

**AGENDA FOR
LICENSING HEARING SUB COMMITTEE**



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To: All Members of Licensing Hearing Sub Committee

Councillors : T Rafiq (Chair), A Booth and M Walsh

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:	Tuesday, 14 th April 2026
Place:	Virtual meeting via Microsoft Teams
Time:	10.30 am
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 MINUTES OF THE LAST MEETING(S) *(Pages 3 - 32)*

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 are attached.

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 *(Pages 33 - 48)*

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

Minutes of:	LICENSING HEARING SUB COMMITTEE
Date of Meeting:	3 rd 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) 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 A. Bucior (Public Protection).

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 10.00am on the 18th December 2025, 11.30am on the 18th December 2025, 10.00am on the 19th December 2025 and 11.30am on the 19th December 2025 were attached to the agenda.

Resolved:- That the minutes of the Licensing Hearing Sub Committee held at 10.00am on the 18th December 2025, 11.30am on the 18th December 2025, 10.00am on the 19th December 2025 and 11.30am on the 19th December 2025 be approved as a correct record.

4 **CONSIDERATION TO SUSPENSION / REVOCATION OF A PERSONAL LICENCE**

The Licensing Unit Manager informed the Committee that the licence holder, Mr D. Lealand was not in attendance at the meeting. A number of attempts had been made to contact him via emails and telephone calls which had been unanswered with voicemail messages left. A notice was sent to Mr Lealand giving him 28 days to permit him to make representations in relation to this matter.

A letter for the hearing was sent in February along with an email containing the virtual meeting link and no communications had been received back via the contact methods exhausted.

Given the above information, Members of the Licensing Hearing Sub Committee were in agreement that the hearing was to proceed and take place in his absence.

The Licensing Authority had submitted a report for consideration to suspend/revoke a Personal Licence granted under the Licensing Act 2003, for a licence holder who had been convicted of a relevant offence.

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

- To revoke the personal licence if it is considered necessary for the promotion of the crime prevention objective to do so; or
- To suspend the personal licence.
- Take no action

The Licensing Unit Manager presented the report which related to a notice that had been given to a personal licence holder stating the intention to suspend or revoke the personal licence due to the licensing authority being notified of a relevant conviction.

The Licensing Act 2003 and the Policing and Crime Act 2017 is the relevant legislation.

A Personal Licence is defined by the Act as a licence which is granted by a Licensing Authority to an individual which authorises that individual to supply alcohol, or authorise the supply of alcohol, in accordance with a Premises Licence.

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 Service.

The Licensing Act 2003 was amended by the Policing and Crime Act 2017 to give a licensing authority the power to suspend a personal licence for up to six months or to revoke a personal licence where the licensing authority becomes aware that the holder of a personal licence has been convicted of a relevant offence.

As part of the statutory process, the licensing authority must serve a notice on the personal licence holder of their intentions and advising the licence holder that they have 28 days to make representations to the notice.

Before deciding whether to suspend or revoke a licence the licensing authority must give consideration to:-

- any representations made by the licence holder
- any decision of a court
- any other information which is considered relevant.

The licensing authority had complied with all the necessary procedural requirements.

The Licensing Authority received notification from Greater Manchester Police that the licence holder had been arrested in May 2025 for the relevant offence of driving a motor vehicle with excess alcohol, among other motoring offences. He was almost 3 times over the prescribed limit with readings taken and pleaded guilty to this offence in August 2025 and was sentenced on the 8th December 2025 to 23 months disqualification and a community order.

The Licensing service contacted the licence holder to ask him to return his Personal Licence for endorsement as he had not done this voluntarily and had not advised the Court that he was a Personal Licence Holder.

Mr Lealand's Personal Licence was endorsed and returned to him on the 12th January 2026.

The Licensing Authority served a notice by post on Mr Lealand dated the 12th January 2026, which was attached at Appendix 1 of the agenda pack.

The licence holder did not submit any representations to the notice before the end of the 28-day period.

After hearing the representations made and the evidence presented, Members were 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 issued by the Secretary of State.

A Member asked about the previous history of the licence holder and the Licensing Unit Manager stated all the historic information was detailed within the report.

A Member enquired if there was a scale of seriousness related to various offences which could match up with the possible recommendations. The Licensing Unit Manager reported that if the court had been notified of Mr Leyland being a personal licence holder than they could have removed his licence. He also referenced the representations by GMP in relation to a premises licence hearing involving this individual as a DPS.

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 causes for concern so far as the promotion of the licensing objectives were concerned in relation to the prevention of crime and disorder.

It was therefore agreed that the Sub-Committee **revoke the personal licence for the promotion of the prevention of crime and disorder licensing objective.**

Reasons by the Sub-Committee included:-

- The position of a personal licence holder held a wide range of responsibility, including the prevention of crime and disorder
- A criminal history may underline the licencing objectives, the Council's licensing policy requires a Premises Licence Holder to be someone who will assist in the fight against crime
- The nature and seriousness of the offence committed being almost three times over the prescribed drink drive limit, leading to the Court imposing a 23 months disqualification and a community order for a relevant offence
- Lack of transparency and honesty including non-disclosure to the courts about holding a personal licence.
- Lack of transparency and honesty, failed to notify the Council of his conviction as soon as possible, as required to do so by the Licensing Act 2003

- A suspension was deemed not appropriate due to his conviction for a serious offence and lack of honesty.

Due to the non-attendance of Mr Leyland, 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 10.30am and ended at 11.00am)

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 licence.

Enquiries had been made with the premises and discussions had taken place with the premises licence 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)

- Minutes of:** LICENSING HEARING SUB COMMITTEE
- Date of Meeting:** 16 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)
- H. Ahmed
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.
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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 APPLICATION FOR A PREMISES LICENCE TO BE GRANTED UNDER THE LICENSING ACT 2003 IN RESPECT OF TOUCH OF SPICE, 32 CHURCH STREET WEST, RADCLIFFE, M26 2SQ

The Licensing Authority received an application for a Premises Licence to be granted under the Licensing Act 2003 in respect of Touch of Spice, 32 Church Street West, Radcliffe, M26 2SQ.

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 Licensing Unit Manager presented the report and explained the applicant for the licence is for the licence is Mr Hasnath Saeed Ahmed, 220 Gigg Lane, Bury, BL9 9EW, BL9 9EW.

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 with the requested opening and late-night refreshment times detailed within the report attached in the agenda packs.

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

One representation had been received from an interested party and this was attached at Appendix 2 in the agenda packs. The Licensing Unit Manager informed Members that this person 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.

Mr H. Ahmed addressed the sub committee and stated the premises had held a licence for a number of years under a previous business name and was open until 3.00am. No incidents about the premises had ever been reported to the police or complaints made to the Council. There was not much footfall in the area as it was commercial district and the business understood the concerns raised about noise. There would always be cars on the main road but the premises would close doors and keep noise to a minimum as previous with no issues reported over the last 6 to 7 years.

The area was well lit, had CCTV coverage and there were not many pubs around so losing the licence would have huge impact on the business. Staff would be trained and could work with residents on any issues if they arose or de-escalate with customers. Security could be provided at the door during weekends if required.

Mr Ahmed repeated that the previous business owner did not renew the licence and failed to update him so the first he knew about this was when the Council contacted him.

The Licensing Unit Manager confirmed the previous licence was granted in November 2005 and had changed hands a number of times but the previous owner had cancelled this in September 2025, hence this new application. There had been some changes to the opening times. Late-night refreshment need only be licensed from 11.00pm to 5.00am.

The Licensing Unit Manager questioned Mr Ahmed about being open until 3.00am and was that at weekends. Mr Ahmed confirmed this was all the time and offered his apologies as he was unaware.

A Member enquired why the business wanted to be open until 6.00am on Christmas and New Years Day along with Bank Holidays. Mr Ahmed reported that these were the busiest periods of the year from when he had worked at the premises since 2019. Last orders would be at 4.00am which would then allow enough cleaning time to take place and the extra time was added in the application to allow them longer to leave the premises and stop any complaints.

A Member asked about nearby flats and traffic with Mr Ahmed confirmed he had 2 delivery drivers but it was on a main road anyway and there were no taxis that stopped at the premises.

A Member commented on the proposed opening times and the Licensing Unit Manager confirmed there had been no previous noise complaints in relation to the history of the premises. Mr Ahmed would be willing to accept reducing the hours a bit to 3.00am everyday or 4.00am on holiday dates.

A Member asked about cleaning up time and does that element need to be included in the times for the licence. The Licensing Unit Manager reported that this does not need including if late night refreshments were not being served and the doors to the premises were closed and locked as you could have Members of the public seeing that lights were on and trying to enter.

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 application was similar to the previous licence held at the premises until recently and there had been no formal complaints made in the past about noise nuisance. To address any concerns for the representor, an adjustment was made to shorten the opening times and the hours for late night refreshment from those requested in the application. It was noted that not all the representations were directly related to the premises.

It was therefore agreed that the Sub- Committee unanimously **grant the application subject to amending the conditions as listed below:-**

Opening Times:

Monday to Thursday	17:00 to 01.00
Friday to Sunday	17.00 to 03.00
Christmas Eve	17.00 to 04.00
New Years Eve	17.00 to 04.00
Bank Holidays	17.00 to 04.00

Late Night Refreshment (on and off the premises):

Monday to Thursday	23:00 to 01.00
Friday to Sunday	23.00 to 03.00
Christmas Eve	23.00 to 04.00
New Years Eve	23.00 to 04.00
Bank Holidays	23.00 to 04.00

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

Operating Schedule

General

1/ The takeaway will be operated in accordance with the Licensing Act 2003 and all licence conditions.

2/ A responsible person or manager will be on duty at all times the premises is open.

3/ All staff will receive training on the four licensing objectives, responsible alcohol sales (if applicable), customer management, and safeguarding, with regular refresher training.

4/ Clear written procedures will be in place covering refusals, incidents, noise control, and emergency situations.

5/ The premises will be well managed, clean, and orderly at all times.

6/ Regular risk assessments will be carried out to identify and reduce risks to customers, staff, and the local community.

The prevention of crime and disorder

7/ Staff will be trained to recognise and manage anti-social behaviour and will refuse service to intoxicated or aggressive individuals.

8/ An incident and refusals log will be kept and made available to authorised officers upon request.

9/ The premises will operate a zero-tolerance policy towards violence, drug use, and anti-social behaviour.

10/ Lighting will be provided to the front of the premises to deter crime and improve visibility.

11/ The premises will not encourage loitering outside the shop.

Public safety

12/ The premises will comply with all fire safety, food safety, and health and safety regulations.

13/ Fire exits will be clearly marked, unobstructed, and maintained at all times.

14/ Fire safety equipment has been installed, and will be regularly checked, and maintained.

15/ Cooking equipment is properly installed, serviced, and maintained, with appropriate ventilation in place.

16/ Floors will be kept clean and dry to prevent slips and trips.

17/ A first aid kit is available on the premises.

The prevention of public nuisance

18/ Noise from customers, equipment, and staff will be kept to a minimum, particularly during late hours.

19/ Staff will manage customer behaviour and discourage shouting, loitering, or disturbances outside the premises.

20/ Prominent signage will be displayed requesting customers to leave quietly and respect local residents (even though we are on a commercial area block)

21/ Deliveries, waste disposal, and bottle disposal (if applicable) will not take place during late-night or early-morning hours where possible.

22/ The frontage and immediate surrounding area will be regularly checked for litter and cleaned as necessary.

The protection of children from harm

23/ Staff will receive training on age-restricted sales and the importance of preventing underage sales (such as energy drinks, as we do not sell any other age restricted products).

24/ Children will be supervised at all times while on the premises.

25/ The premises will be kept free from activities or materials that could be harmful to children.

COUNCILLOR T RAFIQ
Chair

(Note: The meeting started at 10.05am and ended at 11.05am)

- 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.
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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)

Minutes of:	LICENSING HEARING SUB COMMITTEE
Date of Meeting:	20 th March 2026
Present:	Councillor D Green (in the Chair) Councillors D Quinn and M Walsh
Also in attendance:	M. Bridge (Licensing Unit) M. Cunliffe (Democratic Services) C. Farrimond (Legal Services) L. Scully (Legal Services) A. Dixon (Representor) PC P Ecclestone (GMP- Representor) A. Gregson (Hospitality Training Solutions) J. Gurhara (Applicant) R. Watson (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 PREMISES LICENCE TO BE GRANTED UNDER THE LICENSING ACT 2003 IN RESPECT OF DAILY CONNECTS, 480A BURY OLD ROAD, PRESTWICH, M25 1NL

The Licensing Authority received an application for a Premises Licence to be granted under the Licensing Act 2003 in respect of Daily Connects, 480a Bury Old Road, Prestwich, M25 1NL.

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 Licensing Unit Manager presented the report and explained the applicant for the licence is Mr Jasmeet Singh Gurhara, 27 St Marys Road, Prestwich, M25 1AQ. He is also the proposed Designated Premises Supervisor and would be represented at the hearing by Mr Anthony Gregson.

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

Opening Times:
Monday to Sunday 06.00 till 23.00

Retail sale of Alcohol
Monday to Sunday 06.00 till 23.00

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

Two representations had been received from interested parties including Greater Manchester Police, they had been invited to make their representations at the hearing. The representations were attached at Appendix 2 and Appendix 3 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.

All licensing determinations should be considered on the individual merits of

the application.

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.

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.

The Sub-Committee was asked to determine what steps, as set out above, are appropriate for the promotion of the licensing objectives.

Mr Anthony Gregson, a Director of Hospitality Training Solutions who were acting as the agent on behalf of Mr Jasmeet Gurwara addressed the Sub Committee and informed Members the concerns of GMP had been addressed. Any risks had been identified with robust conditions and the counterfeit goods could be explained as stock inherited from the former business in September 2025. A full stock check had now been undertaken and this was a legacy issue with no links to criminality or future risks.

The lawful drug related paraphernalia had all been removed from sale and they accepted the context of the objection from GMP.

Mr Gurwara was a new operator and had obtained his licence earlier this year and had received staff training. CCTV at the entrance and till area would be implemented. The business had gone beyond the standard practices expected implementing new systems and had requested another visit by the Council and GMP prior to this hearing. All the licensing objectives would be upheld as detailed in the response letter to GMP sent on the 9th March regarding their submitted representations.

A Member questioned that this information had not been provided and Mr Gregson stated it had been sent to GMP and the Council. The Licensing Unit Manager circulated this information via the committee Clerk to panel Members for their information.

The Licensing Unit Manager questioned was this the applicant's first business and Mr Gurwara explained he already had a shop in Rochdale which was a similar business and he understood the operating schedule. A Member enquired if the other shop sold alcohol and Mr Gurwara stated no.

Mr Gregson added the 2 boxes of headphones found in the shop were located on a shelf and Mr Gurwara was unaware they were fake and his intention was to sell the stock to get his money back. Once notified by GMP concerns he removed these products.

Local resident Ms Amanda Dixon had concerns the applicant was being coached through the licensing process and asked a direct question if he know what proxy sales entailed. Mr Gurwara provided an explanation to the question and added CCTV outside his shop would show if any adults were trying to purchase alcohol for children.

A Member questioned if a full stock inventory had been provided on completion of purchasing the business.

A Member enquired how many staff would work in the store. Mr Gurwara confirmed two employees would be on the premises the majority of the time unless one had an appointment they needed to attend.

PC Peter Eccleston, the Bury District Licensing Officer presented a formal representation from Greater Manchester Police with regards to the application.

On Monday the 23rd February 2026, Greater Manchester Police, Bury Councils Trading Standards and Licensing Departments conducted a joint visit at the premises at approximately 13:25 hours.

Whilst present at the store, Kelly Halligan from Bury Councils Trading Standards, conducted an inspection of the shop and found four counterfeit headphones on display for purchase. Three of the headphones were marked with the Apple logo and labelled 'Apple AirPods' despite those on display were in fact full headsets. The remaining set were labelled as 'Beats' headphones. All four sets were subsequently seized. Photographs of the headphones have been included at Appendix A in the agenda packs.

Also found on the premises was an array of drug paraphernalia including items which could be associated with the preparation, consumption and distribution of illicit drugs. Numerous photographs of those items were taken at the time and have been made available at Appendix B in the agenda packs.

Furthermore, there were packets of balloons on display for purchase which given it was primarily a vape shop, there are concerns considering there were no other items you would associate with celebratory events.

Although none of these items are illegal to possess and sell in the UK, taken together there are serious concerns regarding the licensing objectives being upheld certainly in relation to the Prevention of Crime and Disorder, Public Safety and Protecting Children from Harm.

As the inspection continued the business owner and proposed DPS, Mr Jasmeet Gurwara arrived at the store. Mr Gurwara obtained his personal license qualification on the 9th December 2025 and his personal license from Bury Council on the 6th January 2026. As we discussed the issues and concerns regarding the sale of the above items, he was asked what the four licensing objectives were under the Licensing Act 2003 and unfortunately he was not able to name any or elaborate further which when you consider that this is someone who has recently obtained their personal license qualification you would expect him to have at least some level of knowledge and understanding.

Furthermore, after reviewing the premises license application itself and the volunteered conditions proposed under the four licensing objectives, there are concerns that the premises license would be further undermined from the outset. Considering this is a premises requesting to sell alcohol for 17 hours a day, seven days a week there is minimal information as to how those objectives will be upheld.

As a minimum, you would expect to see information relating to incident recording, delegation of authority notices which indicate which staff are authorised to sell alcohol, refusals register/logs, the types of acceptable forms of identification when conducting identification checks and specifics around what training will be provided to staff i.e. prevention of proxy sales, prevention of underage sale, selling alcohol to those that are vulnerable or in an already intoxicated state.

There are question marks over what quality of training will be made available and provided to staff given the apparent lack of knowledge and understanding by the proposed DPS.

A Member asked about the drug related products displayed in photographic evidence and an explanation was provided around THC and CBD oils. Whilst the packets were empty the intention of the product was related to the sale of drugs.

PC Eccleston shared on screen the photographs taken in the store during the visit for greater clarity.

Ms Dixon was worried about the impact in this location with litter being a public nuisance along with vermin from waste bins from the store. There was no litter provision provided for customers and litter would damage the local environment. She added the protection of children from harm could not be met as school children walk past the store and there were already crime and disorder issues in the area. She repeated that Mr Gurwara was being helped through the process and he could not answer simple licensing requirements.

PC Eccleston repeated he was not confident the applicant knew the licensing objectives and how to uphold them along with the conditions submitted not being enforceable and required amending.

Mr Gregson stated that there had been no crime committed selling the drug related products and this was left over from the previous vape shop business. Mr Gurwara had taken a financial loss with the stock now not for sale.

The Council's legal advisor requested that the Licensing Unit Manager clarified that there was no Cumulative Impact Policy in the Borough. This was the case and the Licensing Unit Manager added need was not a consideration.

In summing up the Licensing Unit Manager had concerns licensing objectives would not be upheld if the application was granted following the evidence from representors.

Ms Dixon added the store was not aware they were selling illegal goods before the representations were submitted and lacked confidence that safeguarding would be in place for children and families in the local area.

PC Eccleston summarised that the licence would undermine the licensing objectives and if the visit had not taken place the goods for sale mentioned previously would still be on sale today.

Mr Gregson summed up that the headphones were old stock and those items had not been sold before or since. His client had passed the relevant licensing exams and knew how to promote the objectives and Mr Gurwara felt under pressure to answer questions during the visit. The conditions can be made more robust if GMP were not happy with the wording of them and he requested the licence be approved.

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 causes for concern so far as the promotion of the licensing objectives were concerned in relation to:-

- Prevention of crime and disorder
- Public safety
- The protection of children from harm

There was a lack of confidence, ability and knowledge that the licensing objectives could be upheld by the applicant which was evidenced by failing to recall the 4 relevant licensing objectives when questioned on a visit by GMP, despite sitting an exam one month prior.

The conditions submitted within the operating schedule were also deemed not acceptable and given the lack of confidence in the applicant to uphold the four licensing objectives the Sub-committee felt imposing conditions would not be sufficient.

Confidence in the applicant was further undermined by evidence of the permitted sale of counterfeit goods which were clearly fake had continued after the application was submitted and this was a criminal offence.

In addition, the sale of drug related paraphernalia (whilst not illegal) found on display in the shop after the application for a premises licence was made also undermined the licensing objective for the prevention of crime and disorder.

It was therefore agreed unanimously that the Sub- Committee **refuse the application.**

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

COUNCILLOR D GREEN
Chair

(Note: The meeting started at 10.30am and ended at 12.20pm)



	Classification Open / Closed	Item No.
Meeting:	Licensing Hearings Sub-Committee	
Meeting date:	14 th April 2026	
Title of report:	Application for a Premises Licence to be granted under the Licensing Act 2003 in respect of Central Café, 8 Market Street, Bury. BL9 0AJ	
Report by:	Executive Director (Corporate Core)	
Decision Type:	Council	
Ward(s) to which report relates	East	

Executive Summary:

This report relates to 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

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 S.K. Event Service Limited, 3rd Floor, 86-90 Paul Street, London EC2A 4NE. The proposed Designated Premises Supervisor is Mr Serhi Kostyuk, 8 Market Street, Bury BL9 0AJ
- 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:

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
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 are contained at Appendix 1.

4.0 REPRESENTATIONS FROM AN INTERESTED PARTY

- 4.1 Two representations have been made against this application. The Interested Parties will make their representations at the hearing.
- 4.2 The representations are 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
There are no specific issues from the report other than potential costs/risks associated with legal appeals.	

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

Email: m.bridge@bury.gov.uk

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 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.

Appendix 2

Representation from Interested Parties

To whom it may concern

I wish to make it clear that I strongly object to this application being granted. As a resident of Ribblesdale House, Market Street, Bury, BL9 0LD, the hours and activities requested under this application would make both my working and non working life, in a word, miserable. My flat faces across from Central Cafe, and for the most part I work from home, so the granting of this application would disturb my working hours, which often differ from a normal 9-5 as I work for a US based company. There is already enough out of hours noise in what is now a residential area caused by The Bank, both during the week and at weekends, and added to that there is Wax and Beans, which hosts frequent live music activities, right outside my window. I do believe that if this application were to be granted, I would have no other option but to move, and I suspect the other residents, especially those at the front of the building, would do similar, thereby rendering these flats as impossible to rent. Please do the reasonable thing and refuse this application - we do not need another loud music venue in Bury, we have plenty both on and around Silver Street.

Hi there,

I've just noticed an application has been submitted for Central Cafe at 8 Market Street, Bury, BL9 0AJ:

https://licensing.bury.gov.uk/PAforLalpacLIVE/1/LicensingActPremises/Search/3957/Detail?APP_ID=98736.

The application is for a change of use from cafe to a bar and I understand that objections are to be submitted before 17th March 2026. I tried to register for an account on your website to submit an objection, however I kept getting a server error. Please could I therefore submit my objection via this email?

The objection is with regards to Sections E, F and G of "Activities - Times Requested". Our office is directly above their premises and we work until 9pm each night. Any loud music being played would stop us from being able to work, as the ceiling/floorboards between us and Central Cafe are very thin and allow sound to travel very easily.

Here's a snip of the error message that showed-up 3 times on your website, for reference:



Home

Register

Log in

You are here » Home » Stop!

Server Error

Server error.

13/03/2026 18:00:23

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