

AGENDA FOR
LICENSING HEARING SUB COMMITTEE



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To: All Members of Licensing Hearing Sub Committee

Councillors : T Rafiq (Chair), D Green and D Quinn

Dear Member/Colleague

Licensing Hearing Sub Committee

You are invited to attend a meeting of the Licensing Hearing Sub Committee which will be held as follows:-

Date:	Thursday, 18 th December 2025
Place:	Virtual meeting via Microsoft Teams
Time:	11.30 am Meeting to start after conclusion of a previous hearing which begins at 10.00am. Should the earlier hearing last over 1.5 hours then this hearing will start as soon as possible after its conclusion. Interested parties are asked to remain in the lobby area of MS Teams meeting and you will be admitted once this hearing can start.
Notes:	To view the virtual meeting online, please email m.cunliffe@bury.gov.uk or phone 0161 253 5399 who will provide you with a link to view the meeting via MS Teams or telephone you into meeting with the option of audio only.

AGENDA

1 APOLOGIES FOR ABSENCE

2 DECLARATIONS OF INTEREST

Members of the Licensing Hearing Sub Committee are asked to consider whether they have an interest in any matter on the agenda, and, if so, to formally declare that interest.

3 APPLICATION FOR A PREMISES LICENCE TO BE GRANTED UNDER THE LICENSING ACT 2003 IN RESPECT OF THANI WHITEFIELD, 190-194 BURY NEW ROAD, WHITEFIELD, M45 6QF *(Pages 3 - 12)*

A report from the Executive Director (Corporate Core) is attached:-



		Classification Open / Closed	Item No.
Meeting:	Licensing Hearings Sub-Committee		
Meeting date:	18 December 2025		
Title of report:	Application for a Premises Licence to be granted under the Licensing Act 2003 in respect of Thani Whitefield, 190-194 Bury New Road, Whitefield, M45 6QF		
Report by:	Executive Director (Corporate Core)		
Decision Type:	Council		
Ward(s) to which report relates	Pilkington Park		

Executive Summary:

This report relates to an application for a Premises Licence to be granted under the Licensing Act 2003 in respect of Thani Whitefield, 190-194 Bury New Road, Whitefield, M45 6QF.

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 Thani Whitefield Limited, 190-194 Bury New Road, Whitefield, M45 6QF. Ms Suyin Ma, 1 Loughton Avenue, Worsley, Salford M28 1GJ is the proposed Designated Premises Supervisor (DPS).
- 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:

Sunday to Wednesday	11.00 to 00.30
Thursday to Saturday	11.00 to 01.30
Sundays Prior to Bank Holiday	11.00 to 01.00
New Years Eve	11.00 to 01.30

Supply of Alcohol (on and off the premises):

Sunday to Wednesday	11.00 to 00.30
Thursday to Saturday	11.00 to 01.30
Sundays Prior to Bank Holiday	11.00 to 01.00
New Years Eve	11.00 to 01.30

Late Night Refreshment

Sunday to Wednesday	23.00 to 00.00
Thursday to Saturday	23.00 to 01.00
Sundays Prior to Bank Holiday	23.00 to 01.00

New Years Eve	23.00 to 01.00
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Playing of Recorded Music (Indoors)

Sunday to Wednesday	11.00 to 00.30
Thursday to Saturday	11.00 to 01.30
Sundays Prior to Bank Holiday	11.00 to 01.00
New Years Eve	11.00 to 01.30

Performance of Live Music (Indoors)

Sunday to Wednesday	11.00 to 00.30
Thursday to Saturday	11.00 to 01.30
Sundays Prior to Bank Holiday	11.00 to 01.00
New Years Eve	11.00 to 01.30

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.

The conditions contained in the operating schedule submitted by the applicant are attached at Appendix 1.

4.0 REPRESENTATIONS FROM AN INTERESTED PARTY

- 4.1 One representation has been received from an interested party.
- 4.2 The 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
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There are no specific issues from the report other than potential costs/risks associated with legal appeals.	
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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
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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

Licensing objectives

General

1. We will operate the premises responsibly and in full compliance with the Licensing Act 2003.
2. All staff will be trained to uphold the four licensing objectives through the following measures
3. Maintaining a high-quality CCTV system covering all key areas and keeping recordings for at least 30 days.
4. Enforcing a Challenge 25 policy for alcohol sales to prevent underage drinking.
5. Keeping the premises clean, well lit, and safely managed with clear escape routes and regular fire safety checks.
6. Controlling noise levels by keeping doors and windows closed during evening hours and reminding customers to leave quietly.
7. Displaying clear notices on age restrictions, noise control, and responsible behaviour.
8. Working closely with local authorities and neighbours to prevent nuisance or disturbance.

The prevention of crime and disorder

9. CCTV system covering internal and entrance areas, recordings kept 30 days. - Challenge 25 policy in operation.

Public safety

10. Fire extinguishers and emergency lighting maintained regularly.
11. Clear evacuation routes and staff trained in fire procedures

The prevention of public nuisance

12. Doors and windows closed when music is playing.

The protection of children from harm

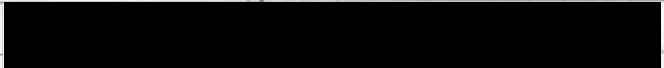
13. No alcohol service to persons under 18; signage displayed.
14. Children accompanied by adults only.

APPENDIX TWO

Representations from an Interested Party

To whom it may concern

I would like you to take into account my objection to the extended licence hours application at the Thani Whitefield, 190 - 194 Bury New Road Whitefield M45 6GF, regarding the playing of music, singing, live performers and playing of recorded sound extended to 1.30 in the morning.

 I am deeply concerned it will have a direct and negative impact on my well being

Thank you for your consideration