478 Oldham Road, Failsworth M35 0FH which, due to representations being received, has been referred to this Panel for determination.

Recommendations

Members are recommended to consider the application, taking into account the representations received.

Licensing Act 2003 – Application to Vary a Premises Licence

Chillz Restaurant, Bar & Lounge, 476-478 Oldham Road, Failsworth M35 0FH

1 Background

- 1.1 The purpose of this report is to inform Members of an application for variation of a premises licence in respect of Chillz Restaurant, Bar & Lounge, 476-478 Oldham Road, Failsworth M35 0FH which, due to representations being received, has been referred to this Panel for determination.

2 Recommendations

- 2.1 Members are recommended to consider the application, taking into account the representation received.

3 The Application

- 3.1 On the 21st November 2022 Chillz Restaurant, Bar & lounge applied for the variation of a premises licence in respect of the premises named above. The last day for representations in respect of the application was the 19th December 2022 .

- 3.2 Details of the proposed variation are as follows:-

Extend the hours for their premises licence to provide existing licensable activities as outlined in the table below.

| Activity | Current Hours | Proposed Hours |
|--|---|---|
| Recorded music Indoors | Mon to Thurs - 11:00 to 00:00 Fri and Sat - 11:00 to 01:30 Sun - 11:00 to 00:00 | Mon to Thurs - 11:00 to 00:30 Fri and Sat - 11:00 to 04:00 Sun - 11:00 to 00:30 Bank Holidays 11:00 to 04:00 |
| Late night refreshment Indoors | Mon to Thurs - 23:00 to 00:00 Fri and Sat - 23:00 to 01:30 Sun - 23:00 to 00:00 | Mon to Thurs - 23:00 to 00:00 Fri and Sat - 23:00 to 03:30 Sun - 23:00 to 00:00 Bank Holidays 23:00 to 03:30 |
| Supply of alcohol On and Off Premises | Mon to Thurs - 11:00 to 00:00 Fri and Sat - 11:00 to 01:30 Sun - 11:00 to 00:00 | Mon to Thurs - 11:00 to 00:00 Fri and Sat - 11:00 to 03:30 Sun - 11:00 to 00:00 Bank Holidays 11:00 to 03:30 |

3.3 A copy of the application is attached at **Appendix 1**.

3.4 A location map is attached at **Appendix 2**.

4 Representations

4.1 Following submission and advertisement of the application a representation was received. This can be found at **Appendix 3** to this report.

4.2 It should also be noted that following consultation with Greater Manchester Police, their representation was withdrawn when the applicant agreed to incorporate the following amendments to requested hours and revised the conditions on the premises licence:

GMP object to the applicant's closing time of 0400hrs as the police resources are at the minimum capacity from 0300hrs, and their response time to attend any crime or disorder would not be adequate.

The changes to the times GMP would suggest on the new licence would be:

Premises Open Hours Granted

Monday to Thursday 1100 – 0030

Friday and Saturday 1100 – 0300

Sunday 1100 – 0030 (Any other day preceding a bank holiday 1100 – 0300)

Playing of recorded music (Indoors)

Monday to Thursday 1100 – 0000

Friday and Saturday 1100 – 0230

Sunday 1100 – 0030 (Any other day preceding a bank holiday 1100 – 0230)

Late night refreshment (Indoors)

Monday to Thursday 2300 – 0000

Friday and Sunday 2300 – 0230

Sunday 2300 – 0000 (Any other day preceding a bank holiday 1100 – 0230)

Supply of alcohol for consumption ON and OFF the premises

Monday to Thursday 1100 – 0000

Friday and Saturday 1100 – 0230

Sunday 1100 – 0000 (Any other day preceding a bank holiday 1100 – 0230)

Revised conditions under the Crime and Disorder Objective:

CCTV system installed and maintained at the premises.

CCTV must be a digital, colour system, capable of providing pictures of evidential quality in all lighting conditions, particularly facial recognition.

CCTV must cover all areas of the licensed premises, including all entry and exit points, including fire exits and all areas where the sale/supply of alcohol takes place.

CCTV must continually record whilst the premises are open to the public, and recordings shall be kept in date order, numbered sequentially and shall be available and unedited for a minimum of 31 days.

CCTV must have date and time stamping.

A member of staff who can operate the CCTV system shall always be present at times when the premises are open to the public. This staff member must be able to produce, download and burn CCTV images upon request by a police officer or an authorised officer of the licensing authority.

CCTV footage must be supplied in a format so it can be played back on a standard person computer, or standard DVD player. Where the recording is on a removable medium i.e., compact disc, flash card etc), a secure storage system to store those recording mediums must be provided.

An operational daily log must be kept recording checks made on the CCTV system to ensure it is compliant, and in the event of any failings actions taken are to be recorded.

An incident log (which may be in electronic format) must be kept at the premises, with records kept for a minimum of 6 months. This log to be made available on request to the police or authorised licensing officer. Incident log must record the following:

- All crimes reported to the venue, or reported by the venue to the police

- All ejections of patrons

- Any incidents of disorder

- Any visit by a relevant authority or emergency service

The Designated Premises Supervisor (DPS) must ensure a written notice of authority is kept at the premises, detailing all staff who sell alcohol. The notice must be made available for inspection upon request of the police or other authorised officers.

All staff selling alcohol must be in possession of formal identification to enable verification of their identity against the written authority.

A minimum of 2 SIA (Security Industry Authority) door supervisors, from a reputable company, must be employed at the premise on a Friday, Saturday, New Year's Eve, Sunday, and any other day preceding a bank holiday from 2200hrs to close of business

All door supervisors to wear hi-visibility jackets and display their SIA badge in an arm band. This arm band will be worn on the sleeve of their coat/jacket, so that it is visible to members of the public, police officers and licensing officers.

A written record of the door supervisors working on any evening must be kept. The minimum amount of information that must be recorded is "date," "full name," "time shift started," "time

shift finished,” “SIA badge number,” “signature.” Upon request this record must be given to Greater Manchester Police and/or and authorised officer of the Council.

Random searches will take place on persons entering the premises as a customer. Those suspected of carrying offensive weapons/drugs will be excluded from the premises. All other venues will be notified of these exclusions immediately giving full descriptions of the individuals.

Excluded individuals will be denied entry into the premises (excluded individuals include that subject to court bans, pub watch exclusions and those excluded by the licence holder).

The DPS or nominated person will share intelligence on drug use, drug dealing and anti-social behaviour within the venue to police officers, council licensing, BID officer and other local venues.

The premises licence holder or DPS will ensure staff employed at the venue are aware of the law and their responsibilities under the licensing act. Those at management level must undertake training in Licensing Law, such as a BIIAB accredited course, or any other recognised training courses. All other staff must receive in house training. All staff must receive this training within 3 months of employment, with refresher training must be given every 12 months.

The venue will maintain a written record of this training, detailing the following:

Date initial training completed,

Date refresher is due, and subsequently completed

Type of training provided

All staff receiving this training will sign this document to say the above has been provided and completed. This record will be made available to an authorised officer on request.

The premises will operate a “Challenge 25” scheme in relation to age verification for alcohol sales and other age-restricted products.

Challenge 25 signage displayed in prominent positions inside the premise to inform customers of this policy.

No drinks shall be consumed in the doorway of the premises and a notice will be in place stating such.

No glasses/bottles to be taken outside the premises. Door staff will maintain an orderly queuing system outside the venue.

A member of management will be at the premises from 7pm each day to close of business.

The management of the premises will introduce a strict “zero tolerance” policy in respect of the use and/or supply of illegal drugs on the premises. Suitable signage placed in prominent areas within the premises.

4.3 Representations were also received from two Councillors made on behalf of constituents, these were withdrawn in light of the agreed recommendations from the Police.

4.4 A representation was also received by a resident but was withdrawn in light of the agreed recommendations from the Police.

5 Licensing Policy

5.1 Members considering the application should take note of the Authority's Licensing Policy Statement when determining an application. Attention should be drawn to Section 8 of the Council's Statement of Licensing Policy relating to Public Nuisance.

5.2 In relation to Public Nuisance paragraph 8.2 provides:-

When addressing public nuisance the applicant should initially identify any particular issues (having regard to their particular type of premises and/or activities), which are likely to adversely affect the promotion of the public nuisance objective. Such steps as are required to deal with these identified issues should be included within the applicants operating schedule.

5.3 A full copy of the Council's Licensing Policy statement will be available at the hearing.

6 Secretary of State Guidance

6.1 Members also need to consider statutory guidance issued, by the Secretary of State, under Section 182 of the Licensing Act 2003 (April 2018).

6.2 In relation to 'Public Nuisance', the following paragraphs provide:-

2.15 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensable objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.

2.16 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.

2.19 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11pm and 8am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.

2.20 Measures to control light pollution will also require careful thought. Bright light outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.

2.21 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises and to respect the rights of people living nearby to a peaceful night.

A full copy of the guidance will be available at the hearing.

7 Options/Alternatives

- 7.1 When determining the application Members, having had regard to the representations, may take such steps as they consider appropriate for the promotion of the licensing objectives. The steps are -
- a) Grant the application as applied for with or without the amendments agreed with Greater Manchester Police, Environmental Heath & the Licensing Service;
 - b) Grant the application but modify the operating schedule in relation to hours, days, conditions or activities;
 - c) To reject the application;
- 7.2 Any steps appropriate to promote the licensing objectives should be specified. If no steps are appropriate the application should be granted.
- 7.3 Findings on any issues of fact should be on the balance of probability.
- 7.4 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.
- 7.5 The decision should be based on the individual merits of the application.

8 Consultation

- 8.1 Consultation in accordance with the Act has taken place with all Responsible Bodies and notice has been given to allow for any representations from other persons.

9 Legal Services Comments

- 9.1 In determining the application Members should have regard to the Authority's licensing policy statement and the Secretary of State's Guidance. The applicant or any other person who made relevant representations in relation to the application have a right of appeal to the Magistrates' court. (S Rawat)

10 Environmental and Health & Safety Implications

- 10.1 Contained within the body of the report.

11 Equality, community cohesion and crime implications

- 11.1 The Council's 'Statement of Licensing Policy' takes into account these matters. All decision made by the Licensing Panel, must have regard to this policy and National Guidance.

12 Equality Impact Assessment Completed?

- 12.1 No

13 Background Papers

- 13.1 The following is a list of background papers on which this report is based in accordance with the requirements of Section 100(1) of the Local Government Act 1972. It does not include documents which would disclose exempt or confidential information as defined by the Act :

File Ref: Records held in Directorate
Officer Name: Nicola Lord

14 Appendices

Appendix 1 - Premises Licence Application & Proposed Site Plan

Appendix 2 - Location Map

Appendix 3 – Remaining representation against the application

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We E&T HOLDINGS LIMITED

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

| |
|--|
| Premises licence number PL0017 |
|--|

Part 1 – Premises Details

| | | | |
|---|--|--|--|
| Postal address of premises or, if none, ordnance survey map reference or description 476 – 478 OLDHAM ROAD, FAILSWORTH | | | |
|---|--|--|--|

| | | | |
|-----------|--------|----------|---------|
| Post town | OLDHAM | Postcode | M35 0FH |
|-----------|--------|----------|---------|

| | |
|---------------------------------------|---------------|
| Telephone number at premises (if any) | 0161 506 1058 |
|---------------------------------------|---------------|

| | |
|---|----------|
| Non-domestic rateable value of premises | £ 10,000 |
|---|----------|

Part 2 – Applicant details

| | | | |
|---|-----------------------------------|----------|--------|
| Daytime contact telephone number | 07538526829 | | |
| E-mail address (optional) | management@chillzrestaurant.co.uk | | |
| Current postal address if different from premises address | 30C QUAY 5, 236 ORDSALL LANE. | | |
| Post town | SALFORD | Postcode | M5 3NE |

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible?

☒ Yes

☐
No

If not, from what date do you want the variation to take effect?

| DD | | MM | | YYYY | | | |
|----|--|----|--|------|--|--|--|
| | | | | | | | |

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1) ☐ Yes ☒ No

Please describe briefly the nature of the proposed variation (Please see guidance note 2)

The sale of late-night refreshments i.e. alcohol on the premises and the extension of opening hours on Friday, Saturday and Bank Holidays till 4am.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

N/A

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

| Provision of regulated entertainment (Please see guidance note 3) | Please tick all that apply |
|---|-------------------------------------|
| a) plays (if ticking yes, fill in box A) | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E) | <input type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | <input checked="" type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G) | <input type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input type="checkbox"/> |

Provision of late night refreshment (if ticking yes, fill in box I) ☒

Supply of alcohol (if ticking yes, fill in box J) ☒

In all cases complete boxes K, L and M

A

| | | | | | |
|--|-------|--------|--|----------|--------------------------|
| Plays Standard days and timings (please read guidance note 8) | | | Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 4) | Indoors | <input type="checkbox"/> |
| | | | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Day | Start | Finish | | | |
| Mon | | | <u>Please give further details here</u> (please read guidance note 5) | | |
| | | | | | |
| Tue | | | | | |
| | | | | | |
| Wed | | | <u>State any seasonal variations for performing plays</u> (please read guidance note 6) | | |
| | | | | | |
| Thur | | | | | |
| | | | | | |
| Fri | | | <u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 7) | | |
| | | | | | |
| Sat | | | | | |
| | | | | | |
| Sun | | | | | |
| | | | | | |

B

| | | | | | |
|--|-------|--------|---|----------|--------------------------|
| Films Standard days and timings (please read guidance note 8) | | | <u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 4) | Indoors | <input type="checkbox"/> |
| | | | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Day | Start | Finish | | | |
| Mon | | | <u>Please give further details here</u> (please read guidance note 5) | | |
| | | | | | |
| Tue | | | | | |
| | | | | | |
| Wed | | | <u>State any seasonal variations for the exhibition of films</u> (please read guidance note 6) | | |
| | | | | | |
| Thur | | | | | |
| | | | | | |
| Fri | | | <u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 7) | | |
| | | | | | |
| Sat | | | | | |
| | | | | | |
| Sun | | | | | |
| | | | | | |

C

| | | | |
|---|-------|--------|---|
| Indoor sporting events Standard days and timings (please read guidance note 8) | | | Please <u>give further details</u> (please read guidance note 5) |
| Day | Start | Finish | |
| Mon | | | |
| | | | State any seasonal variations for indoor sporting events (please read guidance note 6) |
| Tue | | | |
| | | | |
| Wed | | | Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 7) |
| | | | |
| Thur | | | |
| | | | |
| Fri | | | |
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| Sat | | | |
| | | | |
| Sun | | | |
| | | | |

D

| | | | | | |
|---|-------|--------|---|----------|--------------------------|
| Boxing or wrestling entertainments Standard days and timings (please read guidance note 8) | | | <u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4) | Indoors | <input type="checkbox"/> |
| | | | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Day | Start | Finish | | | |
| Mon | | | <u>Please give further details here</u> (please read guidance note 5) | | |
| | | | | | |
| Tue | | | | | |
| | | | | | |
| Wed | | | <u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 6) | | |
| | | | | | |
| Thur | | | | | |
| | | | | | |
| Fri | | | <u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 7) | | |
| | | | | | |
| Sat | | | | | |
| | | | | | |
| Sun | | | | | |
| | | | | | |

E

| | | | | | |
|---|-------|--------|---|----------|--------------------------|
| Live music Standard days and timings (please read guidance note 8) | | | Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 4) | Indoors | <input type="checkbox"/> |
| | | | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Day | Start | Finish | | | |
| Mon | | | <u>Please give further details here</u> (please read guidance note 5) | | |
| | | | | | |
| Tue | | | | | |
| | | | | | |
| Wed | | | <u>State any seasonal variations for the performance of live music</u> (please read guidance note 6) | | |
| | | | | | |
| Thur | | | | | |
| | | | | | |
| Fri | | | <u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 7) | | |
| | | | | | |
| Sat | | | | | |
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| Sun | | | | | |
| | | | | | |

F

| | | | | | |
|---|-------|-------------|--|----------|-------------------------------------|
| Recorded music Standard days and timings (please read guidance note 8) | | | <u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 4) | Indoors | <input checked="" type="checkbox"/> |
| | | | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Day | Start | Finish | | | |
| Mon | 11AM | 12:30 AM | <u>Please give further details here</u> (please read guidance note 5) Recorded music to be played within the premises will be amplified and controlled. The restaurant premises are soundproof and have double glazing windows to prevent external disturbance | | |
| | | | | | |
| Tue | 11AM | 12:30 AM | | | |
| | | | | | |
| Wed | 11AM | 12:30 AM | <u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 6) Not applicable | | |
| | | | | | |
| Thur | 11AM | 12:30 AM | | | |
| | | | | | |
| Fri | 11AM | 4AM | <u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 7) | | |
| | | | | | |
| Sat | 11AM | 4AM | We intend to play Recorded amplified music between the hours of 11am to 4am on Bank Holidays e.g. Christmas and Easter holidays. This will be applicable in situations when those days fall outside Friday & Saturday. | | |
| | | | | | |
| Sun | 11AM | 12:30 AM | | | |
| | | | | | |

G

| | | | | | |
|---|-------|--------|---|----------|--------------------------|
| Performances of dance Standard days and timings (please read guidance note 8) | | | <u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 4) | Indoors | <input type="checkbox"/> |
| | | | | Outdoors | <input type="checkbox"/> |
| Day | Start | Finish | | Both | <input type="checkbox"/> |
| Mon | | | <u>Please give further details here</u> (please read guidance note 5) | | |
| | | | | | |
| Tue | | | | | |
| | | | | | |
| Wed | | | <u>State any seasonal variations for the performance of dance</u> (please read guidance note 6) | | |
| | | | | | |
| Thur | | | | | |
| | | | | | |
| Fri | | | <u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 7) | | |
| | | | | | |
| Sat | | | | | |
| | | | | | |
| Sun | | | | | |
| | | | | | |

H

| | | | | | |
|--|-------|--------|--|----------|--------------------------|
| Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 8) | | | Please give a description of the type of entertainment you will be providing | | |
| Day | Start | Finish | <u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4) | Indoors | <input type="checkbox"/> |
| Mon | | | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Tue | | | <u>Please give further details here</u> (please read guidance note 5) | | |
| | | | | | |
| Wed | | | | | |
| Thur | | | <u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 6) | | |
| | | | | | |
| Fri | | | | | |
| Sat | | | <u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 7) | | |
| | | | | | |
| Sun | | | | | |

I

| | | | | | |
|--|-------|---------|---|----------|-------------------------------------|
| Late night refreshment Standard days and timings (please read guidance note 8) | | | <u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</u> (please read guidance note 4) | Indoors | <input checked="" type="checkbox"/> |
| | | | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Day | Start | Finish | | | |
| Mon | 11am | 12am | <u>Please give further details here</u> (please read guidance note 5) We intend to serve customers food from our menu list whilst seated and on takeaway basis. | | |
| | | | | | |
| Tue | 11am | 12am | | | |
| | | | | | |
| Wed | 11am | 12am | <u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 6) N/A | | |
| | | | | | |
| Thur | 11am | 12am | | | |
| | | | | | |
| Fri | 11am | 3:30 am | <u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 7) | | |
| | | | | | |
| Sat | 11am | 3:30 am | We intend to serve customers food from our menu between the hours of 11am to 3:30am on Bank Holidays e.g. Christmas and Easter holidays. This will be applicable in situations when those days fall outside Friday & Saturday. | | |
| | | | | | |
| Sun | 11am | 12am | | | |
| | | | | | |

J

| | | | | | |
|---|-------|---------|--|------------------|-------------------------------------|
| Supply of alcohol Standard days and timings (please read guidance note 8) | | | Will the supply of alcohol be for consumption – please tick (please read guidance note 9) | On the premises | <input checked="" type="checkbox"/> |
| | | | | Off the premises | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Day | Start | Finish | <u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 6) N/A | | |
| Mon | 11am | 12am | | | |
| | | | | | |
| Tue | 11am | 12am | | | |
| | | | | | |
| Wed | 11am | 12am | | | |
| | | | | | |
| Thur | 11am | 12am | | | |
| | | | | | |
| Fri | 11am | 3:30 am | <u>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</u> (please read guidance note 7) We intend to supply alcohol within the premises between the hours of 11am to 3:30am on Bank Holidays e.g. Christmas and Easter holidays. This will be applicable in situations when those days fall outside Friday & Saturday. | | |
| | | | | | |
| Sat | 11am | 3:30 am | | | |
| | | | | | |
| Sun | 11am | 12am | | | |
| | | | | | |

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 10).

The restaurant will not participate at any point in time in any of such activities that involves adult entertainment, nudity or semi-nudity.

L

| | | | |
|---|----------|----------|---|
| Hours premises are open to the public Standard days and timings (please read guidance note 8) | | | <u>State any seasonal variations</u> (please read guidance note 6) |
| Day | Start | Finish | N/A |
| Mon | 11:00 am | 12:30 am | |
| | | | |
| Tue | 11:00 am | 12:30 am | |
| | | | |
| Wed | 11:00 am | 12:30 am | |
| | | | |
| Thur | 11:00 am | 12:30 am | |
| | | | |
| Fri | 11:00 | 4:00a m | <u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 7) We intend to open the premises between the hours of 11am to 4am on Bank Holidays e.g. Christmas and Easter holidays. This will be applicable in situations when those days fall outside Friday & Saturday. |
| | | | |
| Sat | 11:00 | 4:00a m | |
| | | | |
| Sun | 11am | 4:00a m | |
| | | | |

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

The current opening hours restriction for Fridays, Saturdays and Bank Holidays will be removed, giving us the opportunity to trade for longer hours during those extended periods.

Please tick as appropriate

- I have enclosed the premises licence ☒
- I have enclosed the relevant part of the premises licence ☒

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

M Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 11)

- We have installed 24-hour CCTV in and outside the premises and its images are retained for 30 days.
- We employ the services of registered SIA approved security personnel to ensure orderliness and safety inside and outside the premises
- We have a zero tolerance to drug use/supply within and outside the premises
- We have Bold display Notices requesting customers to leave quietly when exiting the premises to prevent noise disturbance to our neighbours.
- We have a designated DPS who is always present in the premises at all times.
- We have also installed an alarm to help prevent crime in the neighbourhood.
- The company policy includes the refusal of entry to anyone carrying open or unsealed bottles or glasses at any time, neither will any customer be allowed to take open containers of alcohol, soft drinks away from the premises and glasses/cups of drinks.
- A crowd control policy is in place to prevent over-crowding.
- All electrical systems within the premises are inspected and tested occasionally to ensure public safety.
- The gas system and appliances are inspected annually and tested by a Gas Safety engineer and a satisfactory certificate is obtained.
- Fire safety measures are in place within the premises, this include fire exit signs and fire extinguisher.
- First aid equipment and materials are available within the premises.
- Facilities for disposing litter are provided in and outside the premises e.g. Ash trays provided in the smoking area.
- The premises are soundproof to reduce noise to neighbours. We have had to revisit the soundproof of the premises to ensure neighbours are not impacted by the background music being played.
- There are double glazed windows and doors in the premises, and these are always completely shut.
- We have a designated car parking facility for customers and there is a signage advising customers of this.
- A proof of age policy is enforced in the premises.
- A challenge 21/25 signs are displayed within the premises.
- A no entry policy for children after 10:30 pm is in place.
- Adult entertainment is not permitted in the premises.
- No drugs policy is enforced alongside with signs within the premises.
- The emptying of the bin is done between 4pm to 9pm and this is done with neighbours in mind to avoid unnecessary noise and disturbance,
- Loitering in front of the restaurant is not permitted as to avoid disturbance to the neighbours and the SIA security personnel ensure this is adhered to at all times.
- Security to search bags and pockets for any dangerous weapons.

b) The prevention of crime and disorder

- We employ the services of registered SIA approved security personnel to ensure orderliness and safety inside and outside the premises
- We have a zero tolerance to drug use/supply within and outside the premises
- We have a designated DPS who is always present in the premises at all times.
- We have also installed an alarm to help prevent crime in the neighbourhood.
- The company policy includes the refusal of entry to anyone carrying open or unsealed bottles or glasses at any time, neither will any customer be allowed to take open containers of alcohol, soft drinks away from the premises and glasses/cups of drinks.
- A crowd control policy is in place to prevent over-crowding.
- We have installed 24-hour CCTV in and outside the premises and its images are retained for 30 days.
- Security to search bags and pockets for any dangerous weapons.

c) Public safety

- A crowd control policy is in place to prevent over-crowding.
- All electrical systems within the premises are inspected and tested occasionally to ensure public safety.
- We have a designated DPS who is always present in the premises at all times.
- The gas system and appliances are inspected annually and tested by a Gas Safe Registered engineer and a satisfactory certificate is obtained.
- Fire safety measures are in place within the premises, this includes fire exit signs and fire extinguisher.
- First aid equipment and materials are available within the premises.

d) The prevention of public nuisance

- Facilities for disposing of litter are provided in and outside the premises e.g. Ash trays provided in the smoking area.
- We have Bold display Notices requesting customers to leave quietly when exiting the premises to prevent noise disturbance to our neighbours.
- The premises are soundproof to reduce noise to neighbours. We have had to revisit the soundproofing of the premises to ensure neighbours are not impacted by the background music being played.
- We have a designated DPS who is always present in the premises at all times.
- There are double glazed windows and doors in the premises, and these will always be completely shut.
- We have a designated car parking facility for customers and there is a sign advising customers of this.
- The emptying of the bin is done between 4pm to 9pm and this is done with neighbours in mind to avoid unnecessary noise and disturbance,
- Loitering in front of the restaurant is not permitted as to avoid disturbance to the neighbours and the SIA security personnel ensure this is adhered to at all times.

e) The protection of children from harm

- A proof of age policy is enforced in the premises.
- A challenge 21/25 signs are displayed within the premises.
- A no entry policy for children after 10:30 pm is in place.
- Adult entertainment is not permitted in the premises.
- No drugs policy is enforced alongside with signs within the premises.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee; or ☒
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy. ☐
- I have sent copies of this application and the plan to responsible authorities and others where applicable. ☒
- I understand that I must now advertise my application. ☒
- I have enclosed the premises licence or relevant part of it or explanation. ☒
- I understand that if I do not comply with the above requirements my application will be rejected. ☒

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 5 – Signatures (please read guidance note 12)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

| | |
|-----------|----------|
| Signature | |
| Date | |
| Capacity | DIRECTOR |

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 14). **If signing on behalf of the applicant, please state in what capacity.**

| | |
|-----------|--|
| Signature | |
| Date | |
| Capacity | |

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 15)

MISS ENITAN OMOLAJA

| | | | |
|------------------|----------------|------------------|---------------|
| Post town | SALFORD | Post code | M5 3NE |
|------------------|----------------|------------------|---------------|

| | |
|----------------------------------|--------------------|
| Telephone number (if any) | 07538526829 |
|----------------------------------|--------------------|

If you would prefer us to correspond with you by e-mail, your e-mail address (optional)

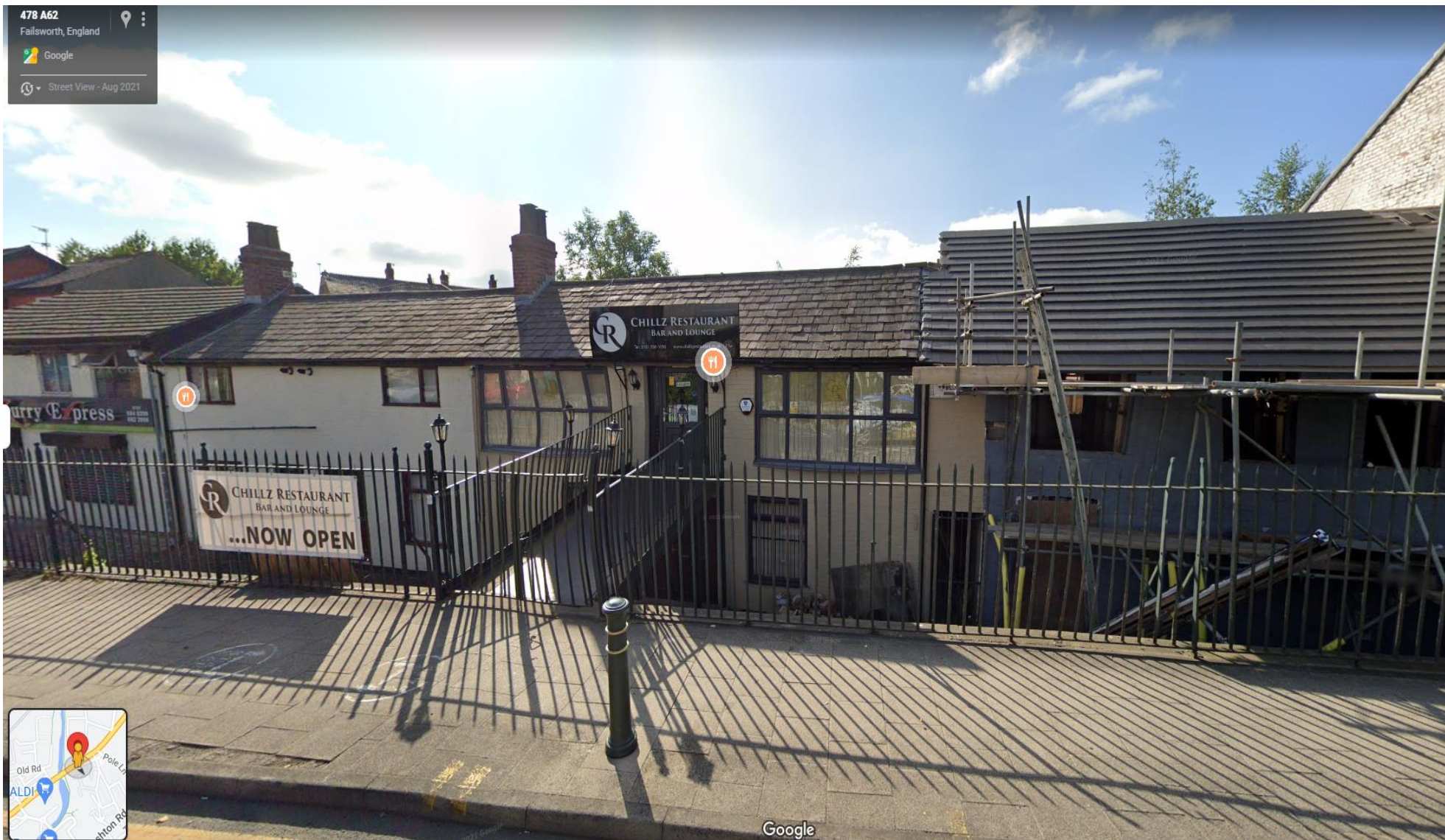
Notes for Guidance

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

1. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable for the late night levy
2. Describe the premises. For example, the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place of consumption of these off-supplies of alcohol, you must include a description of where the place will be and its proximity to the premises.
3. In terms of specific regulated entertainments please note that:
 - Plays: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
 - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
 - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
 - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
 - Live music: no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.

- a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
 - Recorded Music: no licence permission is required for:
 - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
 - Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
 - Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
4. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
 5. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
 6. For example (but not exclusively), where the activity will occur on additional days during the summer months.
 7. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

8. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.
9. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
10. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
11. Please list here steps you will take to promote all four licensing objectives together.
12. The application form must be signed.
13. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
14. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
15. This is the address which we shall use to correspond with you about this application.



Matthew Pilkington

482 oldham road

Middleton

Manchester

M35 0FH

Please accept this letter as an objection to the application for a variation of a premises licence

Property applying for variation licence

Chillz restaurant Bar and Lounge

476-478 Oldham Road

Failsworth

M35 0FH

Objection address

482 Oldham Road

Failsworth

M35 0FH

OBJECTIONS

Next door but one (482) is a residential property, the noise levels are already heard inside the property until 12pm at night, an extension until 4am in the morning seems very excessive and unwanted.

The exit point of chillz restaurant is bedroom height to 482 oldham road, this is due to a bridge being built a few years back to access the higher part of Oldham road, the bridge was originally rejected by planning in 2012, but later passed in 2014.

The exit is only a few metres away from the bedroom window of no482 which will also be open in hot weather, people entering and leaving the building during night time hours would cause disturbance.

The area of Failsworth Pole is already blighted by drunken anti social behaviour. Oldham council should be doing more to prevent this rather than adding to it. This is very recent and has been well documented in the news.

Failsworth Pole already has 2 pubs in close proximity. Take aways, restaurants and residential, and should be classified as mixed use. The property on the opposite side of Chillz has had planning passed for 4 dwelling houses, again indicating a mixed use area, which should be respected for all. (468-470 oldham road).

This is one of the last parts of the original 'Oldham Road' leading into Manchester, this should lie in a conservation area with a lot of history, and should be respected so.

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