

Classification	Item No.
Open / Closed	

Meeting:	Licensing Hearings Sub-Committee
Meeting date:	16 March 2026
Title of report:	Application for a Premises Licence to be granted under the Licensing Act 2003 in respect of Touch of Spice, 32 Church Street West, Radcliffe, M26 2SQ
Report by:	Executive Director (Corporate Core)
Decision Type:	Council
Ward(s) to which report relates	Radcliffe East

Executive Summary:

This report relates to an application for a Premises Licence to be granted under the Licensing Act 2003 in respect of Touch of Spice, 32 Church Street West, Radcliffe, M26 2SQ.

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 Hasnath Saeed Ahmed, 220 Gigg Lane, Bury, BL9 9EW, BL9 9EW,.
- 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 Where representations are made and not withdrawn Members are required to determine them.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	17:00 to 03.00
Christmas Eve	17.00 to 06.00
New Years Eve	17.00 to 06.00
Bank Holidays	17.00 to 06.00

Late Night Refreshment (On and off the premises):

Monday to Sunday	23:00 to 03.00
Christmas Eve	23.00 to 06.00
New Years Eve	23.00 to 06.00
Bank Holidays	23.00 to 06.00

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 made representation against this application. The Interested Party will make their representations at the hearing.
- 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>
<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 One

Operating Schedule submitted by the applicant

Conditions consistent with the operating schedule

General

- 1/ The takeaway will be operated in accordance with the Licensing Act 2003 and all licence conditions.
- 2/ A responsible person or manager will be on duty at all times the premises is open.
- 3/ All staff will receive training on the four licensing objectives, responsible alcohol sales (if applicable), customer management, and safeguarding, with regular refresher training.
- 4/ Clear written procedures will be in place covering refusals, incidents, noise control, and emergency situations.
- 5/ The premises will be well managed, clean, and orderly at all times.
- 6/ Regular risk assessments will be carried out to identify and reduce risks to customers, staff, and the local community.

The prevention of crime and disorder

- 7/ Staff will be trained to recognise and manage anti-social behaviour and will refuse service to intoxicated or aggressive individuals.
- 8/ An incident and refusals log will be kept and made available to authorised officers upon request.
- 9/ The premises will operate a zero-tolerance policy towards violence, drug use, and anti-social behaviour.
- 10/ Lighting will be provided to the front of the premises to deter crime and improve visibility.
- 11/ The premises will not encourage loitering outside the shop.

Public safety

- 12/ The premises will comply with all fire safety, food safety, and health and safety regulations.
- 13/ Fire exits will be clearly marked, unobstructed, and maintained at all times.
- 14/ Fire safety equipment has been installed, and will be regularly checked, and maintained.

15/ Cooking equipment is properly installed, serviced, and maintained, with appropriate ventilation in place.

16/ Floors will be kept clean and dry to prevent slips and trips.

17/ A first aid kit is available on the premises.

The prevention of public nuisance

18/ Noise from customers, equipment, and staff will be kept to a minimum, particularly during late hours.

19/ Staff will manage customer behaviour and discourage shouting, loitering, or disturbances outside the premises.

20/ Prominent signage will be displayed requesting customers to leave quietly and respect local residents (even though we are on a commercial area block)

21/ Deliveries, waste disposal, and bottle disposal (if applicable) will not take place during late-night or early-morning hours where possible.

22/ The frontage and immediate surrounding area will be regularly checked for litter and cleaned as necessary.

The protection of children from harm

23/ Staff will receive training on age-restricted sales and the importance of preventing underage sales (such as energy drinks, as we do not sell any other age restricted products).

24/ Children will be supervised at all times while on the premises.

25/ The premises will be kept free from activities or materials that could be harmful to children.

Appendix 2

Representation from an Interested Party

Sent: 09 February 2026 21:52

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

Subject: [EXTERNAL] A Touch of Spice - 32 Church St West, Radcliffe, Manchester, M26 2SQ

I'm the Landlord & owner 13a, 15a, 17a & 19a Church St West, Radcliffe, Manchester M26 2SQ & M26 2SP of the 1st floor residential properties directly opposite the premises of the proposed extended opening hours. I wish to object from myself & my Tenants, the hours are ridiculous. I have serious concerns about the impact that these extended hours would have on our Tenants & the surrounding area, particularly in relation to noise, disturbance & anti-social behaviour. The area is predominantly residential over the shops & extended late night/early morning trading is likely to result in increased noise from customers, vehicles, deliveries & general activities associated with the said premises.

There are already ongoing issues with late night noise & anti social behaviour, with cars doing u turns & going over the pavements, sounding there horns etc.

Allowing the premises to trade until 3am & 6am on certain days would, in my view exacerbate these problems & negatively affect the quality of life, health & wellbeing of the local residents, as well of litter, parking issues & noise.

As I also own & rent the Shops facing, during the planning application I was asked to pay for our opening times, please can let me have a copy of their original opening times licence.

Thank you for considering my objection. I trust that the council will take into account the concerns raised.