

**AGENDA FOR
LICENSING HEARING SUB COMMITTEE**



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To: All Members of Licensing Hearing Sub Committee

Councillors : S Walmsley (Chair)

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:	Thursday, 18 May 2023
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 - 10)*

The Minutes of the last Licensing Hearing Sub Committee meetings held at 9.30am on the 26th April 2023 and 1.00pm on the 27th April 2023 are attached.

4 AN APPLICATION FROM GREATER MANCHESTER POLICE FOR A SUMMARY REVIEW OF THE PREMISES IN RESPECT OF TOPSHOP, 20 HURST STREET, BURY, BL9 7ER *(Pages 11 - 32)*

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

Minutes of: LICENSING HEARING SUB COMMITTEE

Date of Meeting: 26 April 2023

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

M. Bridge (Licensing Unit Manager)
M. Cunliffe (Democratic Services)
O. Osinuga (Legal Services)

Also in attendance: PC P. Eccleston Greater Manchester Police

Public Attendance: The Hearing was held virtually and interested members of the public were provided with a link to access the hearing online via Microsoft Teams or could be telephoned into the meeting via audio only. No members of the public or press were in virtual attendance.

1 APOLOGIES FOR ABSENCE

Apologies for absence were submitted from B. Thomson, Head of Public Protection at Bury Council and Mr Shah, Premises Licence Holder.

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 TOPSHOP, 20 HURST STREET, BURY, BL9 7ER

The Licensing Authority received an application by the Chief Constable of Greater Manchester Police in respect of the licence premises the Topshop, 20 Hurst Street, Bury, BL9 7ER 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.

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.

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 Chief Superintendent had issued a certificate under section 53A (1)(b) of the Licensing Act 2003 in which he stated the following:-

At 16:00 hours on Thursday the 20th April 2023, officers from Bury Council's Trading Standards and Licensing department attended Topshop, 20 Hurst Street, Bury, in company with Greater Manchester Police and immigration officers. The intention was to search the premises for illicit tobacco and illegal vapes, however during the search, a large quantity of cannabis, already divided in separate snap bags (75 Cannabis and 11 cannabis resin) were discovered in the store room at the rear of the premises.

Two individuals were arrested in the premises on suspicion of an offence of Possession with Intent to Supply, however neither party is the DPS or Premises Licence Holder. During the investigation, it has been established that neither detained persons, were employed by the store and certainly one male had been asked to temporarily watch the store by two Asian males as Police and other agencies arrived on scene.

It was the Chief Superintendent's opinion that an expedited review of the premises license was necessary to allow the Licensing Authority to review/amend the license conditions and prevent a recurrence of such serious crime.

Attached to the agenda at Appendix 1 (Application by Greater Manchester Police for the Summary Review) and Appendix 2 (Certificate issued by the Chief Superintendent) respectively.

Following the serving of the application for the Expedited Review the Premises Licence Holder cancelled the Premises Licence in writing stating that the shop had been sold, however no evidence of the sale was provided. The Hearing must still be held as the Premises Licence can be reinstated by way of transfer within 28 days. Emails cancelling the licence were attached at Appendix 3 of the agenda pack.

The Premises Licence showing the current licensable activities and conditions was attached at Appendix 4.

The Licensing Unit Manager reported that Mr Shah was unable to attend and his son had informed him that Mr Shah would speak to the current business owners of the shop and see if they wanted to continue trading or hand the licence back to Mr Shah who is the Premises Licence Holder.

PC P. Eccleston from Greater Manchester Police provided a summary of the multi agency operation which took place and 2 males who were outside the store had

disappeared leaving one man being asked to supervise the store. Within minutes of a search inside the premises, plastic containers containing drugs had been found. There was no stock in the store room and no alcohol available to buy. Another man came to collect some car keys from the rear store room and after enquiries both men in the store were arrested.

The Sub-Committee then heard information from PC Eccleston about no CCTV and refusals book being located at the store which was required as part of the licencing conditions.

Police enquiries were on going with evidence being collated as part of the investigations.

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 at the meeting.

DELEGATED DECISION

The Sub-Committee carefully considered the representations and evidence provided which demonstrated serious crime and therefore unanimously **resolved to suspend the licence and remove the Designated Premises Supervisor from the licence** in order to promote the licensing objectives.

The Sub-Committee was therefore satisfied that there was sufficient evidence to mean interim steps were necessary.

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

- Prevention of crime and disorder
- Public safety;

The reasons by the sub-committee, included:-

- Evidence of serious crime taking place at the premises and not promoting the Licensing Objective of Prevention of Crime and Disorder.
- The Licensing Objective of Public Safety was not being promoted at the premises by the Premises Licence Holder/Designated Premises Supervisor.
- The Premises Licence Holder/Designated Premises Supervisor was breaching conditions of the premises licence in relation to breach of Licensing conditions in relation to the provision of CCTV and the requirement to maintain a refusals book to record incidents/descriptions of individuals whenever a member of staff has refused to sell alcohol to a person suspected of being under the age of 18. This book must be made available to the police / authorised officers of the Council on request.

COUNCILLOR S WALMSLEY
Chair

(Note: The meeting started at 9.30am and ended at 9.55am)

Minutes of: LICENSING HEARING SUB COMMITTEE

Date of Meeting: 27 April 2023

Present: Councillor G McGill (in the Chair)
Councillors J Grimshaw and G Marsden

M Bridge- Licensing
O. Osinuga (Legal Services)
B. Thomson (Public Protection)
M. Cunliffe (Democratic Services)

Also in attendance: L. Towers (Applicant)
PC P. Eccleston- GMP (Representor).
I Oldman- Bury Times (Press)

Public Attendance: The Hearing was held virtually and interested members of the public were provided with a link to access the hearing online via Microsoft Teams or could be telephoned into the meeting via audio only. No members of the public were in virtual attendance.

1 APOLOGIES FOR ABSENCE

No apologies for absence were submitted.

2 DECLARATIONS OF INTEREST

There were no declarations of interest made.

3 MINUTES OF THE LAST MEETING

The minutes of the last Licensing Hearing Sub Committee meeting held at 10.30am on the 31st March 2023 were attached to the agenda.

Resolved:- That the minutes of the Licensing Hearing Sub Committee held at 10.30am on the 31st March 2023 be approved as a correct record.

4 OBJECTION NOTICE BEING RECEIVED FROM GREATER MANCHESTER POLICE OR ENVIRONMENTAL HEALTH IN RESPECT OF A TEMPORARY EVENT NOTICE

The Licensing Officer presented a report relating to an objection notice being given to the Licensing Authority, by Greater Manchester Police pursuant to section 104(2) of the Licensing Act 2003, in respect of a proposed temporary event to be held at the Two Tubs, 19 The Wylde, Bury, BL9 0LA between the hours of 09.00 to 22.00 hours on the 24th June 2023.

The Temporary Event Notice has been given by Lolas Pub Company Limited for the retail sale of alcohol and the provision of regulated entertainment and late night refreshment.

Greater Manchester Police, in their capacity as a Responsible Authority, would give their reasons for their representation in respect of the Temporary Event Notice were they are satisfied that the representation would undermine the Prevention of Crime and Disorder. Representation was attached at appendix 1 in the agenda packs.

The TEN application form and a copy of the event management plan was also circulated to Members of the Panel prior to the hearing.

The Sub-Committee heard oral representations from the applicant Ms Towers.

The Sub-Committee then heard representations from Greater Manchester Police via PC Eccleston.

The Sub-Committee heard no other representations.

The main issues of discussions were around the lack of information contained in the TEN application and unanswered issues concerning:-

- Prevention of proxy alcohol sales
- Prevention of unauthorised access due to low insecure fencing barriers
- No authorised use of public land
- No road closures in place to keep the public safe

The Panel asked questions of the applicant and the representative of Greater Manchester Police. All parties were offered the opportunity to question the applicant and representor and vice versa. All parties were allowed the opportunity to sum up their respective cases.

The Sub-Committee then duly retired to consider the application.

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

- a) the prevention of crime and disorder
- b) public safety
- c) the prevention of public nuisance
- d) the protection of children from harm

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

- 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, (December 2022 – updated 12 January 2023)

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

Delegated decision

The Sub-Committee considered the Licensing Act 2003, regulations made thereunder, the Secretary of State's Guidance, issued under section 182 of the 2003 Act, and the Council's own Licensing Policy. The Sub-Committee also considered the Temporary Event Notice, the written objections from Greater Manchester Police and the oral representations from the Notice Giver, the Licensing Authority and from GMP.

Having considered all of the evidence with care, it was established that, having understood the application and equally noting and understanding the representations and assurances made by the applicant and for the premises, the Sub-Committee found there were causes for concern so far as the promotion of the licensing objectives.

The Notice Giver had not provided sufficient detail or submissions and the Sub-Committee was not satisfied that the Licensing Objective, in particular the Prevention of Crime and Disorder and Public Safety would not be imperilled if the Temporary Event were to proceed.

The Sub-Committee were deeply concerned how to keep expected crowds out of the event venue with insecure low fencing. Keeping the general public safe could not be guaranteed with no road closures in place or the use of public land obtained. Prevention of proxy sales of alcohol were not explained. The Notice Giver had provided limited explanation of how the Licensing Objectives would be promoted during the proposed Temporary Event and, considering the Temporary Event itself and the wider context set out in evidence, the Sub-Committee was not satisfied that the Licensing Objective, in particular the Prevention of Crime and Disorder, but also the Protection of Public Safety, would not be imperilled if the Temporary Event were to proceed.

It was, therefore, agreed unanimously, that the Sub-Committee give a counter notice to the Temporary Event Notice giver pursuant to section 105(2)(b) of the Licensing Act 2003, the Local Authority considering this necessary for the promotion of the Licensing Objectives– (preventing the event from taking place).

The Sub-Committee chair added that the above decision was based on the submissions and information available at the time and encouraged the Notice Giver and GMP to work together in collaboration and seek a suitable solution for all parties concerned.

COUNCILLOR G MCGILL
Chair

(Note: The meeting started at 1.00pm and ended at 2.03pm)

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Classification	Item No.
Open	

Meeting:	Licensing Hearings Sub-Committee
Meeting date:	18 May 2023
Title of report:	An application from Greater Manchester Police for a Summary Review of the premises licence in respect of Topshop, 20 Hurst Street, Bury, BL9 7ER
Report by:	Executive Director (Operations)
Decision Type:	Council
Ward(s) to which report relates	East

Executive Summary:

This report relates to an application by the Chief Constable of Greater Manchester Police in respect of the licensed premises Top Shop, 20 Hurst Street, Bury, BL9 7ER for a Summary Review of the Premises Licence and a review of the interim steps that were taken in advance of this review in accordance 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.

Recommendation

Options & recommended option

- 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.

Key considerations

This is a Council Function that is delegated to the Licensing Hearings Sub-Committee 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:

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.

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:

Current Premises Licence
Section 53A application, Certificate and supporting evidence
Licensing and Safety Panel Report (interim steps hearing) – 26 April 2023
Licensing and Safety Panel Minutes (interim steps hearing) –26 April 2023

1.0 INTRODUCTION

- 1.1 On the 24 April 2023, Greater Manchester Police submitted an application to the Licensing Authority for a Summary Review in respect of Top Shop, 20 Hurst Street, Bury, BL9 7ER because they believe that the premises are associated with Serious Crime.
- 1.2 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 a fast-track licence review.
- 1.3 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.

- 1.4 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.
- 1.5 On 26 April 2023, 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 and Safety Panel considered whether interim measures should be taken in respect of the Premises Licence for the purpose of promoting the Licensing Objectives.
- 1.7 The Sub-Committee 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 are attached at Appendix One.
- 1.8 The premises licence holder may make representations against the interim steps taken by the licensing authority. Under s53B of the Licensing Act 2003 the licensing authority must within 48 hours of the time of its receipt of the representations, hold a hearing to consider those representations.
- 1.9 At the time of writing this report, the premises licence holder has not made representations against the interim steps taken by the licensing authority.
- 1.10 On the date of the review hearing, the licensing authority is required to review any interim steps that are in place and consider 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.
- 1.11 Under section 53C of the Licensing Act 2003, the licensing authority must hold a full review of the premises licence and determine the review within 28 days after the day of receipt of the application.
- 1.12 Following the review under section 53C, the licensing authority must then review the interim steps 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.
- 1.13 The premises licence in respect of Topshop, 20 Hurst Street, Bury, BL9 7ER has been held by Syed Khurshid Hussain Shah since 19 February 2020. He has also been the designated premises Supervisor since the same date.
- 1.14 The Licensing Act 2003 (as amended by the Violent Crime Reduction Act 2006) and the Licensing Act (Hearings Regulations) 2005 (as amended) is the relevant legislation.
- 1.15 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 The Chief Superintendent has issued a certificate under section 53A (1)(b) of the Licensing Act 2003 in which he states the following:-

At 16:00 hours on Thursday 20th April 2023, officers from Bury Council's Trading Standards and Licensing department attended Topshop, 20 Hurst Street, Bury, in company with Greater Manchester Police and immigration officers. The intention was to search the premises for illicit tobacco and illegal vapes, however during the search, a large quantity of cannabis, already divided in separate snap bags (75 Cannabis and 11 cannabis resin) were discovered in the store room at the rear of the premises.

Two individuals were arrested in the premises on suspicion of an offence of Possession With Intent to Supply, however neither party is the DPS or Premises License Holder. During the investigation, it has been established that neither detained persons, were employed by the store and certainly one male had been asked to temporarily watch the store by two Asian males as Police and other agencies arrived on scene.

It is in my opinion that an expedited review of the premises license is necessary to allow the Licensing Authority to review/amend the license conditions and prevent a recurrence of such serious crime.

Attached to this report at Appendix Two (Application by Greater Manchester Police for the Summary Review) and Appendix Three (Certificate issued by the Chief Superintendent) respectively.

3.0 REPRESENTATIONS

3.1 As part of the statutory process the Responsible Authorities and interested parties are entitled to make representations in relation to the review of a licence. The Licensing Authority has given Notice of this review 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. Greater Manchester Police will give evidence at the hearing.

3.2 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
- d. Protection of children from harm

4.0 CURRENT LICENSABLE ACTIVITIES

4.1 The premises licence which shows the current licensable activities and conditions is attached at Appendix Four.

5.0 THE SECRETARY OF STATE'S GUIDANCE TO THE LICENSING ACT 2003

5.1 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.

5.2 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.

5.3 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.

6.0 CONCLUSION

6.1 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.

6.2 In considering the matter, the Sub-Committee should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant. In reaching the decision, regard must also be had to relevant provisions of the national guidance and the Council’s licensing policy statement.

6.3 The Sub-Committee must consider what steps are appropriate for the promotion of the licensing objectives taking into account any change in circumstances since any interim steps were imposed, any relevant representations, and review the interim steps already taken (if any).

6.4 In making its final determination, the steps the Sub-Committee can take are:

- To modify the conditions of the premises licence
- To exclude from the scope of the licence any of the licensable activities to which the application relates;
- To remove the designated premises supervisor from the licence;
- To suspend the licence for a period not exceeding 3 months;
- To revoke the premises licence.

6.5 The conditions of the licence, with the exception of mandatory conditions of the premises licence, may be modified to alter or omit any of them or to add any new condition, including restricting the times at which licensable activities authorised by the licence can take place.

6.6 All licensing determinations should be considered on the individual merits of the application.

6.7 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.

6.8 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.

6.9 The Sub-Committee is asked to determine what steps, as set out in 6.4 above, are appropriate for the promotion of the licensing objectives.

6.10 The Sub-Committee’s determination of the review does not have effect until the end of the 21-day period given for appealing the decision, or until the disposal of any appeal that is lodged.

6.11 To ensure that there are appropriate and proportionate safeguards in place at all times, the licensing authority is required to review any interim steps that it has taken that are in place on the date of the final review hearing. This is to be done immediately after the determination

of the review under s53C. In reaching its decision, the panel must consider any relevant representations made.

6.12 The steps available to the Sub-Committee are:

- To modify the conditions of the licence;
- To exclude the sale of alcohol by retail from the scope of the licence;
- To remove the designated premises supervisor from the licence; and
- To suspend the licence.

6.13 Upon the determination of the licence review, the Sub-Committee is asked to review the interim steps 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

Decision and Reasons

Decision: Suspend the Premises Licence and remove the DPS

The Panel therefore unanimously **resolved** that the evidence demonstrated serious crime. The Sub-Committee was therefore satisfied that there was sufficient evidence to mean interim steps are necessary.

Reasons:

- The Sub-Committee found that evidence of serious crime taking place at the premises and not promoting the Licensing Objective of Prevention of Crime and Disorder.
- The Sub-Committee found that the Licensing Objective of Public Safety was not being promoted at the premises by the Premises Licence Holder/Designated Premises Supervisor.
- The Sub-Committee found that the Premises Licence Holder/Designated Premises Supervisor was breaching conditions of the premises licence in relation to breach of Licensing conditions in relation to the provision of CCTV and the requirement to maintain a refusals book to record incidents/descriptions of individuals whenever a member of staff has refused to sell alcohol to a person suspected of being under the age of 18. This book must be made available to the police / authorised officers of the Council on request.

GREATER MANCHESTER POLICE

SCHEDULE 8A

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)

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 the 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

I. Police Constable 15913 Peter Eccleston

(on behalf of) the chief officer of police for the police area apply for the review of a premises licence under section 53A of the Licensing Act 2003.

1. Premises details

Postal address of premises.

TOPSHOP, 20 HURST STREET,

Post town: BURY

Postcode: BL9 7ER

2. Premises licence details

Name of Premises licence holder (if known);

SYED KHURSHID HUSSAIN SHAH

Number of Premises Licence

PL0956

3. Certificate under section 53A(1)(b) of the Licensing Act 2003

I confirm that a certificate has been given by a senior member of the police force for the police area above, that in his opinion the above premises are associated with serious crime or serious disorder or both, and the certificate accompanies this application.

(Please tick the box to confirm)

X

4. Details of association of the above premises with serious crime, serious disorder or both:

At 16:00 hours on Thursday 20th April 2023 an incident of serious crime occurred inside the above premises. I along with officers from Immigration Enforcement, Bury Councils Trading Standards and Licensing Departments attended the property with a view to searching for illicit tobacco and illegal vapes. It also presented an opportunity for Bury Councils Licensing Department and I to look at any potential breaches with regards to the current premises license.

Upon arrival at the premises, two Asian males were stood outside the premises on the street corner. On entering the premises no one was present inside the store or in the storeroom at the rear of the property however a minute or so later, a white male entered the store. Upon asking the male if he was in charge, he stated that he had just been asked to look after the store temporarily by the two Asian males stood outside.

There was a pungent smell of cannabis within the shop and within minutes two plastic containers were found in the storeroom which contained a total of 75 snap bags containing cannabis bush and 11 snap bags containing cannabis resin. Unfortunately, the two Asian males had left the scene however another Asian male entered the property and went directly to the storeroom where he removed some personal property. As such both he and the individual temporarily in charge were arrested on suspicion of possession with intent to supply class B drugs

Although the premises has a premises license to sell alcohol, it was apparent that the store had not sold alcohol for some time with no stock on the shelves or in the storeroom. In fact, the only stock we found in the storeroom was the containers of cannabis and it is my opinion that the shop itself is a front for the sale of drugs which are likely to be just as readily available as a packet of crisp.

Further to the above, it was also apparent that the premises had no CCTV whatsoever and no refusals book could be found.

Given this incident and the evidence obtained during the search, it is quite clear that the licensing objectives are being undermined and 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.

Signature of Applicant:

 PC 15913

Date: 24th April 2023

Capacity: Police Licensing Officer

Contact details for matters concerning this application:

Address; Divisional Licensing Officer, Greater Manchester Police, Dunster Rd, Bury, BL9 0RD

Telephone number: 0161 856 2256

Email: 15913@gmp.police.uk

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Greater Manchester Police, Bury, BL9 0RD

CERTIFICATE UNDER SECTION 53A(1)(b) OF THE LICENSING ACT 2003

I hereby certify that in my opinion the premises described below are associated with serious crime / serious disorder / both serious crime and serious disorder¹.

*Premises*²:

Topshop, 20 Hurst Street, Bury, BL9 7ER

Premises licence number (if known): PL0956

Name of premises supervisor (if known): Syed Khurshid Hussain SHAH

I am a Chief Superintendent³ in the Greater Manchester police force.

I am giving this certificate because I am of the opinion that other procedures under the Licensing Act are inappropriate in this case, because⁴:

These premises are associated with serious crime.

At 16:00 hours on Thursday 20th April 2023, officers from Bury Council's Trading Standards and Licensing departments attended TOPSHOP, 20 HURST STREET, BURY in company with Greater Manchester Police and Immigration Officers. The intention was to search the premises for illicit tobacco and illegal vapes however during the search, a large quantity of cannabis, already divided in separate snap bags (75 Cannabis Bush & 11 Cannabis Resin) were discovered in the store room at the rear of the premises.

Two individuals were arrested in the premises on suspicion of an offence of Possession With Intent to Supply however neither party is the DPS or Premises License Holder. During the investigation, it has been established that neither detained persons, were employed by the store and certainly on male had been

¹ Delete as applicable.

² Include business name and address and any other relevant identifying details.

³ Insert rank of officer giving the certificate, which must be superintendent or above.

⁴ Give a brief description of why other procedures such as a standard review process are thought to be inappropriate, e.g. the degree of seriousness of the crime and/or disorder, the past history of compliance in relation to the premises concerned.

asked to temporarily watch the store by two Asian males as Police and other agencies arrived on scene.

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



CS-15 8569

24/4/23

.....
(Signed)

.....
(Date)

Licensing Act 2003

Premises Licence

PL0956

Part 1 - Premises Details

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

Topshop

20 Hurst Street, Bury, Lancashire, BL9 7ER.

Telephone 0161 763 4468

WHERE THE LICENCE IS TIME LIMITED THE DATES

Commences **01/06/22**expires **25/04/23**

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- the supply of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
J. Supply of alcohol for consumption OFF the premises only	Monday - Saturday	8:00am	11:00pm
	Sunday	9:00am	10:30pm

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday - Saturday	8:00am	11:00pm
Sunday	9:00am	10:30pm

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

- J. Supply of alcohol for consumption OFF the premises only

Part 2

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

Syed Khurshid Hussain Shah

13 Andrew Street, Bury, Lancashire, BL9 7HD.

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

25/04/2023

Licensing Act 2003

Premises Licence

PL0956

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

Syed Khurshid Hussain SHAH

13 Andrew Street, Bury, Lancashire, BL9 7HD.

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

Licence No. BUR1372

Issued by Bury

Licensing Act 2003

Premises Licence

PL0956

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 premise

Licensing Act 2003

Premises Licence

PL0956

ANNEXES continued ...

- (ii) The designated premises supervisor (if any) under such a licence.
- (iii) Any individual aged 18 or over who is authorized 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

Licensing Act 2003

Premises Licence

PL0956

ANNEXES continued ...

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.

Conditions consistent with the Operating Schedule

- 1 The premise is to operate an effective CCTV system which is to be maintained in good working order at all times the premises is open for business. The type of system and the number / positioning of cameras is to be agreed in liaison with the police. The location of cameras will be recorded on the plan attached to the licence. The recording medium (e.g. discs / tapes / hard drive etc) and associated images are to be retained and securely stored for a minimum period of 28 days and are to be made available to the police / Authorised Officers of the Licensing Authority upon request. The premises licence holder or designated premises supervisor [delete as necessary] is to provide the police with the contact details of at least two members of staff (or other person(s)) who are trained and familiar with the operation of the equipment so that, at the expense of the premises licence holder, they are able to check that the equipment is operating properly and that they are able to provide copies of recorded data upon request and within no more than 12 hours from the time of the request. The premises licence holder or the Designated Premises Supervisor must notify the licensing office or the Police in the event of CCTV breakdown or malfunction as soon as is reasonably practicable and in any event within 24hrs.
- 2 Staff training shall take place on the Licensing Act and Licensing objectives every six months and a written record of this training to be maintained and made available to the police and any authorised officer of the Council for inspection on request.
- 3 No alcohol shall be sold from the premises in an unsealed container.
- 4 The premises will operate a “Challenge 25” proof of age policy and signage to this effect is to be prominently displayed within the premises. Persons who appear to be under the age of 25 must produce for thorough scrutiny by staff, proof of identity/age before being sold / supplied alcohol. Only a passport or photo-card driving licence or a proof of age card bearing the official ‘PASS’ accreditation hologram should to be accepted as proof of age.
- 5 The premises is to maintain a refusals book to record the details of incidents / descriptions of individuals whenever a member of staff has refused to sell alcohol to a person suspected of being under the age of 18. The book must be made available to the police / authorised officers of the Licensing Authority on request.
- 6 That all spirits be displayed / stored behind the counter.

Licensing Act 2003

Premises Licence

PL0956

ANNEXES continued ...

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Signature of Authorised Officer

BURY COUNCIL

Licensing Unit
3 Knowsley Place
Duke Street
Bury
BL9 0EJ

Telephone 0161 253 5208

25/04/2023

Licensing Act 2003

Premises Licence Summary **PL0956**

Premises Details

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

20 Hurst Street, Bury, Lancashire, BL9 7ER.

Telephone 0161 763 4468

WHERE THE LICENCE IS TIME LIMITED THE DATESCommences **01/06/22**expires **25/04/23****LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE**

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

- J. Supply of alcohol for consumption OFF the premises only

NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

Syed Khurshid Hussain Shah

13 Andrew Street, Bury, Lancashire, BL9 7HD.

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)**NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL**

Syed Khurshid Hussain SHAH

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

Licensing Act 2003

Premises Licence Summary **PL0956**

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

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M

Signature of Authorised Officer