

Minutes of: LICENSING HEARING SUB COMMITTEE

Date of Meeting: 14th April 2026

Present: Councillor T Rafiq (in the Chair)
Councillors A Booth and M Walsh

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

S. Kostiuk
J. Sarsfield
H. Richardson (Manchester Evening News)

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), A. Bucior (Public Protection) and one representor.

2 DECLARATIONS OF INTEREST

There were no declarations of interest made.

3 MINUTES OF THE LAST MEETING(S)

The Minutes of the last Licensing Hearing Sub Committee meetings held at 10.30am on the 3rd March 2026, 10.30am on the 12th March 2026, 10.00am on the 16th March 2026, 11.30am on the 16th March 2026 and 10.30am on the 20th March 2026 were attached to the agenda..

Resolved:- That the minutes of the Licensing Hearing Sub Committee held at 10.30am on the 3rd March 2026, 10.30am on the 12th March 2026, 10.00am on the 16th March 2026, 11.30am on the 16th March 2026 and 10.30am on the 20th March 2026 be approved as a correct record.

4 APPLICATION FOR A PREMISES LICENCE TO BE GRANTED UNDER THE LICENSING ACT 2003 IN RESPECT OF CENTRAL CAFÉ, 8 MARKET STREET, BURY. BL9 0AJ

The Licensing Authority received an application for a Premises Licence to be granted under the Licensing Act 2003 in respect of Central Café, 8 Market Street, Bury. BL9 0AJ.

In making a decision, 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

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 would be notified subsequently of the decision and the reasons for it by letter from the Licensing Office.

The Licensing Unit Manager presented the report and explained the applicant for the licence is S.K. Event Service Limited, 3rd Floor, 86-90 Paul Street, London EC2A 4NE. The proposed Designated Premises Supervisor is Mr Serhi Kostiuk, 8 Market Street, Bury BL9 0AJ.

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 grant of a Premises Licence under Part 3 of the Licensing Act 2003.

Opening Times:

Monday to Sunday 09.00 to 23.30

Seasonal Variations

Bank Holiday Monday 09.00 to 01.30

Sundays prior to a Bank Holiday 09.00 to 01.30

Holiday

Christmas Eve 09.00 to 01.30

Boxing Day 09.00 to 01.30

New Years Eve 09.00 to 01.30

Retail Sale of Alcohol (On and off the premises):

Monday to Sunday 09.00 to 23.00

Bank Holiday Monday 09.00 to 01.30

Sundays prior to a Bank Holiday 09.00 to 01.30

Holiday

Christmas Eve 09.00 to 01.30

Boxing Day 09.00 to 01.30

New Years Eve 17.00 to 08.00

Performance of Dance (On and off the premises):

Bank Holiday Monday 09.00 to 01.30

Sundays prior to a Bank Holiday 09.00 to 01.30

Holiday	
Christmas Eve	09.00 to 01.30
Boxing Day	09.00 to 01.30
New Years Eve	09.00 to 08.00

Playing of Recorded Music (On and off the premises):

Bank Holiday Monday	09.00 to 01.30
Sundays prior to a Bank Holiday	09.00 to 01.30
Christmas Eve	09.00 to 01.30
Boxing Day	09.00 to 01.30
New Years Eve	09.00 to 08.00

Provision of Live Music (On and off the premises):

Bank Holiday Monday	09.00 to 01.30
Sundays prior to a Bank Holiday	09.00 to 01.30
Christmas Eve	09.00 to 01.30
Boxing Day	09.00 to 01.30
New Years Eve	09.00 to 03.00

The conditions contained in the operating schedule submitted by the applicant were also attached at Appendix 1 in the agenda packs.

Two representations had been received from interested parties and this was attached at Appendix 2 in the agenda packs. The Licensing Unit Manager informed Members that one representor had confirmed they would not be attending the hearing.

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.

The Licensing Unit Manager commented that he had held discussions with both Mr S. Kostiuk and Mr Joe Sarsfield in relation to a condition they have agreed between themselves.

He 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. The condition they have agreed can't be attached to the operating schedule as it details non licensing acts, although they could keep it amongst themselves.

The Licensing Unit Manager questioned Mr Kostiuk about the application including both 'on and off the premises' for the performance of dance, playing of recorded music and provision of live music.

Mr Kostiuk confirmed he only wanted all of the above to be listed as 'on the premises'.

The Licensing Unit Manager also stated that the mobile phone video produced by Mr Kostiuk had not been shared with the two representors, therefore it could not be played today as there was no opportunity for one of the representors to make comments.

Mr Kostiuk addressed the sub committee and explained between 9.00am-3.00pm the main focus on the business was food with alcohol available in a cosy lounge environment with low background music to not disturb the above office or produce outside noise. When the door to the venue was closed you could not hear loud music outside and he was happy to sign an agreement with Mr Sarsfield about music levels.

Mr Kostiuk added a lot of people who had read the application in the Bury Times supported him and the business would probably operate the later hours from 5.00pm to 11.00pm on Wednesday to Saturday.

The Licensing Unit Manager questioned three outside tables at the premises and a pavement licence would be required. Mr Kostiuk stated these had been left from the previous owner and that the business would only be operating from inside the premises.

A Member enquired if the extended hours would result in more employees and Mr Kostiuk confirmed one more member of staff would cover the later shift with a bar tender and a member of permanent staff. The day shift would run from 9.00am to 3.00pm with a 2-hour gap to prepare for the cocktail style lounge.

A Member asked if staff would be first aid trained and Mr Kostiuk stated there would be a first aid kit and staff would be taught first aid and age identification checking training whilst the venue had CCTV which was kept for 28 days as per the police conditions.

Mr Sarsfield addressed the sub committee and stated it would be beneficial to the local community for the extension in opening hours. His office was above the premises and if the noise levels were kept to the agreement and conditions abided to then he had no objections. He added that he had never heard noise at night from the café when working late in the office and any noise in the area seemed to come from the Bank Bar. The business he worked for had dealing with the USA and therefore later hours were conducted in the office due to the time difference involved. He could not see there being any massive disturbance to impact upon the business.

A Member asked about the nature of the business and it was explained that they deal with aeroplanes and helicopters in a similar nature to Autotrader.

The Licensing Unit Manager reminded Mr Sarsfield that the condition he had agreed with Mr Kostiuk could not be added to the operating schedule.

Mr Kostiuk added he was more than happy to sign an agreement with Mr Sarsfield if it made him happier. Music levels would not be heard during the operational hours in the office and he was a responsible person who wanted to grow a business for the community.

The Licensing Unit Manager clarified that there was also a process available for the representors to call in the licence for review should there be problems that arise.

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

All of the evidence was considered with care, and it was established that having understood the application and equally noting and understanding the representations, the Sub-Committee found there were no causes for concern so far as the promotion of the licensing objectives were concerned. The local authority supported applications which are in line with the licensing objectives.

It was therefore agreed that the Sub-Committee unanimously **grant the application in the terms requested** subject to the amendment for the performance of dance, playing of recorded music and provision of live music to be on the premises only as clarified by the applicant.

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

Operating Schedule

Opening Times:

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Conditions agreed with Greater Manchester Police

General

1. No licensable activity to be permitted outside the premises.

The prevention of crime and disorder

2.. The premises license holder must ensure that:

- (i) CCTV cameras are located within the premises to cover all public areas including all entrances and exits [The location of cameras could also be specified on the plan attached to the premises licence].
- (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.

3. 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 alleged crimes reported to the venue or by the venue to the police
- (ii) All ejections of patrons
- (iii) Any complaints received
- (iv) Any incidents of disorder
- (v) Seizures of drugs, offensive weapons, fraudulent ID or other items
- (vi) Any faults in the CCTV system, searching equipment or scanning equipment
- (vii) Any visit by a responsible authority or emergency service
- (viii) The times on duty, names and the licence numbers of all licensed door supervisors employed by the premises.

4. 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. Enter sales correctly on the tills so the prompts show as appropriate
- vi. Recognising signs of drunkenness and vulnerability
- vii. How overservice of alcohol impacts on the four objectives of the Licensing Act 2003
- viii. How to refuse service
- ix. The premises' duty of care policy, understanding and dealing with situations involving vulnerable people, and incidents of harassment
- x. 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
- xi. The conditions in force under this licence.

5. Documented records of training completed shall be kept for each member of staff. Training shall be regularly refreshed and at no greater than 6 [or specify] monthly intervals. Training records shall be made available for inspection upon request by a police officer or an authorised officer of Bury Council.

6. A minimum of two (2) door supervisors is to be employed when the premises remain open past midnight. The door supervisors should remain on duty until the premises are closed, and all the customers have left.

7. At any other times of the year, door supervisors shall be employed by the premises based upon a risk assessment carried out in relation to the following factors:

- (i) Size of the venue
- (ii) Expected attendance
- (iii) Type of event taking place
- (iv) Location of the premises
- (v) Time of year
- (vi) Special occasion (New Year, Halloween, Local events etc.)
- (vii) Premises Licence Conditions

8. Where SIA registered door supervisors are used at the premises, a record must be kept of their SIA registration number and the dates and times when they are on duty.
9. The premises must be linked to a system of communication with the Police and other licensed premises as agreed with the Police and Licensing Authority. The system shall be kept in good working order at all times. When the premises are open to the public, the communications link to the Police and other licensed premises shall be switched on and available to and monitored by the Designated Premises Supervisor or a nominated member of staff. The system to be used to report incidents and warn each other of the presence of potential trouble makers in the area.
10. 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.
11. No drink shall be removed from the premises in an unsealed container
12. There shall be a lockable 'drugs box' at the premises to which no member of staff, except the DPS and/or manager, shall have access. All controlled drugs (or items suspected to be, or containing controlled drugs) found at the premises must be placed in this box as soon as practicable. Whenever this box is emptied, all its contents must be given to Greater Manchester Police for appropriate disposal.

Public safety

13. The premises will be maintained in a safe condition at all times.
14. All emergency exits will be kept free from obstructions and will be clearly identified by signage.
15. A suitably stocked first aid kit will be maintained on the premises and be readily available to staff and customers.
16. Valid fire safety equipment, including extinguishers and smoke detectors, will be maintained and serviced annually.
17. All staff will be trained in emergency evacuation procedures.
18. Customers are to be prevented from leaving the premises with glasses or open bottles.
19. Empty bottles must be placed into secure storage or locked bins so as to prevent them from being used as weapons.

The prevention of public nuisance

20. Noise from the premises, including music and voices, will be kept at a level that does not cause a nuisance to nearby residents. Doors and windows will be kept closed (except for entry and exit) during any live or recorded music performances.
21. Prominent signs will be displayed at all exits requesting customers to respect the needs of local residents and leave the area quietly.
22. The area immediately outside the premises will be kept clean and free from litter. Waste collections and bottle disposals will not take place between 21:00 and 08:00 to avoid noise disturbance.

The protection of children from harm

23. The premises will operate a 'Challenge 25' policy. Anyone who appears to be under 25 will be asked for photographic ID (Passport, Photo Driving Licence, or PASS-accredited card) to prove they are 18 or older before being served alcohol.

24. A refusals log (either paper or digital) will be maintained to record all instances where a sale of alcohol is refused. This log will be available for inspection by the Police or Council officers upon request.

25. Children will only be allowed on the premises when accompanied by a responsible adult. No children will be permitted on the premises after 21:00.

26. The premises shall display prominent signage indicating at any point of sale and at the entrance to the premises that the Challenge 25 scheme is in operation.

COUNCILLOR T RAFIQ
Chair

(Note: The meeting started at 10.30am and ended at 11.35am)