

**AGENDA FOR  
LICENSING HEARING SUB COMMITTEE**



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**To: All Members of Licensing Hearing Sub Committee**

**Councillors :** G McGill (Chair), N Boroda, N Bayley,  
J Grimshaw, K Hussain, B Ibrahim, G Marsden, D Quinn,  
I Rizvi, J Rydeheard and M Walsh

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:-

<b>Date:</b>	Wednesday, 17 April 2024
<b>Place:</b>	Virtual meeting via Microsoft Teams
<b>Time:</b>	1.00 pm
<b>Briefing Facilities:</b>	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.
<b>Notes:</b>	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 MEETING** (*Pages 3 - 10*)

The Minutes of the last Licensing Hearing Sub Committee meeting held at 1.00pm on the 26th March 2024 are attached.

**4 AN APPLICATION FROM GREATER MANCHESTER POLICE FOR A SUMMARY REVIEW OF THE PREMISES LICENCE IN RESPECT OF METRO OFF LICENCE, 66 SPRING LANE, RADCLIFFE, M26 2SZ** (*Pages 11 - 82*)

A report from the Executive Director (Operations) is attached:-

**Minutes of:** LICENSING HEARING SUB COMMITTEE

**Date of Meeting:** 26 March 2024

**Present:** Councillor G McGill (in the Chair)  
Councillors G Marsden and M Walsh

**Also in attendance:** M. Cunliffe (Democratic Services)  
L. Jones (Licensing Unit)  
C. Riley (Legal Services)  
B. Thomson (Assistant Director- Operations Strategy)

PC P. Eccleston (Greater Manchester Police)  
I. Oldman (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.

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**1 APOLOGIES FOR ABSENCE**

Apologies were submitted by M Bridge, (Licensing Unit Manager) and Mr M Shafqat (premises Licence Holder & DPS).

**2 DECLARATIONS OF INTEREST**

There were no declarations of interest submitted.

**3 MINUTES OF THE LAST MEETING(S)**

The Minutes of the last Licensing Hearing Sub Committee meetings held at 10.00am on the 29th January 2024, 10.00am on the 2nd February 2024 and 1.00pm on the 18th March 2024 were attached to the agenda.

**Resolved:- That the minutes of the Licensing Hearing Sub Committee held at 10.00am on the 29th January 2024, 10.00am on the 2nd February 2024 and 1.00pm on the 18th March 2024 be approved as a correct record.**

**4 AN APPLICATION FROM GREATER MANCHESTER POLICE FOR A SUMMARY REVIEW OF THE PREMISES LICENCE IN RESPECT OF METRO OFF LICENCE, 66 SPRING LANE, RADCLIFFE, M26 2SZ**

The Licensing Authority received an application by the Chief Constable of Greater Manchester Police in respect of the licensed premises, Metro Off Licence, 66 Spring Lane, Radcliffe, M26 2SZ, 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 was 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 Deputy Licensing Unit Officer, Ms L. Jones.

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

Clarity was also provided that the address of the premises was 66 Spring Lane and not 66 Stand Lane as detailed on page 32 of agenda pack within the background information section.

On the 22<sup>nd</sup> March 2024, Greater Manchester Police submitted an application to the Licensing Authority for a Summary Review in respect of Metro Off Licence, 66 Spring Lane, Radcliffe, M26 2SZ, because they believed that the premises was associated with Serious Crime. The Licensing Authority must consider whether interim steps are required pending a full summary review hearing.

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.

A 10 working-day public consultation exercise will be 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.

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.

Following the review under section 53C, the licensing authority must then review any 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.

The premises licence in respect of Metro Off Licence has been held by Mr Mohammad Shafqat since the 3<sup>rd</sup> October 2022. Mr Shafqat is also the Designated Premises Supervisor and has been since the 23<sup>rd</sup> December 2022.

The Licensing Act 2003 (as amended by the Violent Crime Reduction Act 2006) and the Licensing Act (Hearings Regulations) is the relevant legislation.

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.

The Local Authority is required to consider what interim steps should be imposed for the promotion of the licensing objectives and what the steps should be. Any such measures and the reasons for them must be immediately notified to the premises licence holder.

The Panel will make a decision in relation to interim steps on the day of the hearing and the parties will be verbally notified of that decision. That decision will have immediate effect unless otherwise provided for by the Panel. The parties will also receive written notification of that decision, together with the reasons for it, by letter from the Licensing Office as soon as reasonably practicable following the hearing.

The Chief Superintendent had issued a certificate under section 53A (1)(b) of the Licensing Act 2003 in which he stated the following:-  
The premises are associated with serious crime.

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

The Premises Licence was attached to the agenda pack at Appendix 3 and showed the current licensable activities and conditions.

In determining whether or not to impose interim steps, pending the summary review of the premises licence which must be held within 28 days from the date of the application being received, members must consider the information presented in relation to serious crime and or serious disorder. If members decide to impose interim steps, the following options are available to the Licensing Authority:

- a. To modify the Conditions attached to the licence
- b. The exclusion of the sale of alcohol from the scope of the licence.
- c. The removal of the Designated Premises Supervisor from the licence.
- d. Suspension of the premises licence

For the purposes of option a, the conditions of a premises licence are modified if any of them are altered or omitted or any new condition is added.

The Secretary of State's Guidance to the Licensing Act 2003 is provided to licensing authorities in relation to the carrying out of their functions under the 2003 Act. It also provides information to magistrates' courts hearing appeals against licensing decisions and has been made widely available for the benefit of those who run licensed premises, their legal advisers and the general public. It is a key

medium for promoting best practice, ensuring consistent application of licensing powers across England and Wales and for promoting fairness, equal treatment and proportionality.

Section 4 of the 2003 Act provides that, in carrying out its functions, a licensing authority must 'have regard to' guidance issued by the Secretary of State under section 182. The Guidance is therefore binding on all licensing authorities to that extent. However, the Guidance cannot anticipate every possible scenario or set of circumstances that may arise and, as long as licensing authorities have properly understood this Guidance, they may depart from it if they have good reason to do so and can provide full reasons.

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

PC P. Eccleston from Greater Manchester Police provided a summary of the application for a review at the meeting, which was contained at Appendix 1 of the agenda pack.

*He explained on Thursday the 29th February 2024, a test purchase was carried out at the above licensed premises which had been organised by Bury Council Trading Standards Department. A successful purchase was made of a pack of 20 Lambert and Butler cigarettes in none standardised packaging for £7 as such it did not comply with the Tobacco and Related Products Regulations 2016.*

*As a result of the test purchase, at 15:50 hours on Thursday 21st March 2024, Kelly Halligan (Bury Council Trading Standards Unit Manager), Laura Jones (Bury Council Deputy Licensing Officer), Lucy Sutton (Dog Handler from DC Detection Dogs), Immigration Officers and I, attended the above address as part of Greater Manchester Police's day of action, Operation Avro.*

*On entering the premises, we were greeted by a male member of staff who introduced himself as Adrees Masood. Mr Masood was behind the serving counter at the time and claimed that he was only helping out at the shop. Whilst looking around the store, the dog and handler, went behind the counter and x4 packets of 20 Lambert and Butler cigarettes which were in the same, none standardised packaging as the packet recovered during the test purchase were found. Also found under the counter was a large machete with a blade over 12 inches in length and a hockey stick. As the search continued, 49 disposable vapes which exceeded the maximum capacity and therefore contravened the Tobacco and Related Product Regulations 2016 were also recovered. The cigarettes and the disposable vapes were seized by Kelly Halligan who has provided her own statement and photographs of the machete and hockey stick at appendix A.*

*There is no legitimate reason as to why a machete or hockey stick would be kept on any licensed premises, other than to cause serious harm to someone in the event of a robbery or other similar theft related incident. Considering this premise is open to members of the public, it is illegal to have such items under Section 1 of the Prevention of Crime Act 1953 (possession of an offensive weapon). As such, I seized*

*the items as exhibits PE/1 and PE/2 respectively and a picture of the items have been included in appendix B.*

*Although no other items were recovered as evidence, we did find copies of the lease agreement for the premises which named two other individuals which had signed the agreement. The third named person was Mr Masood however there was no signature next to his details. He was asked numerous questions in relation to his involvement in the business and he continued to claim that he had nothing to do with and had only been working in the store over the last couple of weeks as a shop assistant.*

*At the time, there was some confusion as to who the premises license holder and designated premises supervisor were as the business was had recently been bought and was under new management. As such further enquiries were made by Laura Jones from Bury Council Licensing Department who was able to make contact with the named PLH and DPS, Mr Shafqat later that day. He claimed that he sold the business on the 1st November 2023 to a Qasim (no further details provided) and as far as he was concerned, has had nothing more to do with the business since. This conversation was confirmed via email which has been included at appendix C.*

*Due to the email received from Mr Shafqat, I returned to the premises in company with Bury Council Licensing Enforcement Officer, Luke Solczak on the following day, Friday 22nd March 2024. We spoke to a different member of staff stood behind the counter who introduced himself as Bardh Patel. He insisted that we spoke to his 'boss' and so rang him on his mobile phone and both I and Luke were able to have a conversation via the loudspeaker facility. The male we spoke to introduced himself as the owner of the business and provided his personal details, introducing himself as Mohammed Quasim Khan. We explained that because of the email from Mr Shafqat, there was no DPS in place to authorise the sale of alcohol and therefore was in breach of the Licensing Act and as such was required to either remove the alcohol from the store or close the business until such time the premises license could be transfer and a new DPS be nominated. At the time the request was complied with, and he informed us both that he would be in touch with the previous DPS, Mr Shafqat to see if he would reconsider.*

*I also took the opportunity to ask him questions in relation the machete which was found under the counter. He claimed that the machete had been taken off someone who attempted to rob the shop early in the previous week. He claimed that a report had been made to the police and police had attended to collect CCTV which had captured the individuals responsible but not them entering with the machete or being confronted and having the machete taken from them. What I do find extraordinary about Mr Khans account is the CCTV's ability to capture those responsible but not the machete or the confrontation as the machete is being removed from those that have entered. Furthermore, and what is even more suspicious, is the claim that police had been contacted and had been to the store to recover CCTV, yet the machete was never handed over the police and on checking police computer systems, there is no record of a report being made to Greater Manchester Police. In fact, the last reported incident to the police which involved the premises directly was on the 20th October 2023, which was in relation to a robbery.*

*Since the conversation with Mr Khan, a further email has been received by Bury Council Licensing Department from Mr Shafqat, asking to be reinstated as DPS at the premises. This email has been included at appendix D.*

*It is my opinion that an expedited review of the premises licence is necessary to allow the licence authority to impose interim steps not only for the safety of the staff but also members of the public. It is quite clear for all to see, that they are unable to run the business within the limits of the relevant laws and legislation. Having a lethal weapon on the premises plus offering for sale illicit tobacco products is not in any way promoting the licensing objectives and it is for those reasons that as a delegated licensing officer acting on behalf of the Chief Officer, I am requesting the panel to seriously consider the DPS be removed from the license and the premises license be suspended until such time a full review hearing can be heard due to the likelihood that the licensing objectives will continue to be undermined.*

PC Eccleston highlighted Appendix A and B in the agenda pack which detailed photographs taken from within the premises of the weapons found and a statement from Trading Standards.

Members questioned PC Eccleston if the CCTV system was working and was there a refusal log. It was confirmed the CCTV was working and the till system had a button to record refusal sales.

The Chair sought clarity on how rare it would be for a crime reported to them not be recorded. GMP had searched their records and even checked with the Neighbourhood Crime Team, but no such incident had been recorded at the premises as alleged.

The Chair confirmed that the Premises Licence Holder and DPS Mr Shafqat was not present at the meeting and had submitted no representations.

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 Adviser 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 relevant provisions of national guidance and the Council's licensing policy statement.

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



**DELEGATED DECISION**

The Sub-Committee carefully considered the representations and evidence provided which demonstrated serious crime. It was therefore unanimously decided to **remove the Designated Premises Supervisor from the licence** and to **suspend 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 to remove the Designated Premises Supervisor from the licence and to suspend the licence under the licensing objectives recommended by GMP:-

The evidence presented at the meeting had demonstrated the following licensing objectives had not been met:-

- The prevention of crime and disorder
- Public safety
- The protection of children from harm

The reasons by the sub-committee, included:-

- 2 dangerous weapons found under the counter
- Accounts of an alleged incident provided by the Licence Holder in relation to the weapons being present were not believable.

It was noted that other factors of concern could be dealt with and finalised at the full review hearing.

**COUNCILLOR G MCGILL**  
Chair

**(Note: The meeting started at 1.00pm and ended at 1.48pm)**

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<b>Classification</b>	<b>Item No.</b>
Open	

<b>Meeting:</b>	Licensing Hearings Sub-Committee
<b>Meeting date:</b>	17 April 2024
<b>Title of report:</b>	An application from Greater Manchester Police for a Summary Review of the Premises Licence in respect of Metro Off Licence, 66 Spring Lane, Radcliffe, M26 2SZ
<b>Report by:</b>	Executive Director (Operations)
<b>Decision Type:</b>	Council
<b>Ward(s) to which report relates</b>	Radcliffe East

### Executive Summary:

This report relates to an application by the Chief Constable of Greater Manchester Police in respect of the licensed premises, Metro Off Licence, 66 Spring Lane, Radcliffe, M26 2SZ, 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.

### 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.

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**Community impact / Contribution to the Bury 2030 Strategy**

Not applicable

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**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*

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**Assessment of Risk:**

The following risks apply to the decision:

<b>Risk / opportunity</b>	<b>Mitigation</b>
Not applicable	

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**Consultation:**

Not applicable

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**Legal Implications:**

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

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**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.

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**Report Author and Contact Details:**

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**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 Hearings Sub Committee Report (interim steps hearing) – 26 March 2024  
Licensing Hearings Sub Committee Minutes (interim steps hearing) – 26 March 2024

**1.0 INTRODUCTION**

- 1.1 On the 25 March 2024, Greater Manchester Police submitted an application to the Licensing Authority for a Summary Review in respect of Metro Off Licence, 66 Spring Lane, Radcliffe, M26 2SZ 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 March 2024, 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.
- 1.6 The Panel resolved that in order to promote the said licensing objectives, it was necessary to impose interim steps and that these would be to suspend the licence and to remove the Designated Premises Supervisor. The reasons for the Sub-Committee's decision are attached at Appendix 1.
- 1.7 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.
- 1.8 The premises licence holder has not made representations against the interim steps taken by the licensing authority.
- 1.9 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.
- 1.10 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.
- 1.11 The premises licence in respect of Metro Off Licence has been held by Mr Mohammed Shafqat since 3 October 2022. Mr Shafqat is also the Designated Premises Supervisor and has been since 23 December 2022.
- 1.12 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.
- 1.13 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:-

*On Thursday 29th February 2024, a test purchase was carried out at Metro Off Licence, 66 Spring Lane, Radcliffe, M26 2SZ which had been organised by Bury Council Trading Standards Department. A successful purchase was made of a pack of 20 Lambert and Butler cigarettes in none standardised packaging for £7 as such it did not comply with the Tobacco and Related Products Regulations 2016.*

*As a result of the test purchase, at 15:50 hours on Thursday 21st March 2024, PC Eccleston (Bury Divisional Licensing Officer), Kelly Halligan (Bury Council Trading Standards Unit Manager), Laura Jones (Bury Council Deputy Licensing Officer), Lucy Sutton (Dog Handler from DC Detection Dogs), and Immigration Officers, attended the same address as part of Greater Manchester Police's day of action, Operation Avro.*

*During the search of the premises, a quantity of illicit tobacco and vapes were recovered inside. Further to the above illegal activity, the most worrying aspect of this visit, was the recovery of what can only be described as a machete with a blade over 12 inches long and a hockey stick which were stored under the shop serving counter.*

*There is no legitimate reason as to why these items would be kept on a licensed premises, other than to cause serious harm to someone and considering the premises is open to members of the public, it is illegal to have such items under Section 1 of the Prevention of Crime Act 1953 (possession of an offensive weapon).*

*It is for those reasons, that in my opinion an expedited review of the premises licence is necessary to impose interim steps such as the suspension of the premises licence and to allow the licensing authority to review the licence at a full review hearing.*

Attached to this report are, at Appendix 2 (Application by Greater Manchester Police for the Summary Review) and Appendix 3 (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
- 3.3 A representation was received from Trading Standards in their capacity as a Responsible Authority. The representation relates to the following issues and is attached at Appendix 4.
- Illicit cigarettes and illegal vapes on the premises
  - Offensive weapons on the premises

### **4.0 CURRENT LICENSABLE ACTIVITIES**

- 4.1 The premises licence which shows the current licensable activities and conditions is attached at Appendix 5.

### **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

## **Appendix One**

# **Decision and Reasons for Decision at the Interim Steps Hearing on 26 March 2024**

## **Appendix Two**

# **Application by Greater Manchester Police for the Summary Review**

**Appendix Three**

**Certificate issued by the Chief  
Superintendent**

## **Appendix Four**

# **Representation from Trading Standards**

**Appendix Five**

**Premises Licence for Metro Off  
Licence**

## **DECISION NOTICE**

### **Bury Council**

#### **Licensing Sub-Committee**

#### **Summary review of Premises licence at Metro Off Licence, 66 Spring Lane, Radcliffe, M26 2SZ pursuant to Section 53A Licensing Act 2003**

**26<sup>th</sup> March 2024**

In reaching its decision, the Licensing Sub-Committee ("LSC") considered:

- Certificate under Section 53A (1) (B) of the Licensing Act 2003 issued by Chief Superintendent Hill of the Greater Manchester Police Service 22<sup>nd</sup> March 2024
- Form for Applying for a Summary Licence Review submitted by P.C. 15913 Eccleston of the 22<sup>nd</sup> March 2024
- The Council's Statement of Licensing Policy
- The Licensing Act 2003 and the Regulations made thereunder,
- Section 53A Licensing Act 2003 Home Office Summary Review Guidance
- Guidance issued by the Secretary of State under S.182 of that Act
- Human Rights Act 1988.

Having considered all written representations, evidence, and oral submissions, the LSC resolved to suspend the licence and remove the Designated Premises Supervisor.

#### **Basis of Decision**

The LSC considered the Certificate under Section 53A (1)(b) Licensing Act 2003 from Chief Superintendent Hill of the Greater Manchester Police Service. This was emailed to Bury Council on March 25<sup>th</sup> 2024 at 10.02 am.

Chief Superintendent Hill's certificate pleaded that pursuant to Section 53A (1)(b) Licensing Act 2003, in his opinion the premises were associated with serious crime and serious disorder.

The facts of the test purchase of cigarettes at the premises on 29<sup>th</sup> February 2024 and when officers attended the premises on 21 March 2024 are clearly outlined in Chief Superintendent Hill's certificate and P.C. 15913 Eccleston's application.

The LSC considered that the presence of the machete and hockey stick under the counter at the premises and the account provided by Mohammed Quasim Khan.

Mohammed Quasim Khan presented himself as the owner of the business.

The LSC considered that the explanation given by Mohammed Quasim Khan to P.C. 15913 Eccleston regarding the machete materially lacked credibility.

P.C. 15913 Eccleston confirmed that GMP had no record of the report made regarding the incident referred to of an attempted robbery. The LSC considered the account of the C.C.T.V. which was not able to be produced and which was said to have captured the individuals responsible but not them entering with the machete or being confronted and having the machete taken from them added further lack of credibility.

The LSC considered that the circumstances surrounding the machete inferred that it was for use in self-defence by staff in the shop and that this was without lawful authority or reasonable excuse.

The LSC considered the facts surrounding the hockey stick. It was considered that although a hockey stick was less likely to be inferred as a machete, the lack of account given for the hockey stick and its proximity to the machete, the hockey stick could also be inferred as being an article for self-defence by staff in the shop and that this was without lawful authority or reasonable excuse.

Having determined that both articles met the criteria for offensive weapons pursuant to the prevention of Crimes Act 1953, the LSC considered the criteria for Serious crime. Section 53A Licensing Act 2003 Home Office Summary Review Guidance at Paragraph 2.3 states the key definition used to determine the kinds of conduct that amount to serious crime are set out in section 81(2) and (3) (a) and (b) of the Regulation of Investigatory Powers Act 2000. Those tests are that the conduct:

(a) constitutes an offence for which a person who is 21 years of age or over with no previous convictions could reasonably be expected to be sentenced to imprisonment for 3 years or more; and (b) Involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.

The Prevention of crimes Act 1953 maximum penalty for carrying of offensive weapons without lawful authority or reasonable excuse is a term of imprisonment for a term not exceeding four years.

The LSC considered that the machete and hockey stick were found under the counter which would not be in the part of the public area of the premises and that there was not therefore an offence committed for which a person who is 21 years of age or over with no previous convictions could reasonably be expected to be sentenced to imprisonment for 3 years or more.

The offence disclosed regarding the machete and hockey stick was one pursuant to Section 141(1A) Criminal Justice Act 1988. This is possession of a weapon in private. This carries on summary conviction, as maximum penalty of imprisonment for a term not exceeding 51 weeks.

The LSC considered that the summary review was whether there was an association with an offence for which a person who is 21 years of age or over with no previous convictions could reasonably be expected to be sentenced to imprisonment for 3 years or more.

The LSC considered that the presence of the machete and hockey stick in these circumstances were an act commensurate with possession of offensive weapons pursuant to the Prevention of Crimes Act 1953.

The LSC considered Section 53A Licensing Act 2003 Home Office Summary Review Guidance at 2.6. This states that in triggering the summary review process, the police will wish to take into account the fact that an intended use of the power is to tackle the use of dangerous weapons and the violence they fuel. For example, in appropriate circumstances the police might want to make representations to the licensing authority suggesting that they modify the conditions of the premises licence to require searches of customers for offensive weapons upon entry. Under the powers in sections 53A to 53C, this could be done on an interim basis pending a full hearing of the issues within the prescribed 28-day timeframe.

The LSC considered that the presence of the machete and hockey stick, dovetailed with the lack of credibility regarding the presence of the machete and no explanation regarding the hockey stick undermined the licensing objectives.



The LSC considered that the conduct of the DPS in this incident undermined the role and went so far as to materially impact on the furtherance of the type of conduct a DPS was required to prevent.

The LSC further considered that the lack of supervision by Mohammad Shafqat as the Premises Licence Holder and Designated Premises Supervisor was a material factor regarding the finding at the premises.

This re-enforced the LSC's opinion that an alternative measure which allowed the licence to continue would not be sufficient to deal with the maintaining of the licensing objectives being met.

The LSC agreed with Chief Superintendent Hill's review in so far as it related to the presence of the machete and hockey stick. The facts regarding the tobacco products and disposable vapes which contravened the Tobacco and Related Product Regulations 2016 were considered appropriate to determine at the review hearing within 28 days. The LSC were satisfied that Chief Superintendent Hill had had regard to 2.4 of Home Office Section 53A Licensing Act 2003 Summary Review Guidance in considering what added value will use of the expedited process bring and how would any interim steps that the licensing authority might take effectively address the problem.

The LSC determined that the following licensing objectives were not met:

- Prevention of crime and disorder
- Public safety
- Protection of children from harm.

Pursuant to section 53B (3) (d) Licensing Act 2003 the LSC determined to take the following interim steps:

- Suspension of the licence.
- Removal the Designated Premises Supervisor.

The LSC considered that the interim steps were required to effectively address the problem and that no alternative power would adequately address the situation and to protect the public and meet the licensing objectives.

The premises licence holder may make representations against the interim steps taken by the licensing authority. There is no time limit for the premises licence holder to make representations on the interim steps, although in practice this would at some point be superseded by the full review which would have to be completed within 28 days of the application being received by the licensing authority. On receipt of such representations, the licensing authority must (if the representations are not withdrawn) hold a hearing within 48 hours of their receipt. When calculating the 48-hour period, any non-working day can be disregarded.

Pursuant to Section 53C (2) Licensing Act 2003 Bury Council must hold a hearing to consider the application for the review and any relevant representations and take such steps as it considers appropriate for the promotion of the licensing objectives.

The review must take place within 28 days after the day of receipt by Bury Council of the Certificate pursuant to Section 53A (1)(b) Licensing Act 2003 from the Greater Manchester Police Service of March 25<sup>th</sup> 2024.

**Minutes of: LICENSING HEARING SUB COMMITTEE**

**Date of Meeting:** 26<sup>th</sup> March 2024, 1.00pm

**Present:** Councillor G. McGill (in the Chair)  
Councillors G. Marsden and M. Walsh

M. Cunliffe (Democratic Services)  
L. Jones (Licensing Unit)  
C. Riley (Legal Services)  
B. Thomson (Assistant Director- Operations Strategy)

**Also in attendance:** PC P. Eccleston (Greater Manchester Police)  
I. Oldman (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.

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**1 APOLOGIES FOR ABSENCE**

Apologies were submitted by M Bridge, (Licensing Unit Manager) and Mr M Shafqat (premises Licence Holder & DPS)

**2 DECLARATIONS OF INTEREST**

There were no declarations of interest submitted.

**3 MINUTES OF THE LAST MEETING(S)**

The Minutes of the last Licensing Hearing Sub Committee meetings held at 10.00am on the 29th January 2024, 10.00am on the 2nd February 2024 and 1.00pm on the 18th March 2024 were attached to the agenda.

**Resolved:- That the minutes of the Licensing Hearing Sub Committee held at 10.00am on the 29th January 2024, 10.00am on the 2nd February 2024 and 1.00pm on the 18th March 2024 be approved as a correct record.**

**AN APPLICATION FROM GREATER MANCHESTER POLICE FOR A SUMMARY REVIEW OF THE PREMISES LICENCE IN RESPECT OF METRO OFF LICENCE, 66 SPRING LANE, RADCLIFFE, M26 2SZ**

The Licensing Authority received an application by the Chief Constable of Greater Manchester Police in respect of the licensed premises, Metro Off Licence, 66 Spring Lane, Radcliffe, M26 2SZ, 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 was 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 Deputy Licensing Unit Officer, Ms L. Jones.

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

Clarity was also provided that the address of the premises was 66 Spring Lane and not 66 Stand Lane as detailed on page 32 of agenda pack within the background information section.

On the 22<sup>nd</sup> March 2024, Greater Manchester Police submitted an application to the Licensing Authority for a Summary Review in respect of Metro Off Licence, 66 Spring Lane, Radcliffe, M26 2SZ, because they believed that the premises was associated with Serious Crime. The Licensing Authority must consider whether interim steps are required pending a full summary review hearing.

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.

A 10 working-day public consultation exercise will be 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.

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

Following the review under section 53C, the licensing authority must then review any 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.

The premises licence in respect of Metro Off Licence has been held by Mr Mohammad Shafqat since the 3<sup>rd</sup> October 2022. Mr Shafqat is also the Designated Premises Supervisor and has been since the 23<sup>rd</sup> December 2022.

The Licensing Act 2003 (as amended by the Violent Crime Reduction Act 2006) and the Licensing Act (Hearings Regulations) is the relevant legislation.

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.

The Local Authority is required to consider what interim steps should be imposed for the promotion of the licensing objectives and what the steps should be. Any such measures and the reasons for them must be immediately notified to the premises licence holder.

The Panel will make a decision in relation to interim steps on the day of the hearing and the parties will be verbally notified of that decision. That decision will have immediate effect unless otherwise provided for by the Panel. The parties will also receive written notification of that decision, together with the reasons for it, by letter from the Licensing Office as soon as reasonably practicable following the hearing.

The Chief Superintendent had issued a certificate under section 53A (1)(b) of the Licensing Act 2003 in which he stated the following:-  
The premises are associated with serious crime.

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

The Premises Licence was attached to the agenda pack at Appendix 3 and showed the current licensable activities and conditions.

In determining whether or not to impose interim steps, pending the summary review of the premises licence which must be held within 28 days from the date of the application being received, members must consider the information presented in relation to serious crime and or serious disorder. If members decide to impose interim steps, the following options are available to the Licensing Authority:

- a. To modify the Conditions attached to the licence

- b. The exclusion of the sale of alcohol from the scope of the licence.
- c. The removal of the Designated Premises Supervisor from the licence.
- d. Suspension of the premises licence

For the purposes of option a, the conditions of a premises licence are modified if any of them are altered or omitted or any new condition is added.

The Secretary of State's Guidance to the Licensing Act 2003 is provided to licensing authorities in relation to the carrying out of their functions under the 2003 Act. It also provides information to magistrates' courts hearing appeals against licensing decisions and has been made widely available for the benefit of those who run licensed premises, their legal advisers and the general public. It is a key medium for promoting best practice, ensuring consistent application of licensing powers across England and Wales and for promoting fairness, equal treatment and proportionality.

Section 4 of the 2003 Act provides that, in carrying out its functions, a licensing authority must 'have regard to' guidance issued by the Secretary of State under section 182. The Guidance is therefore binding on all licensing authorities to that extent. However, the Guidance cannot anticipate every possible scenario or set of circumstances that may arise and, as long as licensing authorities have properly understood this Guidance, they may depart from it if they have good reason to do so and can provide full reasons.

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

PC P. Eccleston from Greater Manchester Police provided a summary of the application for a review at the meeting, which was contained at Appendix 1 of the agenda pack.

*He explained on Thursday the 29th February 2024, a test purchase was carried out at the above licensed premises which had been organised by Bury Council Trading Standards Department. A successful purchase was made of a pack of 20 Lambert and Butler cigarettes in none standardised packaging for £7 as such it did not comply with the Tobacco and Related Products Regulations 2016.*

*As a result of the test purchase, at 15:50 hours on Thursday 21st March 2024, Kelly Halligan (Bury Council Trading Standards Unit Manager), Laura Jones (Bury Council Deputy Licensing Officer), Lucy Sutton (Dog Handler from DC Detection Dogs), Immigration Officers and I, attended the above address as part of Greater Manchester Police's day of action, Operation Avro.*

*On entering the premises, we were greeted by a male member of staff who introduced himself as Adrees Masood. Mr Masood was behind the serving counter at the time and claimed that he was only helping out at the shop. Whilst looking around the store, the dog and handler, went behind the counter and x4*

packets of 20 Lambert and Butler cigarettes which were in the same, none standardised packaging as the packet recovered during the test purchase were found. Also found under the counter was a large machete with a blade over 12 inches in length and a hockey stick. As the search continued, 49 disposable vapes which exceeded the maximum capacity and therefore contravened the Tobacco and Related Product Regulations 2016 were also recovered. The cigarettes and the disposable vapes were seized by Kelly Halligan who has provided her own statement and photographs of the machete and hockey stick at appendix A.

There is no legitimate reason as to why a machete or hockey stick would be kept on any licensed premises, other than to cause serious harm to someone in the event of a robbery or other similar theft related incident. Considering this premise is open to members of the public, it is illegal to have such items under Section 1 of the Prevention of Crime Act 1953 (possession of an offensive weapon). As such, I seized the items as exhibits PE/1 and PE/2 respectively and a picture of the items have been included in appendix B.

Although no other items were recovered as evidence, we did find copies of the lease agreement for the premises which named two other individuals which had signed the agreement. The third named person was Mr Masood however there was no signature next to his details. He was asked numerous questions in relation to his involvement in the business and he continued to claim that he had nothing to do with and had only been working in the store over the last couple of weeks as a shop assistant.

At the time, there was some confusion as to who the premises license holder and designated premises supervisor were as the business was had recently been bought and was under new management. As such further enquiries were made by Laura Jones from Bury Council Licensing Department who was able to make contact with the named PLH and DPS, Mr Shafqat later that day. He claimed that he sold the business on the 1st November 2023 to a Qasim (no further details provided) and as far as he was concerned, has had nothing more to do with the business since. This conversation was confirmed via email which has been included at appendix C.

Due to the email received from Mr Shafqat, I returned to the premises in company with Bury Council Licensing Enforcement Officer, Luke Solczak on the following day, Friday 22nd March 2024. We spoke to a different member of staff stood behind the counter who introduced himself as Bardh Patel. He insisted that we spoke to his 'boss' and so rang him on his mobile phone and both I and Luke were able to have a conversation via the loudspeaker facility. The male we spoke to introduced himself as the owner of the business and provided his personal details, introducing himself as Mohammed Quasim Khan. We explained that because of the email from Mr Shafqat, there was no DPS in place to authorise the sale of alcohol and therefore was in breach of the Licensing Act and as such was required to either remove the alcohol from the store or close the business until such time the premises license could be transfer and a new DPS be nominated. At the time the request was complied with, and he informed us both

that he would be in touch with the previous DPS, Mr Shafqat to see if he would reconsider.

*I also took the opportunity to ask him questions in relation the machete which was found under the counter. He claimed that the machete had been taken off someone who attempted to rob the shop early in the previous week. He claimed that a report had been made to the police and police had attended to collect CCTV which had captured the individuals responsible but not them entering with the machete or being confronted and having the machete taken from them. What I do find extraordinary about Mr Khans account is the CCTV's ability to capture those responsible but not the machete or the confrontation as the machete is being removed from those that have entered. Furthermore, and what is even more suspicious, is the claim that police had been contacted and had been to the store to recover CCTV, yet the machete was never handed over the police and on checking police computer systems, there is no record of a report being made to Greater Manchester Police. In fact, the last reported incident to the police which involved the premises directly was on the 20th October 2023, which was in relation to a robbery.*

*Since the conversation with Mr Khan, a further email has been received by Bury Council Licensing Department from Mr Shafqat, asking to be reinstated as DPS at the premises. This email has been included at appendix D.*

*It is my opinion that an expedited review of the premises licence is necessary to allow the licence authority to impose interim steps not only for the safety of the staff but also members of the public. It is quite clear for all to see, that they are unable to run the business within the limits of the relevant laws and legislation. Having a lethal weapon on the premises plus offering for sale illicit tobacco products is not in any way promoting the licensing objectives and it is for those reasons that as a delegated licensing officer acting on behalf of the Chief Officer, I am requesting the panel to seriously consider the DPS be removed from the license and the premises license be suspended until such time a full review hearing can be heard due to the likelihood that the licensing objectives will continue to be undermined.*

PC Eccleston highlighted Appendix A and B in the agenda pack which detailed photographs taken from within the premises of the weapons found and a statement from Trading Standards.

Members questioned PC Eccleston if the CCTV system was working and was there a refusal log. It was confirmed the CCTV was working and the till system had a button to record refusal sales.

The Chair sought clarity on how rare it would be for a crime reported to them not be recorded. GMP had searched their records and even checked with the Neighbourhood Crime Team, but no such incident had been recorded at the premises as alleged.

The Chair confirmed that the Premises Licence Holder and DPS Mr Shafqat was not present at the meeting and had submitted no representations.

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 Adviser 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 relevant provisions of national guidance and the Council's licensing policy statement.

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

### **DELEGATED DECISION**

The Sub-Committee carefully considered the representations and evidence provided which demonstrated serious crime. It was therefore unanimously decided to **remove the Designated Premises Supervisor from the licence** and to **suspend 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 to remove the Designated Premises Supervisor from the licence and to suspend the licence under the licensing objectives recommended by GMP:-

The evidence presented at the meeting had demonstrated the following licensing objectives had not been met:-

- The prevention of crime and disorder
- Public safety
- The protection of children from harm

The reasons by the sub-committee, included:-

- 2 dangerous weapons found under the counter
- Accounts of an alleged incident provided by the Licence Holder in relation to the weapons being present were not believable.
- It was noted that other factors of concern could be dealt with and finalised at the full review hearing.

**COUNCILLOR G. MCGILL**  
**Chair**



(Note: The meeting started at 1.00pm and ended at 1.48pm)

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**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)**

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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

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**(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**

<p><b>Postal address of premises.</b></p> <p>Metro Off Licence</p> <p><b>Post town:</b> Radcliffe, Bury</p> <p><b>Postcode:</b> M26 2SZ</p>
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**2. Premises licence details**

<p><b>Name of Premises licence holder (if known);</b> Mr Mohammad Shafqat</p> <p><b>Number of Premises Licence</b></p> <p>PL0796</p>
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**3. Certificate under section 53A(1)(b) of the Licensing Act 2003**

<p>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.</p> <p><i>(Please tick the box to confirm)</i></p>	<p>X <input type="checkbox"/></p>
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**4. Details of association of the above premises with serious crime, serious disorder or both:**

These premises are associated with serious crime:

Premises License Holder (PLH) and Designated Premises Supervisor (DPS) of Metro Off Licence, 66 Spring Lane, Radcliffe, is a Mr Mohammad Shafqat. The premises licence was transferred to him on the 3<sup>rd</sup> October 2022 and on the 23<sup>rd</sup> December 2022, the license was varied, nominating himself as the DPS.

The circumstances of this incident are as follows:

On Thursday 29<sup>th</sup> February 2024, a test purchase was carried out at the above licensed premises which had been organised by Bury Council Trading Standards Department. A successful purchase was made of a pack of 20 Lambert and Butler cigarettes in none standardised packaging for £7 as such it did not comply with the Tobacco and Related Products Regulations 2016.

As a result of the test purchase, at 15:50 hours on Thursday 21<sup>st</sup> March 2024, Kelly Halligan (Bury Council Trading Standards Unit Manager), Laura Jones (Bury Council Deputy Licensing Officer), Lucy Sutton (Dog Handler from DC Detection Dogs), Immigration Officers and I, attended the above address as part of Greater Manchester Police's day of action, Operation Avro.

On entering the premises, we were greeted by a male member of staff who introduced himself as Adrees Masood. Mr Masood was behind the serving counter at the time and claimed that he was only helping out at the shop. Whilst looking around the store, the dog and handler, went behind the counter and x4 packets of 20 Lambert and Butler cigarettes which were in the same, none standardised packaging as the packet recovered during the test purchase were found. Also found under the counter was a large machete with a blade over 12 inches in length and a hockey stick. As the search continued, 49 disposable vapes which exceeded the maximum capacity and therefore contravened the Tobacco and Related Product Regulations 2016 were also recovered. The cigarettes and the disposable vapes were seized by Kelly Halligan who has provided her own statement and photographs of the machete and hockey stick at appendix A.

There is no legitimate reason as to why a machete or hockey stick would be kept on any licensed premises, other than to cause serious harm to someone in the event of a robbery or other similar theft related incident. Considering this premise is open to members of the public, it is illegal to have such items under Section 1 of the Prevention of Crime Act 1953 (possession of an offensive weapon). As such, I seized the items as exhibits PE/1 and PE/2 respectively and a picture of the items have been included in appendix B.

Although no other items were recovered as evidence, we did find copies of the lease agreement for the premises which named two other individuals which had signed the agreement. The third named person was Mr Masood however there was no signature next to his details. He was asked numerous questions in relation to his involvement in the business and he continued to claim that he had nothing to do with and had only been working in the store over the last couple of weeks as a shop assistant.

At the time, there was some confusion as to who the premises license holder and designated premises supervisor were as the business was had recently been bought and was under new management. As such further enquiries were made by Laura Jones from Bury Council Licensing Department who was able to make contact with the named PLH and DPS, Mr Shafqat later that day. He claimed that he sold the business.

on the 1<sup>st</sup> November 2023 to a Qasim (no further details provided) and as far as he was concerned, has had nothing more to do with the business since. This conversation was confirmed via email which has been included at appendix C.

Due to the email received from Mr Shafqat, I returned to the premises in company with Bury Council Licensing Enforcement Officer, Luke Solczak on the following day, Friday 22<sup>nd</sup> March 2024. We spoke to a different member of staff stood behind the counter who introduced himself as Bardh Patel. He insisted that we spoke to his 'boss' and so rang him on his mobile phone and both I and Luke were able to have a conversation via the loudspeaker facility. The male we spoke to introduced himself as the owner of the business and provided his personal details, introducing himself as Mohammed Quasim Khan. We explained that because of the email from Mr Shafqat, there was no DPS in place to authorise the sale of alcohol and therefore was in breach of the Licensing Act and as such was required to either remove the alcohol from the store or close the business until such time the premises license could be transfer and a new DPS be nominated. At the time the request was complied with, and he informed us both that he would be in touch with the previous DPS, Mr Shafqat to see if he would reconsider.

I also took the opportunity to ask him questions in relation the machete which was found under the counter. He claimed that the machete had been taken off someone who attempted to rob the shop early in the previous week. He claimed that a report had been made to the police and police had attended to collect CCTV which had captured the individuals responsible but not them entering with the machete or being confronted and having the machete taken from them. What I do find extraordinary about Mr Khans account is the CCTV's ability to capture those responsible but not the machete or the confrontation as the machete is being removed from those that have entered. Furthermore, and what is even more suspicious, is the claim that police had been contacted and had been to the store to recover CCTV, yet the machete was never handed over the police and on checking police computer systems, there is no record of a report being made to Greater Manchester Police. In fact, the last reported incident to the police which involved the premises directly was on the 20<sup>th</sup> October 2023, which was in relation to a robbery.

Since the conversation with Mr Khan, a further email has been received by Bury Council Licensing Department from Mr Shafqat, asking to be reinstated as DPS at the premises. This email has been included at appendix D.

It is my opinion that an expedited review of the premises licence is necessary to allow the licence authority to impose interim steps not only for the safety of the staff but also members of the public. It is quite clear for all to see, that they are unable to run the business within the limits of the relevant laws and legislation. Having a lethal weapon on the premises plus offering for sale illicit tobacco products is not in any way promoting the licensing objectives and it is for those reasons that as a delegated licensing officer acting on behalf of the Chief Officer, I am requesting the panel to seriously consider the DPS be removed from the license and the premises license be suspended until such time a full review hearing can be heard due to the likelihood that the licensing objectives will continue to be undermined.

**Signature of Applicant:**

 PC 15913.

**Date: 22<sup>nd</sup> March 2024**

**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**

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 disorder<sup>1</sup>.

*Premises*<sup>2</sup>:

Metro Off Licence, 66 Spring Lane, Radcliffe, Bury, M26 2SZ

Premises licence number (if known): PL0796

Name of premises supervisor (if known): Mr Mohammad Shafqat

I am a Chief Superintendent<sup>3</sup> 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, because<sup>4</sup>:

These premises are associated with serious crime:

On Thursday 29<sup>th</sup> February 2024, a test purchase was carried out at Metro Off Licence, 66 Stand Lane, Radcliffe, M26 2SZ which had been organised by Bury Council Trading Standards Department. A successful purchase was made of a pack of 20 Lambert and Butler cigarettes in none standardised packaging for £7 as such it did not comply with the Tobacco and Related Products Regulations 2016.

As a result of the test purchase, at 15:50 hours on Thursday 21<sup>st</sup> March 2024, PC Eccleston (Bury Divisional Licensing Officer), Kelly Haligan (Bury Council Trading Standards Unit Manager), Laura Jones (Bury Council Deputy Licensing Officer), Lucy Sutton (Dog Handler from DC Detection Dogs) and Immigration Officers, attended the same address as part of Greater Manchester Police's day

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<sup>1</sup> Delete as applicable.

<sup>2</sup> Include business name and address and any other relevant identifying details.

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

<sup>4</sup> 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.

of action, Operation Avro.

During the search of the premises, a quantity of illicit tobacco and vapes were recovered inside. Further to the above illegal activity, the most worrying aspect of this visit, was the recovery of what can only be described as a machette with a blade over 12inches long and a hockey stick which were stored under the shop serving counter.

There is no legitimate reason as to why these items would be kept on a licenced premises other than to cause serious harm to someone and considering the premises is open to members of the public, it is illegal to have such items under Section 1 of the Prevention of Crime Act 1953 (possession of an offensive weapon).

It is for those reasons, that in my opinion an expedited review of the premises licence is necessary to impose interim steps such as the suspension of the premises licence and to allow the licensing authority to review the license at a full review hearing.

.....  
(Signed) *A. Cls LPT MILL* (Date) *22/3/24*



## The Licensing Act 2003

### Responsible Authority Representation Form

Section 1 - Application Details	
<b>We object to the following Application:</b>	
Metro Off Licence, 66 Spring Lane, Radcliffe, M262SZ.	
Type of application.	
Application for a review of the Premises Licence at the above premises	
Application Number (if known):	n/a

Section 2 – Responsible Authority’s Details	
<b>Responsible Authority’s Details:</b>	
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 checked="" type="checkbox"/>	Weights and Measures
<input type="checkbox"/>	Licensing Authority
<input type="checkbox"/>	Immigration
<input type="checkbox"/>	Public Health Department
Full name:	Kelly Halligan
Job Title:	Unit Manger – Trading Standards
Tele number:	0161 253 5091
Email:	k.j.halligan@bury.gov.uk
Address:	<p>Bury Council</p> <p>Licensing Department</p> <p>3 Knowsley Place</p> <p>Duke Street</p> <p>Bury</p> <p>BL9 0EJ</p>

<b>Section 3 – Representations</b>	
<input type="checkbox"/>	We object to the application being granted at all
<input checked="" type="checkbox"/>	We object to the application being granted in its 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:

Premises License Holder (PLH) and Designated Premises Supervisor (DPS) of Metro Off Licence, 66 Spring Lane, Radcliffe, is a Mr Mohammad Shafqat. The premises licence was transferred to him on the 3rd October 2022 and on the 23rd December 2022, the license was varied, nominating himself as the DPS.

On the 29<sup>th</sup> February 2024, a test purchase was carried out at Metro Off Licence, 66 Spring Lane, Radcliffe, M262SZ. Purchased was 20 lambert and butler for £7 and the packaging was incorrect as not in standardised packaging and therefore did not comply with the Tobacco and related Product Regulations 2016.

On the 21<sup>st</sup> March 2024, as part of Operation Avro, we revisited the premises, I was accompanied by PC Eccleston from Greater Manchester Police, Laura Jones Deputy Licensing officer at Bury

	<p>Council, Luci Sutton a dog handler from DC Detection dogs and officers from Immigration Whilst in the shop we had a look around at the stock, that was on sale. Behind the counter was Adrees Masood who stated he was just helping out. The dog and his handler went behind the counter and found under the counter 4 packets of lambert and butler, similar to the test purchase, not in standardised packaging, the dog handler also found a large machete and a hockey stick which she placed on the counter, in front of me, I notified PC Eccleston of these items. I took a picture of the machete and the hockey stick. We continued to look around the shop and found 49 disposable vapes which exceeded maximum capacity and therefore did not comply with the Tobacco and Related Product Regulations 2016. The vapes and the cigarettes were seized by me and I left Mr Masood with a receipt and a notice of powers and rights, to hand to the owner. I assisted PC Eccleston in bagging and tagging the machete and the hockey stick which he then seized as evidence.</p> <p>I produce as appendixes the following –</p> <ul style="list-style-type: none"> <li>(1)– Photo of the machete and hockey stick</li> <li>(2)– copy of receipt</li> <li>(3)– notice of powers and rights</li> </ul>
<p>Public safety</p>	<p>Please state your reasons:</p>

<p>To prevent public nuisance</p>	<p>Please state your reasons:</p>
<p>The protection of children from harm</p>	<p>Please state your reasons:</p> <p>As above</p>

## **Section 3B – Suggestions/Further information**

If Members are minded to grant the application, I would ask that the following to be placed as conditions on the licence to ensure that the licensing objectives are met, taking into account the nighttime economy on a Friday / Saturday evening.

### The Prevention of Crime and Disorder

- A Personal Licence holder must be on the premises at all times when open to the public.

Or

A Personal Licence holder must be on the premises on Thursday, Friday and Saturday between 15.00 hrs and close of business and have a personal licence on their person which can be produced on request by police / authorised officers of the Licensing Authority.

- 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.

### Protection of Children from Harm

- 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 should be accepted as proof of age.

A documented Challenge 25 scheme will be operated at the premises. The Challenge 25 scheme shall be actively promoted and advertised at the premises and will ensure that any person purchasing alcohol, who appears to be under 25 years of age, shall be asked to provide acceptable identification to prove that they are 18 years of age or over. Failure to supply such identification will result in no sale or supply of alcohol to that person.

Where a purchaser is asked for Identification, only the following forms of identification will be acceptable:-

- (a) Photo driving licence
- (b) Passport or
- (c) Her Majesty's Forces Warrant Card

- 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.
- All individual alcohol containers (e.g. bottles/cans/cartons) before going on display for sale are to be uniquely and indelibly marked in a manner approved by the Greater Manchester Police and Bury Council.

Signed: ...  .....Dated: 8/4/24

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





Appendix 1 - Photo of the machete and hockey stick







Appendix 2 – Copy of Receipt



# BURY COUNCIL

1574

**Department of Operations**  
Trading Standards and Licensing  
3 Knowsley Place  
Duke Street  
Bury  
BL9 0EJ  
Tel: 0161 253 5353  
Email: [tradingstandards@bury.gov.uk](mailto:tradingstandards@bury.gov.uk)

Name..... *Mrs OH lease* ..... Date..... *21.3.24* ..... Time..... *3.50* .....  
Address..... *66 Spring Lane Radcliffe* .....

..... *Impress + Related Products 2016* .....

..... *1 bag containing 49 Disposable Vapers Lx20* .....  
..... *Carroll's BATHY - Tag No 2117181* .....

..... *Chaligan* .....  
Trading Standards Officer / Enforcement Officer.....





Appendix 3 – Copy of Pace code B notice



(5)



Trading Standards

0161 253 5353

tradingstandards@bury.gov.uk

**Use of powers and rights to occupier**

To Metro Off licencee LA ref .....  
 Address 66 Spring Lane Radcliffe .....  
 Date 21/3/24 Time in 3:50 Time out .....  
 Officer(s) Kellaghan / L Jones / Kwebste / Gimp Sutton .....  
 Person seen A Masood Position\* Assistant .....

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

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

Visit conducted  Without warrant  Under warrant   
 This notice is issued in accordance with paragraph 7.1 of the above Code, or PACE Code B (if you are suspected of committing an offence and/or entry is under warrant).  
 It informs you about your rights when an authorised officer who has powers of entry wishes to exercise those powers. It also explains officers' associated powers and any compensation or complaints procedures.  
 Reason for visit  Routine inspection  Enquiry / complaint investigation  Campaign / project  Revisit

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

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

Where entry is under a warrant any type of premises may be entered - with reasonable force if necessary.  
 Powers exercised are contained in statutory instruments enforced by this Service including those listed below

Consumer Rights Act 2015 <input checked="" type="checkbox"/>	General Product Safety Regulations 2005 <input type="checkbox"/>	Prices Act 1974 <input type="checkbox"/>
Consumer Protection from Unfair Trading Regulations 2008 <input type="checkbox"/>		Trade Descriptions Act 1968 <input type="checkbox"/>
Business Protection from Misleading Marketing Regulations 2008 <input checked="" type="checkbox"/>		Weights and Measures Act 1985 <input type="checkbox"/>
Copyright Designs and Patents Act 1988 <input type="checkbox"/>	Trade Marks Act 1994 <input checked="" type="checkbox"/>	Consumer Protection Act 1987 <input checked="" type="checkbox"/>
Hallmarking Act 1973 <input type="checkbox"/>	Licensing Act 2003 <input checked="" type="checkbox"/>	Food Safety Act 1990 <input type="checkbox"/>
Tobacco Advertising and Promotion Act 2002 <input type="checkbox"/>	Other <input checked="" type="checkbox"/> (insert detail) <u>Tobacco + related products Rego 2016</u>	
Product specific safety regulations <input type="checkbox"/> (insert detail)		

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

**Consent of landowner or occupier (paragraph 8.1 of the Code\*) or PACE Code B**   
 Consent obtained  Consent not requested  Consent requested but not obtained   
 This section is to confirm that the occupier has been notified about the purpose of the visit and, for exercising powers of entry and associated powers, what these powers are and how they will be used.  
 \*Reasonable effort should also be made to obtain the consent of the landowner or occupier, unless obtaining consent would frustrate the purpose of the visit, for example by causing undue delay. Further information overleaf.

**Declaration of landowner or occupier**   
 I confirm receipt of this notice. I understand that I am not obliged to consent and may withdraw consent at any time. I understand if I refuse or withdraw consent officers can still exercise lawful authority to enter and exercise powers. I also understand the consequences or penalty for obstructing officers when exercising their powers.  
 I hereby consent to officers entering the premises for the stated purposes - Yes  No  Not requested   
 Name of person signing A Masood Signature [Signature]

Bury Council endeavours to adopt a positive and proactive approach towards ensuring compliance. We have regard to the Regulators' Code and previously adopted the Government's Enforcement Concordat. We believe that close partnership between local business and the Council means:

- better consumer and business protection
- fair and consistent regulation
- clarity about what is required and by when
- action required is proportionate to the risks identified

Officers are always pleased to help if you need advice on any of the areas we regulate including fair trading, price marking, product safety, tobacco control, weights and measures and age verification. Business advice on these subjects and more can be found via the Council's website along with our enforcement policy and service standards.

If at the time of conducting an inspection or search you are suspected of committing an offence officers should have regard to the Police and Criminal Evidence Act (PACE) Code B.

### Your rights at inspections – further information

- When you are required or advised to do something you have the right on request to a written explanation of what you need to do, by when and why, and whether it is a legal requirement or a recommendation of good practice
- When immediate enforcement action is taken you have the right to a written explanation as to why this action was necessary
- When other enforcement action is taken or proposed you have the right to have your point of view heard and for any alternative action (which must be equally effective) to be discussed
- When enforcement action is taken, you have the right to be told of any appeals mechanisms

If you are concerned about the possible implications for your business ask the inspecting officer what happens next.

### Seizure of property

- Where property is seized officers should have regard to PACE Code B
- Before items are seized from occupied premises the officer must show the occupier their credentials if reasonably practicable
- The officer will also take reasonable steps to inform the person from whom items have been seized about the seizure and provide a written record of what has been seized
- Items seized will not be retained for longer than three months, unless the goods are reasonably required to be detained for a longer period for a purpose for which they were seized, in which case they will not be detained for longer than required for that purpose. This does not apply to goods seized for testing, that are liable to forfeiture or that are required as evidence
- Appeal rights may exist under the legislation concerned. These generally involve taking action in the Magistrates' Court. You should seek independent legal advice if you wish to appeal against any seizure
- Compensation for loss or damage resulting from a seizure of goods may be payable where there has been no infringement or breach of legislation. In the event of dispute such compensation, or right to it, shall be determined by arbitration

### Access to seized property

- The occupier or representative can be allowed supervised access to items seized to examine or photograph them, or should be provided with a photograph or copy where possible, in either case within a reasonable time following any request and at their own expense
- Such requests may not be granted if there are reasonable grounds for believing this would prejudice the investigation of any offence or criminal proceedings; lead to the commission of an offence by providing access to unlawful material; or compromise the personal safety of security staff and/or the security of storage facilities

### Further information & complaints

Please contact us for any further advice or guidance or e-copies of these codes – contact details are shown overleaf.

- You may access the Code of Practice on Powers of Entry via [www.gov.uk/powers-of-entry](http://www.gov.uk/powers-of-entry)
- PACE Codes are available for inspection at police stations or can be accessed via the GOV.UK website
- For further information on the Statutory Code of Practice for Regulators please visit the GOV.UK website

If you are unhappy with the inspection then you can complain using the Council's complaints procedure by writing to the Trading Standards Manager at the address overleaf or use our corporates complaints and feedback facility at [www.bury.gov.uk](http://www.bury.gov.uk)

**BURY COUNCIL**

Licensing Unit  
3 Knowsley Place  
Duke Street  
Bury  
BL9 0EJ

Telephone 0161 253 5208

22/03/2024

Licensing Act 2003  
**Premises Licence**

**PL0796**

## Part 1 - Premises Details

**POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION****Metro Off Licence**

66 Spring Lane, Radcliffe, Greater Manchester, M26 2SZ.

**WHERE THE LICENCE IS TIME LIMITED THE DATES**

Not applicable

**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	10:00am	10:00pm

**THE OPENING HOURS OF THE PREMISES**

Description	Time From	Time To

**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**

Mohammad Shafqat  
[MO.SHAFQAT@YAHOO.COM](mailto:MO.SHAFQAT@YAHOO.COM)

20 Wigsby Avenue, Manchester, Manchester, M40 0FL.  
Telephone 07492460713

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

Mohammad SHAFQAT

20 Wigsby Avenue, Manchester, Manchester, M40 0FL.  
Telephone 07492460713



**BURY COUNCIL**

Licensing Unit  
3 Knowsley Place  
Duke Street  
Bury  
BL9 0EJ

Telephone 0161 253 5208

22/03/2024

Licensing Act 2003  
**Premises Licence**

**PL0796**

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. 284010

Issued by Manchester

Licensing Act 2003  
**Premises Licence****PL0796**

## ANNEXES

LICENSING ACT 2003CONDITIONS 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.

Licensing Act 2003  
**Premises Licence**

# PL0796

ANNEXES continued ...

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
- (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



Licensing Act 2003  
**Premises Licence**

# PL0796

ANNEXES continued ...

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.

Conditions Consistent with the Operating Schedule

1 CCTV will be recorded daily and checked at the end of each day. Daily incidents / activities will be recorded throughout the day.

2 A daily log of the day to day business and security shall be recorded for the Police and authorities to inspect recording any incidents, staff on duty etc.

3 Regular surveillance will be monitored outside the premises to prevent noise and gangs loitering.

4 A "Challenge 21" policy will be operated and signage to this effect will be prominently displayed on the premises. Only photo ID (eg driving licence and passport) should be accepted.

5 A "Refusals Book" shall be maintained showing details of when a refusal to sell alcohol takes place. This book is to be made available to the Police / Licensing Authority for inspection upon request.

**BURY COUNCIL**

Licensing Unit  
3 Knowsley Place  
Duke Street  
Bury  
BL9 0EJ

Telephone 0161 253 5208

22/03/2024

Licensing Act 2003  
**Premises Licence**

**PL0796**

**Micha**

Signature of Authorised Officer

Licensing Act 2003

## Premises Licence Summary

# PL0796

### Premises Details

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

### Metro Off Licence

66 Spring Lane, Radcliffe, Greater Manchester, M26 2SZ.

#### WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

#### 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	10:00am	10:00pm

#### THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To

#### 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

Mohammad Shafqat

20 Wigsby Avenue, Manchester, Manchester, M40 0FL.

#### 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

Mohammad SHAFQAT

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

Challenge 21 Policy to be in operation as per the conditions on the licence.

**BURY COUNCIL**

Licensing Unit  
3 Knowsley Place  
Duke Street  
Bury  
BL9 0EJ

Telephone 0161 253 5208

22/03/2024

Licensing Act 2003

**Premises Licence Summary**

**PL0796**

**M**

Signature of Authorised Officer

# APPENDIX: A

## DESCRIPTION:

**Statement and Photographs  
provided by TS: Kelly Halligan**



-----  
**STATEMENT OF WITNESS**

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

**STATEMENT OF Kelly Halligan**

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

**This statement (consisting of 1 page) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.**

I am employed by Bury Council, in the Department of Operations, in the Trading Standards Section, as a Trading Standards Unit Manager. On the 29<sup>th</sup> February 2024, a test purchase was carried out at Metro Off Licence, 66 Spring Lane, Radcliffe, M262SZ. Purchased was 20 Lambert and Butler for £7 and the packaging was incorrect as not in standardised packaging and therefore did not comply with the Tobacco and Related Product Regulations 2016. On the 21<sup>st</sup> March 2024, as part of Operation Avro, we revisited the premises, I was accompanied by PC Eccleston from Greater Manchester Police, Laura Jones Deputy Licensing officer at Bury Council, Luci Sutton a dog handler from DC Detection dogs and officers from Immigration. Whilst in the shop we had a look around at the stock, that was on sale. Behind the counter was Adrees Masood who stated he was just helping out. The dog and his handler went behind the counter and found under the counter 4 packets of Lambert and Butler, similar to the test purchase, not in standardised packaging, the dog handler also found a large machete and a hockey stick which she placed on the counter, in front of me, I notified PC Eccleston of these items. I produce a picture of the items as exhibit KH/Metro/1 signed and dated by me. We continued to look around the shop and found 49 disposable vapes which exceeded maximum capacity and therefore did not comply with the Tobacco and Related Product Regulations 2016. The vapes and the cigarettes were seized by me and I



left Mr Masood with a receipt and a notice of powers and rights, to hand to the owner. I produce copies of these as exhibit KH/Metro/2, signed and dated by me.

*K Halligan*

*K Halligan*

Signed: ..... (witness)

Date: .....22/3/24.....







# APPENDIX: B

## DESCRIPTION:

Photographs of machete and hockey stick provided by PC Eccleston.



# APPENDIX: C

**DESCRIPTION:**

**Email confirming named DPS resigning from position.**

**From:** [Jones, Laura J \(Licensing\)](#)  
**To:** [mo.shafqat@yahoo.com](mailto:mo.shafqat@yahoo.com)  
**Subject:** RE: PREMISES LICENSE  
**Date:** 22 March 2024 09:54:02  
**Attachments:** [image001.png](#)

---

**Caution: This email came from outside GMP. Do not open attachments, click on links or scan QR codes in this email unless you recognise the sender's e-mail address and know the content is safe.**

Dear Mr Shafqat

As explained during our telephone conversation yesterday we cannot just update our records. The licence must either be transferred by Qasim into his name or you must cancel the licence in writing returning the licence to us.

These are the only two ways in which the licence can be taken out of your name. Until either of these done the licence remains in your name.

Regards

Laura Jones  
Deputy Licensing Officer

Licensing Service  
Operations Department  
Public Protection

Licensing information and online forms can be found at our webpages at [Licences and permits - Bury Council](#)



---

**From:** Licensing <[Licensing@bury.gov.uk](mailto:Licensing@bury.gov.uk)>  
**Sent:** Friday, March 22, 2024 9:30 AM  
**To:** Jones, Laura J (Licensing) <[Laura.J.Jones@bury.gov.uk](mailto:Laura.J.Jones@bury.gov.uk)>  
**Subject:** FW: PREMISES LICENSE  
**Importance:** High

---

**From:** Shafqat Mo <[mo.shafqat@yahoo.com](mailto:mo.shafqat@yahoo.com)>  
**Sent:** Friday, March 22, 2024 9:25 AM  
**To:** Licensing <[Licensing@bury.gov.uk](mailto:Licensing@bury.gov.uk)>  
**Subject:** PREMISES LICENSE

Hi there

This is a confirmation that I am no longer at Texco Metro Express Ltd 66 Spring lane Manchester M26 2SZ, there has been a new owner since 1st November 2023.

New owner: Qasim, Mobile number 07730045458

Previous shop owners: Mohammad Shafqat & Noman Javaid

Please update your records.

Thanks

Sent from my iPhone

# APPENDIX: D

## DESCRIPTION:

Email confirming named DPS wanting to be reinstated as DPS

**From:** [Jones, Laura J \(Licensing\)](#)  
**To:** [Peter Eccleston](#)  
**Subject:** FW: Premises license  
**Date:** 22 March 2024 15:38:43  
**Attachments:** [image001.jpg](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)  
[image006.png](#)

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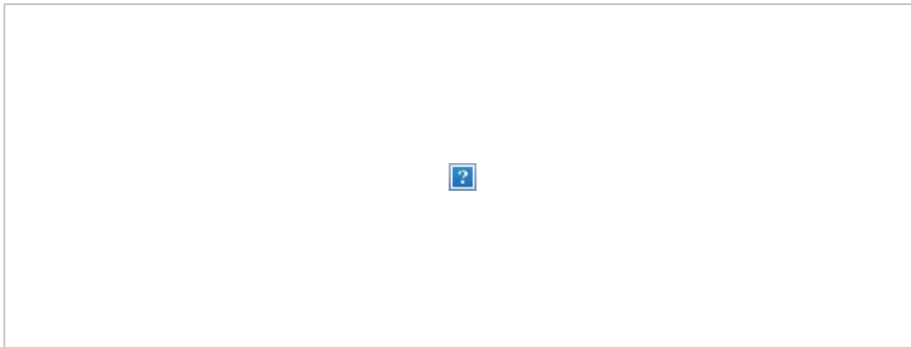
**Caution: This email came from outside GMP. Do not open attachments, click on links or scan QR codes in this email unless you recognise the sender's e-mail address and know the content is safe.**

Confirmation below

Laura Jones  
Deputy Licensing Officer

Licensing Service  
Operations Department  
Public Protection

Licensing information and online forms can be found at our webpages at [Licences and permits - Bury Council](#)



---

**From:** Solczak, Luke <L.Solczak@bury.gov.uk>  
**Sent:** Friday, March 22, 2024 3:15 PM  
**To:** REDACTED  
**Subject:** RE: Premises license

Thank you for confirming you agree to the conditions.

Regards,

Luke Solczak  
Licensing Enforcement Officer

Bury Council | 3 Knowsley Place | Duke Street | Bury | BL9 0EJ



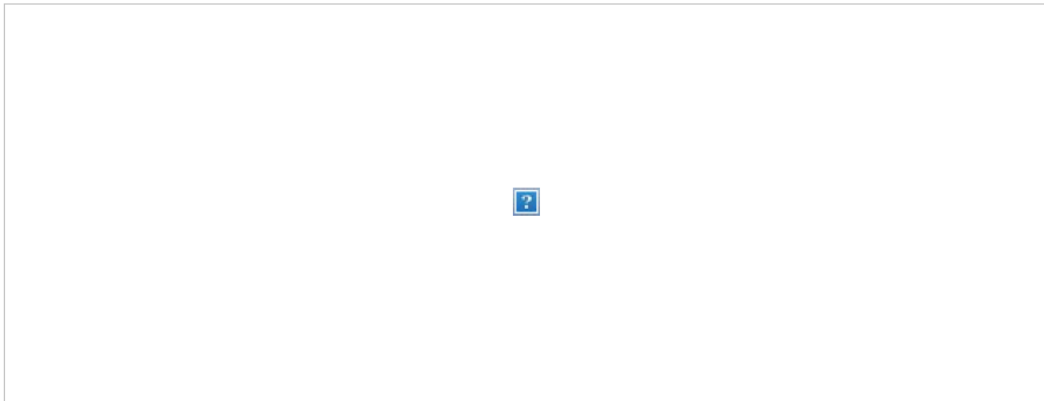
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**From:** Shafqat Mo **REDACTED**  
**Sent:** Friday, March 22, 2024 3:14 PM  
**To:** Solczak, Luke <[L.Solczak@bury.gov.uk](mailto:L.Solczak@bury.gov.uk)>  
**Subject:** RE: Premises license

Hi Luke

I agree to the below conditions.

Thanks

[Yahoo Mail: Search, organise, conquer](#)

On Fri, 22 Mar 2024 at 15:01, Solczak, Luke <[L.Solczak@bury.gov.uk](mailto:L.Solczak@bury.gov.uk)> wrote:

Good afternoon,

Thank you for your email.

Please can you confirm the following.

- You will take full responsibility of the premise (Metro Express)
- You will remain as the designated premises supervisor until the change of dps application.



- You will give written authorisation naming all staff who will sell alcohol on your behalf. (Email photo - to be sent to myself)
- You will be contactable by all persons working in the premise.
- You will remain in day-to-day control of the premise.

Please reply confirming you agree with all the points stated above.

Regards,

Luke Solczak  
Licensing Enforcement Officer

Bury Council | 3 Knowsley Place | Duke Street | Bury | BL9 0EJ

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-----Original Message-----

From: Shafqat Mo <REDACTED>  
Sent: Friday, March 22, 2024 2:48 PM  
To: Solczak, Luke <[L.Solczak@bury.gov.uk](mailto:L.Solczak@bury.gov.uk)>  
Subject: Premises license

Hi there

I am writing re Texco Metro Express Limited, I am the supervisor at the moment as Qasim hasn't applied as of yet and he needs some time to have the license transferred, I am happy to remain as supervisor until the switch is complete.

I will send you the transfer form by 3.45 I am at work at the moment.

Thanks

Mohammed Shafqat

Sent from my iPhone

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