

AGENDA FOR

LICENSING HEARING PANEL

Contact:: Nicole Tilly, Democratic Services, Town Hall
Direct Line: 0161 253 5398
E-mail: n.l.tilly@bury.gov.uk
Web Site: www.bury.gov.uk

To: All Members of Licensing Hearing Panel

Councillors: D Jones, G Keeley and S Wright

Dear Member/Colleague

Licensing Hearing Panel

You are invited to attend a meeting of the Licensing Hearing Panel which will be held as follows:-

Date:	Friday, 19 October 2018
Place:	Irwell Room, Town Hall, Knowsley Street, Bury
Time:	1.00 pm
Briefing Facilities:	If Opposition Members and Co-opted Members require briefing on any particular item on the Agenda, the appropriate Director/Senior Officer originating the related report should be contacted.
Notes:	

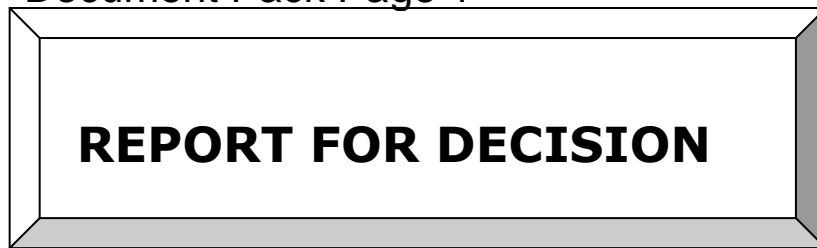
AGENDA

1 DECLARATIONS OF INTEREST

Members of the Licensing Hearings Panel are asked to consider whether they have an interest in any of the matters on the Agenda and if so, to formally declare that interest.

2 APPLICATION FOR A TRANSFER OF A PREMISES LICENCE TO BE GRANTED UNDER THE LICENSING ACT 2003, IN RESPECT OF KILLON STREET OFF LICENCE, 26 PRICE STREET, BURY, BL9 9EB *(Pages 1 - 60)*

A report by the Assistant Director (Legal and Democratic Services) is attached.



DECISION OF:	LICENSING HEARINGS PANEL
DATE:	19th OCTOBER 2018
SUBJECT:	APPLICATION FOR A TRANSFER OF A PREMISES LICENCE TO BE GRANTED UNDER THE LICENSING ACT 2003 IN RESPECT OF KILLON STREET OFF LICENCE, 26 PRICE STREET, BURY, BL9 9EB
REPORT FROM:	ASSISTANT DIRECTOR (LEGAL AND DEMOCRATIC SERVICES)
CONTACT OFFICER:	MR M BRIDGE
TYPE OF DECISION:	COUNCIL
FREEDOM OF INFORMATION/STATUS:	This paper is within the public domain
SUMMARY:	This report relates to an application for the transfer of a Premises Licence under section 42 of the Licensing Act 2003 in respect of Killon Street Off Licence, 26 Price Street, Bury, BL9 9EB
OPTIONS & RECOMMENDED OPTION	<ul style="list-style-type: none"> To reject the application if it considers it is necessary for the promotion of the crime prevention objective to do so; or To grant the licence.
IMPLICATIONS:	
Corporate Aims/Policy Framework:	Do the proposals accord with the Policy Framework? Yes No
Statement by the S151 Officer: Financial Implications and Risk Considerations:	There are no specific issues from the report other than potential costs/risks associated with legal appeals.
Statement by Executive Director of Resources:	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.
Equality/Diversity implications:	Yes No

	(see paragraph below)
Considered by Monitoring Officer:	Yes Under the legislation the Council is required to determine representations. The report is in accordance with the appropriate legislation.
Wards Affected:	REDVALES
Scrutiny Interest:	Overview and Scrutiny Panel

TRACKING/PROCESS

DIRECTOR:

Chief Executive/ Strategic Leadership Team	Executive Member/Chair	Ward Members	Partners
Scrutiny Committee	Committee	Council	

1.0 INTRODUCTION

- 1.1 The Licensing Act 2003 and the Licensing Act 2003 (Hearings) Regulations is 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 BACKGROUND

- 2.1 These premises licence is currently held by Mr Raja Navved Aijaz, 29 Cardigan Drive, Bury, BL9 9LG. Mr Aijaz is also the Designated Premises Supervisor.
- 2.2 On the 20th July 2018, the licensing office received an application to transfer the premises licence with immediate effect into the applicant's name of Mr Khiyam Alam, 214 Parkhills Road, Bury, BL9 9AL. Mr Aijaz will remain as the Designated Premises Supervisor.
- 2.3 The applicant has complied with all the necessary procedural requirements laid down by the Act.
- 2.4 As part of the statutory process the Chief Officer of Police is entitled to make a representation by way of a notice under section 42(6) of the Licensing Act 2003 in relation to the transfer of a premises licence where he is satisfied that the exceptional circumstances of the case are such that granting the application would undermine the crime prevention objective.
- 2.5 Where such a representation is made and not withdrawn, members are required to determine whether the transfer application should be granted or not.

3.0 REPRESENTATIONS FROM GREATER MANCHESTER POLICE

3.1 A notice under section 42(6) of the Licensing Act 2003 was lodged by Greater Manchester Police on 31st July 2018 allowing them to make representations.

3.2 The Police will shortly expand upon the reason(s) for their representation in relation to this application which they request the Panel to refuse.

4.0 OBSERVATIONS

4.1 After hearing the representation made and the evidence presented, members are obliged to determine the application with a view to determining if there are exceptional circumstances that would mean granting the transfer application would undermine the crime prevention objective, having regard to the Authority's Licensing Policy and National Guidance.

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 issued by the Secretary of State.

List of Background Papers:-

Application form
Representation received

For further information on the details of this report, please contact:

Mr M Bridge
Licensing Office
3 Knowsley Place
Duke Street
BURY
Telephone No: 0161 253 5209

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58373 CSB600124989
REC 2017
OJ 218

Application to transfer premises licence to be granted under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

548386
9404713

I/we KHAYAM ALAM
(Insert name of applicant)

apply to transfer the premises licence described below under section 42 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number

PL0475

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description	
26 PRICE STREET, BURY, BL9	
Post town	Post code
	OL9 9ET
Telephone number at premises (if any)	0161 637 9399 (JHCP NUMBER)

Please give a brief description of the premises (see note 1)

OFFICE LICENSE

Name of current premises licence holder

RAJA NAVEED ARJAZ

Part 2 - Applicant details

In what capacity are you applying for the premises licence to be transferred to you?

- Please tick yes
- a) an individual or individuals* please complete section (A)
 - b) a person other than an individual *
 - i. as a limited company please complete section (B)
 - ii. as a partnership please complete section (B)
 - iii. as an unincorporated association or please complete section (B)

- iv. other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) an individual who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in respect of an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

*If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
 - statutory function or
 - a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname

ALAM

First names

KHAYAN

Date of birth

Nationality

Current residential address if different from premises

16/05/88
214 MARKULL RD. MURY
BL9 9AL

I am 18 years old or over

Please tick yes

address

Post town

SL9 2BU

Post code

SL9 9AL

Daytime contact telephone number

07448153286

E-mail address
(optional)

ruzzagtosee@gmail.com

SECOND INDIVIDUAL APPLICANT (fill in as applicable)

Mr Mrs Miss Ms

Other title
(for example, Rev)

Surname

First names

Date of birth

I am 18 years old or over

Please tick yes

Nationality

Current residential address if different from premises address

Post town

Post code

Daytime contact telephone number

E-mail address
(optional)

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name
Address
Registered number (where applicable)
Description of applicant (for example partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

Part 3

Please tick yes

Are you the holder of the premises licence under an interim authority notice?

Do you wish the transfer to have immediate effect?

If not when would you like the transfer to take effect?

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

Please tick yes

I have enclosed the consent form signed by the existing premises licence holder

If you have not enclosed the consent form referred to above please give the reasons why not. What steps have you taken to try and obtain the consent?

Please tick yes

If this application is granted I would be in a position to use the premises during the application period for the licensable activity or activities authorised by the licence (see section 43 of the Licensing Act 2003)



Please tick yes

I have enclosed the premises licence



If you have not enclosed premises licence referred to above please give the reasons why not.

- I have made or enclosed payment of the fee
- I have enclosed the consent form signed by the existing premises licence holder or my statement as to why it is not enclosed
- I have enclosed the premises licence or relevant part of it or explanation
- I have sent a copy of this application to the chief officer of police today
- I have sent a copy of this form to Home Office Immigration Enforcement today


IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971] FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND, PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 2)

Part 4 – Signatures (please read guidance note 3)

Signature of applicant or applicant’s solicitor or other duly authorised agent (See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature 

Date 20/7/18

Capacity MANAGER

For joint applicants signature of second applicant, second applicant’s solicitor or other authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature

Date

Capacity

<p>Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)</p> 	
Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you by e-mail your e-mail address (optional)	

Notes for Guidance

1. Describe the premises. For example the type of premises it is, its general situation and layout and any other information which would be relevant to the licensing objectives.
2. **Right to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:**

A licence may not be held by an individual or an individual in a partnership which is not a limited liability partnership who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the

carrying on of a licensable activity.

Any premises licence issued on or after 6 April 2017 will lapse if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have the right to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensing activity. They do this by providing with this application copies or scanned copies of the following documents (which do not need to be certified).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport apply].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **full** birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, **together with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in**

- combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
 - A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to do the work in question.
 - A **current** Residence Card issued by the Home Office to a person who is not a national of an EEA state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
 - A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
 - A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, to a person who is not a national of an EEA state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
 - Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
 - Reasonable evidence that a person who is not a national of an EEA state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the EEA family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the EEA national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
 - (iv) self-sufficient e.g. bank statements.

Family members of EEA nationals who are studying or financially independent must also provide evidence that the EEA national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

Original documents must not be sent to licensing authorities. If the document copied is a passport, a copy of the following pages should be provided:-

- (i). any page containing the holder's personal details including nationality;

- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance

3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
6. This is the address which we shall use to correspond with you about this application.

Privacy Policy

Please visit www.bury.gov.uk/privacy to read our recently updated Privacy Policy which explains how Bury Council uses and shares your personal data to give you the best possible experience across our services.

Consent of premises licence holder to transfer

I/we RAJA NAVEED AIJAR
[full name of premises licence holder(s)]

the premises licence holder of premises licence number PL0475
[insert premises licence number]

relating to

KILLON ST. OFF-LICENCE / 26 PRICE ST. BURY BL9 9EB
[name and address of premises to which the application relates]

hereby give my consent for the transfer of premises licence number

PL0475
[insert premises licence number]

to

KHIYAM ALAM
[full name of transferee].

signed [Signature]

name (please print) RAJA NAVEED AIJAR

dated 20/07/2018



BURY COUNCIL

Licensing Unit
3 Knowsley Place
Duke Street
Bury
BL9 0EJ

Telephone 0161 253 5208

18/08/2015

Licensing Act 2003
Premises Licence



PL0475

Part 1 - Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Killon Street Off Licence
26 Price Street, Bury, Lancashire, BL9 7EB.

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- the sale by retail of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
M. The sale by retail of alcohol for consumption OFF the premises only	Monday - Sunday	8:00am	11:00pm
	Christmas Day	Noon	3:00pm
	Christmas Day	7:00pm	10:30pm
	Good Friday	8:00am	10:30pm

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday - Saturday	7:00am	11:00pm
Sunday	8:00am	11:00pm

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND/OR OFF SUPPLIES

- M. The sale by retail of alcohol for consumption OFF the premises only

Part 2

NAME (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

Raja Naveed Aijaz
haider_ah02@hotmail.com

29 Cardigan Drive, Bury, Lancashire, BL9 9LG.
Telephone 0161 879 4799

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)



BURY COUNCIL

Licensing Unit
3 Knowsley Place
Duke Street
Bury
BL9 0EJ

Telephone 0161 253 5208

18/08/2015

Licensing Act 2003

Premises Licence

PL0475

NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORIZES THE SUPPLY OF ALCOHOL

Raja Naveed AIJAZ

29 Cardigan Drive, Bury, Lancashire, BL9 9LG.
Telephone 0161 879 4799

PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORIZES FOR THE SUPPLY OF ALCOHOL

Licence No. BUR1432

Issued by Bury



BURY COUNCIL

Licensing Unit
3 Knowsley Place
Duke Street
Bury
BL9 0EJ

Telephone 0161 253 5208

18/08/2015

Licensing Act 2003
Premises Licence

PL0475

ANNEXES

LICENSING ACT 2003

CONDITIONS ATTACHED TO THE GRANT OF THIS LICENCE

This licence is granted subject to any **Mandatory Conditions** imposed by the Licensing Act 2003, and conditions volunteered on the application form to be undertaken by the applicant and where necessary, conditions imposed by the Licensing Authority in order to promote the Licensing Objectives.

Mandatory Conditions:

- a No supply of alcohol may be made under the Premises Licence at a time when there is no Designated Premises Supervisor (DPS) in respect of the Premises Licence OR at a time when the Designated Premises Supervisor does not hold a Personal Licence or his/her Personal Licence has been suspended.
- b Every supply of alcohol under the Premises Licence must be made or authorized by a person who holds a Personal Licence.

Mandatory Conditions pursuant to The Licensing Act 2003
Mandatory Licensing Conditions (Amendment) Order 2014

- 3. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.

Definition:

Responsible person - as defined by section 153 (4) Licensing Act 2003 -

- (a) *In relation to a licensed premises -*
 - (i) *the holder of a premises licence in relation to a premises*



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18/08/2015

Licensing Act 2003

Premises Licence

PL0475

- (ii) *the designated premises supervisor (if any) under such a licence*
- (iii) *any individual aged 18 or over who is authorised for the purposes of this section by such a holder or supervisor.*

- (b) *In relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables him to prevent the supply in question.*

The Licensing Act 2003 (Mandatory Conditions) Order 2014

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1-

- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979
- (b) "permitted price" is the price found by applying the formula-

$$P = D + (D \times V)$$

where-

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence-
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.



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18/08/2015

Licensing Act 2003
Premises Licence

PL0475

ANNEXES continued...

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Appendix A

Additional Conditions as consistent with the Operating Schedule

1. CCTV to continue to be installed and tapes to be retained for a period of 28 days for viewing by the authorities, including the police.
2. Proof of identity/age should be required and satisfied before allowing entry of person(s) who appear may be under 18 years of age and who wish to purchase/consume alcohol.

A handwritten signature in black ink, appearing to read "M. Bridge".

Signature of Authorised Officer



BURY COUNCIL

Licensing Unit
 3 Knowsley Place
 Duke Street
 Bury
 BL9 0EJ

Telephone 0161 253 5208

18/08/2015

Licensing Act 2003
Premises Licence Summary **PL0475**

Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Killon Street Off Licence
 26 Price Street, Bury, Lancashire, BL9 7EB.

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORIZED BY THE LICENCE

- the sale by retail of alcohol

THE TIMES THE LICENCE AUTHORIZES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
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THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
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Sunday	8:00am	11:00pm

WHERE THE LICENCE AUTHORIZES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- M. The sale by retail of alcohol for consumption OFF the premises only

NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

Raja Naveed Aljaz 29 Cardigan Drive, Bury, Lancashire, BL9 9LG.

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORIZES THE SUPPLY OF ALCOHOL

Raja Naveed AIJAZ



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Licensing Act 2003

Premises Licence Summary

PL0475

STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED

Proof of identity/age should be required and satisfied before allowing entry of person(s) who appear may be under 18 years of age and who wish to purchase/consume alcohol.

A handwritten signature in black ink, appearing to read "M. Bridge".

Signature of Authorised Officer



The Licensing Unit Manager.
Bury Council.
3 Knowsley Place
Knowsley Street,
Bury.
BL9 0EJ.

NOTICE OF OBJECTION TO AN APPLICATION TO TRANSFER PREMISES LICENCE

Section 42(7) Licensing Act 2003.

Dear Sir,

This Objection Notice is given to the Licensing Authority on behalf of the Chief Constable of Greater Manchester Police (GMP) in relation to the following application to transfer the premises licence.

Notice giver:- Mr Khiyam ALAM

Premises :- 26 Price Street, Bury, Greater Manchester BL9 9EB

The Chief Constable is satisfied that allowing that transferring the licence to the applicant would undermine the crime and disorder objective for the following reasons:

Crime & Disorder

On 19th July 2018 I attended the above premises as part of a Multi-Agency Day of Action in a joint operation run by Greater Manchester Police(GMP) and Bury Council Trading Standards.

The Premises Licence Holder(PLH) and Designated Premises Supervisor(DPS) Mr Raja Naveed AIJAZ was not present and one male was stood behind the counter at the till point. He identified himself as Mr Ali Umair aged 18 years, an Italian passport holder, who was residing in the UK to study at Bury College. He stated that the owner is "Alam Khiyam". Mr Umair added that he himself did not actually work there and was helping his uncle out who he confirmed as Mr Arshad MAHMOOD. Mr Umair was unable to make contact with the owner however made contact with Mr MAHMOOD who declined to speak to myself. Mail found behind the counter was addressed to a number of different individuals including the PLH who Mr Umair advised did not work there anymore.

During the visit Kelly Halligan from Trading Standards accessed the rear of the shop counter and discovered a quantity of illicit tobacco which was seized for testing and confirmed as being counterfeit. Also discovered was a half consumed bottle of vodka and a large quantity of small snap bags commonly associated with drug supply. Although GMP acknowledges it is not an offence to own or sell these, I would question whether the premise is promoting the crime and disorderly licensing objective by having these and in such quantity.

On 20th July an application to transfer the premises was received into this office from Mr ALAM. I understand that the applicant attended Bury Council Licensing Office in company



with Mr AIJAZ, the former PLH, who intends to remain as DPS. Details of this visit are detailed in the evidence provided by Kelly Halligan.

According to Companies House two companies are registered to the premises. Killon St Convenience Ltd which was incorporated on 7th November 2017, and the sole director shown as Nazima NAVEED. Killon St Superstore Ltd was incorporated on 12th April 2018 and shows Amreen ALAM as sole director. It is believed that the latter is a relative of the applicant, and would indicate that Mr ALAM has been involved in the business since April this year.

In relation to the applicant's conviction history I can confirm that Mr ALAM was arrested on 3rd August 2017 for driving whilst over the prescribed alcohol limit. The circumstances are that he was seen driving his motor vehicle erratically along Bury New Road, Whitefield, and when stopped a can of alcohol was found in the foot well. He subsequently provided a sample of breath measuring 46ug; the legal limit being 35ug. Mr ALAM was bailed to appear at Manchester Magistrates Court on the 17th August 2017, however failed to appear and a warrant was issued for his arrest. He was further arrested on 21st August and taken to court where he received a 14 month driving disqualification and associated costs.

These are exceptional circumstances and it is conclusion of the Chief Constable that Mr ALAM will not be an appropriate person to hold a premises licence certificate. The applicant has already demonstrated that he is unlikely to support the Crime and Disorder Licensing Objective by his recent alcohol related conviction and failure to surrender to justice. It is our belief that he has been involved in the business for some time and either he or Mr AIJAZ must still account for the illicit tobacco found on the premises. I would suggest that a poor management structure already demonstrated, and highlighted in the evidence provided, would also undermine the Licensing Objectives.

Yours faithfully

A handwritten signature in black ink, appearing to be "John Caulfield".

Pc 14501 John Caulfield
Licensing Officer.
Bury Police Station

SW/WS1



STATEMENT OF WITNESS
C.J.A. Statement

(Criminal Procedure Rules, r 27.1(1); Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s. 5B)

STATEMENT OF: Kelly Halligan

Age of Witness Over 18

(True age to be shown where witness is a juvenile or person involved in serious crime enquiry, otherwise "over 18" will suffice)

Occupation of Witness Senior Trading Standards Officer

This statement, consisting ofpages each signed by me, is true to the best of my knowledge and belief, and I make it knowing that if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the 30th Julyday of..... JULY20..18

Signed..... Khaligan.....

I am employed by Bury Metropolitan Borough Council, in the Department of Resources and Regulations, in the Trading Standards Section, as a Senior Trading Standards Officer and as such I am authorised for the purpose of the Trade Marks Act 1994 and the Tobacco and Related Products Regulations 2016. On the 19th July 2018 I was part of a multi-agency visit to the off licence known as Killon Street Off Licence, at 26 Price Street, Bury, BL99EB. Other officers present were from Bury Councils Environmental Health and Housing Departments, Greater Manchester Police, Greater Manchester Fire Service, Immigration and North West Electricity. We visited the premises as we had recently received a complaint that the premises was selling illicit cigarettes from under the counter. On arrival at the premises there was one person behind the counter who gave his name as Ali Umair. He stated he was working at the shop, but didn't work there regularly and knew very little about what went on, he also claimed he did not receive any payment. I went around the counter to

Signed..... K Halligan.....

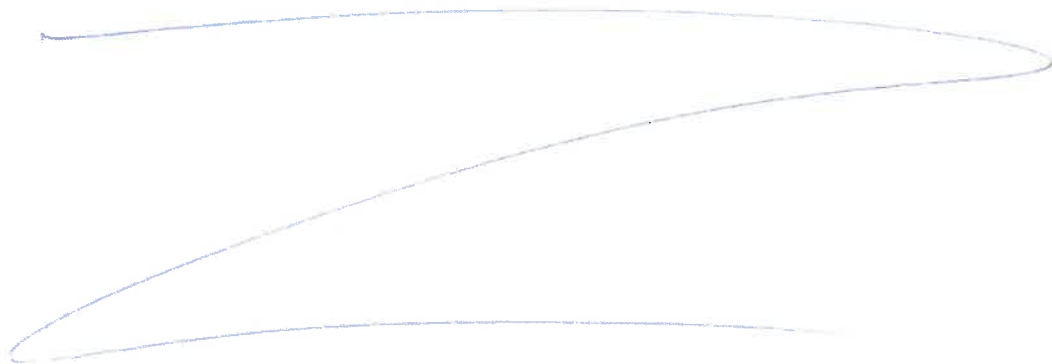
SW/WS1

have a look at the tobacco and vodka on display. I found under the counter, 19x20 super kings cigarettes (old packaging), some empty amber leaf packaging, 5 x 20 Marlboro gold (foreign labelling), 3 x 20 Richmond (old packaging), 5 x 20 pall mall (foreign labelling) and 4 x 50 amber leaf (foreign labelling). There was also an open packed of Richmond containing 10 cigarettes and an open packet of Pall Mall with 15 in. Stood up on the floor below the shelf containing the cigarettes was a half full bottle of vodka, I produce a photograph of the vodka as exhibit KH/KS/1, signed and dated by me. I seized the cigarettes and tobacco found, I produce a copy of the receipt as exhibit KH/KS/2 and a copy of the powers notice as exhibit KH/KS/3, both signed and dated by me. I asked Mr Umair about who owned the shop, but he just said his dad was a friend of Arshad Mahmood and that's how he come to be in the shop. When asked about Naveed Aijaz, he said he sold the shop about 9 months ago, he thought the new boss was Khiyam Alam. He tried to ring various people to assist but he couldn't get any response. On Monday 23rd July I had in my inbox an email from Michael Bridge the Licensing Unit Manager, as Mr Aijaz and Mr Alam, had attended the office the previous Friday. I produce this email as exhibit KH/KS/4, signed and dated by me. On the 23rd of July I sent samples of the Richmond and Superking Cigarettes to the trade mark holder for examination. I re-visited the premises on the 23rd July with Laura Jones, deputy licensing officer. There was a strong smell of cannabis in the shop when we entered. There was one male behind the counter who gave his name as Shiraz Khan. I took a picture of the authorisation to sell alcohol that was on the wall, I produce this as exhibit KH/KS/5, signed and dated by me. I had on the multi - agency visit checked the alcohol display and had not seen this sign previously.

Signed.....*Khalid*.....

SW/WS1

Whilst we were in the shop Laura Jones spoke to Mr Aijaz, and we left him a list of things to address including the pricing. On the 26th July I received a witness statement from Paul Green of Imperial Tobacco, confirming the samples sent were counterfeit. Also on the 26th July we re-visited the shop again, this time Michelle Street from the Housing Department accompanied us. Again Mr Khan was in the shop, he told us Mr Aijaz was at the cash and carry, and Mr Alam was on his way. Whilst waiting for Mr Alam, we checked the fridges, and found a packet of bacon 20 days beyond its use by date, 2 packets of meat in date, but the packaging was blown, various cheese beyond its best before date and a packed of cheese in date, but mouldy inside the packaging, there was also 2 boxes of eggs beyond their best before date on a separate shelf. I produce pictures of some of these items as exhibit KH/KS/6 signed and dated by me. On looking round there was other items beyond date, peanut butter, and chocolates, Mr Alam was told all products in the shop need checking. Mr Alam said that Mr Aijaz had been managing the shop since February as he didn't have the finances to complete the purchase. However neither of them had been there full time and only spot checks had been done. *K Halligan*



Signed.....*K Halligan*.....

BURY COUNCIL

I identify the exhibit described below as that referred to in the statement made and signed by me.

Signed *K. Kilian* Date *20/7/18*

Exhibit No: *KH/155/1*

in the case of *Kilian, S.T. off license*

Description of Exhibit: *photos of*

half full vodka bottle

Identifying Mark.....

Officer taking possession of item

.....

Signature Date

.....

I certify that I have seen the exhibit

Signed..... Date.....

Signed..... Date.....

Signed..... Date.....



BURY COUNCIL

I identify the exhibit described below as that referred to in the statement made and signed by me.

Signed *K. M. ...* Date *20/2/18*

Exhibit No. *KH/15/1a*

in the case of *Killing St. off. license*

Description of Exhibit *copy of*

receipt No 0304

Identifying Mark.....

Officer taking possession of item

.....

Signature Date

.....

I certify that I have seen the exhibit

Signed..... Date.....

Signed..... Date.....

Signed..... Date.....

BURY COUNCIL

Department of Communities & Neighbourhoods
Trading Standards
3 Knowsley Place
Duke Street
Bury
BL9 0EJ

0304

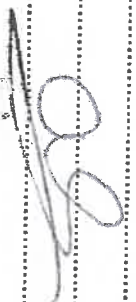
Tel: 0161 253 5353
Email: tradingstandards@bury.gov.uk

Name Killon St Off licence Date 19/7/18 Time 14.35
Address 26 Price St

Trade Marks Act 1994 / CPRs

19 x 20 Super Kings
Amber leaf packages
5 x 20 Marlboro Gold
3 x 20 Richmond (+ 10 per packet 10 in)
5 x 20 Pall Mall (+ 10 per packet 15 in)
4 x 50g Amber leaf
10g NGK K900060

K Hallinan
Trading Standards Officer/Enforcement Officer



BURY COUNCIL

I identify the exhibit described below as that referred to in the statement made and signed by me.

Signed: *K. Wallage* Date: *30/7/18*

Exhibit No: *KY1613*

in the case of: *Killon St off license*

Description of Exhibit: *copy of*

papers notice

Identifying Mark

Officer taking possession of item

Signature

Date

I certify that I have seen the exhibit

Signed Date

Signed Date

Signed Date

144



Trading Standards

0161 253 5353

tradingstandards@bury.gov.uk

Notice of powers and rights to occupier

To Killon St Off licence EA ref

Address 26 Price St, Bury

Date 19/7/18 Time in 14:35 Time out 15:30

Officer(s) Khalilgan, L Jones, EN, GMP, F.S. NW Elected

Person seen Ali Umar Position* Assistant

* if you are an employee you should pass this notice to the business owner(s) or the relevant manager or company director etc.

Code of Practice – Powers of Entry (Section 48 (1)(a) of the Protection of Freedoms Act 2012) Police and Criminal Evidence Act 1984 (PACE) Code B

Visit conducted Without warrant Under warrant

This notice is issued in accordance with paragraph 7.1 of the above Code, or PACE Code B (if you are suspected of committing an offence and/or entry is under warrant).

It informs you about your rights when an authorised officer who has powers of entry wishes to exercise those powers. It also explains officers' associated powers and any compensation or complaints procedures.

Reason for visit Routine inspection Enquiry / complaint investigation Campaign / project Revisit

Officers powers

Authorised officers have a legal right to enter and inspect business premises when they are open for business or at any reasonable time. They may visit by appointment if appropriate but often will not, as to do so may defeat the purpose of the inspection or not be practicable. You should ask to see an officer's official credentials or identification before allowing them to proceed. It is good practice to do so as criminals do sometimes pose as bogus officials.

Powers do vary depending on the legislation but in most cases officers will have powers to;

- enter and inspect all parts of the premises
- observe the operation of the business
- interview staff during the inspection
- seize and retain any food, goods, computers or documents that may be required as evidence
- break open containers or vending machines
- make test purchases, take samples and photographs
- inspect and test any goods, equipment or installations
- seize items that are liable to forfeiture
- require the production and take copies of recordings (including computer records), documents and video recordings associated with the business
- access electronic devices to obtain or access information

Where entry is under a warrant any type of premises may be entered - with reasonable force if necessary.

Powers exercised are contained in statutory instruments enforced by this Service including those listed below ()

Consumer Rights Act 2015 <input checked="" type="checkbox"/>	General Product Safety Regulations 2005 <input type="checkbox"/>	Prices Act 1974 <input type="checkbox"/>
Consumer Protection from Unfair Trading Regulations 2008 <input checked="" type="checkbox"/>	Trade Descriptions Act 1968 <input type="checkbox"/>	Weights and Measures Act 1985 <input type="checkbox"/>
Business Protection from Misleading Marketing Regulations 2008 <input type="checkbox"/>	Copyright Designs and Patents Act 1988 <input type="checkbox"/>	Consumer Protection Act 1987 <input checked="" type="checkbox"/>
Hallmarking Act 1973 <input type="checkbox"/>	Trade Marks Act 1994 <input checked="" type="checkbox"/>	Food Safety Act 1990 <input checked="" type="checkbox"/>
Tobacco Advertising and Promotion Act 2002 <input type="checkbox"/>	Licensing Act 2003 <input checked="" type="checkbox"/>	Other <input type="checkbox"/> (insert detail)

Product specific safety regulations (insert detail)

Obstruction of officers or failure to provide assistance

It may be an offence to obstruct, fail to comply with a requirement imposed, or fail to give any assistance or information reasonably required by the officer, or to give false or misleading information (this includes providing access to locked or secure areas). On conviction the offence is punishable by fine and/or imprisonment.

Consent of landowner or occupier (paragraph 8.1 of the Code*) or PACE Code B ()

Consent obtained Consent not requested Consent requested but not obtained

This section is to confirm that the occupier has been notified about the purpose of the visit and, for exercising powers of entry and associated powers, what these powers are and how they will be used.

*Reasonable effort should also be made to obtain the consent of the landowner or occupier, unless obtaining consent would frustrate the purpose of the visit, for example by causing undue delay. Further information overleaf.

Declaration of landowner or occupier ()

I confirm receipt of this notice. I understand that I am not obliged to consent and may withdraw consent at any time. I understand if I refuse or withdraw consent officers can still exercise lawful authority to enter and exercise powers. I also understand the consequences or penalty for obstructing officers when exercising their powers.

I hereby consent to officers entering the premises for the stated purposes - Yes No Not requested

Name of person signing Ali Umar Signature [Signature]

BURY COUNCIL

I identify the exhibit described below as that referred to in the statement made and signed by me.

Signed: *K. Halligan* Date: *30/7/18*

Exhibit No.: *K.M.I.K.S.I.4*

in the case of *Killian St. Off. Licence*

Description of Exhibit: *Engraving from*

M. Budge dated 2017/18

Identifying Mark:

Officer taking possession of item

.....

Signature

Date

.....

I certify that I have seen the exhibit

Signed: Date:

Signed: Date:

Signed: Date:

Jones, Laura J (Licensing)

From: Bridge, Michael
Sent: 20 July 2018 15:11
To: Jones, Laura J (Licensing); Halligan, Kelly J
Cc: Stansfield, David
Subject: Killon Street

Importance: High

Laura/ Kelly,

I have just been requested to attend the licensing reception in respect of the above premises, both Mr Raja Naveed Aijaz and Mr Khiyam Alam were present. They as directed by yourselves trying to transfer the premises licence to Mr Alam. Dave and I went into the interview room to discuss the issue.

They informed me that Arshad Mahmood is Mr Aijaz's employee. However he is out of the country at the moment.

Ali Umair knows Mr Mahmood very well but Mr Aijaz and Mr Alam did not appear to know his name.

Mr Aijaz admitted that he had not been at the premises since 4th February 2018 as this was when Mr Alam took over the business. I asked if money had changed hands for the business to which they both replied that it hadn't but Mr Alam had paid for the photocopier. I advised that did not mean he had bought the business as a going concern. No legal matters have been addressed.

Mr Aijaz told me that he has access to the CCTV at the shop on his mobile phone. I was informed that the electrics have been sorted out by MAR Electrical today 20/7/18.

The landlord of the building is a lady called Rukshana Kauser on 07908156112. I was also shown a Valuation that had been done by a David A Abraham for the business £14,057.

Mr Aijaz said that he a given written authorisation for Mr Mahmood but not Mr Ali Umair. And this was on display on the expensive wine rack display.

I explained to both individuals the seriousness of this issue and reminded Mr Aijaz of his responsibilities as both a PLH and DPS. I also indicated this subject to the outcome of your investigation it may have implications on Mr Aijaz's taxi badge.

No application was made to transfer at the time as they did not have copies of the application form for the police, so were advised by Dave that they would have to return by 4.00pm. Came back in

I agreed subject to above that the shop could open but may get checked by GMP and that Mr Aijaz would have to ensure that written authorisation would have to be done for Mr Alam to sell alcohol in his absence. Mr Alam said that he will be there over the weekend.

Mr Alam is going to contact me or Laura on Monday with the date of his personal licence course and confirmation of it. He has been given an application pack for a personal licence as he lives in Bury.

BURY COUNCIL

I identify the exhibit described below as that referred to in the statement made and signed by me.

Signed *Khalifa* Date *30/7/18*.....

Exhibit No: *KN/KS/5*.....

in the case of *Killon St off licence*.....

Description of Exhibit *Photo of*.....

Authorisation letter.....

Identifying Mark.....

Officer taking possession of item

.....

Signature Date

.....

I certify that I have seen the exhibit

Signed..... Date.....

Signed..... Date.....

Signed..... Date.....

ATMOSPHERION

SECRET

01/02/18

I found

DOs RAY NAYED ATYPICAL ANSWERS

LEARNING THE COST TO YOU & TAKE

RESPONSIBILITY OF THE PREMISES

1 Normal Partnership (~~PROPERTY~~)

2 Partnership

3 UNDOE MARRIED (ASSISTANT MANAGERS)

4 SHERIDAN MARY (MANAGER)

5 MARYAN ALLI GUM ALL

6

7

BURY COUNCIL

I identify the exhibit described below as that referred to in the statement made and signed by me.

Signed *K. Nallagan* Date *30/7/18*

Exhibit No: *KH/ICS/6*

in the case of *Killon St Off licence*

Description of Exhibit *Photo's of food out of date*

Identifying Mark.....

Officer taking possession of item

.....

Signature Date

.....

I certify that I have seen the exhibit

Signed..... Date.....

Signed..... Date.....

Signed..... Date.....

£1.99



SUNNYDALE
PRODUCTS LTD

MATURE CHEDDAR

BEST BEFORE

18.JUL.13

WEIGHT KG

0.205

BATCH CODE

83099 3

PRICE

2.150



5 060178 720365

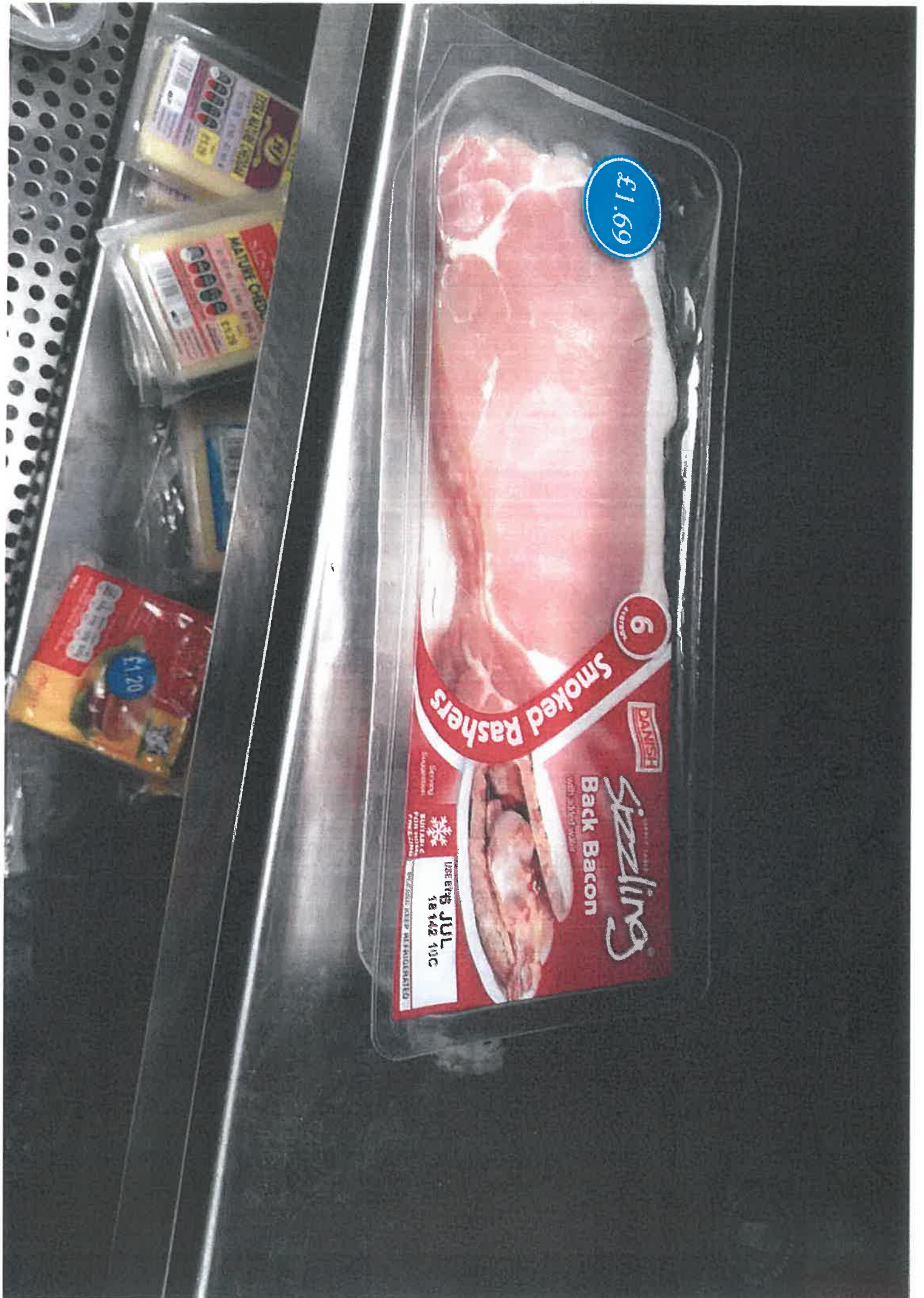
KEEP REFRIGERATED
STORE AT 1°C - 5°C
SELECTED QUALITY



PACKED FOR SUNNYDALE PRODUCTS LTD. BY SKATOPY
FROM THE SET, DORSET - ARL, BERNINGHAM 02 040

£1.7





£1.69

6 RASHERS

Smoked Rashers

DANISH

Sizzlings

Back Bacon

with added smoke

SERVING SUGGESTION

SMOKED RASHERS

USE BY 6 JUL 18 142 19C

NET WEIGHT 100g



DIRECT TABLE
Sizzling

Back Bacon
with added water

DANISH

Smoked Rashers

6
average

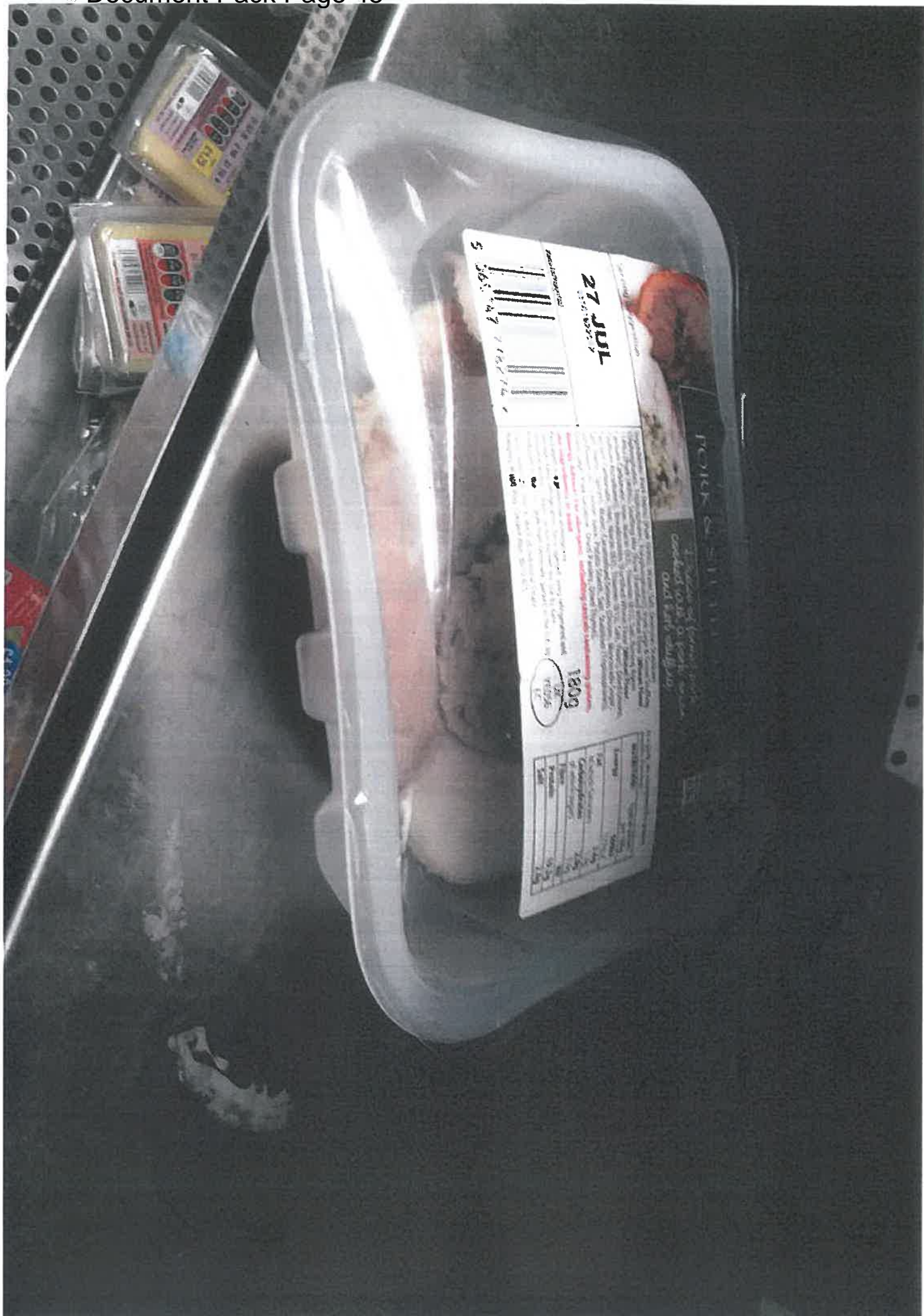
USE BY 6 JUL
18 142 13C

PLEASE KEEP REFRIGERATED



Remove from freezer
if bag is frozen

Serving
Suggestion

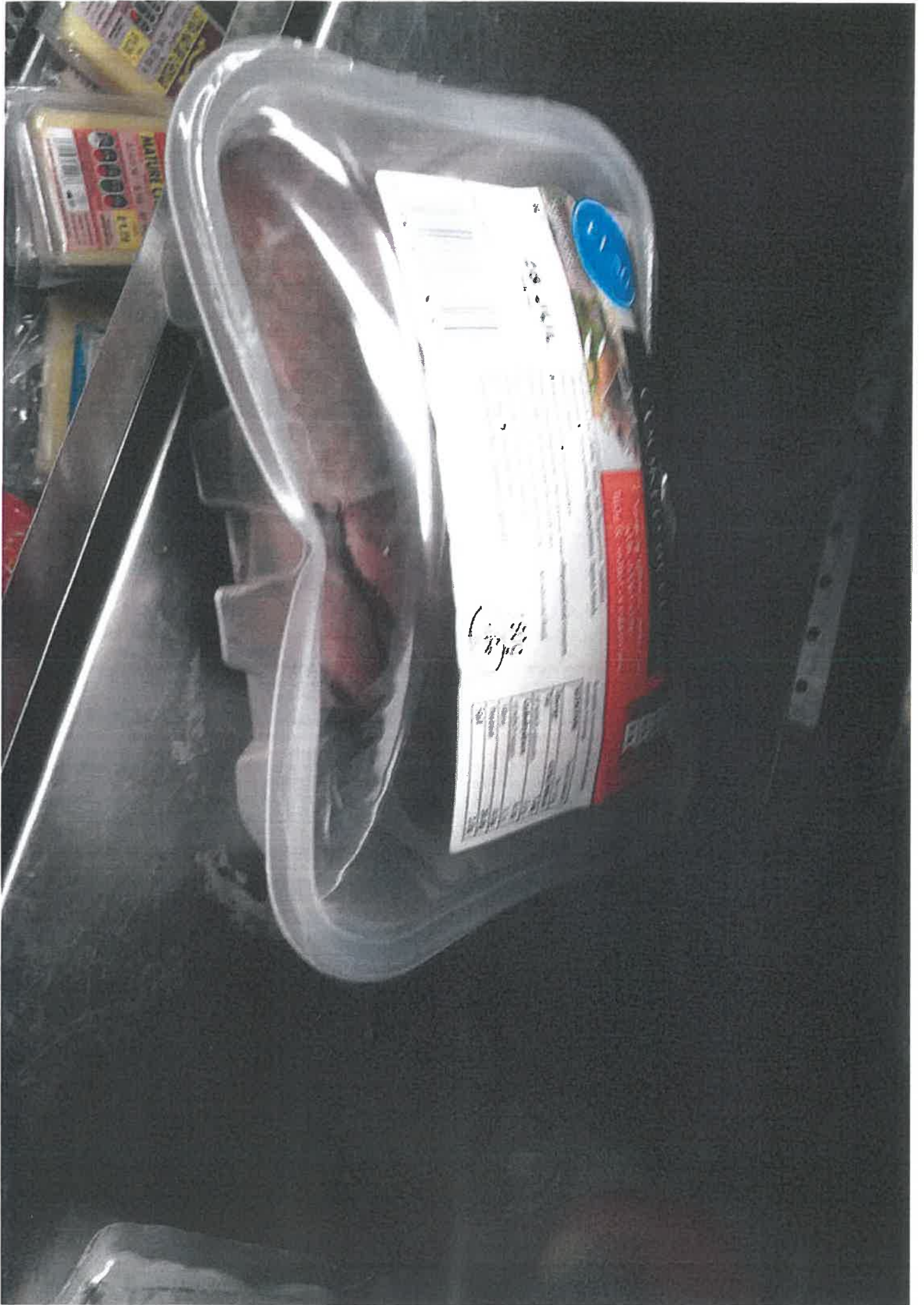


27 JUL
2018

5 365 47 1 15 17 16

180g
NET WT

Nutrition Facts	
Per 100g	
Energy	1000kJ / 240kcal
Total Fat	12.0g
Saturated Fat	3.0g
Cholesterol	100mg
Sodium	100mg
Total Protein	20.0g





£ 1.29



SUNNYDALE
PRODUCTS LTD

RED LEICESTER

BEST BEFORE	WEIGHT KG	BATCH CODE
22.JUN.18	0.145	BJ 068 K



2 10252461001299

PRICE

£ 1.29

KEEP REFRIGERATED
STORE AT 1°C - 5°C
SELECTED QUALITY



PACKED FOR SUNNYDALE PRODUCTS LTD, 10 CENTURY
PARK RD, EST., GARRISON LANE, CUMMINGTON RD 4HZ

MAURE CHEDDAR

£1.29





WITNESS STATEMENT

*(Criminal Procedure Rules, r. 16.2;
Criminal Justice Act 1967, s. 9)*
Magistrates Courts Act 1980 S.5B.

Statement of (Individual)
Paul Martin GREEN

Age of witness: over 18. B 10.4.48

Occupation of witness: Anti-Illicit Trade Executive

I am employed by Imperial Tobacco Ltd as a Regional AIT (Anti Illicit Trade) Executive. As part of my duties I am responsible for working with Trading Standards Officers and other Law Enforcement Agencies on the identification of counterfeit cigarettes and tobacco products

I have been employed by Imperial Tobacco Ltd since December 2000. I am authorised to make this declaration which I do so from my own knowledge unless otherwise indicated.

On Tuesday, 24th. July, 2018, I received from Miss Kelly HALLIGAN, Senior Trading Standards Officer with Bury Council the following sealed package –

Bag seal number K901381. Containing 1 X 20 pkt of Richmond King Size cigarettes and 1 X 20 pkt of Superkings Blue King Size cigarettes.

I examined these pkts.

I can now confirm that the print and materials used in the manufacture of the pkts of cigarettes was not consistent with Imperial Tobacco Ltd specifications.

Consequently, I can state that the pkts which I have examined were not made by Imperial Tobacco Ltd nor did Imperial Tobacco Ltd authorise their manufacture or sale.

They are in fact counterfeit.

I can confirm that Imperial Tobacco Ltd own the registered trade mark for Richmond and Superkings. I produce copy of the trade mark certificates in respect of these brands PMG 1 & PMG 2 refer.

A handwritten signature in black ink, appearing to read "HALLIGAN" with a stylized flourish at the end.

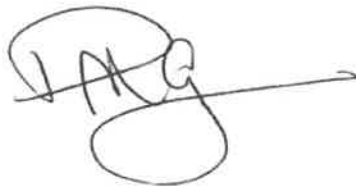
Imperial Tobacco Limited's products are subject to Regulatory and Quality Control. I cannot say if similar criteria are applied in the production of counterfeit products.

I returned the samples, resealed under seal number K901320, to Miss HALLIGAN.

A handwritten signature in black ink, consisting of the letters 'JAG' in a stylized, cursive font, followed by a long horizontal line that loops back under the 'G'.

This statement, (consisting of2... pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or not believe to be true.

Date: 24th. July, 2018.

A handwritten signature in black ink, consisting of the letters 'JAG' in a stylized, cursive font, followed by a long horizontal line that loops back under the 'G'.

Pma 1

TRADE MARKS REGISTRY



REGISTRATION CERTIFICATE

Trade Marks Act 1994 of

Great Britain and Northern Ireland

The mark shown below has been registered under No. 2565547 as of the date 26 November 2010.



The mark has been registered in respect of:

Class 34:

Tobacco, whether manufactured or unmanufactured; tobacco products; tobacco substitutes, none being for medicinal or curative purposes; cigarettes; matches and smokers' articles; cigarette tubes; cigarette filters; cigarette papers.

In the name of Imperial Tobacco Limited

The mark on this certificate was filed in colour and is reproduced here in colour. It has been scanned as accurately as our equipment allows but you should refer to the application form, which is available for public inspection, and any colour standard provided by the applicant to determine the exact colour(s).

Signed this day at my direction

JOHN ALTY, Registrar of Trade Marks Intellectual Property Office

DATE 03 June 2011

Intellectual Property Office is an operating name of the Patent Office

PMG 2



OHMI - OFFICE FOR HARMONIZATION IN THE
INTERNAL MARKET
TRADE MARKS AND DESIGNS

CERTIFICATE OF REGISTRATION

This Certificate of Registration is hereby issued for the
Community Trade Mark identified below. The
corresponding entries have been recorded in the
Register of Community Trade Marks.

OHMI - OFFICE DE L'HARMONISATION DANS LE
MARCHÉ INTÉRIEUR
MARQUES, DESSINS ET MODÈLES

CERTIFICAT D'ENREGISTREMENT

Le présent Certificat d'Enregistrement est délivré pour
la marque communautaire identifiée ci-joint. Les
renseignements et les renseignements qui s'y rapportent ont
été inscrits au Register des Marques Communautaires.

Registered / Enregistré 2004/2004

Nc 003036894



The President / Le Président

Wubbo de Boer



OHIM - OFFICE FOR HARMONIZATION IN THE INTERNAL MARKET
TRADE MARKS AND DESIGNS

OHMI - OFFICE DE L'HARMONISATION DANS LE MARCHÉ INTÉRIEUR
MARQUES, DESSINS ET MODÈLES

- 450 20/06/2004
- 210 003036894
- 220 03/02/2003
- 151 21/04/2004
- 186 03/02/2013
- 442 01/09/2003
- 546



- 591 ES - Azul oscuro, dorado y rojo.
DA - Mørkeblå, guld og rød.
DE - Dunkelblau, gold und rot.
EL - Σκούρο μπλε, χρυσό και κόκκινο.
EN - Dark blue, gold and red.
FR - Le bleu foncé, doré et rouge.
IT - Blu scuro, oro e rosso.
NL - Donkerblauw, goud en rood.
PT - Azul escuro, ouro e vermelho.
FI - Tummanvihinen, kulta ja punainen.
SV - Mörkblått, guld och rött.
- 531 3.1.22
24.1.3
24.1.90
25.1.6
25.1.10
25.7.21
26.11.7
- 732 Imperial Tobacco Limited
Upton Road
Southwile, Bristol BS99 7UJ
GB
- 740 STEVENS HEWLETT & PERKINS
1 St Augustine's Place
Bristol BS1 4UD
GB
- 270 EN FR

- 511 ES - 34
Tabaco elaborado o en bruto; productos a base de tabaco; cigarrillos, puros; sucedáneos del tabaco, ninguno para fines medicinales o curativos; artículos para fumadores y cerillas.
- DA - 34
Behandlet eller ubehandlet tobak; tobaksprodukter; cigaretter, cigarer; tobaksersatninger, ikke med medicinske eller holtredende formål; artikler for rygere og lændstikker.
- DE - 34
Tabak, verarbeitet oder unverarbeitet; Tabakerzeugnisse; Zigaretten, Zigarren; Tabakersatzstoffe, nicht für medizinische oder Heilzwecke; Raucherartikel und Streichhölzer.
- EL - 34
Κατεργασμένος και μη κατεργασμένος καπνός, προϊόντα καπνού, τσιγάρα, πούρα, υποκατάστατα καπνού, μη προοριζόμενα για φαρμακευτικούς ή θεραπευτικούς σκοπούς, είδη για καπνιστές και σιγάρα.
- EN - 34
Tobacco whether manufactured or unmanufactured; tobacco products; cigarettes, cigars; tobacco substitutes, none being for medicinal or curative purposes; smokers' articles and matches.
- FR - 34
Tabac à l'état brut ou traité; produits du tabac; Cigarettes, cigares; substituts du tabac, à usage non médical ou curatif; articles pour fumeurs et allumettes.
- IT - 34
Tabacco grezzo o lavorato; prodotti a base di tabacco; Sigarette, sigari; succedanei del tabacco non per uso medicinale o curativo; articoli per fumatori e fiammiferi.
- NL - 34
Bewerkt of onbewerkt tabak; tabaksproducten; sigaretten, sigaren; tabakssurrogaten, niet voor medicinale of heilkundige doeleinden; artikelen voor rokers en lucifers.
- PT - 34
Tabaco, manufacturado o não manufacturado; produtos do tabaco; cigarros, charutos; sucedáneos do tabaco que não sejam para fins medicinais ou curativos; artigos para fumadores e fósforos.
- FI - 34
Käsitelly tai käsittelemätön tupakka; tupakkatuotteet; savukkeet, siikarit; tupakkorvikkeet, mikään oiväl ole lääkinnällisiin tai hoitokäyttöisiin; tupakkoinnitarvikkeet ja allitikut.
- SV - 34
Tobak, bearbetad eller obearbetad; tobaksprodukter; cigaretter, cigarer; tobaksersättningar, ingen för medicinska eller kurativa ändamål; artiklar för rökare och ländsticker.



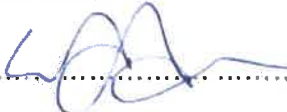
STATEMENT OF WITNESS

*(Criminal Procedure Rules, r. 16.2;
Criminal Justice Act 1967, s. 9)*

STATEMENT OF Laura Jane Jones

Age of witness (if over 18, enter "over 18"): OVER 18

This statement (consisting of 4 pages) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

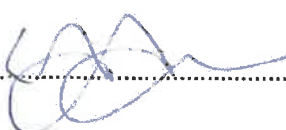
Signed:  (witness)

Date:26 July 2018.....

I am employed by Bury Council as the Deputy Licensing Officer based at 3 Knowsley Place, Duke Street, Bury. I am authorised for the purpose of the Licensing Act 2003 and have permission to access the Licensing Service’s database of records known as LALPAC.

On the 19th July 2018 I was part of a multi agency visit to the off licence known as Killon Street Off Licence, 26 Price Street, Bury, BL9 7EB. Other officers in attendance were from Bury Councils Trading Standards, Environmental Health and Housing Departments, Greater Manchester Police, Greater Manchester Fire Service, Immigration and the Electricity Board.

On 9th July 2018 I had received a complaint from a resident of Price Steet that Killon Street Off Licence was opening beyond its licensed hours and that there was suspicious behaviour around the shop.

Signed by..... 



From the records held on LALPAC I can say that the Premises Licence Holder and Designated Premises Supervisor was Raja Naveed Aijaz of 29 Cardigan Drive, Bury. Mr Aijaz has held the licence since 18th August 2015 when it was transferred to him.

On arrival at the premises there was one member of staff present who identified himself as Ali Umair. He stated that he had only worked at the shop on a few occasions and knew very little. He did however say that the shop had been sold by Naveed 9 months ago and the new boss is Khiyam Alam. He was unable to make contact with anyone to assist in our enquiries at the time of the visit despite making numerous attempts on his mobile telephone.

The summary of the Premises Licence was not on display as is required. The challenge 25 signage was hidden behind stock and was not visible. Mr Umair could not locate a refusals book or tell me about the CCTV.

I issued an enforcement notice as the electricity board turned off the electricity in the premises due to safety concerns therefore the CCTV could not work which is a breach of a condition on the licence. I also had concerns regarding the absence of the Premises Licence Holder and DPS due to Mr Umair's statement that the shop had been sold.

On the 20th July I telephoned Raja Naveed Aijaz following the serving of the enforcement notice. He informed me that he had not had responsibility for the shop since February and that it was being run by Khiyam Alam on a trial basis although no money had actually changed hands yet for the sale. He made an appointment at the licensing reception for later that day to complete a transfer application and change of designated premises supervisor to Khiyam Alam.

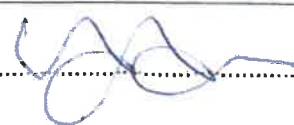
Signed by.....



When Mr Aijaz and Mr Alam attended the licensing reception for their appointment they could not complete the change of designated premises supervisor as Mr Alam is not in possession of a personal licence. I was away from the office therefore Michael Bridge, the Licensing Unit Manager spoke to Mr Aijaz and Mr Alam and informed me of the outcome by email. I produce this email as exhibit LJJ/1. The transfer application was still completed at this time and submitted to the licensing department.

I re visited the premises with Kelly Halligan, Trading Standards Unit Manager on 23rd July. There was a very strong smell of cannabis in the shop which was manned by one male who identified himself as Shiraz Khan. I asked to see the authorisation to sell alcohol that Mr Aijaz said was on the premises. Mr Khan had to phone Mr Aijaz to ask where this was, despite when it was found it identifying Mr Khan as the Assistant Manager. I spoke with Mr Naveed using Mr Khans mobile telephone. He informed me that the CCTV system was working and recording. I asked to see the refusals register but Mr Aijaz informed me that this was with him and not in the shop. I advised Mr Aijaz that this needs to be in the shop so that it can be used and that his Challenge 25 signage needed to be more visible.

Kelly and I visited the premises again on 26th July together with Michelle Street from the Housing Department. Shiraz Khan was present again, we were informed that Mr Aijaz was at the Cash and Carry and he was waiting for Mr Alam to arrive. The Challenge 25 signage has now been positioned, as requested, behind the counter however the refusals book was still not on the premises. Mr Alam arrived and stated that Mr Aijaz had still been managing the shop since February as he had not had the finances to complete the purchase. However he had not been there full time and both Mr Aijaz and Mr Alam had only been there from time to time, doing spot checks.

Signed by..........



Mr Alam was given advice as to the refusals book needing to be on the premises and advice from Kelly Halligan and Michelle Street on other matters.

All exhibits produced in this statement have been duly signed and dated by myself as being associated with it.

Signed:  Date:26 July 2018.....

Signed by 

Jones, Laura J (Licensing)

From: Bridge, Michael
Sent: 20 July 2018 15:11
To: Jones, Laura J (Licensing); Halligan, Kelly J
Cc: Stansfield, David
Subject: Killon Street

Importance: High

Laura/ Kelly,

I have just been requested to attend the licensing reception in respect of the above premises, both Mr Raja Naveed Aijaz and Mr Khiyam Alam were present. They as directed by yourselves trying to transfer the premises licence to Mr Alam. Dave and I went into the interview room to discuss the issue.

They informed me that Arshad Mahmood is Mr Aijaz's employee. However he is out of the country at the moment.

Ali Umair knows Mr Mahmood very well but Mr Aijaz and Mr Alam did not appear to know his name.

Mr Aijaz admitted that he had not been at the premises since 4th February 2018 as this was when Mr Alam took over the business. I asked if money had changed hands for the business to which they both replied that it hadn't but Mr Alam had paid for the photocopier. I advised that did not mean he had bought the business as a going concern. No legal matters have been addressed.

Mr Aijaz told me that he has access to the CCTV at the shop on his mobile phone. I was informed that the electrics have been sorted out by MAR Electrical today 20/7/18.

The landlord of the building is a lady called Rukshana Kauser on 07908156112. I was also shown a Valuation that had been done by a David A Abraham for the business £14,057.

Mr Aijaz said that he a given written authorisation for Mr Mahmood but not Mr Ali Umair. And this was on display on the expensive wine rack display.

I explained to both individuals the seriousness of this issue and reminded Mr Aijaz of his responsibilities as both a PLH and DPS. I also indicated this subject to the outcome of your investigation it may have implications on Mr Aijaz's taxi badge.

No application was made to transfer at the time as they did not have copies of the application form for the police, so were advised by Dave that they would have to return by 4.00pm. Came back in

I agreed subject to above that the shop could open but may get checked by GMP and that Mr Aijaz would have to ensure that written authorisation would have to be done for Mr Alam to sell alcohol in his absence. Mr Alam said that he will be there over the weekend.

Mr Alam is going to contact me or Laura on Monday with the date of his personal licence course and confirmation of it. He has been given an application pack for a personal licence as he lives in Bury.

Dave has got the application to transfer at the moment.

Regards

Michael Bridge
Licensing Unit Manager
Bury Council
3 Knowsley Place
Bury
BL9 0EJ

Telephone Number: 0161 253 5209

Fax Number:0161 253 6090

Privacy Policy

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