

Classification	Item No.
Open / Closed	

Meeting:	Licensing Hearings Sub-Committee
Meeting date:	24 April 2025
Title of report:	Application for a Premises Licence to be granted under the Licensing Act 2003 in respect of Engine Shed, Rowlands Road, Summerseat, Bury, BL9 5QY
Report by:	Executive Director (Corporate Core)
Decision Type:	Council
Ward(s) to which report relates	North Manor

Executive Summary:

This report relates to an application for a Premises Licence to be granted under the Licensing Act 2003 in respect of Engine Shed, Rowlands Road, Summerseat, Bury, BL9 5QY.

Recommendation(s)

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

1.0 BACKGROUND

- 1.1 The Licensing Act 2003 and the Licensing Act 2003 (Hearings) Regulations are the relevant legislation.
- 1.2 The Panel will make a decision on the day of the hearing and the parties will be notified subsequently of the decision and the reasons for it by letter from the Licensing Office.

2.0 INTRODUCTION

- 2.1 The applicant for the licence is Mr Ponke Miah, 38 Barnes Avenue, Rossendale, Lancashire, BB4 8ST and he is the proposed Designated Premises Supervisor (DPS).
- 2.2 The applicant has complied with all the necessary procedural requirements laid down by the Act.
- 2.3 As part of the statutory process the Responsible Authorities and interested parties are entitled to make representations in relation to the grant of a licence. Where representations are made and not withdrawn Members are required to determine them.
- 2.4 Representations must be relevant to the licensing objectives defined within the Act. The objectives are:-
- the prevention of crime and disorder
 - public safety
 - prevention of public nuisance and
 - protection of children from harm

3.0 THE APPLICATION

- 3.1 The application is for the grant of a Premises Licence under Part 3 of the Licensing Act 2003:

Opening Times:

Sunday to Thursday	12.00 till 00.00 (Midnight)
Friday to Saturday	12.00 till 02.00
Christmas Eve	12.00 till 02.00
New Years Eve	12.00 till 02.00
New Years Day	12.00 till 02.00

Supply of Alcohol (on the premises only):

Sunday to Thursday	12.00 till 11.30
Friday to Saturday	12.00 till 01.30
Christmas Eve	12.00 till 01.30
New Years Eve	12.00 till 01.30
New Years Day	12.00 till 01.30

Live Music (Indoors)

Sunday to Thursday	12.00 till 11.30
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Friday to Saturday	12.00 till 01.30
Christmas Eve	12.00 till 01.30
New Years Eve	12.00 till 01.30
New Years Day	12.00 till 01.30

Due to the Live Music Act 2012 – there is no need to licence this activity until after 23.30

Recorded Music (indoors)

Sunday to Thursday	12.00 till 11.30
Friday to Saturday	12.00 till 01.30
Christmas Eve	12.00 till 01.30
New Years Eve	12.00 till 01.30
New Years Day	12.00 till 01.30

Due to the Live Music Act 2012 – there is no need to licence this activity until after 23.30

Late Night Refreshment (Indoors)

Sunday to Thursday	23.00 till 23.30
Friday to Saturday	23.00 till 23.30
Christmas Eve	23.00 till 23.30
New Years Eve	23.00 till 23.30
New Years Day	23.00 till 23.30

The conditions contained in the operating schedule submitted by the applicant are contained at Appendix 1.

4.0 REPRESENTATIONS FROM AN INTERESTED PARTY

4.1 One representation has been received from an interested party.

4.2 This representation is attached at Appendix 2.

5.0 OBSERVATIONS

5.1 After hearing the representations made and the evidence presented, Members are obliged to determine the application with a view to promoting the licensing objectives and having regard to the Authority's Licensing Policy and National Guidance.

6.0 THE SECRETARY OF STATES GUIDANCE TO THE LICENSING ACT 2003

- 6.1 The Secretary of State's Guidance to the Licensing Act 2003 is provided to licensing authorities in relation to the carrying out of their functions under the 2003 Act. It also provides information to magistrates' courts hearing appeals against licensing decisions and has been made widely available for the benefit of those who run licensed premises, their legal advisers and the general public. It is a key medium for promoting best practice, ensuring consistent application of licensing powers across England and Wales and for promoting fairness, equal treatment and proportionality.
- 6.2 Section 4 of the 2003 Act provides that, in carrying out its functions, a licensing authority must 'have regard to' guidance issued by the Secretary of State under section 182. The Guidance is therefore binding on all licensing authorities to that extent. However, the Guidance cannot anticipate every possible scenario or set of circumstances that may arise and, as long as licensing authorities have properly understood this Guidance, they may depart from it if they have good reason to do so and can provide full reasons.
- 6.3 Departure from the Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.

7.0 CONCLUSION

- 7.1 A licensing authority must carry out its functions under this Act ("licensing functions") with a view to promoting the licensing objectives:
- the prevention of crime and disorder
 - public safety;
 - the prevention of public nuisance; and
 - the protection of children from harm.
- 7.2 In reaching the decision, regard must be had to relevant provisions of the national guidance and the Council's licensing policy statement.
- 7.3 The Sub-Committee must consider what steps are appropriate for the promotion of the licensing objectives.
- 7.4 In making its decision with regard to this grant hearing, the steps the Sub-Committee can take are:
- To grant the application in the terms requested
 - To grant the application subject to conditions
 - To amend or modify existing or proposed conditions
 - To refuse the application

- 7.5 All licensing determinations should be considered on the individual merits of the application.
- 7.6 The Sub-Committee's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve. Findings on any issues of fact should be on the balance of probability.
- 7.7 It is important that a licensing authority should give comprehensive reasons for its decisions in anticipation of any appeals. Failure to give adequate reasons could itself give rise to grounds for an appeal.
- 7.8 The Sub-Committee is asked to determine what steps, as set out in 8.4 above, are appropriate for the promotion of the licensing objectives.

Community impact/links with Community Strategy

Not Applicable

Equality Impact and considerations:

Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to -

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.*

The public sector equality duty requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services.

Equality Analysis	<i>Please provide a written explanation of the outcome(s) of either conducting an initial or full EA.</i>
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The Licensing Service have considered the Equality Act 2010 and due to each application being dealt with on its own merits there is no positive or negative on any of the protected characteristics.

Assessment of Risk:

The following risks apply to the decision:

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

Consultation:

Not Applicable

Legal Implications:

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

Financial Implications:

The cost of the licensing function are funded through the fees and charges levied by the Council. There may be additional costs if appeals are lodged with the Magistrates and Crown Courts.

Report Author and Contact Details:

For further information on the details of this report, please contact:

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Background papers:

List of Background Papers: -
Application form
Representations received

Please include a glossary of terms, abbreviations and acronyms used in this report.

Term	Meaning

Appendix One

Operating Schedule submitted by the applicant

Conditions Consistent with The Operating Schedule

LICENSING OBJECTIVES

General

- The business will ensure a responsible approach to the sale of alcohol and late night trading, and implement a positive attitude to management training on health, safety and public protection.
- All staff will be advised of licensing law, in particular the Licensing Act, in writing before they are allowed to serve alcohol.
- Training will be provided on premises' specific policies on the furtherance and promotion of the licensing objectives herein contained.
- A record will be kept of the date and names of persons trained or advised and will be made available for inspection by the police or licensing authority.
- The restaurant is on ground floor and mezzanine with close surveillance of all customers.

The prevention of crime and disorder

- CCTV. The premise is to operate an effective CCTV system both inside and outside the premises which is to be maintained in good working order at all times the premises are open for business. The type of system and the number / positioning of cameras is to be agreed in liaison with the police. The location of cameras will be recorded on the plan attached to the license. The recording medium (eg 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 persons) 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 24 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 24 hours.
- 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.
- Emergency exits that are not visible to the staff will be alarmed when the premises are open to the public, so that staff are immediately notified of unauthorised opening or tampering.
- All staff and private areas will be kept locked and secured whilst the premises are open to the public.

- The recordings will be in real time and on hard drive with the availability to copy discs for other agencies such as the police.
- Care will be taken so that external lighting does not impact on neighbours whilst providing a deterrence.
- The alarm will be linked to a system that will notify management if it is activated when the premises is closed.
- Staff will be trained to supervise admissions and customers inside the premises.
- All staff will be made aware of the premises security policy.
- Daily staff briefing will take place on the premises after and before opening hours to help identify any weakness and improve working practice in the premises.
- Any problems identified and remedial action taken will be recorded with records kept on the premises,
- A door admission policy will be complied with to ensure there is no overcrowding or problems are not allowed to enter or congregate outside.
- Persons will be refused entry where they do not meet the admissions policy or are known to be violent or aggressive and an entry will be made in an incident book.
- A policy to manage capacity will be implemented and adopted to prevent overcrowding and patrons possibly becoming aggressive through accidental jostling.
- Glass drinking vessels will not be permitted to leave the premises at any time.
- There will be a robust glass collecting policy to ensure drinking vessels are collected and vessels are not removed from the premises.
- A zero tolerance policy will be adopted to the use of drugs and carrying weapons.
- A customer dispersal policy will be implemented and adopted to minimise the potential for disorder from customers leaving the premises.
- Staff will be provided with training to give them knowledge and confidence to deal with difficult situations.
- Alcohol display will be in restricted areas only to ensure customers do not have access without staff supervision and to prevent theft and removal from the premises.
- Display areas will be covered by CCTV.
- Alcohol sale will be restricted at the end of opening hours to ensure there is a period of one hour to allow a 'drinking up' period of 30 minutes to prevent rapid consumption and to manage a safe dispersal of patrons leaving the premises.
- There will be a strict ban on irresponsible drinks promotions within the premises.
- Staff will be trained on the effects of alcohol and how to spot the early signs of customers being drunk.
- A duty of care policy will be implemented with regard to persons suffering adversely from the effects of drink. The policy will encourage staff to prevent a customer from deteriorating to an uncontrolled intoxicated extent. All staff will be briefed on their responsibilities.
- Management will not permit the sale of closed bottle beers or cans to be consumed off the premises.
- The Premises License Holder / Designated Premises Supervisor will conduct a risk assessment with regards to the employment of SIA register door

supervisors taking into account key dates throughout the year such as Christmas Eve, New Years Eve, Bank Holidays as well as specific events held within the premises such as the showing of live sporting events.

- Staff training shall take place on the Licensing Act and Licensing objectives every six months and a written record of this training to be maintained and made available to the police and any authorised officer of the council for inspection on request.
- No person in possession of a drink in a sealed or unsealed container shall be allowed to enter the premises except for the delivery or from moving from one part of the premises to another.
- 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:
 - all crimes reported to the venue, or by the venue to the police.
 - all ejections of patrons.
 - any incidents of disorder.
 - any faults of the CCTV system.
 - any visits by a relevant authority or emergency service,

Public safety

- A full risk assessment taking into account public safety will be carried out at the premises to identify potential hazards posed to staff or customers and setting out precautions to manage the hazards. A risk assessment will be regularly reviewed at least every 12 months.
- All staff will be made aware of the risk assessment and precautionary measures therein.
- A copy of the risk assessment will be kept at the premises with sufficient in date stock.
- First aid boxes will be available at the premises and maintained with in date stock.
- Temperature levels and humidity will be controlled for the comfort and safety of customers.
- The premises capacity cap that has been assessed having regard to Health and Safety Standards. This capacity will remain and there are no increases planned or anticipated. Management and staff will ensure the capacity is not breached and managed effectively.
- Staff will be trained to manage the collection of glassware to ensure there is no accumulation within the premises.
- Staff will be trained to prevent glassware being taken off the premises.
- Spillages and broken glass will be cleared immediately to prevent floors becoming slippery and unsafe. Barriers and warnings will be placed accordingly to prevent injury.
- Staff will be trained to spot the signs of drink spiking and to report any such incidents to management.
- Management will make a record of any such incident of drink spiking and report the matter to the police.
- Management will discourage incidents of drink driving by promoting Designated Driver practice.

- Staff will be trained to spot the early dangers of drink driving and notify management of any potential dangers.
- Management will make a record of any incidents of potential drink driving and actively seek to prevent such incidents from arising. Such incidents will be reported to the police accordingly.
- A written policy to deal with all types of accidents and emergency incidents will be placed in the premises.
- Customers will be offered safe travel home where management and staff will offer contact numbers for taxi services and facilities to call and reserve a taxi.
- There will be a safe waiting area within the premises for customers awaiting transport to prevent congregation outside the premises.
- Customers are to be prevented from leaving the premises with glasses or open bottles.
- Empty bottles must be placed into locked bins so as to prevent them from being used as weapons.
- The DPS or premises licence holder must develop and operate a dispersal policy for clientele leaving the premises.
- Checks will be carried out each day after closing and before opening to ensure that exits are unblocked and there is no glassware outside the premises.
- An accident book will be kept in order to record all accidents or incidents and made available for inspection.
- Entry will be refused to anyone who appears to be showing signs of drug use or excessive alcohol consumption. In such cases an entry will be made in an incident log book.
- Staff will be fully trained and made aware of their responsibilities regarding legislation permitting the sale of alcohol.
- Information will be displayed to customers with regard to safe options for traveling home.
- Tap water will be available free at all times.
- Management and staff will receive full training on crowd management and premises safety checks to ensure all incidents of anti-social behaviour is managed effectively and recorded.

The prevention of public nuisance

- A noise management policy will be in place which sets out sound attenuation measures to prevent singing and speech noise breakout from the premises.
- All staff will be trained on the policy to ensure a commitment to good noise management. A record will be kept of the date and name of the persons trained and made available for inspection by the licensing authority or environmental health responsible authority.
- Windows and doors will be kept closed whilst the premises licence premise is in use to prevent the breakout of noise.
- Doors will be closed with self closing devices.
- Noise monitoring will be actively carried out on a regular basis.
- A log book will be kept of any noise monitoring carried out, the findings and remedial action taken recorded. The log will indicate whether it was routine noise monitoring or the result of a complaint.
- The log book will be made available for inspection by the licensing authority or environmental responsible authority.

- A contact telephone number will be made available to local residents that may be used to report any noise disturbances to a responsible person at the premises, as and when they occur. The phone line will be made available all the times the licensed premises is in use.
- Rowdy behaviour from people entering or leaving will not be tolerated, and entry into the premises will be refused to persons suspected or carrying out anti-social behaviour or under the influence of alcohol.
- Repeated re0admittance will be managed and not tolerated in particular after 10:00 pm.
- A customer dispersal policy will be adopted and implemented to ensure customers leave the premises in a quiet and efficient manner.
- Signs will be displayed close to the exit doors requesting patrons to leave the premises quickly and quietly.

The protection of children from harm

- The premises will operate a "Challenge 25" proof of age policy and signage to this will be prominently displayed within the premises. #persons who appear to be under the age of 25 must produce for thorough scrutiny by staff, official documentation which is proof of identity/age before being sold/supplied alcohol. Only a passport, photo-card driving licence, HM Forces identification or a proof of age card bearing the official 'PASS' accreditation hologram should be accepted as proof of age. No digital/photocopies of official identification will be permitted.
- The premises is to maintain a refusals 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. The book must be made available to the police/authorised officers of the Licensing Authority on request.
- No person under the age of 18 shall be permitted to remain on the premises after 21:00 hours save for any private function where they are accompanied by an adult responsible for their welfare.

Appendix 2

Representation from an Interested Party

Hi.

I would like to object due to the below reasons:

The amount of traffic it will cause in the local area that already suffers with a high levels of traffic plus antisocial drivers speeding through summerseat at all times of the day and night. Where The Engine Shed is located the road is also very narrow and not suited to high levels of traffic and waiting taxis on a very narrow road that also has blind bend on the bridge would be a safety concern.

I would also like to raise concerns about the safety of residents and people visiting the pub/restruant as there is not adequate lighting on the road leading to The Engine Shed and the road is not wide enough for people walking up the road late at night with high levels of traffic coming from both ends of Rowlands Road.

I'm also concerned with potential for increased noise levels, loud music, and disturbances to residents in the surrounding area plus the effect it will also have to nature and wildlife. Parts of Summerseat are also a conservation area I don't feel the use of the premises will be in keeping with the local area considering it was Part of the East Lancashire Railway.

I would ask the council/planning office to consider that Summerseat is a very small local community that already suffers with high levels of traffic and we are not in need of a late night pub/restruant when the local area is already served by a number of local establishments.

I do feel the building/space could be used for more of a community interest rather than another pub/restruant that will effect local residents quality of life.

Thanks for taking the time to read over my concerns.