

AGENDA FOR

LICENSING HEARING SUB COMMITTEE



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To: All Members of Licensing Hearing Sub Committee

Councillors: G McGill (Chair), J Grimshaw and G Marsden

Dear Member/Colleague

Licensing Hearing Sub Committee

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

Date:	Tuesday, 15 November 2022
Place:	Virtual meeting via Microsoft Teams
Time:	10.30 am
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:	To view the virtual meeting online, please email m.cunliffe@bury.gov.uk or phone 0161 2535399 who will provide you with a link to view the meeting via MS Teams or telephone you into meeting with the option of audio only.

AGENDA

1 APOLOGIES FOR ABSENCE

2 DECLARATIONS OF INTEREST

Members of the Licensing Hearing Sub Committee are asked to consider whether they have an interest in any matter on the agenda, and, if so, to formally declare that interest.

3 MINUTES OF THE LAST MEETINGS *(Pages 3 - 16)*

The Minutes of the last Licensing Hearing Sub Committee meetings held at 3.30 pm on the 14th September 2022 and 1.00 pm on the 6th October 2022 are attached.

4 APPLICATION FOR A PREMISES LICENCE TO BE GRANTED UNDER THE LICENSING ACT 2003 IN RESPECT OF EXPRESS MINI MARKET, 46 BOLTON STREET, BURY, BL9 0LL *(Pages 17 - 26)*

Report from the Executive Director (Operations) is attached:-

Minutes of:	LICENSING HEARING SUB COMMITTEE
Date of Meeting:	14 September 2022
Present:	Councillor S Walmsley (in the Chair) Councillors G Marsden and G McGill
Also in attendance:	M. Bridge (Licensing Unit Manager) M. Cunliffe (Democratic Services) A. Green (Legal) L. Jones (Deputy Licensing Officer) B. Thomson (Head of Public Protection) Mr P. Sarnoe, Premises Licence Holder PC P. Eccleston Greater Manchester Police
Public Attendance:	The Hearing was held virtually and interested members of the public would be provided with a link to access the hearing online via Microsoft Teams or could be telephoned into the meeting via audio only. No members of the public were in virtual attendance.

1 APOLOGIES FOR ABSENCE

No Apologies for absence were submitted.

2 DECLARATIONS OF INTEREST

There were no declarations of interest made.

3 MINUTES OF THE LAST MEETING(S)

The Minutes of the last Licensing Hearing Sub Committee meetings held at 1.00 pm on the 13th June 2022 and 1.00 pm on the 21st June 2022 were attached to the agenda.

Resolved:- That the minutes of the Licensing Hearing Sub Committees held virtually at 1.00pm on the 13th June 2022 and 1.00pm on the 21st June 2022 be approved as a correct record.

4 AN APPLICATION FROM GREATER MANCHESTER POLICE FOR A SUMMARY REVIEW OF THE PREMISES LICENCE IN RESPECT OF THE HIDDEN BAR, UNIT B, 24 SILVER STREET, BURY, BL9 0DH

The Licensing Authority received an application by the Chief Constable of Greater Manchester Police in respect of the licence premises Hidden Bar, Unit B, 24 Silver Street, Bury, BL9 0DH for a Summary Review of the Premises Licence and for interim steps to be taken in advance of that review in accordance with Sections 53A to 53C of the Licensing Act. The reason for the application is because the police believe that the premises are associated with serious crime and/or disorder.

The nature of the application and consideration of interim steps was detailed in the report which was presented to the Members of the Sub-Committee by the Licensing Unit Manager.

The steps available were:

- To modify the conditions of the licence

- To exclude the retail sale of alcohol from the licence
- To remove the Designated Premises Supervisor from the licence
- To suspend the licence.

Members were made aware that the cost of the licensing function was 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.

Attention was drawn to background papers which included:

Current Premises Licence

Section 53A application, Certificate and supporting evidence

Bury Council's Licensing Policy

Guidance issued under Section 182 of the Licensing Act 2003

Licensing Act (Hearings) Regulations 2005

The Licensing Unit Manager reported that summary reviews can be undertaken when the police consider that the premises concerned are associated with serious crime or serious disorder (or both). The summary review process allows interim conditions to be quickly attached to a licence and for the review of the licence to be fast tracked

The premises licence in respect of Hidden Bar has been held by Hidden Bar Bury Limited since 30 September 2020. Mr Paul Sarnoe has been the Designated Premises Supervisor since 26th May 2022 and is also a director of the company.

A licensing authority must carry out its functions under this Act ("licensing functions") with a view to promoting the licensing objectives:

- the prevention of crime and disorder
- public safety;
- the prevention of public nuisance; and
- the protection of children from harm.

In reaching a decision, regard must be had to relevant provisions of the national guidance and the Council's licensing policy statement.

Appendix 1 of the report included an application for the review of a premises licence under section 53A of the Licensing Act 2003 submitted by PC Eccleston in relation to incidents in the early hours of Saturday 10th September 2022.

Appendix 2 of the report included the certificate under section 53A(1)(B) of the Licensing Act 2003 issued and signed by The Chief Superintendent.

Appendix 3 of the report included the current licence and conditions.

At the meeting Greater Manchester Police supplied further supporting evidence for this application by playing CCTV footage of the incidents that took place on 10th September 2022. This footage was shared on screen for Members of the Sub-Committee to view at the hearing.

The Sub-Committee then heard oral representations from PC Eccleston who set out the basis of Greater Manchester Police's application for a summary review of the premises licence.

At 03.31 hours on the morning of Saturday the 10th of September 2022 an incident of disorder occurred immediately outside the above premises resulting in numerous customers from the premises fighting, receiving punches and being knocked to the ground.

The disorder continued along Broad Street (which is the street where the main entrance/exit is situated) with several flashpoints of disorder. As a result one male whom was also a perpetrator to the disorder received a puncture wound to his upper left thigh resulting in loss of blood and the victim being taken to hospital.

It is my opinion that an expedited review of the premises licence is necessary to allow the licence authority to review/amend the licence conditions and prevent a reoccurrence of such serious crime and disorder.

The Chair allowed for facts to be checked with Greater Manchester Police.

The Premises Licence Holder made representations.

All parties were given the opportunity to question each other and to sum up their respective cases.

The Sub-Committee then duly retired to consider the matter and all of the information provided.

The Members of the Sub-Committee were advised by the Legal Officer as to their duties under Section 4 of the Licensing Act 2003 to at all times consider the promotion of the Licensing Objectives, these being:

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

The Members were also advised of their duties in carrying out those functions in relation to:

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

In addition, Members were advised to give appropriate weight to the steps that are appropriate to promote the licensing objectives and the representations presented by all parties.

The Sub-Committee also had regard to the European Convention on Human Rights and in particular that everyone has the right to peaceful enjoyment of his possessions, respect for his private and family life, his home and his correspondence. A fair balance between competing interests must be considered.

DELEGATED DECISION

The Sub-Committee carefully considered all of the representations and evidence produced and in particular found that incidents of serious crime and serious disorder connected with the licensed premises had occurred on the 10th September 2022 when a number of individual were assaulted outside the premises resulting in one person receiving a puncture wound in the leg and suffering from heavy bleeding.

The Sub-Committee therefore unanimously **resolved** that the evidence presented both demonstrated serious crime and serious disorder of an extremely violent nature. The Sub-

Committee was therefore satisfied that the incidents were sufficiently serious to mean interim steps are necessary pending consideration of the summary review application.

The Sub-Committee noted that there is no definition of 'serious disorder' in the Licensing Act 2003, but based on the evidence before it, it was satisfied that incidents clearly took place were so serious that not only were members of the public injured, but others were put at serious risk of injury. This in the Sub-Committee's view meant its powers to impose interim steps under section 53B of the said Act were engaged.

In relation to what steps are appropriate, again the Sub-Committee considered all of the representations and evidence, as well as the options set out in section 53B(3) of the Licensing Act 2003. The Sub-Committee has also considered what steps it felt were appropriate to best promote the licensing objectives in the said Act, in particular in this case the prevention of crime and disorder, and public safety.

In this case, because of the serious nature of the incidents referred to, and the risk of further serious crime and disorder, the Sub-Committee **resolved** that in order to promote the said licensing objectives it must **suspend the premises licence immediately**.

Reasons as follows:-

- Serious crime and disorder evidenced by CCTV
- Taken note of the current conditions of the premises licence which included:-
 - no loitering:
 - Failure to use the communications radio link to the police for reporting an incident in a prompt manner
 - Admission to the premises by customers after 3.00am

None of those conditions were complied with.

- Furthermore, an instruction was given to a member of staff to wash away blood from the street which affected evidence of a crime scene.
- Door staff failing to intervene during a lull in the violence
- The DPS failed in his responsibilities to ensure the licence conditions are complied with and the licensing objectives are met.
- The DPS continually sort to blame doorstaff for the issues on the night.
- The Sub-Committee accepted on the balance of probabilities that a male received a puncture wound in the close vicinity of the premises taking account of how the blood pooled outside as described by police.
- Emergency calls made at 3.51am and 3.57am by staff but this incident began just after 03.30am which was too little too late sometime after the first incident which could have avoided the later injury to the victim.
- The Sub-Committee considered the points of new measures volunteered by Mr Sarnoe being introduced of extra doorstaff, additional CCTV and additional external lighting. The Sub-Committee felt there is not the current capacity in place to comply with the conditions of the premises licence and promote the Licensing Objectives.

- Lack of compliance to the Bury purple flag scheme which promotes a safe night time economy and the lack of compliance with the premises licence conditions by the DPS have encouraged violence and it is fortunate the injuries sustained were not more serious.
- Full training to staff had not been executed by staff or the DPS

The Chair of the Sub-Committee advised the Premises Licence Holder that a letter in writing would be sent by the Licensing Service which would provide information on the summary review and next steps within the next 26 days.

COUNCILLOR S WALMSLEY
Chair

(Note: The meeting started at 3.30pm and ended at 5.26pm)

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Minutes of: LICENSING HEARING SUB COMMITTEE

Date of Meeting: 6 October 2022, 1.00pm

Present: Councillor S Walmsley (in the Chair)
Councillors G Marsden and G McGill

M. Bridge (Licensing Unit Manager)
M. Cunliffe (Democratic Services)
A. Green (Legal)
L. Jones (Deputy Licensing Officer)
B. Thomson (Head of Public Protection)
A. O'Farrell (Licensing Officer)

Also in attendance: Mr P. Sarnoe, Premises Licence Holder
Mr D. Lee, Premises Manager
PC P. Eccleston Greater Manchester Police
Mr T. Worsfold, Greater Manchester Police Legal
Ms E. Hunter, Greater Manchester Police Legal

Public Attendance: The Bury Times
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1 APOLOGIES FOR ABSENCE

No Apologies for absence were submitted.

2 DECLARATIONS OF INTEREST

There were no declarations of interest made.

3 AN APPLICATION FROM GREATER MANCHESTER POLICE FOR A SUMMARY REVIEW OF THE PREMISES LICENCE IN RESPECT OF THE HIDDEN BAR, UNIT B, 24 SILVER STREET, BURY, BL9 0DH

Before commencement of the meeting Mr P. Sarnoe, Premises Licence Holder had requested that an 8 page paper document which contained representations on behalf of Hidden Bar Limited be circulated to the Licensing Hearing Sub Committee.

Upon consultation with Mrs A. Green, Bury Council's Legal Officer, Mr T. Worsfold, Greater Manchester Police's legal representative had no objections to the paper being put before Members if it helped to assist the hearing.

The Licensing Authority received an application by the Chief Constable of Greater Manchester Police in respect of the licence premises Hidden Bar, Unit B, 24 Silver Street, Bury, BL9 0DH for a Summary Review of the Premises Licence and for interim steps to be taken in advance of that review in accordance with Sections 53A to 53C of the Licensing Act. The reason for the application is because the police believe that the premises are associated with serious crime and/or disorder.

The nature of the application and consideration of options was detailed in the report which was presented to the Members of the Sub-Committee by the Licensing Unit Manager, Mr M. Bridge.

The options available were:

- To modify the conditions of the licence
- To exclude the retail sale of alcohol from the licence
- To remove the Designated Premises Supervisor from the licence
- To suspend the licence for a period not exceeding 3 months.
- To revoke the licence.

Following the review under section 53C, Members of the Licensing Hearings Sub-Committee must review the interim steps that are currently in place and determine whether it is appropriate for the promotion of the licensing objectives for the steps to remain in place, or if they should be modified or withdrawn.

Members were made aware that the cost of the licensing function was 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.

Attention was drawn to background papers which included:

Current Premises Licence

Section 53A application, Certificate and supporting evidence

Licensing and Safety Panel Report (interim steps hearing)–14 September 2022

Licensing and Safety Panel Minutes (interim steps hearing)–14 September 2022

The Licensing Unit Manager reported that on the 12th September 2022, Greater Manchester Police submitted an application to the Licensing Authority for a Summary Review in respect of the Hidden Bar, Unit B, 24 Silver Street, Bury, BL9 0DH because they believe that the premises are associated with Serious Crime and/or Serious Disorder.

A 10 working-day public consultation exercise has been undertaken in accordance with Licensing Act 2003 regulations; requiring the application to be advertised by the displaying of a blue notice at or on the premises and details of the application published on the Council's website.

Within 48 hours of receiving a summary review application, under s53B of the Licensing Act 2003 the licensing authority must consider whether it is necessary to take interim steps pending the review of the licence for the promotion of the licensing objectives.

On 14 September 2022 a Licensing Hearings Sub Committee interim steps hearing was held, following receipt of the Summary Review application from Greater Manchester Police, Members of the Licensing Hearing Sub-Committee considered whether interim measures should be taken in respect of the Premises Licence for the purpose of promoting the Licensing Objectives.

The Panel resolved that in order to promote the said licensing objectives, it was necessary to impose interim steps and that it must suspend the premises licence immediately. The reasons for the Panel's decision were attached at appendix one.

Representations must be relevant to the licensing objectives defined within the Act. The objectives listed in the report:

- the prevention of crime and disorder
- public safety;
- the prevention of public nuisance; and
- the protection of children from harm.

Appendix 1 of the report included the Licensing Hearing Sub-Committee – Interim Steps Hearing Minutes of the 14th September 2022.

Appendix 2 of the report included the application for the review of a premises licence under section 53A of the Licensing Act 2003 (premises associated with serious crime, serious disorder or both)

Appendix 3 of the report included certificate under Section 53A(1)(b) of the Licensing Act 2003 issued by Superintendent

Appendix 4 of the report included representations received from the Licensing Authority

Appendix 5 of the report included the premises Licence for Hidden Bar, Unit B, 24 Silver Street, Bury

Appendix 6 of the report included an additional Bundle of Evidence listed under different exhibits submitted by Greater Manchester Police on the 27th September 2022.

Mr T. Worsfold, Greater Manchester Police's legal representative referred to Appendix 2 which promoted the review and provided a summary to the meeting of the violence outside the premises and previous incidents. The main focus was the serious crime and disorder on the 10th September 2022 and another issue was the persistent problem of age verification. Another point to note was the interactions of Mr P. Sarnoe and his unwillingness and obstruction to address the problems.

PC P. Eccleston from Greater Manchester Police referred to appendix 6 of the agenda packs and read out extracts of his witness statement.

At the meeting Greater Manchester Police played CCTV footage of the incidents that took place on 10th September 2022. This footage was shared on a large screen for Members of the Sub-Committee to view at the hearing.

The Sub-Committee then listened to information from PC Eccleston who provided a description of people and incidents whilst highlighting on screen the flashpoints of the violence. Attention was drawn to members of the public being permitted entry after 3.00am and the failure of door security staff to take any actions that could have

prevented or reduced the offences which occurred and this included dispersal of the public from the area around the venue to avoid loitering.

Highlighted on the CCTV footage was the incident which led to a puncture wound and the victim suffering from heavy bleeding over the next few minutes which could be illustrated by the footwear turning red in colour. Other incidents had occurred outside the of the CCTV coverage area with another person walking into the area with injuries to their face.

The washing away of blood by a bucket of water was also a concern as this did not preserve the crime scene.

Communication of the incident to the police was not reported by the venue and came via the Ambulance Service.

PC P. Eccleston stated this was not an isolated incident and intelligence gathered provided a number of reports on underage drinking at the venue. Some of these young people were vulnerable and in care homes so this was a safeguarding issue.

Information provided to the Sub-Committee was an incident of a burglary at a residential property with a car being stolen in early May 2022. The stolen vehicle was seen on CCTV outside Hidden Bar and three young males enter the car, following this a police pursuit took place ending with the occupants who were all aged under 18 being arrested.

Other information reported was numerous individuals young in appearance entering the venue wearing tracksuits and balaclavas with no identification checks taking place and also customers going in and out of the venue holding glasses containing drink.

A number of the exhibits contained in the agenda pack were referred to which included letters to Mr Sarnoe from GMP about performance of the door supervision company and records of visits to the licensed premises.

Further footage was shared on a large screen for Members of the Sub-Committee to view with images and sound from GMP body worn cameras which showed a visit to the venue and a number of young people inside who could not provide age identity to officers and were asked to leave.

PC P. Eccleston reported that door staff had allowed entry to an individual with a college pass and a 15 year from the venue had to be taken to hospital due to consumption of too much alcohol.

Two different witness statements from police officers had commented that Mr Sarnoe did not like unannounced visits from the police and was argumentative and hostile.

A summary of the above information communicated at the meeting and listed in the report set out the basis of Greater Manchester Police's application for a summary review of the premises licence.

The Deputy Licensing Officer reported that enforcement officers from the Council's licensing department had carried out regular evening enforcement on the licensed

premises. Details of visits made to Hidden Bar were contained in the report which included dates and and subsequent findings.

The Premises Licence Holder made representations and referred to the paperwork he had submitted at the start of the meeting. He made an apology and acknowledged he had made mistakes and requested one last chance to improve and make the venue a safer place to prevent crime.

The Chair provided all parties the opportunity to question each other and to sum up their respective cases which recapped on information provided earlier in the meeting.

The Sub-Committee then duly retired to consider the matter and all of the information provided.

The Members of the Sub-Committee were advised by the Legal Officer as to their duties under Section 4 of the Licensing Act 2003 to at all times consider the promotion of the Licensing Objectives, these being:

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

The Members were also advised of their duties in carrying out those functions in relation to:

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

In addition, Members were advised to give appropriate weight to the steps that are appropriate to promote the licensing objectives and the representations presented by all parties.

DELEGATED DECISION

The Sub-Committee carefully considered all of the representations and evidence produced and therefore unanimously **resolved to revoke the premises licence immediately in order** to promote the licensing objectives.

The evidence presented had demonstrated all the licensing objectives had not been met and failed the:-

- prevention of crime and disorder
- public safety;
- prevention of public nuisance; and
- protection of children from harm.

The Sub-Committee had no confidence there would be any improvement with modifications made to the licence.

There had been a consistent and continuing theme of underage access to the venue evident over a period of months. This included the incidents of a vulnerable 17-year-old in June and a 15-year-old who collapsed in July having been admitted into the venue. Body worn footage from GMP showed a number of underage people inside the venue at the end of July. No proper checks were being undertaken by door security staff and incorrect age identification were being accepted.

The Sub-Committee noted that swab tests had found traces of the drug cocaine on the premises and nitrous oxide gas usage had been conducted in front of door staff.

In the case of the serious violence and disorder on the 10th September 2022, this could and should have been prevented not just on the night in question but in the months leading up to the incident.

Other factors taken into account were the 16-year-old found in possession of a stolen warrant card in June. 3 people wearing balaclavas to enter the venue in May then leaving in a stolen vehicle and when later arrested all the occupants were aged 18 or under. The common theme of the DPS being purposely obstructive to the police when undertaking their duties and the Sub-Committee felt that a genuine DPS would want to work collaboration and allow access to the venue without question.

The incident on the 10th September 2022 highlighted a number of failed procedures on that evening:-

- Loitering
- Allowing people into the venue after 3.00am
- Door security staff failed to deal with the incident and during a lull in the violence
- Failure to inform GMP and the use of official communication channels
- Washing away evidence of a crime scene
- DPS failed in their responsibility of staff and a breach of the licence conditions

The licensing authority accepted all the evidence provided by GMP which included various discussions and letters that had been issued to the venue without any improvements and this led to the incident on the 10th September occurring.

The protection of staff at the premises was a concern and it was noted that a female employee had been hit by an object of some kind whilst working in the venue.

The modified conditions listed in the report by the Licensing Officer and proposed by Mr Sarnoe are not sufficient to appropriately deal with the serious issues and breaches of the licensing conditions.

The Council's Licensing Department and GMP are keen to promote the licensing objectives to ensure people can safely enjoy the evening economy in Bury town centre. Hidden Bar had failed to meet these objectives repeatedly and the Sub-Committee had serious concerns about the safety of patrons especially young children.

All the above reasons were taken into consideration when revoking the licence and the Sub-Committee felt it was appropriate and proportionate.

The **interim steps of the suspension of the licence are to remain in place** until the end of the period provided for appeal against the decision, or if the decision is appealed against, the time the appeal is disposed of. It was appropriate for the promotion of the licensing objectives that the interim steps remain in place.

The Chair of the Sub-Committee advised the Premises Licence Holder that a letter in writing would be sent by the Licensing Service which would provide all the information.

COUNCILLOR S WALMSLEY
Chair

(Note: The meeting started at 1.16pm and ended at 3.49pm)

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Classification	Item No.
Open	

Meeting:	Licensing Hearings Sub-Committee
Meeting date:	15 November 2022
Title of report:	Application for a Premises Licence to be granted under the Licensing Act 2003 in respect of Express Mini Market, 46 Bolton Street, Bury, BL9 0LL
Report by:	Executive Director (Operations)
Decision Type:	Council
Ward(s) to which report relates	East

Executive Summary:

This report relates to an application for a Premises Licence to be granted under the Licensing Act 2003 in respect of Express Mini Market, 46 Bolton Street, Bury, BL9 0LL.

Recommendation

Options & recommended option

- To grant the application in the terms requested
- To grant the application subject to conditions
- To amend or modify existing or proposed conditions
- To refuse the application

Key considerations

This is a Council Function that is delegated to the Licensing and Safety Panel by the Council's Constitution.

Community impact / Contribution to the Bury 2030 Strategy

Not applicable

Equality Impact and considerations:

A GM-wide Equality Impact Assessment has been undertaken and a copy is available on request.

Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to -

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.*

The public sector equality duty requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services.

The Licensing Service have considered the Equality Act 2010 and due to each application being dealt with on its own merits there is no positive or negative on any of the protected characteristics

Assessment of Risk:

The following risks apply to the decision:

Risk / opportunity	Mitigation
Not applicable	

Consultation:

Not applicable

Legal Implications:

Under the legislation the Council is required to determine representations. The report is in accordance with the appropriate legislation.

Financial Implications:

There are no specific issues from the report other than potential costs/risks associated with legal appeals

Report Author and Contact Details:

M Bridge
Licensing Unit Manager
3 Knowsley Place
Duke Street
Bury
BL9 0EJ Tel: 0161 253 5209 Email: m.bridge@bury.gov.uk

Please include a glossary of terms, abbreviations and acronyms used in this report.

Term	Meaning
DPS	Designated Premises Supervisor

Background papers:

Application form
Representation received
Plan

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.

2.0 INTRODUCTION

- 2.1 The applicant for the licence and the proposed Designated Premises Supervisor (DPS), in respect of the above premises, is Mr Faraydn Qasmpwr, 156 Deane Road, Bolton, BL3 5DL, However at the time of writing this report the applicant does not hold a personal licence under the Licensing Act 2003 but an application has been made to Bolton Council.
- 2.2 The applicant has complied with all the necessary procedural requirements laid down by the Act.
- 2.3 As part of the statutory process the Responsible Authorities and interested parties are entitled to make representations in relation to the grant of a licence. Where representations are made and not withdrawn Members are required to determine them.

- 2.4 Representations must be relevant to the licensing objectives defined within the Act. The objectives are:-

- the prevention of crime and disorder
- public safety
- prevention of public nuisance and
- protection of children from harm

3.0 THE APPLICATION

- 3.1 The application is for the grant of a Premises Licence under Part 3 of the Licensing Act 2003:

The operating schedule shows the following:

a. Supply of alcohol – For consumption Off the Premises.

Sunday to Thursday	06:00 to 23.00
Friday to Saturday	06.00 to 00.00

b. Hours open to the Public

Sunday to Thursday	06:00 to 23.00
Friday to Saturday	06.00 to 00.00

The conditions contained in the operating schedule submitted by the applicant are contained at Appendix 1.

4.0 REPRESENTATIONS FROM A RESPONSIBLE AUTHORITY

- 4.1 Greater Manchester Police have submitted a representation in their capacity as a Responsible Authority. The representation is contained at Appendix 1.

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.

6.0 THE SECRETARY OF STATES GUIDANCE TO THE LICENSING ACT 2003

- 6.1 The Secretary of State's Guidance to the Licensing Act 2003 is provided to licensing authorities in relation to the carrying out of their functions under the 2003 Act. It also provides information to magistrates' courts hearing appeals against licensing decisions and has been made widely available for the benefit of those who run licensed premises, their legal advisers and the general public. It is a key medium for promoting best practice, ensuring consistent application of licensing powers across England and Wales and for promoting fairness, equal treatment and proportionality.
- 6.2 Section 4 of the 2003 Act provides that, in carrying out its functions, a licensing authority must 'have regard to' guidance issued by the Secretary of State under section 182. The Guidance is therefore binding on all licensing authorities to that extent. However, the Guidance cannot anticipate every

possible scenario or set of circumstances that may arise and, as long as licensing authorities have properly understood this Guidance, they may depart from it if they have good reason to do so and can provide full reasons.

- 6.3 Departure from the Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.

7.0 CONCLUSION

- 7.1 A licensing authority must carry out its functions under this Act (“licensing functions”) with a view to promoting the licensing objectives:
- the prevention of crime and disorder
 - public safety;
 - the prevention of public nuisance; and
 - the protection of children from harm.
- 7.2 In reaching the decision, regard must be had to relevant provisions of the national guidance and the Council’s licensing policy statement.
- 7.3 The Sub-Committee must consider what steps are appropriate for the promotion of the licensing objectives.
- 7.4 In making its decision with regard to this variation hearing, the steps the Sub-Committee can take are:
- To grant the application in the terms requested
 - To grant the application subject to conditions
 - To amend or modify existing or proposed conditions
 - To refuse the application
- 7.5 All licensing determinations should be considered on the individual merits of the application.
- 7.6 The Sub-Committee’s determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve. Findings on any issues of fact should be on the balance of probability.
- 7.7 It is important that a licensing authority should give comprehensive reasons for its decisions in anticipation of any appeals. Failure to give adequate reasons could itself give rise to grounds for an appeal.
- 7.8 The Sub-Committee is asked to determine what steps, as set out in 7.4 above, are appropriate for the promotion of the licensing objectives.

Appendix 1

Bury Metropolitan Borough Council

The Licensing Act 2003

Responsible Authority Representation Form

<i>Section 1 - Application Details</i>	
We object to the following Application: Express Mini Market 46 Bolton Street Bury BL9 0LL	
Type of application. Application for a Premises License	
Application Number (if known):	

<i>Section 2 – Responsible Authority's Details</i>	
Responsible Authority's Details: Please tick appropriate box:	
<input checked="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

	Weights and Measures	
	Licensing Authority	
	Immigration	
	Public Health Department	
Full name:	Peter Eccleston PC 15913	
Job Title:	Bury District Licensing Officer	
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Address:	Bury Police Station Dunster Road Bury BL9 0RD	

Section 3 – Representations	
	We object to the application being granted at all
X	We object to the application being granted in its current form*
<p>*If you choose this option remember to tell us in section 3B what changes you would like to see.</p>	
<p>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).</p> <p>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.</p>	
Section 3A – The Objectives	
To prevent crime and disorder	<p>Please state your reasons:</p> <p>The premises are situated on Bolton Street which is within close proximity to a number of licensed premises and in the vicinity of an area within Bury Town Centre which is known for its frequent flashpoint for alcohol related violence and disorder, whereby individuals have received a varying scale of injuries.</p>

	<p>By granting the application in its current form it is likely to undermine the Licensing Objective of the Prevention of Crime and Disorder and is likely to put further pressure on already stretched Police and Emergency Service resources.</p> <p>The premises are located within the boundaries of a PUBLIC SPACES PROTECTION ORDER (PSPO) and the introduction of an "Off Sales" provision during the operating hours of the night-time economy is likely to lead to an increase of PSPO breaches.</p> <p>As the premises are situated just a short distance away from residential properties it is likely that many customers will be travelling on foot from or between other licensed premises.</p> <p>Whilst operating within the hours of the night-time economy it is likely that customers to these premises will already be suffering the effects of alcohol and therefore the granting of a licence for "Off Sales" during the hours of the night-time economy is likely to lead to offences under sec 141 of The Licensing Act (SALE OF ALCOHOL TO A PERSON WHO IS DRUNK).</p> <p>There is a likelihood that alcohol obtained from these premises during the operating hours of the night-time economy will lead to a breach of the PSPO as customers will drink their purchases on the streets and potentially contribute to night-time disorder increasing the risk of violence. There is also a heightened risk that empty containers such as glass bottles will be used as weapons or discarded around the town centre giving someone else the opportunity to use them as a weapon.</p> <p>In summary, Greater Manchester Police are of the opinion that the granting of this application in its present form is likely to undermine the licensing objective of the Prevention of Crime and Disorder.</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

- Reduction in licensable hours for supply of alcohol. Suggested hours:
Mon – Thursday = 08:00 – 23:00
Friday & Saturday = 08:00 – 20:00
Sunday = 08:00 – 23:00
Sundays of Bank Holidays = 08:00 – 20:00

In addition to those already proposed on the Premises license application:

- Marking of alcohol beverage containers prior to being placed on display so that they can be easily identified as being purchased from the store.
- Notices to be placed inside and in a prominent place at the front of the store advising customers / members of the public not to loiter outside the premises.
- Person under the age of 16 years will only be permitted entry after 8pm if accompanied by an adult.
- Premises license holder to ensure the area immediately outside the premises is kept clean and tidy.
- No alcoholic beverages to be displayed in the window of the premises or in close proximity to the front entrance.
- Refrigerated alcoholic beverages to be located next to premises serving counter.

Signed P. Eccleston PC 15913

dated 18/10/2022

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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