

Classification	Item No.
Open / Closed	

Meeting:	Licensing Hearings Sub-Committee
Meeting date:	23 September 2025
Title of report:	Application for a Variation of a Premises Licence under the Licensing Act 2003 in respect of Windsor Local, 89 Windsor Road, Prestwich, M25 0DB
Report by:	Executive Director (Corporate Core)
Decision Type:	Council
Ward(s) to which report relates	Sedgley

Executive Summary:

This report relates to 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.

Recommendation(s)

- 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

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 Where representations are made and not withdrawn Members are required to determine them.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

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

4.0 REPRESENTATIONS FROM INTERESTED PARTIES

- 4.1 Three representations have been received from interested parties in respect of this application.
- 4.2 These representations are attached at Appendices 2, 3 and 4 respectively.

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.
- 6.4 Section 8.66 of the Section 182 Guidance states:
- Variations to the following are excluded from the minor variations process and must be treated as full variations in all cases:
- to extend licensing hours for the sale or supply of alcohol for consumption on or off the premises between the hours of 23.00 and 07.00; or
 - to increase the amount of time on any day during which alcohol may be sold or supplied for consumption on or off the premises.

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 variation hearing, the steps the Sub-Committee can take are:
- To grant the variation application in the terms requested
 - To grant the variation application subject to amendments
 - 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 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>
<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>	

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 1

Operating Schedule as per the existing licence

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.

Appendix 2

Representation from Interested Party

From: xxx
Sent: 25 August 2025 21:17
To: Licensing <Licensing@bury.gov.uk>
Cc: xx
Subject: [EXTERNAL] application to Vary the Sale of alcohol times - Windsor Local - M25 0DB

To whom it may concern

Re: Windsor Local, 89 Windsor Road, Prestwich, M25 0DB

I have been informed that you have received an application to Vary the Sale of alcohol times for the premises above to the following:

Old times- Monday to Sunday - 07:00 to 22:00

New times - Monday to Sunday - 07:00 to Midnight

We wish to object to this application. We live in one of the houses directly opposite this premises.

1. In the 12 months it has been open, the shopkeeper has breached his licence, most recently during the Oasis concerts when the council attended the property as they had been selling alcohol after their agreed hours.

The next day the shopkeeper approached me whilst I was outside accusing me of complaining (he knew a neighbour had complained) but it actually wasn't myself so it was quite out of order that he approached me in this accusatory manner.

2. There have been incidents of antisocial behaviour from customers outside the shop which have escalated. Having alcohol sales even later into the night could exacerbate this.

3.. The shop creates a lot of noise with people coming & going, talking loudly at night when voices carry more it is very disturbing when in bed trying to sleep, even worse during the summer months when windows are open.

3. Cars coming & going create a lot of additional noise banging doors when you are trying to sleep.

4. They have an incredibly bright shop signs & security light XXXX at night which causes privacy issues but also lights up the bedroom like Blackpool Illuminations. It's

bad enough that they switch it off at 10.30/11pm when they close the shop, never mind beyond midnight. This is despite us having black out linings in our curtains.

Since the opening of Morrisons we now get deliveries in refrigerated lorry's from 6.30am so we would be disturbed at both ends, morning & night times.

Please do not hesitate to contact us should you need to discuss further.

Regards

Xx

Appendix 3

Representation from Interested Party

From: xx

Sent: 07 August 2025 20:23

To: Licensing <Licensing@bury.gov.uk>

Subject: RE: Windsor Local, 89 Windsor Road, Prestwich, M25 0DB

Dear xx,

1. Noise Pollution: Extending the opening hours will inevitably lead to increased noise levels during the late hours of the night, shouting, and engaging in disruptive behaviour, which disturbs the peace and quiet of our residential area.

2. Disturbance to Residents: The late-night activities associated with extended hours will result in disturbances to residents trying to sleep or rest during the night. This will not only affect the physical well-being of residents but also their mental health and overall quality of life.

3. Safety Concerns: With the extension of opening hours, there could be an influx of customers arriving late at night. This raises concerns about public safety, including the risk of accidents, anti-social behaviour, and potential conflicts among intoxicated individuals.

4. Increased Traffic: The extended hours will also lead to increased vehicular traffic in the area, as customers will remain outside waiting for taxis or uber drivers to collect them, therefore leading to shouting and loud conversations. This poses a safety risk to pedestrians and cyclists in the vicinity, particularly considering the potential impairment of judgment among late-night drivers who may decide to 'take the risk' of driving.

5. Negative Impact on Property Values: The presence of a business with extended operating hours, particularly one associated with noise and disturbance, can significantly diminish the appeal of residential properties in the area. This could lead to a decrease in property and rental values and deter potential buyers or tenants.

6. Community Cohesion: Granting the extension would undermine the sense of community cohesion and harmony that residents have worked hard to cultivate in

this neighbourhood. It would create tensions between residents and businesses and erode the peaceful coexistence that currently exists.

7. Lack of Justification: Finally, I would like to emphasise that there appears to be no compelling justification for this outlet to extend its opening hours until midnight. The benefits to the business are outweighed by the negative impact on the surrounding residential community. I'd also like to know if the owners of this business actually live local.

8. There have been complaints about the Eagle Café Bar very nearby who, despite planning rules fitted an outside patio area. It has taken months for this to be challenged.

9. There have been complaints from residents about open drug dealing around Downham Gardens, late opening times would act as a magnet.

10. There have been complaints about the nearby Metrolink station at Bowker Vale being used to traffic drugs.

In light of these concerns, I urge the Licensing Team to carefully consider the objections raised and reject the application for an extension of business hours of this shop.

Preserving the tranquillity and well-being of the residential area should be prioritised over commercial interests.

Thanks,
Xx

Appendix 4

Representation from Interested Party

From: xx

Sent: 29 August 2025 08:10

To: Licensing <Licensing@bury.gov.uk>

Subject: Re: Windsor Local, 89 Windsor Road, Prestwich, M25 0DB

Hi

I would like to object to this and believe the hours should remain as they are.

1. There is potential for Late night noise in a residential area.
2. Nowhere nearby with such late hours and nowhere else to buy alcohol. Will become a magnet.
3. People may well gather outside.
4. Late night drunkenness and asb
5. Just by the metro station which will encourage more people to gather.
6. There's been a recent history of asb / drug dealing on windsor road. A lot of work has gone into preventing this and it seems a lot better. This may well set back all the effort.
7. Vulnerable people living nearby and this won't help.
8. GMP licensing already objected to a planning application with late night opening for Eagle Bar in the same block so there's a strong precedent to object.

Best Regards

xx