

AGENDA FOR

LICENSING HEARING PANEL

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To: All Members of Licensing Hearing Panel

Councillors: T Holt, D Jones (Chair) and G Keeley

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: | Thursday, 25 April 2019 |
| Place: | Learning Hub - Town Hall |
| 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 AN APPLICATION FROM AN RESPONSIBLE AUTHORITY FOR A REVIEW OF THE PREMISES LICENCE UNDER THE LICENSING ACT 2003 IN RESPECT OF KILLON STREET OFF LICENCE, 26 PRICE STREET, BURY, BL9 7EB *(Pages 1 - 30)*

Report attached



| | |
|---|--|
| DECISION OF: | LICENSING HEARINGS PANEL |
| DATE: | 25th APRIL 2019 |
| SUBJECT: | AN APPLICATION FROM AN RESPONSIBLE AUTHORITY FOR A REVIEW OF THE PREMISES LICENCE UNDER THE LICENSING ACT 2003 IN RESPECT OF KILLON STREET OFF LICENCE, 26 PRICE STREET, BURY, BL9 7EB |
| 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 pursuant to section 51 of the Licensing Act 2003 from a Responsible Authority for a review of the premises licence in respect of Killon Street Off Licence, 26 Price Street, Bury, BL9 7EB. |
| OPTIONS & RECOMMENDED OPTION | <ul style="list-style-type: none"> • To revoke the licence • To suspend the licence for a period not exceeding three months • To remove the Designated Premises Supervisor • To exclude a licensable activity from the scope of the licence • To modify the conditions of the licence |
| 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 BACKGROUND

- 1.1 The Licensing Act 2003 and the Licensing Act 2003 (Hearings) Regulations are the relevant legislation.
- 1.2 The Panel will make a decision on the day of the hearing and the parties will be notified subsequently of the decision and the reasons for it by letter from the Licensing Office.
- 1.3 At the time of the submission of the review application on the 6th December 2018, the Premises Licence in respect of Killon Street Off Licence, 26 Price Street, Bury, BL9 7EB is held by Raja Naveed Aijaz, 29 Cardigan Drive, Bury, BL9 9LG. Mr Aijaz is also the Designated Premises Supervisor (DPS).
- 1.4 On the 19th December 2018, the Licensing Authority received an application to transfer the premises licence with immediate effect in to the name of Mr Waqas Mahmood, 110 Rutland Drive, Bury, BL9 9ER. On the same day, an application to vary the Designated premises Supervisor with immediate effect was received to make Mr Waqas Mahmood the designated premises supervisor.
- 1.5 The Licensing Authority did not receive any representations during the representation period in respect of the application to transfer the Premises licence or the application to vary the designated premises supervisor from Greater Manchester Police. Therefore the premises licence has been transferred and the designated premises licence supervisor varied into the name of Mr Waqas Mahmood.

- 1.6 Members may recall this matter has been previously listed for hearing on the 30th January and 28th February 2019. The hearing scheduled for the 30th January 2019 was adjourned to bad weather and was rescheduled for the 28th February 2019. Prior to the hearings, Mr Mahmood the current Premises Licence holder had entered discussions with the Responsible Authorities involved in the review application about previous issues at the premises and the possibility of further licence conditions being considered. However, Mr Mahmood had been unable to obtain all of the requested documentation and therefore all parties asked the Panel on the 28th February 2019 to consider adjourning the matter to enable this to be provided to the Panel.
- 1.7 Members considered this request and resolved that due to the Premises Licence holder not being able to furnish the Panel with the further documentation, it was agreed unanimously, that to ensure a fair hearing and to enable the Premises Licence Holder to fully explain and provide evidence as to his current position and in addition enable this to be fully considered by the Responsible Authorities, that in the public interest, the hearing be adjourned to a future date.

2.0 PROCEDURE

- 2.1 The Responsible Authority has complied with all the necessary procedural requirements laid down by the Act.
- 2.2 As part of the statutory process the Responsible Bodies and interested parties are entitled to make representations in relation to the review of a licence. The Licensing Authority has given Notice of the application by placing a Notice on the premises, at the Council Offices and on the Council web site. Where further representations are made by either the Responsible Authorities or from local residents / businesses and not withdrawn, Members are required to determine them.
- 2.3 Representations must be relevant to the licensing objectives defined within the Act. The objectives are:-
- a) the prevention of crime and disorder
 - b) public safety
 - c) prevention of public nuisance and
 - d) protection of children from harm

3.0 CURRENT LICENSABLE ACTIVITIES

- 3.1 The current licensable activities are as follows:

a. The Supply of alcohol – For consumption off the premises:

| | |
|--------------------|----------------|
| Monday to Saturday | 07.00 to 23.00 |
| Sunday | 08.00 to 23.00 |

b. Non Standard Timings

| | |
|---------------|----------------|
| Christmas Day | 12.00 to 15.00 |
| Christmas Day | 19.00 to 22.30 |
| Good Friday | 08.00 to 22.30 |

4.0 CURRENT CONDITIONS ATTACHED TO THE PREMISES LICENCE:

- 4.1 The conditions, consistent with the premises operating schedule are attached to the current premises licence are attached at appendix 1:

5.0 REPRESENTATIONS FROM RESPONSIBLE AUTHORITY

- 5.1 The Licensing Authority will shortly expand upon the reason(s) for their representation in relation to this application.

The representation is attached at appendix 2.

6.0 REPRESENTATIONS FROM GREATER MANCHESTER POLICE

- 6.1 The Police will shortly expand upon the reason(s) for their representation in relation to this application.

The representation is attached at appendix 3.

7.0 SECTION 182 LICENSING ACT GUIDANCE

- 7.1 Section 11.27 states the following:

There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:

- for the sale or storage of smuggled tobacco and alcohol.

- 7.2 Section 11.28 states the following:

It is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.

8.0 OBSERVATIONS

- 8.1 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.

List of Background Papers:-

Review Application form

Representation received from Greater Manchester Police

Representation received from the Licensing Authority

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

Mr M Bridge
Licensing Office
3 Knowsley Place
Duke Street
Bury, BL9 0EJ

Telephone No: 0161 253 5209

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*
 - (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.

(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.



**Application for the review of a premises licence or club premises certificate 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.

Please have a look at the link below for guidance on completing the form and
where to send it to. <http://www.bury.gov.uk/index.aspx?articleid=4025>

I Kelly Halligan – Inspector of Weights and Measures for Bury Council

(Insert name of applicant)

Apply for the review of a premises licence under section 51

Part 1 – Premises or club premises details

| | |
|---|------------------------------------|
| Postal address of premises or, if none, ordnance survey map reference or description Killon Street Off Licence 26 Price Street | |
| Post town Bury | Post code (if known) BL97EB |
| Name of premises licence holder or club holding club premises certificate (if known) Raja Naveed Aljaz | |
| Number of premises licence or club premises certificate (if known) PL0475 | |

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

☐

2) a responsible authority (please complete (C) below)

x

3) a member of the club to which this application relates (please complete (A) below)

☐

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr ☐ Mrs ☐ Miss ☐ Ms ☐

Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick ✓ yes

☐

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

| |
|----------------------------------|
| Name and address |
| Telephone number (if any) |
| E-mail address (optional) |

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

| |
|--|
| Name and address Miss K Halligan – Inspector of Weights and Measures Trading Standards Bury Council 3 Knowsley Place Duke Street Bury BL90EJ |
| Telephone number (if any) 01612535091 |
| E-mail address (optional) k.j.halligan@bury.gov.uk |

This application to review relates to the following licensing objective(s)

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please tick one or more boxes ✓

☒ X
☐
☐
☒ X

Please state the ground(s) for review (please read guidance note 2)

PREVENTION OF CRIME AND DISORDER

On the 19th July 2018, a visit was carried out to Killon Street Off Licence, 26 Price Street, Bury, BL97EB. The visit was part of a multi-agency day of action, involving partners from Environmental Health, Housing Standards, Licensing, Greater Manchester Police, Greater Manchester Fire Service, Immigration and North West Electricity. We visited the premises as we had received a complaint that illicit tobacco was being sold from under the counter. Whilst on the premises 665 cigarettes and 200g of hand rolling tobacco were seized, they were either counterfeit, non-duty paid or foreign labelled, stood on the floor under the counter was a half full bottle of vodka.

On the 23rd July 2018, I revisited the premises with Laura Jones from the Licensing service, whilst in the shop, Mr Aijaz was spoken to by Laura, who gave him a list of things to do.

On the 26th July I visited the shop again, accompanied by Laura Jones from Licensing, and Michelle Street from Housing Standards. Whilst in the shop we found various food items beyond their use by date, and beyond their best before dates.

The possession of non-duty paid tobacco is an offence contrary to Section 144 of the Licensing Act 2003. The maximum penalty for this offence is a fine of £1000. The possession of counterfeit tobacco and counterfeit cigarettes is a criminal offences under Section 92 of the Trade Marks Act 1994. Each item found is a separate offence, and the penalty for this offence is fine of up to £5000 or imprisonment. Food beyond its use by date, is deemed to be unsafe by virtue of Article 14(2) to (5) of Regulations (EC) No 178/2002, which is an offence under Regulation 19, of the Food Safety and Hygiene (England) Regulations 2013.

Please provide as much information as possible to support the application (please read guidance note 3)

This premise was visited in July as a result of intelligence received indicating that the shop was selling counterfeit or non-duty paid tobacco from under the counter. As a result of the intelligence, a multi-agency visit was carried out. After a search of the premises, tobacco was found under the shelving units which contained the slush machine within the shop and not on the cigarette gantry behind the till. Also under the counter units was found a half full bottle of vodka, and 2 open packets of cigarettes, an open packed of Richmond with 10 in the packet, and an open packet of pall mall with 15 in the packet. Whilst we were on the premises, the electricity was turned off due to an unsafe meter. The cigarettes and tobacco where seized. The man in the shop was called [REDACTED], and he said his boss was [REDACTED], when asked about [REDACTED] he said he sold the business 9 months ago, he also claimed he was only helping and didn't usually work in the shop.

On the 20th July, [REDACTED] and Mr [REDACTED] attended the licensing office and spoke to Mr Bridge. They were trying to transfer the licence from Mr [REDACTED] to Mr [REDACTED] Mr [REDACTED] admitted that he had not been on the premises since the 4th February 2018 as that was when Mr [REDACTED] took over the business, but no money had changed hands for the business.

On the 23rd July, samples of Richmond and Superkings cigarettes where sent to the trade mark holder for examination.

On the 23rd July, I revisited the premises with Laura Jones, from the Licensing department. On entering the premises there was a strong smell of cannabis, Mr [REDACTED] came to the premise and was given a long list of things to address.

On the 26th July, a witness statement was received from imperial tobacco, confirming the Richmond and superkings where counterfeit.

On the 26th July a further visit was carried out to the premises, with Laura Jones from licensing and Michelle street from housing Standards. Mr Alam was telephoned to come to the premises. Whilst on the premises we found a packet of bacon 20 days beyond its use by date, (the bacon was dated 6th July), 2 packets of meat where the packaging was blown but the date hadn't been reached, various cheese beyond their

use by date, cheese in date but with mould in the inside of the packaging, and various other food items including eggs beyond their best before dates. Mr [REDACTED] was advised that all products needed checking. Mr [REDACTED] said he had been managing the shop since February as he didn't have the finance to complete the sale, so he wasn't there full time and neither was Mr [REDACTED], so only spot checks were done.

In section 11 of the Statutory guidance made under section 182 of the Licensing Act, it talks about certain criminal activity which should be treated as particularly serious. One of the items listed is the use of premises for the sale or storage of smuggled tobacco. Smuggled would include in this context, not duty paid, counterfeit and other grey market tobacco. Out of date food is deemed to be unsafe and an offence under the Food Safety Act 1990.

From the information given to us there appears to have been very little contact from the DPS/PL holder in the months leading up to the visit. An application to transfer the licence was submitted on the 20th July 2018, but was subsequently withdrawn after an objection from the police was put in. Mr [REDACTED] has no direct day to day responsibility for the running of the business, and therefore criminal offences have been committed and contraband goods have been supplied.

The premises is in an area where Greater Manchester Police are aware of issues regarding CSE. Therefore open packets of cigarettes being found under the counter together with open bottles of spirits, are facts that must be taken into consideration when deciding if the premises is being run in line with the licensing objectives of the Licensing Act 2003 to prevent crime and disorder and protect children from harm.

Have you made an application for review relating to the premises before

Please tick ✓ yes

If yes please state the date of that application

Day Month Year

| | | | | | | |
|--|--|--|--|--|--|--|
| | | | | | | |
|--|--|--|--|--|--|--|

If you have made representations before relating to the premises please state what they were and when you made them

Please tick ✓ yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate ☐
- I understand that if I do not comply with the above requirements my application will be rejected ☐

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 5). If signing on behalf of the applicant please state in what capacity.

Signature K Haurgan

Date 6/12/18

Capacity Inspector of Weights and Measures

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

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

Bury Metropolitan Borough Council

Recd 6/12/18.
Appendix 2.

059892

The Licensing Act 2003**Responsible Authority Representation Form****Section 1 - Application Details****We object to the following Application:****Killon Street Off Licence, 26 Price Street, Bury, BL9 7EB****Type of application. Review of a Premises Licence****Application Number (if known):****Section 2 - Responsible Authority's Details****Responsible Authority's Details:****Please tick appropriate box:**

| | |
|-------------------------------------|------------------------------|
| <input type="checkbox"/> | Police |
| <input type="checkbox"/> | Fire Authority |
| <input type="checkbox"/> | Planning Authority |
| <input type="checkbox"/> | Health and Safety |
| <input type="checkbox"/> | Environmental Health Service |
| <input type="checkbox"/> | Child Protection |
| <input type="checkbox"/> | Weights and Measures |
| <input checked="" type="checkbox"/> | Licensing Authority |
| <input type="checkbox"/> | Immigration |
| <input type="checkbox"/> | Public Health Department |

| | |
|---------------------|--|
| Full name: | Laura Jones |
| Job Title: | Deputy Licensing Officer |
| Tele number: | 0161 253 7206 |
| Email: | laura.j.jones@bury.gov.uk |
| Address: | 3 Knowsley Place, Duke Street, Bury, BL9 0EJ |

Section 3 – Representations

☒ I wish to add my representation to the review application *

*If you choose this option remember to tell us in section 3B what changes you would like to see.

You need to complete the boxes below as fully as possible. If you do not then the Licensing Sub-Committee may not understand why you have made a representation (objection).

Please attach supporting documents/further pages as necessary. Please number all extra pages and add the applicant's name and your name to each page.

Section 3A – The Objectives

To prevent crime and disorder

Please state your reasons:

Killon Street Off Licence is a general convenience store which has been licensed for the retail sale of alcohol for consumption off the premises under the authority of a Premises Licence granted by Bury Council on the 24th November 2005.

██████████ has been named as the Premises Licence Holder and Designated Premises Supervisor since the licence was transferred to him on 18th August 2015.

The licence has the following conditions;

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.

The hours that alcohol may be sold as stated on the licence are Monday-Sunday 8am-11pm.

On the 9th July 2018 I took a complaint from a resident of Price Street regarding the Premises known as Killon Street Off Licence. The complaint was that the premises was operating outside the hours of its licence with the front door open for trading after midnight and that there was a flow of people from the shop and the flat above at late hours.

The complaint led to an evening compliance check whilst on enforcement duties at 11.35pm on Friday 13th July. The shop was closed at this time.

I was part of a multi- agency exercise that visited the shop on 19th July 2018. Mr [REDACTED] was not present at the shop. Working behind the counter was a Mr [REDACTED]. He said that Mr [REDACTED] had sold the shop 9 months ago and his new "boss" was called [REDACTED].

The summary of the premises licence was not on display as is a requirement under s57(3) of the Licensing Act 2003.

There was no visible CCTV in place.

When requested a refusals register could not be produced.

Challenge 25 signage that was on display had been covered up.

I served an enforcement notice to state that no alcohol should be sold until the breaches of the conditions of the licence had been rectified and the licence had been transferred and a new DPS put in place.

The following day I had a telephone conversation with Mr [REDACTED] who informed me that he had, had no responsibility for the shop since February 2018 and that it was being run on a trial basis by [REDACTED] but no money had actually changed hands for sale purposes. A transfer application was submitted on 20th July 2018 to make [REDACTED] the Premises Licence Holder. Mr [REDACTED] had agreed to stay on as DPS whilst Mr [REDACTED] obtained his personal licence. Mr [REDACTED] stated that written authorisation was on display in the shop from him to other members of staff for them to sell alcohol on his behalf.

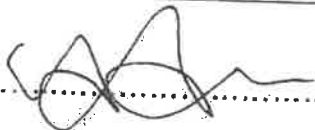
On the 23rd July I revisited the shop with Kelly Halligan, Senior Trading Standards Officer. [REDACTED] was working in the shop. I questioned him as to where the authorisation was that [REDACTED] had stated was on display. He was not aware of this and had to phone Mr [REDACTED]. When this was located it named [REDACTED] as the Assistant Manager yet he was unaware where the written authorisation for him to sell alcohol was located. The CCTV system was working but only recording for 3 days. I spoke to Mr [REDACTED] on the phone whilst in the shop and asked him where the refusals register was. He stated that he had it with him. I informed him that it needed to be in the shop in order to be used if necessary.

Revisited on 26th July together with Kelly Halligan and Michelle Street, Environmental Health Officer. [REDACTED] was again present in the shop. Refusals book still not on the premises.

| | |
|--------------------------------------|--|
| | <p>The application to transfer was withdrawn by [REDACTED] on the 17th October 2018 due to personal circumstances and the licence fell back to [REDACTED] as the Premises Licence Holder and DPS.</p> <p>I do not believe that Mr [REDACTED] has a regular presence at the shop and therefore cannot be responsible for the day to day running nor the supervision of sales of alcohol.</p> |
| Public safety | Please state your reasons: |
| To prevent public nuisance | Please state your reasons: |
| The protection of children from harm | Please state your reasons: |

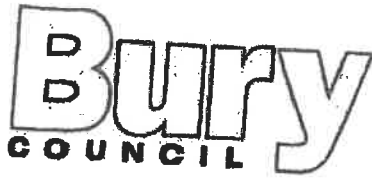
Section 3B – Suggestions/Further information

Signed.....



dated 6/12/18

N.B if you do make a representation you will be expected to attend the Licensing Sub-Committee hearing and any subsequent appeal proceedings.



Licensing
3 Knowsley Place
Duke Street
Bury
BL9 0EJ

Tel: 0161 253 7206

Email: laura.j.jones@bury.gov.uk

10/10/18 10:00 TO

26/10/18 10:00

10/11/18 10:00

10/11/18 10:00

**BURY COUNCIL
ENFORCEMENT NOTICE
LICENSING ACT 2003**

To: Mr. Umar
Premises: 26 PRICE ST. BURY
Address: 26 PRICE ST. BURY
Date: 10/11/18
Time: 3:15 PM

A compliance visit to the above premises was carried out by a Licensing Enforcement Officer at the time stated above in regards to the Premises Licence issued under the Licensing Act 2003 and the conditions which form the operating schedule.

The premises licence holder was found to be in breach of the conditions as below;

NO DPS - NO PH informed business
sold 9 months ago
No licence on display
Challenge 25 beer signage covered
CCTV not working electronic turn off

Please be advised that the breach of these conditions should be rectified with immediate effect. Future visits will be made to this business to ensure compliance with this Notice. Future breaches may result in a review of the Premises Licence or prosecution under s136 of the Licensing Act 2003.

Signature of Officer

Al Umar
Name of recipient (please print)

Signature of recipient

Off Licence Premises Compliance Visit / Risk Assessment Rating
Licensing Act 2003

Bury
COUNCIL

Premises Name and Address

Killon Street Off Licence

Licence Number

475

Premises Lic Holder

Raja Naveed Aijaz

DPS

Premises name correct

Yes ☐ No ☐

Premises Lic Holder correct

Yes ☐ No ☒

DPS correct

Yes ☐ No ☒

DPS present

Yes ☐ No ☒

DPS live on site – tenant/manager

Yes ☐ No ☐

Summary on display

Yes ☐ No ☒

Signage on display

Yes ☒ No ☐

But covered

CCTV

Yes ☐ No ☐

Refusals Book

Yes ☐ No ☐

Hours of operation

Licence Operating Schedule Comments

Snapbags

open bottles of spirits behind counter

illat cigs and tobacco

Abstracting electric turned off

Sold
 9mth
 ago

General Comments

Bank Statements found in name

CCTV bill

Bills in names

+1

Invoice each + carry in

12/7/18

off

Bury Metropolitan Borough Council

The Licensing Act 2003**Responsible Authority Representation Form****Section 1 - Application Details**

Application for a premises licence review of the following premises by Kelly Halligan of Bury Council:

**Killon Street Off Licence
26 Price Street
Bury
BL9 7EB**

Type of application. Application for a premises licence review

Application Number (if known):

Section 2 - Responsible Authority's Details**Responsible Authority's Details:**

Please tick appropriate box:

- | | |
|-------------------------------------|------------------------------|
| <input checked="" type="checkbox"/> | Police |
| <input type="checkbox"/> | Fire Authority |
| <input type="checkbox"/> | Planning Authority |
| <input type="checkbox"/> | Health and Safety |
| <input type="checkbox"/> | Environmental Health Service |
| <input type="checkbox"/> | Child Protection |
| <input type="checkbox"/> | Weights and Measures |

Full name: PC 14501 John Caulfield

Job Title: Licensing Officer.

Tele number: 0161-856-8111

Email: 14501@gmp.police.uk

Address:

Licensing and Partnership Team
Bury Police Division Headquarters.
Dunster Road,
Bury
BL9 0RD

Section 3 – Representations

- ☐ We object to the application being granted at all
☐ We object to the application being granted in it's current form*

*If you choose this option remember to tell us in section 3B what changes you would like to see.

You need to complete the boxes below as fully as possible. If you do not then the Licensing Sub-Committee may not understand why you have made a representation (objection).

Please attach supporting documents/further pages as necessary. Please number all extra pages and add the applicant's name and your name to each page.

Section 3A – The Objectives

TO PREVENT CRIME AND DISORDER

Please state your reasons:

Inspector for Weights and Measures Kelly Halligan has submitted an application on behalf of Bury Council for a premises licence review in respect of Killon Street Off Licence, 26 Price Street, Bury BL9 7EB.

We have noted the contents of the application, and would like to add the following in support of a licence revocation.

We concur that we have engaged in a multi-agency visit to the premises on 19th July 2018 and have had a number of concerns which have been referenced in Ms Halligans' application. We

| | |
|---------------------------------|--|
| | <p>fully support the comments made in the application and wish to add some additional points below.</p> <p>It is noted that since the review application was submitted a licence transfer application has been received by Bury Council. This application is in the name of [REDACTED] who we understand has previously been the owner of Tabi's Off Licence, Wash Lane, Bury and is still in the ownership of the family.</p> <p>In January 2012, whilst Mr [REDACTED] was in control of the premises, a warrant was executed at the store regarding the employment of illegal workers. One over stayer was located and arrested by the UK Border Agency. Also at this time a number of bottles of counterfeit vodka were located under the counter. Mr [REDACTED] was later interviewed by Ms Halligan for this offence and we understand that this was the second occasion in 3 months that counterfeit alcohol was located here.</p> <p>Importantly in this case purchase invoices relating to 26 Price Street were found at this location. When questioned by the attending officers Mr [REDACTED] denied any link to this premises despite the discovery. It was believed by officers at the time that stock purchases were being shared between the two stores.</p> |
| <p>PUBLIC SAFETY</p> | <p>As previously noted, the new licensee has a previous history of being in the possession of counterfeit alcohol on Licensed premises. In this respect it is likely that the poor management may continue at Killon Street Off Licence.</p> |

| | |
|--|--|
| <p>TO PREVENT PUBLIC NUISANCE</p> | |
| <p>THE PROTECTION OF CHILDREN FROM HARM</p> | <p>The premises appear to have suffered from particularly poor management practices in recent months with little or no training given to staff. During the multi-agency visit in July 2018, a male found working behind the counter claimed not to be employed and was in fact helping out a relative who was not the licensee. He had not received any training regarding the sale of alcohol. We also note Ms Halligan's comments regarding the suspected sale of counterfeit cigarettes as single cigarettes, a practice of attraction particularly to children. It is the opinion of Greater Manchester Police that poor management of licensed premises puts vulnerable members of the community at risk.</p> |

Section 3B – Suggestions/Further information

Signed........dated 03/01/2019

N.B if you do make a representation you will be expected to attend the Licensing Sub-Committee hearing and any subsequent appeal proceedings.

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