

Minutes of: LICENSING HEARING SUB COMMITTEE

Date of Meeting: 18th December 2025, 11.30am

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

Also in attendance: M. Bridge (Licensing Unit)
M. Cunliffe (Democratic Services)
D. Rice (Legal Services)

S. Sabin (On behalf of the applicant)

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 or press were in virtual attendance other than those listed above.

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 THANI WHITEFIELD, 190-194 BURY NEW ROAD, WHITEFIELD, M45 6QF

The Licensing Authority received an application for a Premises Licence to be granted under the Licensing Act 2003 in respect of Thani Whitefield, 190-194 Bury New Road, Whitefield, M45 6QF.

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 Unit Manager presented the report and explained the applicant for the licence is Thani Whitefield Limited, 190-194 Bury New Road, Whitefield, M45 6QF. Ms Suyin Ma, 1 Loughton Avenue, Worsley, Salford M28 1GJ is the proposed Designated Premises Supervisor (DPS).

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

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 Where representations are made and not withdrawn Members are required to determine them.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 operating hours detailed in the report attached in the agenda packs.

Attention was made that the Live Music Act permits Live Music and Recorded Music at a licensed Premises between the hours of 8.00am to 23.00 hours for up to 500 people.

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

One representation has 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.

The Licensing Unit Manager placed on record that the extra documents received after publication of the agenda packs had been circulated to Members of the Committee and this included a noise management plan, statement of case and a further letter from the representor.

Mr Sabin San presented on behalf of the applicant, Ms Yo Yo Chan as she was out of the country, under the business listed as Thani Whitefield Limited.

Mr San reported the statement of case summarised the application and there had only been one objection from a nearby neighbour. This was not a bar or nightclub with alcohol served to customers dining inside the premises. A number of conditions submitted with the application would meet the licensing objectives and requested approval of the application.

A Member enquired about the take away element of the business and Mr San confirmed that the restaurant only allows a certain number of take aways to be conducted. They were not planning on abandoning this element of the business but it was a small part of the operation. The vast majority of custom stayed in the premises and consumed food and drink. Take aways were conducted via professional couriers and any noise generated was kept to a minimum. Delivery drivers or customers would merely enter the premises, collect their order and then walk out.

Members asked about the current operation hours and Mr San stated the last order time for food and drink was 10.15pm at present which was 45 minutes before closure time. The 45-minute window would remain in place before the new proposed closing times.

The Licensing Unit Manager questioned the application requesting alcohol be sold on and off the premises and Mr San confirmed that alcohol would only be sold and consumed on the premises.

The Council's Legal Advisor enquired if the 45-minute period before closing would apply to take aways and delivery drivers and Mr San stated yes. He also asked about potential disturbance for neighbours and Mr San explained that from experience the trade dies down towards the end of the evening and there is no spike in take away orders.

The Licensing Unit Manager referred to the 14 conditions supplied by the applicant but on the statement of case document, under Prevention of Public Nuisance, it stated that Doors/windows will be closed during entertainment and referred to Condition 8. Condition 8 submitted on the application did not contain this information and there was confusion with the numbering. Mr San apologised that Ms Chan had made an error with number referencing and all the prevention measures were detailed in appendix one of the report.

The Licensing Unit Manager suggested it may be fair and appropriate for the conditions to be more accountable with minor amends such as the Premises Licence Holder maintaining the CCTV systems for example.

A Member asked about car parking along with a smoking area and it was reported that there was car parking at the rear of the location and a smoking area behind the property.

The Licensing Unit Manager reminded Members of the Committee that there was a review process available should there be any representations submitted from responsible authorities after approval if the promotion of the licensing objectives were not being met.

Mr San summed up by explaining the business run on the existing licence had not attracted any problems or complaints. They wished to expand their operational hours and would be subject to future scrutiny and the applicant would be available to answer any questions.

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.

Whilst there could be potential impact on neighbours in a residential area the compromise to allow the amended extension in time would limit any impact.

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

- **The last sales of food and drink off the premises would be 45 minutes before closing time on that particular day of operational hours.**

Opening Times:

Sunday to Thursday 11.00am to 23.00pm
Friday and Saturday 11.00am to 12.00pm (Midnight)
New Years Eve 11.00am to 01.30am

Supply of Alcohol (on and off the premises):

Sunday to Thursday 11.00am to 23.00pm
Friday and Saturday 11.00am to 12.00pm (Midnight)
New Years Eve 11.00am to 01.30am

Late Night Refreshment

Sunday to Thursday 11.00am to 23.00pm
Friday and Saturday 11.00am to 12.00pm (Midnight)
New Years Eve 11.00am to 01.30am

Playing of Recorded Music (Indoors)

Sunday to Thursday 11.00am to 23.00pm
Friday and Saturday 11.00am to 12.00pm (Midnight)
New Years Eve 11.00am to 01.30am

Performance of Live Music (Indoors)

Sunday to Thursday 11.00am to 23.00pm
Friday and Saturday 11.00am to 12.00pm (Midnight)
New Years Eve 11.00am to 01.30am

The Live Music Act permits Live Music and Recorded Music at a licensed Premises between the hours of 8.00am to 23.00 hours.

Operating Schedule

General

The premises licence holder must ensure that:

- 1. The premises are operated responsibly and in full compliance with the Licensing Act 2003;*
- 2. All staff are trained to uphold the four licensing objectives;*
- 3. A high-quality CCTV system is maintained covering all key areas, with recordings retained for at least 30 days;*
- 4. A Challenge 25 policy is put in place for all alcohol sales to prevent underage drinking;*
- 5. The premises are kept clean, well lit, and safely managed with clear escape routes and regular fire safety checks;*
- 6. Noise levels are controlled by keeping doors and windows closed during evening hours, as well as by reminding customers to leave quietly;*
- 7. Clear notices are displayed regarding age restrictions, noise control, and responsible behaviour; and*
- 8. There is a close working relationship with local authorities and neighbours to prevent nuisance or disturbance.*

The prevention of crime and disorder

The premises licence holder must ensure that:

- 9. A CCTV system covering internal and entrance areas, recordings kept 30 days and the Challenge 25 policy is in operation.*

Public safety

The premises licence holder must ensure that:

- 10. Fire extinguishers and emergency lighting is maintained regularly; and*
- 11. Clear evacuation routes are marked and staff are trained in fire procedures.*

The prevention of public nuisance

The premises licence holder must ensure that:

- 12. Doors and windows closed when music is playing.; and*
- 13. Customers are encouraged to leave the premises quietly.*

The protection of children from harm

The premises licence holder must ensure that:

- 14. no alcohol service to persons under 18 and signage to this effect is displayed; and.*

15. children are accompanied by adults whilst on the premises.

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 12.45pm)