

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.

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 Where representations are made and not withdrawn Members are required to determine them.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