

Minutes of: **LICENSING HEARING SUB COMMITTEE**

Date of Meeting: 19th December 2025

Present: Councillor T Rafiq (in the Chair)
Councillors D Green and M Walsh

Also in attendance: M. Bridge (Licensing Unit)
M. Cunliffe (Democratic Services)
D. Rice (Legal Services)

S. Patel (Director on behalf of MSD10 Ltd- Applicant)
S. Lane- Kenwright (Resident- Representor)
J. Levy (Marstons Properties- 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 B. Thomson (Assistant Director of Public Protection & Resilience) and A. Bucior (Public Protection).

2 DECLARATIONS OF INTEREST

There were no declarations of interest made.

3 APPLICATION FOR A VARIATION OF A PREMISES LICENCE UNDER THE LICENSING ACT 2003 IN RESPECT OF RAWAS INDIAN STREET FOOD, 453 BURY NEW ROAD, PRESTWICH, M25 1AF

The Licensing Authority received an application for the Variation of a Premises Licence under the Licensing Act 2003 in respect of Rawas Indian Street Food, 453 Bury new Road, Prestwich, M25 1AF.

In making a decision, the steps the Sub-Committee can take are:-

- To grant the variation in the terms requested
- To grant the variation subject to amendments
- To amend or modify existing or proposed conditions
- To refuse the application

The Licensing Unit Manager presented the report and explained the applicant for the licence is MSD10 Limited, 382 Kingsway, Manchester, M19 1PL and at the time of writing this report there was no Designated Premises Supervisor (DPS) in place.

The Licensing Act 2003 and the Licensing Act 2003 (Hearings) Regulations are the relevant legislation.

The Applicant had complied with all the necessary procedural requirements laid down by the Act.

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 Where representations are made and not withdrawn Members are required to determine them.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 was for the variation of a Premises Licence under Part 3 of the Licensing Act 2003 with the current hours and proposed variations detailed in the report attached in the agenda packs. The Licensing Unit Manager stated the proposed new hours should state closure at midnight and not 11.00pm as stated in the report.

Attention was made that the Live Music Act permits Live Music and Recorded Music at a licensed Premises between the hours of 8.00am to 23.00 hours for up to 500 people.

There were no changes to the conditions on the Operating Schedule which was attached at Appendix 1 in the agenda packs.

Two representations had been received from interested parties and this was attached at Appendix 2 in the agenda packs.

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.

The Licensing Unit Manager placed on record that the correct procedure had been undertaken in relation to advertising the application following comments made in a representation. This was a licensing matter and not related to a planning application therefore the notice in the local newspaper and at the property had been adhered to. A representation mentions other premises and Members were reminded that this was not for consideration.

Members questioned the change of variation and it was explained this would allow the supply of alcohol on the premises as well as off.

Mr Swapnil Patel presented on behalf of the applicant and that the audio speaker installed in the ceiling of the property had been moved onto a front wall and there was a total of only two speakers in the restaurant.

Mr Patel stated he was happy to keep the timings of the business to the current hours and he would inform customers ten minutes in advance of closing.

The Licensing Unit Manager and the Council's Legal Advisor therefore informed Members that the application still required determination in relation to permission for the supply of alcohol on the premises.

Members asked how many seats the premises caters for and it was stated there would be 30 seats available. Upon further questioning there was no separate area in the restaurant to order drinks and the tables were also small in size.

As a result of no changes to the opening times, Joanne Levy had no objections to the current timings and had encountered no problems with the business. Mr Scott Lane- Kenwright also had no objections to the current opening times but had concerns about anti-social behaviour related to other businesses located either side of his accommodation in relation to people smoking and talking on the street underneath his bedroom window. The Licensing Unit Manager and the Council's Legal Advisor would speak to Ms Levy and Mr Lane- Kenwright outside of the meeting and provide help and advice about the situation. Councillor Green commented that she was a local ward Member for the area and could also help in the future after conclusion of the meeting.

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 agreed during the hearing noting the opening hours would remain the same.**

Opening Hours:

Monday to Sunday 12.00 Noon to 23.00pm

For Supply of Alcohol (On and off the premises):

Monday to Sunday 12.00 Noon to 23.00pm

Playing of Recorded Music (Indoors)

Monday to Sunday 12.00 Noon to 23.00pm

Provision of Late-Night Refreshment (Indoors)

Monday to Sunday 12.00 Noon to 23.00pm

Operating Schedule

The prevention of crime and disorder

1. The premises licence holder must ensure that:
 - I. CCTV cameras are located within the premises to cover all public areas including all entrances and exits.
 - II. The system records clear images permitting the identification of individuals.
 - III. The CCTV system is able to capture a minimum of 24 frames per second and all recorded footage must be securely retained for a minimum of 28 days.
 - IV. The CCTV system operates at all times while the premises are open for licensable activities [or specify timings]. 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.
 - V. All equipment must have a constant and accurate time and date generation.
 - VI. The CCTV system is fitted with security functions to prevent recordings being tampered with, i.e. password protected.
 - VII. There are members of trained staff at the premises during operating hours able to provide viewable copies on request by the police or authorised officer of the local authority officers as soon as is reasonably practicable or in any case within 12 hours of receiving the request whether that be verbal or written request.
2. All staff authorised to sell alcohol shall be trained in:
 - I. Relevant age restrictions in respect of products
 - II. Prevent underage sales
 - III. Prevent proxy sales
 - IV. Maintain the refusals log
 - V. Recognising signs of drunkenness and vulnerability
 - VI. How overservice of alcohol impacts on the four objectives of the Licensing Act 2003
 - VII. How to refuse service
 - VIII. The premises' duty of care policy, understanding and dealing with situations involving vulnerable people, and incidents of harassment
 - IX. Action to be taken in the event of an emergency, including the preservation of a crime scene and reporting an incident to the emergency services
 - X. The conditions in force under this licence.
3. Documented records of training completed shall be kept for each member of staff. Training shall be regularly refreshed and at no greater than 6 monthly intervals. Training records shall be made available for inspection upon request by a police officer or an authorised officer of Bury Council.

4. No person in possession of a drink in a sealed or unsealed container shall be allowed to enter the premises except for the purposes of delivery or from moving from one part of the premises to another.

5. No alcoholic beverage shall be removed from the premises in an unsealed container.

6. An incident log (which may be electronically recorded) shall be kept at the premises for at least six months, and made available on request to the Police or an authorised officer of the licensing authority, which will record the following incidents including pertinent details:

- I. all crimes reported to the venue, or by the venue to the Police
- II. all ejections of patrons
- III. any incidents of disorder
- IV. any faults in the CCTV system
- V. any visit by a relevant authority or emergency service

Public safety

7. Customers are to be prevented from leaving the premises with glasses or open bottles.

8. Alcohol will only be served to customers who have ordered food.

9. Customers will only be permitted to consume alcohol if sat at a table. No standing consumption will be permitted.

10. All glass drinking containers will be cleared from tables in a timely manner and as soon as reasonably practicable.

The prevention of public nuisance

11. 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.

12. 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.

13. All external doors and windows are to be kept closed when live entertainment or recorded music is in progress.

The protection of children from harm

14. The Challenge 25 scheme must be operated to ensure that any person who appears to be under the age of 25 shall provide documented proof that he/she is over 18 years of age. Proof of age shall only comprise a passport, photo card driving licence, an EU/EEA national ID card or similar document, an HM Forces warrant card, a card bearing the PASS hologram, or any electronic or biometric age verification technology approved by the licensing authority.

15. The premises shall display prominent signage indicating at any point of sale that the Challenge 25 scheme is in operation.

16. A refusals record must be kept at the premises which details all refusals to sell alcohol. This record must include the date and time of the incident, a description of the customer, the name of the staff member who refused the sale, and the reason the sale was refused. All

entries must be made within 24 hours of the refusal. The record must be made available for inspection and copying within 24 hours of a request by an officer of a Responsible Authority.

The Chair advised of their right to appeal the decision to the Court within the relevant timescales upon receiving written notification.

COUNCILLOR T RAFIQ
Chair

(Note: The meeting started at 10.00am and ended at 10.40am)