

Classification	Item No.
Open / Closed	

<b>Meeting:</b>	Licensing Hearings Sub-Committee
<b>Meeting date:</b>	21 August 2025
<b>Title of report:</b>	Application for a Premises Licence to be granted under the Licensing Act 2003 in respect of AY Lounge and Bar, 153 The Rock, Bury, Lancashire, BL9 0ND
<b>Report by:</b>	Executive Director (Corporate Core)
<b>Decision Type:</b>	Council
<b>Ward(s) to which report relates</b>	East

### Executive Summary:

This report relates to an application for a Premises Licence to be granted under the Licensing Act 2003 in respect of AY Lounge and Bar, 153 The Rock, Bury, Lancashire, BL9 0ND.

### 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 AY Lounge and Bar, 44 Stokers Drive, Horwich, BL6 5XB. Mr Pramuka Sesath Kammanthi De Silva is the proposed Designated Premises Supervisor (DPS), however at the time of writing this report he does not currently hold a personal licence.
- 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 Where representations are made and not withdrawn Members are required to determine them.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:**

Monday to Sunday                      08.00 to 23.00

### **Supply of Alcohol (on the premises only):**

Monday to Sunday                      10.00 to 23.00

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

## **4.0 REPRESENTATIONS FROM AN INTERESTED PARTY**

- 4.1 One representation has been received from an interested party.
- 4.2 The 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.

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### **Community impact/links with Community Strategy**

Not Applicable

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### **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.*

<b>Equality Analysis</b>	<i>Please provide a written explanation of the outcome(s) of either conducting an initial or full EA.</i>
<i>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.</i>	

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### **Assessment of Risk:**

The following risks apply to the decision:

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

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### **Consultation:**

Not Applicable

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### **Legal Implications:**

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

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### **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.

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### **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**

### **Conditions agreed with Greater Manchester Police**

#### **The prevention of crime and disorder**

1. The premises licence holder must ensure that:
  - a. CCTV cameras are located within the premises to cover all public areas including all entrances and exits [The location of cameras could also be specified on the plan attached to the premises licence].
  - b. The system records clear images permitting the identification of individuals.
  - c. 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.
  - d. 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.
  - e. All equipment must have a constant and accurate time and date generation.
  - f. The CCTV system is fitted with security functions to prevent recordings being tampered with, i.e. password protected.
  - g. 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. 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):
  - a. All alleged crimes reported to the venue or by the venue to the police
  - b. All ejections of patrons
  - c. Any incidents of disorder
  - d. Seizures of drugs, offensive weapons, fraudulent ID or other items
  - e. Any faults in the CCTV system
  - f. Any visit by a responsible authority or emergency service
3. All staff authorised to sell alcohol shall be trained in:
  - a. Relevant age restrictions in respect of products
  - b. Prevent underage sales
  - c. Prevent proxy sales
  - d. Maintain the refusals log
  - e. How to refuse service including recognising signs of disorder and de-escalation.
  - f. 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
  - g. The conditions in force under this licence.



4. 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.

### **Public safety**

5. All fire safety and health & safety regulations will be strictly followed.
6. Emergency exits will be kept clear and regularly checked.
7. Capacity limits will be monitored and enforced.
8. Staff will be trained in first aid and emergency procedures.
9. Customers are to be prevented from leaving the premises with glasses or open bottles.
10. Empty bottles must be placed into locked bins so as to prevent them from being used as weapons.

### **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. Other than natural ingress / egress from the premises, all external doors and windows are to be kept closed when live entertainment or recorded music is in progress between the hours of 20:00hrs - 23:00hrs.
13. No Refuse shall be disposed of or collected from the premises between the hours of 19:00 hrs and 07:00hrs where such disposal or collection is likely to cause disturbance to local residents.
14. Noise levels (music or general activity) will be monitored and managed to avoid any disturbances to local residents.

### **The protection of children from harm**

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

17. 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 or a reasonable time of a request by an officer of a Responsible Authority.

## **APPENDIX TWO**

### **Representations from Interested Parties**

Hello, I'm writing to make observations / raise concerns about the licensing application by AyLounge & Bar for 153 The Rock, Bury, BL9 0ND.

I live XXXX that directly faces it - my name is on the Council Tax bill for my apartment.

I have concerns about the premises applying to be open from 11am until 11pm every day, and wanting to serve alcohol for all those hours.

There are dozens of apartments on this side of the road. This stretch of The Rock, from the closed Wilko down to the junction with Derby Way does not, as far as I am aware, have any premises that serve alcohol at all on it. The only premises that is open past 8pm is the 24 hour vet, which is only a couple of doors down from the premises in question.

Whilst this stretch of the Rock is admittedly in the town centre, it is in effect a residential street. There is already unfortunately disturbance from revellers walking down it, but I feel a licensed premises being open, especially until that late at night, is not in keeping with nor is it suitable for this area.

After Googling, it seems the premises describes itself as a restaurant - this is not in keeping with the "Lounge & Bar" part of their name - I feel there is too great a risk of disturbance if a licensed premises is allowed to open on this stretch of the Rock, especially as late as it wants to be.

If it was nearer Racconto Lounge etc, or situated near West Ivy I would have no issue, but I fear a licensed premises being allowed to open opposite so many residential dwellings, some of which have young children's rooms facing the premises, would have a very negative impact on the quality of life and peace of mind of all residents.

I urge you to reject the licensing application, for the reasons stated above.

Thank you in advance for logging my representations as part of the licensing process.

Best regards,