

Minutes of: LICENSING HEARING SUB COMMITTEE

Date of Meeting: 3rd December 2025

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

L. Bell (Licensing Unit)
M. Cunliffe (Democratic Services)
D. Rice (Legal Services)

Also in attendance: PC P. Eccleston (Greater Manchester Police)
A. Johnson (Premises Licence Holder)
C. Gee (Bury Times)

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 were in virtual attendance.

1 APOLOGIES FOR ABSENCE

Apologies for absence were submitted by M. Bridge (Licensing Unit).

2 DECLARATIONS OF INTEREST

There were no declarations of interest submitted.

3 MINUTES OF THE LAST MEETING(S)

The Minutes of the last Licensing Hearing Sub Committee meetings held at 10.30am on the 4th November 2025 and at 10.30am on the 13th November 2025 were attached to the agenda.

Resolved:- That the minutes of the Licensing Hearing Sub Committees held at 10.30am on the 4th November 2025 and at 10.30am on the 13th November 2025 be approved as a correct record.

4 AN APPLICATION FROM GREATER MANCHESTER POLICE FOR A SUMMARY REVIEW OF THE PREMISES LICENCE IN RESPECT OF OVERDRAUGHT, 28-30 BLACKBURN STREET, RADCLIFFE, M26 1NQ

The Licensing Authority received an application by the Chief Constable of Greater Manchester Police in respect of the licensed premises the Overdraught, 28/30 Blackburn Street, Radcliffe, M26 1NQ. This was for a Summary Review of the Premises Licence and for interim steps to be taken in advance of the review in accordance with Sections 53A to 53C of the Licensing Act. The reason for the application was because the police believe that the premises are associated with serious crime and/or disorder.

The nature of the application and consideration of options was detailed in the report which was presented to the Members of the Sub-Committee by the Deputy Licensing Unit Officer, Mrs L. Bell.

The options available were:

- To modify the conditions of the licence
- To exclude from the scope of the licence any of the licensable activities to which application relates
- To remove the Designated Premises Supervisor from the licence
- To suspend the licence for a period not exceeding 3 months
- To revoke the licence

Following the review under section 53C, Members of the Licensing Hearings Sub-Committee must review the interim steps that are currently in place and determine whether it is appropriate for the promotion of the licensing objectives for the steps to remain in place, or if they should be modified or withdrawn.

On the 11th November 2025, Greater Manchester Police submitted an application to the Licensing Authority for a Summary Review in respect of Overdraught.

Summary reviews can be undertaken when the police consider that the premises concerned are associated with serious crime or serious disorder (or both). The summary review process allows interim conditions to be quickly attached to a licence and a fast track licence review.

A 10 working-day public consultation exercise is undertaken in accordance with Licensing Act 2003 regulations, requiring the application to be advertised by the displaying of a blue notice at or on the premises and details of the application to be published on the Council's website.

Within 48 hours of receiving a summary review application, under s53B of the Licensing Act 2003 the licensing authority must consider whether it is necessary to take interim steps pending the review of the licence for the promotion of the licensing objectives.

On the 13th November 2025, a Licensing Hearings Sub Committee interim steps hearing was held, following receipt of the Summary Review application from Greater Manchester Police, Members of the Licensing hearings Sub-Committee considered whether interim measures should be taken in respect of the Premises Licence for the purpose of promoting the Licensing Objectives.

The Panel resolved that in order to promote the said licensing objectives, it was necessary to impose interim steps and that these would be in the way of modifying the conditions of the licence. The reasons for the Sub-Committee's decision were attached at Appendix 1 of the agenda pack.

The premises licence holder may make representations against the interim steps taken by the licensing authority. Under s53B of the Licensing Act 2003 the licensing authority must within 48 hours of the time of its receipt of the representations, hold a hearing to consider those representations.

The premises licence holder had not made representations against the interim steps taken by the licensing authority.

Under section 53C of the Licensing Act 2003, the licensing authority must hold a full review of the premises licence and determine the review within 28 days after the day of receipt of the application

Following the review under section 53C, the licensing authority must then review the interim steps in place and determine whether it is appropriate for the promotion of the licensing objectives for the steps to remain in place, or if they should be modified or withdrawn.

The premises licence in respect of Overdraught has been held by Alistair Johnson since the 18th April 2011, he has also been the Designated Premises Supervisor from the same date.

The Licensing Act 2003 (as amended by the Violent Crime Reduction Act 2006) and the Licensing Act (Hearings Regulations) is the relevant legislation.

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.

The Chief Superintendent had issued a certificate under section 53A (1)(b) of the Licensing Act 2003 in which he stated the following:-

At 01:21 hours on Sunday 9th November 2025, Greater Manchester Police received a report of a serious assault whereby a customer had been hit over the back of the head with a pool cue at Overdraught, 28-30 Blackburn Street, Radcliffe.

Witness statements are in the process of being obtained and the premises CCTV footage has been reviewed by attending officers. The circumstances of this incident are at approximately 01:14 hours, the perpetrator has been playing pool when he was approached by the victim. A conversation takes place between the two at which point the perpetrator strikes the victim with the pool cue. The licensee intervenes and briefly splits the pair apart before being approached by the perpetrator once again and sustains several blows to the back of the head with the pool cue before all parties are ejected from the premises.

According to the witness, the assault has continued outside the premises a short distance away and it is alleged that the victim has been struck again by a pool cue following which a call has been made to the police to report the incident.

Officers have attended the scene, and the licensee has voluntarily closed for the remainder of the evening whilst the initial investigation began. Officers report that there was no blood present at the scene.

The victim has received a deep laceration to the back of the head and a large swelling to his forearm which at the time officers believed to be broken. The victim was taken to hospital where he had to be sedated following having a seizure whilst in the Accident and Emergency Department. Officer reported from hospital that scans had been completed and fortunately there was no lasting injuries.

A criminal offence of intending to cause grievous bodily harm has been recorded with the investigation in its infancy. It is my opinion that an expedited review of the premises licence is necessary to allow the licensing authority to review this incident, impose any interim steps and review the premises licence to prevent such incidents occurring in the future.

Attached to the agenda packs at Appendix 2 was the Application by Greater Manchester Police for the Summary Review and Appendix 3 was the Certificate issued by the Chief Superintendent respectively.

The premises had been subject to a previous Summary Review that was brought by GMP on the 10th January 2024, the decision of the committee at that Hearing was to modify the conditions of the licence. The minutes for the Interim Steps Hearing held on the 12th January 2024 were attached at Appendix 4 of the agenda packs and the minutes for the Full Review Hearing held on the 2nd February 2024 were attached at Appendix 5 of the agenda packs.

As part of the statutory process the Responsible Authorities and interested parties are entitled to make representations in relation to the review of a licence. The Licensing Authority has

given Notice of this review by placing a Notice on the premises, at the Council Offices and on the Council website. Where further representations are made by either the Responsible Authorities or from local residents / businesses and not withdrawn, Members are required to determine them. Greater Manchester Police would give evidence at this hearing.

There had been no further representations received.

The premises licence which detailed the current licensable activities and conditions was attached at Appendix 6 of the agenda packs.

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.

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.

In considering the matter, the Sub-Committee should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant. In reaching the decision, regard must also be had to relevant provisions of the national guidance and the Council's licensing policy statement.

The Sub-Committee must consider what steps are appropriate for the promotion of the licensing objectives taking into account any change in circumstances since any interim steps were imposed, any relevant representations, and review the interim steps already taken (if any).

In making its final determination, the steps the Sub-Committee can take are:

- To modify the conditions of the premises licence
- To exclude from the scope of the licence any of the licensable activities to which the application relates;
- To remove the designated premises supervisor from the licence;
- To suspend the licence for a period not exceeding 3 months;
- To revoke the premises licence.

The conditions of the licence, with the exception of mandatory conditions of the premises licence, may be modified to alter or omit any of them or to add any new condition, including restricting the times at which licensable activities authorised by the licence can take place.

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.

The Sub-Committee's determination of the review does not have effect until the end of the 21-day period given for appealing the decision, or until the disposal of any appeal that is lodged.

To ensure that there are appropriate and proportionate safeguards in place at all times, the licensing authority is required to review any interim steps that it has taken that are in place on the date of the final review hearing. This is to be done immediately after the determination of the review under s53C. In reaching its decision, the panel must consider any relevant representations made.

Upon the determination of the licence review, the Sub-Committee is asked to review the interim steps in place and determine whether it is appropriate for the promotion of the licensing objectives for the steps to remain in place, or if they should be modified or withdrawn.

The Deputy Licensing Unit Officer reported that extra information had been circulated to Members of the panel and Mr Johnson after publication of the agenda packs.

PC P. Eccleston from Greater Manchester Police provided a recap of the application for why a review was called in November and at this meeting referred to the various appendix documents contained within the agenda pack. This also included information from the GMP control logs.

At 01:21 hours on Sunday 9th November 2025, Greater Manchester Police received a report of a serious assault whereby a customer had been hit over the back of the head with a pool cue at Overdraught, 28-30 Blackburn Street, Radcliffe.

Witness statements are in the process of being obtained and the premises CCTV footage has been reviewed by attending officers. The circumstances of this incident are at approximately 01:14 hours, the perpetrator has been playing pool when he was approached by the victim. A conversation takes place between the two at which point the perpetrator strikes the victim with the pool cue. The licensee, intervenes and briefly splits the pair apart before being approached by the perpetrator once again and sustains several blows to the back of the head with the pool cue before all parties are ejected from the premises.

According to the witness, the assault has continued outside the premises a short distance away and it is alleged that the victim has been struck again by a pool cue following which a call has been made to the police to report the incident.

Officers have attended the scene and the licensee has voluntarily closed for the remainder of the evening whilst the initial investigation began. Officers report that there was no blood present at the scene.

The victim has received a deep laceration to the back of the head and a large swelling to his forearm which at the time officers believed to be broken. The victim was taken to hospital where he had to be sedated following having a seizure whilst in the Accident and Emergency Department. Officer reported from hospital that scans had been completed and fortunately there was no lasting injuries.

CCTV enquiries with Bury Council were conducted on the night however the coverage of Radcliffe Town Centre has been impacted due to the regeneration work and as such the assault outside has not been visible however the footage does capture the victim and his friend, walking down Church Street West from the direction of Blackburn Street, under the Metrolink bridge before officers are able to locate them at the junction of Bury Road and Pine Street.

At the end of March 2025, there was a report of a violent disorder within the premises whereby a male customer had been hit over the head with a glass bottle during a dispute with another customer near to the pool table. Following this incident, a meeting was arranged with Mr

Johnson, Laura Bell from the Licensing Authority and myself. This was followed up with a written action plan which was emailed to Mr Johnson on the 3rd April 2025 and was included at Appendix D in the agenda pack.

A criminal offence of intending to cause grievous bodily harm has been recorded with the investigation in its infancy. It is my opinion that an expedited review of the premises licence is necessary to allow the licensing authority to review this incident, impose any interim steps and review the premises licence to prevent such incidents occurring in the future.

In summary there had been three previous incidents in under two years with a review having taken place in January 2024 following a stabbing. Another incident involved a bottling and following this a meeting took place with Mr Johnson with an action plan developed in April 2025. In June 2025 an underage customer was assaulted in the toilets of the premises and due to no witnesses and CCTV not being available after a set period of time the investigation had to be closed.

PC Eccleston reported following the interim steps hearing he attended the premises to download the CCTV footage of the latest incident. Due to unknown technical problems the footage was only available to view via a phone version and this was played on screen to Members of the Committee. They had also been sent the footage in advance of the hearing. PC P. Eccleston provided commentary over the footage and Members asked questions whilst the footage was reviewed several times from the two camera recordings. The main discussion centred around if any pool cues from the premises be it snapped or unscrewed had been taken outside.

Upon questioning about what happened outside the premises with no external CCTV available and a male walking back in without his shirt on, PC Eccleston, stated that the victim had not yet responded to the police investigations. Therefore, there was no statement to clarify some unanswered questions or additional injury photographs.

The CCTV at the premises had now been upgraded with four HD quality cameras although upon reviewing the licence conditions there was no referral book in operation and one had been ordered with a temporary diary measure in place.

A Member enquired if was there an incident book and the Licensing Officer reported after visiting the premises following the interim steps, there was an incident book with information from earlier this year but it did not detail this recent incident.

A Member asked if there was any blood trail inside or outside the premises following the incident and it was reported that none had been noted and a crime scene had not been preserved with wet conditions reported on the night in question.

Members questioned previous incidents that had not resulted in any convictions due to no leads or witnesses and were surprised that members of staff could not identify patrons of the premises who may be responsible for these incidents.

The Chair sought confirmation that the interim steps imposed had been adhered to and it was confirmed this was the case.

The premises licence holder, Mr A. Johnson commented on discussions about the incident involving a 17-year-old that the bar had challenge 25 scheme in operation. Staff were unaware of this incident due to the location it occurred and were informed 3 weeks later by the police.

Mr Johnson reported since the interim steps had been in place the bar had been a better place and he and customers had felt safer. The only issues he had from the interim steps involved

the door supervisor timings and accreditation of the SIA registered companies required to undertake the duties. He provided a financial overview of the costings this would involve which was unsustainable for the business and asked if the timings for door staff could be moved from 9.00pm to 10.00pm and that the SIA registered element removed. This would allow himself to act as one of the door staff and the venue was not that busy earlier in the evening as last entry was at 11.30pm. He was in acceptance of the changes made to usage of the pool table and plastic drink containers.

Mr Johnson added that following the last incident he had made sure the victim and aggressors had left the premises separately and confirmed he and staff had made sure no pool cues were taken outside. The man who took his shirt off had been barred and he only knew his first name and which local pub he frequented.

A Member queried the door closure procedure and Mr Johnson explained there was no entry after 11.30pm and that decision was taken on financial grounds to get customers in the venue to purchase drinks. With being open until 2.00am previous admission may be as late as 1.30am thus resulting in only one drink being purchased and having the hassle to deal with those customers who may be drunk after being elsewhere. 90 percent of customers were regulars and there was a handle on the door to exit so there were no health and safety issues.

Upon questioning by the Legal Advisor, Mr Johnson accepted that there had been 4 serious incidents occur under a 2-year period of time.

The Legal advisor in summarising Members discussions and questions confirmed with GMP that there had now been 4 incidents of violence in a short period of time. The view of GMP was that given the number of violent incidents at the premises, Mr Johnson had not maintained public safety. It was repeated again that he had too many roles at the premises to take the required responsibility. The opinion of GMP was that if door staff were present then past incidents were unlikely to have occurred or been prevented, hence the request for modifications to the licence be made a permanent feature.

Mr Johnson in his closing remarks added that 8 public houses close per week in the UK and it would be financially hard to run the business with the interim conditions for door staff becoming a permanent requirement on the licence.

The Sub-Committee then duly retired to consider the matter and all of the information provided.

The Members of the Sub-Committee were advised by the Legal Adviser 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:

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

The Members were also advised of their duties in carrying out those functions in relation to relevant provisions of 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 and the representations presented at the meeting.

DELEGATED DECISION

The Sub-Committee carefully considered the representations and evidence provided which demonstrated serious crime and disorder. It was therefore unanimously **resolved to modify the conditions of the premises licence** in order to promote the licensing objectives.

The Sub-Committee also reviewed the interim steps made on the 13th November 2025 and unanimously **resolved to keep the interim steps in place noting the slight amendments underlined in bold to add as the new conditions on the licence.**

The Sub-Committee was therefore satisfied that there was sufficient evidence to mean modifications were necessary for some amendments to the current premises licence under the licensing objectives recommended by GMP, for the Prevention of Crime and Disorder and these were as follows:-

In addition to the current conditions:-

- A SIA registered door company will be employed by the License Holder / Designated Premises Supervisor. A minimum of two door supervisors will be employed between the times of 9pm until close of business every Friday, Saturday, Sunday of bank holidays and other keys dates throughout the year including but not limited to Good Friday, Christmas eve, Boxing Day, New Years Eve.
- The Designated Premises Supervisor or on-duty manager must ensure that all door supervisors on duty at the premises are correctly displaying their current SIA accreditation and are briefed on their responsibilities and relevant company operating procedures before they commence duty.
- Any door supervisors on duty at the premises must be supplied by an SIA-Approved Contractor Scheme company.
- No further games of pool will be allowed from 10.00pm **every day** and all cues and balls will be securely stored either within the table itself or office. **A pool table cover was required when the table was not in use.**
- From 9pm onwards **every day**, all glassware will be swapped out for polycarbonate and all glass bottles will be decanted into said polycarbonate glasses.
- Frequent glass collecting throughout the evening to prevent any glassware being used as potential weapons.
- CCTV system to be reviewed and upgraded where required to ensure all CCTV cameras are able to record HD format at a minimum of 24 frames per second with enough storage capacity for a minimum of 28 days footage. CCTV cameras to be installed on external walls to cover all entrances/exits. DPS must ensure that the CCTV equipment has a constant and accurate date and time generation as well as regularly serviced at 3 monthly intervals which should be recorded. Said records must be made available for inspection by a police officer or authorised officer of the Licensing Authority upon request

The evidence presented at the meeting had demonstrated the following licensing objectives had not been met and failed the:-

- The prevention of crime and disorder

The reasons by the sub-committee, included:-

- Lack of confidence with the management of the premises.
- This was the 4th serious incident related to the premises under a 2-year period.
- Previous advisory letters not adhered to in full.
- Industry standard door supervision was required for entry or exit of the premises.

Mr Johnson left the meeting at this stage of the proceedings but the Legal Officer advised in his absence that he had the right of appeal.

COUNCILLOR T RAFIQ

Chair

(Note: The meeting started at 10.30am and ended at 1.05pm)