

Minutes of: LICENSING HEARING SUB COMMITTEE

Date of Meeting: 21st August 2025

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

Also in attendance: M. Bridge (Licensing Unit)
A. Bucior (Public Protection)
M. Cunliffe (Democratic Services)
G. Happe (Legal Services)

Mr P De Silva (Applicant)
Mr P Evans (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).

2 DECLARATIONS OF INTEREST

There were no declarations of interest made.

3 MINUTES OF THE LAST MEETING(S)

The minutes of the last Licensing Hearing Sub Committee meetings held at 1.30pm on Tuesday the 8th July and at 9.30am on Monday the 14th July 2025 were attached to the agenda.

Resolved:- That the minutes of the Licensing Hearing Sub Committees held at 1.30pm on Tuesday the 8th July and at 9.30am on Monday the 14th July 2025 be approved as a correct record.

4 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

The Licensing Authority received 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.

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), at the time of the report being published he did not hold a personal licence but this had now been obtained from Bolton Council.

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 Where representations are made and not withdrawn Members are required to determine them.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

Opening Times:

Monday to Sunday 08.00 till 23.00

Supply of Alcohol (on the premises only):

Monday to Sunday 10.00 till 23.00

Due to the Live Music Act 2012, there is no need to licence this activity until after 23.00.

The conditions contained in the operating schedule submitted by the applicant were contained at Appendix 1 in the agenda packs.

One representation had been received from interested parties and they had been invited to make their representations at the hearing. The representation 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. In making its decision with regard to this application hearing, the steps the Sub Committee can take are as follows:-

- 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.

The Licensing Unit Manager explained that on the 14th August, extra information had been supplied to Members of the Sub Committee from Mr Pramuka De Silva. For the benefit of the representor in attendance, this was read out and is detailed below:-

I would like to respond to the concerns raised and provide reassurance.

AY Lounge & Bar is not a pub or nightclub, it is a family-friendly restaurant serving Sri Lankan and other cuisines, with drinks simply there to accompany meals. Our main focus is food. We will:

- *Take our last orders at 10:00 pm*
- *Close completely by 10:30 pm after cleaning*
- *Play only quiet background music, with all doors and windows kept closed*
- *Have myself (the holder of a personal licence) on-site every day to ensure the premises is managed responsibly and respectfully*

Since opening, many customers have enjoyed our unique food and welcoming atmosphere, and our aim is to bring something new and distinctive to Bury's dining scene. The previous food business in this building unfortunately struggled, partly because customers could not enjoy a complete meal with a glass of wine, beer, or cocktail. We can provide that full dining experience while maintaining the peace and character of the area.

To give further assurance, I am happy to offer the following conditions as part of our licence:

- 1. Alcohol Service with Food Only – Alcohol will only be served to customers who are ordering and consuming a main meal on the premises.*
- 2. Noise Management – Background music only, kept at a level that does not cause disturbance to nearby residents, with all doors and windows kept closed when music is playing (except for normal access and egress).*
- 3. Customer Dispersal Policy – Clear signage will be displayed at the exit reminding customers to leave quietly and respect neighbours, and staff will actively manage customer departures after closing to minimise noise outside the premises.*

There will be no rowdy atmosphere, no loud music, and no late-night crowds, just a warm and welcoming place for people to enjoy good food. We are committed to working with residents and the council to ensure there is no disturbance, and we are happy to formalise these measures as licence conditions to provide further reassurance.

The applicant, Mr De Silva addressed the Sub Committee and informed Members that the restaurant was not going to be a pub or nightclub to drink in. The focus was on food and the

dining experience but both previous businesses without a premises licence at the location had closed hence the application. There would be no loud nuisance and customers would be asked to be respectful when dispersing due to nearby residents. Any deliveries would take place between 9.00am and 6.00pm.

A Member clarified that a customer ordering at 10.00pm would have only 30 minutes to eat food before the restaurant closed at 10.30pm and would this not be a rush. Mr De Silva explained no orders would be taken after 10.00pm along with no entry to the premises and there would also be no deliveries late at night.

A Member enquired if customers could order a drink before a meal and sit in a lounge area. Mr De Silva stated it was a place for a dining experience and drinks would not be served before a meal or be taken afterwards to the lounge area.

The Licensing Unit Manager asked if a table was booked how would the customer experience be undertaken. It was explained they would be met at the door and shown to their seats at the table with no separate waiting area.

The Licensing Unit Manager also clarified elements of the operating schedule submitted by the applicant in relation to part 3g and the number of staff on duty including those who were fire trained. Mr De Silva reported there would be 2 front of house staff, 3 in the kitchen all trained and windows could be closed to reduce any noise.

The representor, Mr Evans thanked everyone for all the questions which had been answered and the additional information which had been supplied. He felt the name of the business had made the venue sound more like a bar/lounge rather than a restaurant. He acknowledged there was a need to try something different with previous businesses failing at the location. He was comfortable with what had been explained at the hearing and this was now a different situation to his initial objections made in his representation.

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 of a licence 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 in relation to:-

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance; and
- the protection of children from harm

It was therefore agreed unanimously that the Sub- Committee **grant the application in the terms requested.**

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.

COUNCILLOR T RAFIQ
Chair

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