

Minutes of: LICENSING HEARING SUB COMMITTEE

Date of Meeting: 24 April 2026

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

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

Councillor J. Harris (Observing)
Mr P. Craven (Reviewer)
Ms L. Goodfellow (Thwaites- Area Manager)
Ms J. Henfrey (Designated Premises Supervisor)
Mr S. Hutton (Representor)
Mr M. Ireland (Harrison Drury- Legal Services Partner)
Ms A. Johnson (Harrison Drury- Paralegal)
H. Richardson (Manchester Evening News)

Public Attendance: The Hearing was held virtually and interested members of the public were provided with a link to access the hearing online via Microsoft Teams or could be telephoned into the meeting via audio only. No members of the public were in virtual attendance.

1 APOLOGIES FOR ABSENCE

Apologies for absence were submitted by B. Thomson (Assistant Director of Public Protection & Resilience) and A. Bucior (Public Protection).

2 DECLARATIONS OF INTEREST

There were no declarations of interest made.

3 MINUTES OF THE LAST MEETING

The minutes of the last Licensing Hearing Sub Committee meeting held on the 8th April 2026 were attached to the agenda.

Resolved:- That the minutes of the Licensing Hearing Sub Committee held on the 8th April 2026 be approved as a correct record.

4 AN APPLICATION FROM AN INTERESTED PARTY FOR A REVIEW OF THE PREMISES LICENCE UNDER THE LICENSING ACT 2003 IN RESPECT OF THE BLACK BULL, AINSWORTH ROAD, STARLING, BURY, BL8 2EY

The Executive Director for Corporate Core had submitted a report relating to an application pursuant to section 51 of the Licensing Act 2003 from an Interested Party for a review of the premises licence in respect of Black Bull, Ainsworth Road, Starling, Bury, BL8 2EY.

The Licensing Unit Manager, Mr M. Bridge presented the report to Members of the Sub-Committee and consideration of the options available.

The Licensing Unit Manager also drew attention to the fact that car parking was not a consideration of the committee. Mr P. Craven commented that the car parking issue was being looked at by the Anti-Social Behaviour (ASB) team at the Council.

The Licensing Unit Manager confirmed that extra information submitted by Mr M. Ireland had been circulated to all parties and Mr Craven was happy for his original bundle of information to remain in place having sent another version to the Licensing department after publication of the agenda packs.

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

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.

The Premises Licence in respect of Black Bull, Ainsworth Road, Starling, Bury, BL8 2EY, is held by Daniel Thwaites, Myerscough Road, Mellor Brook, Blackburn, Lancashire, BB2 7LB. Mrs Jill Henfrey, 67 Greenhill Road, Bury, BL8 2LL is the Designated Premises Supervisor.

The interested party had 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 website. 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 in the report attached to the agenda pack.

Mr Craven, the Interested Party would shortly expand upon the reason(s) for their application to review the Premises Licence in relation to these premises. The review application was attached at appendix 1 in the agenda pack.

The Licensing Service had received 4 representations in favour of the premises licence. Each interested party have been invited to the hearing to make their representations to the Sub-Committee. Only one of these were in virtual attendance and that was Mr S. Hutton. These representations were contained at Appendix 2 in the agenda pack.

The conditions attached to the premises licence were contained at Appendix 3 in the agenda pack.

Section 182 Licensing Act Guidance was also included in the report attached to the agenda pack.

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.

Mr Craven addressed the hearing and explained his application was based on repeated acts of urination outside his home under the licensing objectives of public nuisance and the protection of children from harm.

Around 12 months ago he was informed that he was not welcome anymore at the pub but that was a separate matter to this application. The evidence pack submitted documented a clear pattern at the same location which was a walking route used by local school children, families and patrons of the pub. He had met with the head teacher at a local primary school to discuss the matter and stated that school governors would be concerned for the safety and wellbeing of pupils. He asked for appropriate steps to stop the incidents happening.

A Member asked what had Mr Craven done with his compiled report as anti-social behaviour and prostitution are police related matters.

Mr Craven stated that he had reported 27 incidents directly to the ASB team and was advised by his housing association that it was a criminal matter if it was repeated by the same individual. He had insufficient evidence about the prostitution element and this was an assumption but stated the incident occurred on the August Bank Holiday and the vehicle was parked for over 3 days.

A Member questioned how he knew people were parking vehicles and then going to the pub as the evidence pack was based on presumption and not certain.

Mr Craven responded by saying vans park around 4.00pm and leave by 7.00pm. The pub only had 3 parking spaces but the Rose and Crown had around 20 parking bays but they were having a camera system installed to help manage parking so customers would enter their registration number at the bar. Mr Craven added that he recognised some people who frequent the pub and one such person who owned a small dog had slept in their van.

The Licensing Unit Manager reminded the meeting that neither Environmental Health nor Greater Manchester Police (GMP) had made any representations in support or objection for the hearing. The Licensing Unit Manager asked if the ASB team had communicated with the police and Mr Craven was not aware of this.

A Member questioned the evidence pack and information about security gates, road markings and clamping would have to be conducted on Council owned property and this was not under the pub's control. Mr Craven explained that Six Town Housing had placed resident parking signs up 10 to 15 years ago.

A Member also queried why a resident produced newsletter had a Council customer services email address included on the publication. Mr Craven apologised for this oversight as he was trying to keep local residents informed.

Mr M. Ireland added that the ASB team work with GMP and you would expect if there had been concerns then a representation would be submitted.

The Licensing Unit Manager asked why there had been no representations submitted by other local residents in relation to the issued highlighted which had also been published in the newsletters. Mr Craven stated many of his neighbours were aged over 50 and some were housebound with mobility issues, so they don't pass the pub and won't participate with licensing. Another neighbour did not want to become involved and would not put anything in writing.

A Member asked about the petition and how long he had lived in the area. Mr Craven said he had collated it and had sent it to the Council. He had lived in the area for over 9 years but had links to the area for many years before that.

A Member enquired why Mr Craven had been barred from the pub. Mr Craven responded questioning if he needed to provide an answer but the Council's legal advisor confirmed that Members would need to decide if the representations were vexatious so required the previous history between himself and the pub. Mr Craven stated it was over a year ago that he was told not to attend and this was after being sat the bar and asking staff to inform other customers to stop swearing. The staff responded by saying he should move to another location in the premises, so he left without paying but was not abusive. He returned the next day to settle his bill and then received a letter saying he was not welcome in the pub.

Mr Ireland addressed the hearing and stated that Daniel Thwaites were very experienced and held very high standards with a good track record. The DPS, Jill Henfrey and husband worked hard and set high standards whilst the pub was a community local with a food offering accounting to around 40% of the business. Customers are from an older demographic and a number of quotes were read out from positive reviews left on the trip advisor website.

Mr Ireland raised concerns about the use of a photograph on a newsletter from Mr Craven which pictured Linda Goodfellow, the area manager for the brewery. This had been taken from a personal social media account without her permission. He also commented on the inappropriate emails sent to the CEO of the brewery and communication with Mr Craven had not been easy or straight forward.

Mr Ireland repeated that parking was a highways matter and not for licensing and in relation to public urination nearby, signs in the pub asked patrons to be respectful of local residents. Conversations had also been held with a regular who could be a previous culprit of such an incident. Customers in pubs are grown ups and must take actions for their own responsibilities, and it was not the liability of the pub to police parking which had no residential parking scheme in operation or marked disabled bays.

The pub had met with the relevant authorities following the review being submitted to discuss if anything else could be done. The pub was well run which was at odds with the review document and the authorities had no causes for concern or grounds to support the review process and spoke in glowing terms of the premises. The review did not have a great deal of substance and limited weight should be given to it. The element of public urination was subjective with still cctv images displaying no time and date or indicating they were patrons of the pub.

Mr Ireland provided clarity on the allegations of prostitution and informed the meeting that a regular customer had slept in their van one night after drinking alcohol but the lady in question was his long-term partner and was a police officer. Whilst not condoning this behaviour, nothing illegal had occurred. They had listened to the causes of concern but the review had resulting in costs, time and stress to many parties involved. He requested that the committee take into account the substance of the review and the relevant legal framework to take no action on all the matters raised. Out of the 27 urination incidents logged by Mr Craven there was no evidence to associate them with the premises.

Mr Craven questioned how many local residents had been spoken to and Mr Ireland reported these had been conducted via the DPS and 4 representations submitted were from local residents. Jill Henfrey added one lived next door to the pub, one lived across in the flats and the other two were in the local area.

Mr Craven dismissed one of the representations as not being credible and asked about signs in the pub stating not to urinate outside. Mr Ireland stated that no such signage would ever be displayed in one of the brewery's pubs as it was not appropriate. Signs about respecting local residents were displayed and some of his emails had not been replied to by different people given a reluctance to engage with him.

A Member asked how long the urination issues had been taking place as the log only started in August 2025. Mr Craven said they started a year or so ago and came to light when he erected cameras to highlight the parking issues. When an England football game took place one night, there were over 13 incidents in one evening.

One representor was in virtual attendance at the meeting and Mr Hutton had nothing further to add in respect of his supporting statement submitted in appendix 2 of the agenda packs.

In summing up, Mr Ireland stated the premises could play their own cctv recordings to deny involvement, but it was not for them to disprove what had been submitted in the review. He referred to the points made earlier in the hearing and that any decision should be reasonable and justified.

Mr Craven, concluded in his summing up that the application was purely focused on not meeting the licensing objectives and there was a repeated pattern of behaviour occurring in an area used by families and children which had been captured on cctv. This impacted upon the local community with some incidents taking place before 8.00pm in the evening on a walking route to local schools. This highlighted a safeguarding issue and proportionate actions should be taken to uphold the licensing objectives of protecting children from harm and prevention of public nuisance.

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 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:

- 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:

- a) the Council's published Statement of Licensing Policy
- b) the Guidance issued by the Secretary of State as contained in section 182 of the Licensing Act 2003.

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 by all parties.

DELEGATED DECISION

The Sub-Committee carefully considered the representations along with the evidence provided and therefore unanimously decided **to take no action**.

The Sub-Committee were satisfied that there was in-sufficient evidence to mean any actions were necessary and appropriate.

All of the information was considered with care and the Sub-Committee were satisfied that there were no causes for concern so far as the promotion of the Licensing Objectives were concerned.

The reasons by the sub-committee and evidence presented had demonstrated the following:-

- The public house was well run
- The application lacked substance, in that :
 - There was no strong causal link between the acts of public urination and the premises
 - Other than a reference made in the review application there was no further evidence presented to the Sub-Committee to suggest there were issues of anti-social behaviour and intoxicated behaviour linked to the premises
 - The parking issues were not a matter for the Licensing Sub-Committee.
 - No representations had been submitted by any relevant authorities
 - No remedies or conditions available would be appropriate to deal with issues of public urination in the local area

The Chair advised of a 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 10.00am and ended at 12.20pm)