

Minutes of: LICENSING HEARING SUB COMMITTEE

Date of Meeting: 23rd September 2025

Present: Councillor D Green (in the Chair)
Councillors L McBriar and M Walsh

M. Bridge (Licensing Unit)
M. Cunliffe (Democratic Services)
G. Happe (Legal Services)

Also in attendance: Mr and Mrs Bhatia (Applicant)
Councillor A. Quinn (Representor)

Public Attendance: The Hearing was held virtually and interested members of the public were provided with a link to access the hearing online via Microsoft Teams or could be telephoned into the meeting via audio only. No members of the public or press were in virtual attendance other than those listed above.

1 APOLOGIES FOR ABSENCE

Apologies for absence were submitted by Councillor T. Rafiq.

2 DECLARATIONS OF INTEREST

There were no declarations of interest made.

3 MINUTES OF THE LAST MEETING

The minutes of the last Licensing Hearing Sub Committee meeting held at 10.30am on Thursday the 21st August 2025 was attached to the agenda.

Resolved:- That the minutes of the Licensing Hearing Sub Committee held at 10.30am on the 21st August 2025 be approved as a correct record.

4 APPLICATION FOR A VARIATION OF A PREMISES LICENCE UNDER THE LICENSING ACT 2003 IN RESPECT OF WINDSOR LOCAL, 89 WINDSOR ROAD, PRESTWICH, M25 0DB

The Licensing Authority received an application for the Variation of a Premises Licence under the Licensing Act 2003 in respect of Windsor Local, 89 Windsor Road, Prestwich, M25 0DB.

The applicant for the licence is Sahiba Trading Ltd of 89 Windsor Road, Prestwich, M25 0DB and the Designated Premises Supervisor (DPS) is Mr Raghbir Singh Bhatia of 56 Windsor Road, Prestwich, M25 0DE.

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 Where representations are made and not withdrawn Members are required to determine them.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.

Current Opening Times and timings for Supply of Alcohol
(off the premises only):

Monday to Sunday 07.00 – 22.00

Proposed Opening Times and timings for Supply of Alcohol
(off the premises only):

Monday to Sunday 07.00 – 00.00

There are no changes to the conditions on the Operating Schedule. The current Operating Schedule was attached at Appendix 1.

Three representations have been received from interested parties in respect of this application and they had been invited to make their representations at the hearing.
The representations were attached at Appendix 2, 3 and 4 in the agenda packs.

The Licensing Unit Manager clarified that Councillor Gold and another representor had provided their apologies ahead of the meeting.

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 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

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.

Members of the committee asked questions on the report for clarification purposes in relation to licence breaches and noise disturbance. The Licensing Unit Manager confirmed there had been no police involvement and Environmental Health had not made any representations on the application as a statutory consultee.

Mrs Bhatia addressed the Sub Committee and reminded Members about the neighbouring Morrisons store which has a licence until 12.00pm. Her store closes at 10.00pm and they were a small family run business which had encountered losses since it opened. The extra hours of trading would help them financially when they wished to be open longer occasionally. They could not afford a legal representative for this hearing and the other store stayed open after 10.00pm creating noise in the neighbourhood and they had a video, which was played to prove this.

Mr Bhatia addressed the Sub Committee and added that Morrisons received early morning deliveries and he had recently told the drivers to turn their engines off as the noise from the fridges would disturb local residents. The Chair clarified why the hearing was being held and what it could decide, she advised that if there were various concerns about the other store to report these to their local ward Councillors.

The Licensing Unit Manager provided background information that the Morrisons licence was transferred in June from the former business at the location. He added that there was flexibility for Morrisons to trade between 7.00am and midnight but they don't have to be open between these times. The same would also apply to this licence should they wished.

Members questioned if the video recording taken outside the nearby store was conducted whilst the recent music festivals were taking place in Heaton Park. The Licensing Unit Manager asked if the resale of alcohol was being conducted via a night hatch.

Councillor Alan Quinn addressed the Sub Committee and felt that the hours of 7.00am to 10.00pm were long enough for a residential area. The extra time would create more noise with cars arriving and people talking late at night. The store was also close to the Metrolink station and this could attract anti-social behaviour and noise nuisance.

The Licensing Unit Manager reminded Members of the Committee that there was a review process available should there be any representations submitted from responsible authorities after approval if the promotion of the licensing objectives were not being met.

The Sub-Committee then duly retired to consider the application.

The Members of the Panel were advised by the Legal Officer as to their duties under Section 4 of the Licensing Act 2003 to at all times consider the promotion of the Licensing Objectives, these being:

- a) the prevention of crime and disorder
- b) public safety
- c) the prevention of public nuisance
- d) the protection of children from harm

The Members were also advised of their duties in carrying out those functions in relation to the relevant provisions of the national guidance and the Council's licensing policy statement.

In addition, Members were advised to give appropriate weight to the steps that are appropriate to promote the licensing objectives together with relevant representations presented by all parties.

Delegated decision

All of the evidence was considered with care, and it was established that having understood the application and equally noting and understanding the representations, the Sub-Committee found there were no causes for concern so far as the promotion of the licensing objectives were concerned.

It was therefore agreed that the Sub- Committee **grant the variation in the terms requested** and subject to the following conditions:-

The Chair advised that if there were issues with nearby stores to contact the relevant authorities.

Operating Schedule

Prevention of Crime and Disorder

1. The premise is to operate an effective CCTV system which is to be maintained in good working order at all times the premises is open for business. The location of cameras will be recorded on the plan attached to the licence. 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 person(s)) 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 12 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 24hrs.
2. 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.

3. Staff training shall take place on the Licensing Act and Licensing objectives upon commencement of employment and every six months thereafter, a written record of this training is to be maintained and made available to the police and any authorised officer of the Council for inspection on request.
4. A written delegation of authority record will be kept at the premises whereby non personal licence holders are authorised to make sales on behalf of a personal licence holder.
5. The Designated Premises supervisor / personal licence holder will be available /contactable at all times that alcohol is on sale.
6. An incident book/register shall be maintained to record:
 - i. All incidents of crime and disorder occurring at the premises.
 - ii. Details of occasions when the police are called to the premises.This book/register shall be made available for inspection by a police officer or other authorised officer on request.
7. No alcoholic drink shall be removed from the premises in an unsealed container.
8. Alcohol may only be sold in sealed containers.
9. Alcohol may not be sold to any person who appears to be intoxicated.

Public Safety

10. All staff responsible for selling alcohol shall receive regular training in the Licensing Act 2003 in terms of the licensing objectives, offences committed under the Act and conditions of the Premises Licence.
11. Written records of this training shall be retained and made available to police and authorised officers of the Licensing Authority on request.

The Prevention of Public Nuisance

12. The outside of the premises will be monitored regularly for litter.
13. Management and staff are to use their best endeavours to prevent persons loitering outside the premises and to ensure that persons refused entry or ejected are asked to leave the vicinity of the premises.
14. No refuse shall be disposed of or collected from the premises between the hours of 2300 - 0700 where such disposal or collection is likely to cause disturbance to local residents.
15. Prominent, clear and legible notices must be displayed at all exits requesting that customers respect the needs of local residents and to leave the premises and area quietly.

The Protection of Children from Harm

16. The premises will operate a "Challenge 25" proof of age policy, and signage to this effect is to be prominently displayed within the premises. Persons who appear to be under the age of 25 must produce for thorough scrutiny by staff, proof of identity/age before being

sold/supplied alcohol. Only a passport or photo-card driving licence or a proof of age card bearing the official 'PASS' accreditation hologram should be accepted as proof of age.

17. The premises is to maintain a refusals / incident 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 and record the circumstances of any incident. The book must be made available to the police / authorised officers of the Licensing Authority on request.

COUNCILLOR D GREEN
Chair

(Note: The meeting started at 10.30am and ended at 11.25am)