

Minutes of: LICENSING HEARING SUB COMMITTEE

Date of Meeting: 16th March 2026

Present: Councillor T Rafiq (in the Chair)
Councillors B Ibrahim and M Walsh

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

S. Monks & M. Monks (Applicant)
S. Lane- Kenwright (Resident- Representor)
J. Levy (Marstons Properties- Representor)
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 made.

3 APPLICATION FOR A VARIATION OF A PREMISES LICENCE UNDER THE LICENSING ACT 2003 IN RESPECT OF THE HIDEOUT GASTRO BAR, 2 SHERBOURNE STREET, PRESTWICH, M25 3BB

The Licensing Authority received an application for the Variation of a Premises Licence under the Licensing Act 2003 in respect of The Hideout Gastro Bar, 2 Sherbourne Street, Prestwich, M25 3BB.

In making a decision, the steps the Sub-Committee can take are:-

- 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

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

The Licensing Unit Manager presented the report and explained the applicant for the licence is The Hideout Gastro Bar Limited, 2 Sherbourne Street, Prestwich M25 3BB. Mr Steven Anthony Monks, 471 Bury New Road, Salford is the Designated Premises Supervisor (DPS).

The Applicant had complied with all the necessary procedural requirements laid down by the Act.

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 Where representations are made and not withdrawn Members are required to determine them.

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

The application was for the variation of a Premises Licence under Part 3 of the Licensing Act 2003 with the current hours and proposed variations detailed in the report attached in the agenda packs.

The Licensing Unit Manager drew attention to the fact the Live Music Act permits Live Music and Recorded Music at a licensed Premises between the hours of 8.00am to 23.00 hours for up to 500 people.

There were no changes to the conditions on the Operating Schedule which was attached at Appendix 1 in the agenda packs.

Four representations had been received from interested parties and this was attached at Appendix 2 in the agenda packs.

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 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.

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.

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.

Mr Steven Monks addressed the sub committee and explained the application was to increase live entertainment and the venue only plays live music on a Friday and Saturday. The premises was currently closed on a Monday and shut at 4.00pm on Tuesday and Wednesday

due to not enough footfall. The venue usually closed around 10.00pm on Thursday evening and the variation was important to the future viability of the business as they were currently not able to play music after 11.00pm.

Ms Michelle Monks, the applicant's sister and also a Director at the business explained that when the music was stopped at 11.00pm customers left to visit other nearby bars. Music had also been stopped on a Sunday apart from Bank Holidays or special occasions out of respect for Mr Lane- Kenwright who lived next door to the property,

Mr Monks felt that some people may not have understood the variation application hence the complaints from Sherbourne Court but Mr Lane- Kenwright had a valid concern as a neighbour. Ms Monks added it was not for a late licence but for the music element of the business.

Mr Monks explained they conducted sound level checks via a decibel reader and held staff briefings that the level was not to exceed 80 decibels. This was part of the employees role on the late shift and a group Wats App chat was used for communications. Entertainers were also briefed before performing and following noise complaints made, the DJ box and speakers were moved to be redirected at the bar area rather than the adjoining wall. This wall was also sound proofed when the venue was under construction with internal cavity brick acoustic installation along with sound board panelling which was felt well sufficient. Some entertainers also use their own sound systems .

The Licensing Unit Manager placed on record that there were no seasonal variations on the application to include Bank Holidays.

A Member understood that engagement with neighbours had taken place but asked about the external complaints for groups of people smoking and loitering.

Mr Monks reported that they have 2 doors staff on a Friday and Saturday located inside and at the bottom of the stairs to avoid loitering by asking people to move away to the top of Sherbourne Street. The venue was not open late so noise complaints from the early hours of the morning would be from other venues. CCTV at the venue showed they don't empty bottle bins after 9.00pm and this was conducted the following day after 11.00am. Other nearby venues had outdoor seating spaces with residential properties nearby and it seemed a small minority of local residents were not happy. Ms Monks added there was just a taxi bay outside the rank was located in the precinct. There was also another bar next to the Barbers shop along with a take away and off licence which would generate noise issues below the home of the resident in attendance at the meeting.

Following a Member question about starting earlier in the day, Mr Monks clarified that during the daytime the business was an eatery.

The Licensing Unit Manager clarified that there had been no representations made by Environmental Health and if there were problems in the future, then there was a process to call in the licence for review.

Ms J. Levy who owned the neighbouring property was in attendance to help represent Mr S. Lane- Kenwright.

Mr S. Lane- Kenwright reported he lived next door and had heard persistent noise for around a year with DJs playing amplified music. Noise complaints had tried to be dealt with informally via Wats App communications with management. A number of dates were provided on instances when the noise levels were deemed excessive which included bass levels. The vibrations leak through the walls and the venue was unable to have efficient controls so he

had raised the matter with the noise team and licensing department at the Council. With the use of TENS events there was no time to object with the short notice involved. Lyrics could be heard clear over music levels and it was hard to watch television over this background noise. He felt his home was being intruded and it was unreasonable noise which could be helped by using a noise limiter device which restricted the levels of devices plugged into it.

Mr Lane- Kenwright added he suffered from migraines and felt he lived next to a nightclub with his bedroom being against the adjoining party wall. He could not stay at other people's houses every weekend and felt the venue needed to be regulated as they cant manage it themselves.

Ms J. Levy stated this business had a party wall attached to her property and thought other bars in the area closed earlier. Taxis wait on the road below Mr Lane- Kenwright's window as do people loitering.

Mr Monks had every sympathy with Mr Lane- Kenwright and when messages of noise issues at the venue were received he then contacted the entertainer and staff to deal with the problem. Some of the external problems were beyond the control of the venue and not their responsibility.

The Licensing Unit Manager asked how often were Mr and Ms Monks on the premises and they reported more or less everyday and every weekend and one of the bar supervisors is a family relation.

Mr Lane- Kenwright commented that when customers were encouraged to move away from the venue, it moved them to the top of the road and closer to his home. He also reported to Members some of the sound level readings he had recorded himself on certain dates within his property. These were not minor and were very intrusive so safeguarding was required. A Member asked if Mr Lane-Kenwright had double glazing windows and it was confirmed this was the case as it was located above a shop on Bury New Road.

A Member enquired what had Environmental Health stated when there had been no formal objections to this application and Mr Lane-Kenwright said they had directed him to the Licensing Service. Sundays noise had been hit and miss but the levels produced on Friday and Saturday were far too excessive. He repeated if a music limitation device could be installed to ensure compliance as he had seen these in operation whilst working at a nightclub in the past. Some weekends he had worn headphones to be more comfortable in his own home.

A Member asked about the part wall sound proofing depths and Mr Monks provided the meeting with technical information the builder's had installed.

The Licensing Unit Manager commented that 7 TEN applications had been obtained in 2026 at the venue and Environmental Health had made no objections and the public could not make any representations to these.

A Member enquired if Mr Lane-Kenwright's flat was sound proofed and the answer was no.

Mr Monks commented on some of the objections and that they had never been informed of some of the problems listed meaning they could not resolve the issues as they had no idea of them or had ever never met the objectors. The venue had been open 15 months and was previously used as an office space. There had been one incident in the whole time they had been open connected to an assault on their door staff and there had been police issues.

Ms J. Levy stated previous to the existing business the venue was a tattoo parlour and there was no graffiti in the vicinity and she had been involved with the building for around 30 years.

In summing up, Mr Lane-Kenwright thanked Members for their time and requested fair and proportionate noise limits be in place by Environmental Health. Ms J. Levy added she had concerns for Mr Lane-Kenwright as he had lived happily in the property for many years before the bar opened and this could not continue. More restrictions were required on the noise levels which could include more sound proofing and measures to combat loitering outside.

The Licensing Unit Manager commented that conditions 11 to 13 currently on the licence cover the prevention of public nuisance.

Ms Monks added that in the summer when the weather was hot a couple of customers had opened windows at the bar and they had purchased 6 large fans to help with the heat and would make sure the windows were closed to eliminate any noise from them.

The Sub-Committee then duly retired to consider the application.

The Members of the Panel were advised by the Legal Officer 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:

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

The Members were also advised of their duties in carrying out those functions in relation to the relevant provisions of the 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 together with relevant representations presented by all parties.

Delegated decision

The Sub-Committee considered the application along with evidence noted and considered the representations relating to the licensing objectives.

To address any concerns for the representations in relation to any potential noise nuisance, an additional condition would be added which was felt necessary and proportionate to address these worries.

The relevant guidance issued under Section 182 of the Licensing Act 2003 was applied, specifically section 2.22 relating to public nuisance.

It was therefore agreed that the Sub-Committee unanimously **grant the variation in the terms requested subject to an additional condition 13A on the operating schedule to state that no speakers or sound system should be fixed or placed adjacent to the party wall to the neighbouring property.**

New variation hours

Opening Hours	
Thursday	10.30 to 23.30
Friday	10.30 to 00.30
Saturday	10.00 to 00.30

Sunday 10.00 to 23.30

For Supply of Alcohol (On the premises):

Monday to Thursday 11.00 to 23.00

Friday to Saturday 11.00 to 00.00

Sunday 12 Noon to 23.00

Playing of Recorded Music (Indoors)

Tuesday to Thursday 10.30 to 23.15

Friday 10.30 to 00.15

Saturday 10.00 to 00.15

Sunday 10.00 to 23.15

Performance of Live Music (Indoors)

Tuesday to Thursday 10.30 to 23.15

Friday 10.30 to 00.15

Saturday 10.00 to 00.15

Sunday 10.00 to 23.15

Operating Schedule

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.

13.A. No speakers or sound system should be fixed or placed adjacent to the party wall to the neighbouring property.

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.

The Chair advised of their right to appeal the decision to the Court within the relevant timescales upon receiving written notification.

COUNCILLOR T RAFIQ
Chair

(Note: The meeting started at 11.30am and ended at 1.20pm)