

Minutes of: LICENSING HEARING SUB COMMITTEE

Date of Meeting: 12th March 2026

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

Also in attendance: M. Bridge (Licensing Unit)
M. Cunliffe (Democratic Services)
C. Farrimond (Legal Services)
L. Scully (Legal Services)

PC P. Eccleston (Greater Manchester Police)
R. Cathcart (Premises Licence Holder)
C. Hall (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 B. Thomson (Assistant Director of Public Protection & Resilience) and A. Bucior (Public Protection).

2 DECLARATIONS OF INTEREST

There were no declarations of interest submitted although Members of the Committee placed on record that they knew Mr R. Cathcart who was a previously elected Member of Bury Council some years ago.

3 AN APPLICATION FROM A RESPONSIBLE AUTHORITY FOR A REVIEW OF THE PREMISES LICENCE UNDER THE LICENSING ACT 2003 IN RESPECT OF OVERDRAUGHT, 18/20 BLACKBURN STREET, RADCLIFFE, M26 1NQ

The Licensing Authority received an application from a Responsible Authority for a review of the premises licence under the Licensing Act 2003 in respect of Overdraught, 18/20 Blackburn Street, Radcliffe, M26 1NQ.

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 Licensing Unit Manager, Mr M. Bridge.

The options available were:

- To revoke the licence
- To suspend the licence for a period not exceeding three months
- To remove the Designated Premises Supervisor
- To exclude a licensable activity from the scope of the licence
- To modify the conditions of the licence

The Licensing Act 2003 and the Licensing Act 2003 (Hearings) Regulations are the relevant legislation.

The Panel would 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

At the time of the submission of this review application, the Premises Licence in respect of Overdraught, 28/30 Blackburn Street, Radcliffe, M26 1NQ, is held by Mr Alistair Johnson, 12 Ampleforth Gardens, Radcliffe, M26 3PH. He is also the designated premises supervisor.

Members may recall that Greater Manchester Police submitted a Summary Review (Expedited) on the 10th January 2024 due to them believing that the premises were associated with serious crime and/or disorder.

On the 12th January 2024, 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 and Safety Panel considered whether interim measures should be taken in respect of the Premises Licence for the purpose of promoting the Licensing Objectives.

Following the interim steps hearing, a full review of the premises licence was placed before the Licensing Hearings Sub-Committee on the 2 February 2024 for consideration.

Members were reminded that Greater Manchester Police submitted a Summary Review (Expedited) on the 11th November 2025 due to them believing that the premises were associated with serious crime and/or disorder.

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 and Safety Panel considered whether interim measures should be taken in respect of the Premises Licence for the purpose of promoting the Licensing Objectives.

Following the interim steps hearing, a full review of the premises licence was placed before the Licensing Hearings Sub-Committee on the 3 December 2025 for consideration.

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.

The representation period for the review application ended at midnight on the 17th February 2026.

On the 17th February 2026, an application to transfer the premises was received to remove Mr Alistair Scott Johnson as premises licence holder to Overdraught Limited, 28-30 Blackburn Street, Radcliffe, M26 1NQ. The transfer application was accepted on the 18th February 2026. This application had a 14 day representation period for the police to make representations if they believe the crime prevention objective would be undermined.

On the 19th February 2026, an application was received to vary the Designated Premises from Mr Alistair Johnson to Mr Rhyse Lewis Cathcart, 9 Morris Street, Radcliffe, M26 2HF. Mr Cathcart is the Director of the company named in the transfer application above.

Members should note that both applications for the transfer and the variation of the Designated premises supervisor had been marked with immediate effect.

The Responsible Authority has complied with all the necessary procedural requirements laid down by the Act.

As part of the statutory process the Responsible Bodies and interested parties are entitled to make representations in relation to the review of a licence. The Licensing Authority has given Notice of the application by placing a Notice on the premises, at the Council Offices and on the Council web site. Where further representations are made by either the Responsible Authorities or from local residents / businesses and not withdrawn, Members are required to determine them.

Representations must be relevant to the licensing objectives defined within the Act. The objectives are:-

- a) the prevention of crime and disorder
- b) public safety
- c) prevention of public nuisance and
- d) protection of children from harm

The current licensable activities were detailed within the agenda pack along with conditions attached to the premises licence.

Section 182 of the Licensing Act guidance (February 2025) was detailed within the agenda pack covering sections 10.2, 11.24, 11.26, 11.27 and 11.28.

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.

The Licensing Unit Manager reported that extra information had been circulated to Members of the panel and GMP on the 9th March from Mr Cathcart after publication of the agenda packs.

Confirmation was sought from a Member that the formal representations submitted were relevant to the review and the Councils Legal Advisor confirmed they were due to a change of ownership.

PC P. Eccleston from Greater Manchester Police addressed the committee and stated at the time of requesting the review, Mr A. Johnson was the premises licence holder although the transfer had now been made to Mr Cathcart.

He provided a recap of the application for why a review was called as information had come to light that the premises was involved in the sale / supply of alcohol beyond the times stated within the operating schedule of the premises license.

Enquiries had been made with the premises and discussions had taken place with the premises license holder / designated premises supervisor who acknowledged he authorised the sale/supply of alcohol after permitted hours when he knew full well, it was wrong to do so.

The premises had previously undergone two expedited reviews following two incidents of serious crime and disorder in just under 2 years.

Following the last review on the 3rd December 2025 all conditions were adhered to but during the festive period, on mad Friday a televised boxing fight had taken place late at night. This had resulted in the premises serving alcohol after permitted hours into the early hours of the following morning.

PC Eccleston explained he returned to work following a period of Christmas leave and became aware of information suggesting OverDraught was still open and was involved in the sale /

supply of alcohol well beyond the permitted hours as per the operating schedule of the premises licence.

Mr Johnson sent PC Eccleston a still image of the CCTV system recording from 03:27 hrs on Saturday the 20th December 25. The image clearly showed at least 12 individuals still inside the venue with an assortment of glasses (predominately pint glasses) at varying levels of volume suggesting alcohol was still being sold / supplied and consumed on the premises.

PC Eccleston sent Mr Johnson an online link which could be used to upload the premises CCTV footage. The request was to upload footage from 02:00hrs – 03:00hrs and 04:15hrs - 05:30hrs on the day in question which were duly complied with.

PC Eccleston played a number of CCTV clips to the committee to summarise the following:-

- 02:00hrs = Several customers are still inside the premises finishing drinks.
- 02:50hrs = Pint being served over the bar to customer.
- 02:54hrs = Female lights cigarette and smoking inside premises.
- 02:56hrs = Male lights cigarette and smoking inside premises.
- 03:00hrs = Male customer being passed two drinks over the bar.
- 04:20hrs = Male observed walking away from the bar with a pint.
- 04:23hrs = Another male seen walking away from the bar with a pint.
- 04:24hrs = Male seen smoking cigarette at table.
- 04:26hrs = Customer smoking inside the premises.
- 04:28hrs = Female seen purchasing drinks and walking away from the bar with glasses
- 04:31hrs = Purchase of drinks and transactions visible (x2).
- 04:33hrs = Bar staff seen placing drinks on bar and pint taken to table.
- 04:35hrs = Drink taken off the bar.
- 04:42hrs = Smoking at table by customer.
- 05:14hrs = Last customer seen leaving with staff and family members remaining in the bar.
- 05:19hrs = Bar staff leaves.
- 05:25hrs = DPS leaves the premises after everyone else has left.

During the footage being played, Members asked a number of questions including:-

- Had the smoke alarms been turned off by use of a pool cue to press something on the ceiling.
- How many people were in the bar including staff.

It was estimated from footage that there were 15-20 people in the bar and Mr Cathcart commented that the switch on the ceiling was either linked to power for a speaker or lighting over the pool table area which would impact viewing the large screen. PC Eccleston could not confirm if it was a fire alarm in that part of the building and Mr Cathcart added fire prevention switches were located in the cellar and he was happy for people to view these.

Given the serious breach of license, Greater Manchester Police feel that it was necessary to bring this incident to the attention of the Licensing Sub-Committee.

Mr Cathcart addressed the committee and stated he had not obtained the licence on the day in question but there was no excuse for poor management and a breach of conditions. He referred to the document he had circulated and his background noting he would not allow this to happen and felt it was unfair to judge him on these previous actions.

A Member questioned the name of the company listed in the supporting document and it was confirmed this was a misspelling.

Mr Cathcart explained that Mr Johnson owned the equipment at the venue and he would purchase this off him, hence why he is listed as a shareholder but had no management responsibility.

The Licensing Unit Manager asked if Mr Johnson would be present on the premises and it was stated that he would only be there as the weekend entertainment with no management duties and would be a paid employee.

In summing up, Mr Cathcart understood the situation with the previous management in place but asked for himself not to be removed from the licence. He would put significant investment in the premises and change how it runs which could include ticketed events.

PC Eccleston in his conclusion acknowledged that the licence had already been transferred from Mr Johnson and the licensing objectives had been undermined with after sales and smoking in the premises. He repeated that two previous reviews had occurred and noted Mr Johnson would still be present at the premises in some capacity.

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 all the representations and evidence provided. It was therefore unanimously **resolved to take no further action** in order to promote the licensing objectives.

The Sub-Committee was therefore satisfied that with the change in management there were no grounds of concern to administer any modifications or amendments to the current premises licence with all current conditions remaining in place.

The Chair acknowledged that there had been breaches of licensing conditions with the out of hours sale of alcohol along with smoking being permitted inside the premises. However, due to a change of the premises licence and designated premises supervisor after the date of these incidents, the committee had full confidence that the premises would improve going forward under the new management.

The Chair advised that there was a right of appeal and full details would be sent out in due course. He also added a formal variation to amend any conditions would require an application submitting as referred to in Mr Cathcart's representations.

COUNCILLOR T RAFIQ
Chair

(Note: The meeting started at 10.35am and ended at 11.50am)