

Classification	Item No.
Open / Closed	

Meeting:	Licensing Hearings Sub-Committee
Meeting date:	19 December 2025
Title of report:	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
Report by:	Executive Director (Corporate Core)
Decision Type:	Council
Ward(s) to which report relates	St Mary's

Executive Summary:

This report relates to 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.

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 MSD10 Limited, 382 Kingsway, Manchester, M19 1PL and at the time of writing this report there was no Designated Premises Supervisor (DPS) in place.
- 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 Where representations are made and not withdrawn Members are required to determine them.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 Hours

Opening Hours

Monday	12 noon to 23.00
Wednesday to Saturday	12 noon to 23.00

For Supply of Alcohol (off the premises only):

Monday	12 noon to 23.00
Wednesday to Saturday	12 noon to 23.00

New Proposed Variation Hours

Opening Hours

Monday to Sunday	12 noon to 23.00
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For Supply of Alcohol (On the premises):

Monday to Sunday 12 noon to 23.00

Playing of Recorded Music (Indoors)

Monday to Sunday 12 noon to 00.00

Provision of Late Night Refreshment (Indoors)

Monday to Sunday 12 noon to 00.00

Please note 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.

- 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 Two representations have been received from an interested party in respect of this application.
- 4.2 The representations are attached at Appendices 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.

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>
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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:

Mr M Bridge
Licensing Office
Town Hall
Bury
Telephone No: 0161 253 5209
Email: m.bridge@bury.gov.uk

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

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. VII. How to refuse service
 - VIII. 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.

Appendix 2

Representations from Interested Parties

Dear Sir/Madam,

I am writing to formally object to the proposed variation of the premises licence for Rawas Indian Street Food at 453 Bury New Road, Prestwich, M25 1AF, which seeks to extend the provision of late-night refreshments and entertainment.

As a XXXX, I already experience significant disruption to my wellbeing due to the existing late-night venues in the area, specifically Chin Chin and The Hideout. These establishments regularly generate excessive noise from loud music and patrons congregating outside, often directly beneath XXX. The noise continues into the early hours, with groups of people smoking, shouting, and loitering, making it extremely difficult to rest or feel safe in my own home.

I also wish to disclose that I live with a hidden disability, which makes me particularly sensitive to environmental stressors such as noise. The cumulative impact of the current disturbances has already taken a toll on my health and quality of life. The addition of another venue with extended hours and amplified sound will only exacerbate this situation.

Today, I was subjected to hours of loud music from the new sound system installed at the premises applying for the licence change. It was intrusive, distressing, and left me feeling as though I was being tortured in my own home. I fear that if this licence is granted, I will be forced to leave the area altogether, as the environment will no longer be tolerable or safe for me.

I urge the licensing committee to consider the impact on residents like myself, particularly those with disabilities, and to reject this application in the interest of preserving community wellbeing and residential amenity.

Objection to Licence Variation – Rawas Indian Street Food, 453 Bury New Road,
Prestwich, M25 1AF

Marstan Properties
XXX

For the Attention of the Licensing Unit Manager, Level 2, 3 Knowsley Place, Duke
Street, Bury, BL9 0EJ

18 November 2025

Dear Sir/Madam,

I am writing as the owner of the premises at 451/451a Bury New Road, which includes the shop unit, known as Stans Barbers and the residential flat above it. I wish to formally object to the proposed variation of the licence for Rawas Indian Street Food, which seeks permission to serve alcohol and play recorded music until midnight.

I also wish to raise a serious concern about the lack of proper notification regarding this application. Neither myself nor my tenant, XXXX who will be directly affected, received any written notice from the Council. We only became aware of the application by chance after seeing a notice in the local newspaper The Bury Times. Had we not seen it, we would have had no opportunity to comment or object.

Given the direct impact on my property and tenant, this failure to notify appears to be procedurally improper and potentially unlawful, as affected occupiers should be notified individually.

The residential flat above my shop is attached by a party wall to Rawas Indian Street Food (photographs attached*). My tenant is already experiencing regular noise and disturbance from existing late-night venues in the area. The proposed licensed activity would take place directly beneath his bedroom window, with additional disturbance from patrons drinking, smoking and congregating outside, as well as noise from taxis arriving and departing. Any further extension of hours or additional entertainment licensing will inevitably intensify these problems. This is likely to have a serious impact on his mental and physical wellbeing, particularly as he requires a quiet environment to sleep and to work effectively.

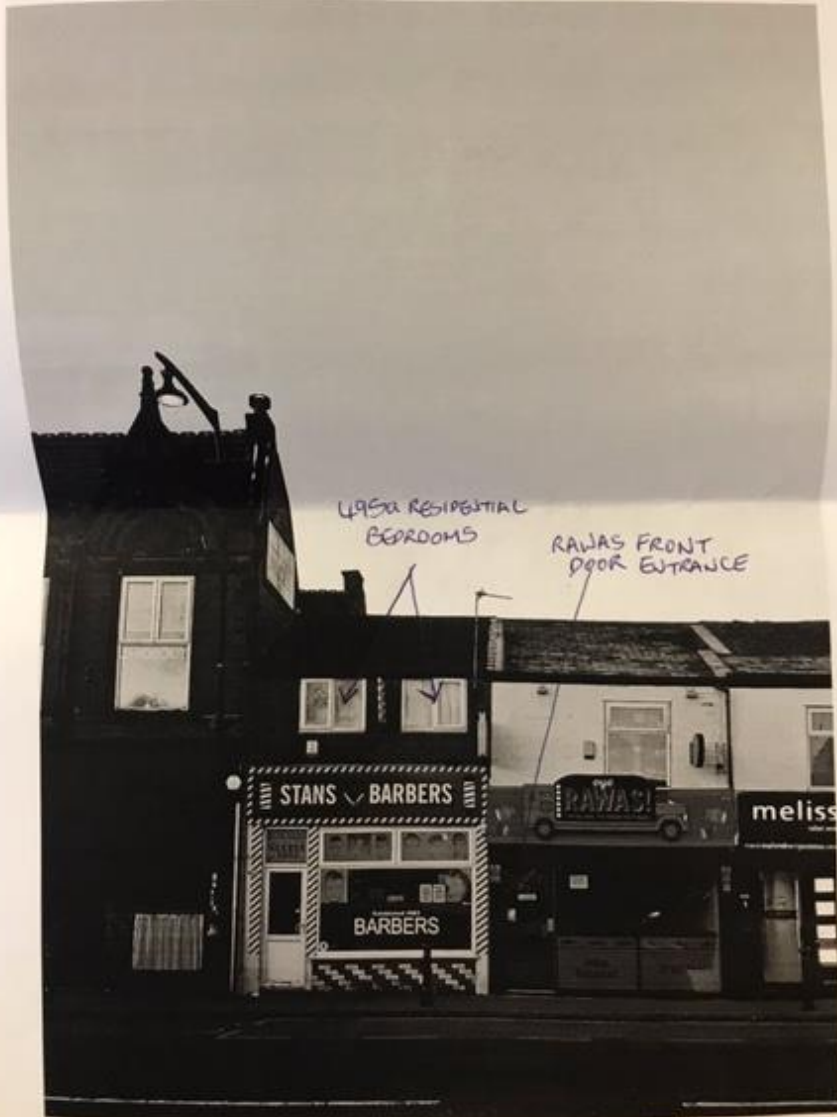
If these disruptions force my tenant to leave, the impact on my business will be severe. It will be extremely difficult to secure another tenant willing to tolerate such conditions. This area is not purely commercial—there is a strong residential presence, and residents have a right to live peacefully in their homes without excessive late-night nuisance.

For these reasons, we strongly and wholeheartedly object to this proposed licence extension. We urge the Licensing Committee to consider the residential nature of the immediate surroundings, the rights and wellbeing of existing tenants, and the procedural concerns regarding lack of notification.

We trust that the Council will act in the interests of fairness, community wellbeing and proper procedure by refusing this application.

From: Joanne joanne.levy4@nteworld.com
Subject: 18 November 2025 at 08:30
To: joanne.levy4@nteworld.com

EVIDENCE 1



EVIDENCE 2



LOADING BAY WHERE
TAXIS AND PEOPLE WILL
CONGREGATE

EVIDENCE 3



TEWANTS
REXDOON'S
PROXIMITY
TO RAWAZ
ENTRANCE
DOOR

RAWAZ
ENTRANCE
DOOR