

**AGENDA FOR
LICENSING HEARING SUB COMMITTEE**



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To: All Members of Licensing Hearing Sub Committee

Councillors : I Rizvi (Chair), G Marsden and G McGill

Dear Member/Colleague

Licensing Hearing Sub Committee

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

Date:	Tuesday, 2 July 2024
Place:	Virtual meeting via Microsoft Teams
Time:	1.00 pm
Notes:	To view the virtual meeting online, please email m.cunliffe@bury.gov.uk or phone 0161 2535399 who will provide you with a link to view the meeting via MS Teams or telephone you into meeting with the option of audio only.

AGENDA

1 APOLOGIES FOR ABSENCE

2 DECLARATIONS OF INTEREST

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

3 MINUTES OF THE LAST MEETING(S) *(Pages 3 - 24)*

The Minutes of the last Licensing Hearing Sub Committee meetings held at 10.00am on the 11th April 2024, 1.00pm on the 17th April 2024 and 1.30pm on the 19th April 2024 are attached.

4 APPLICATION FOR A PREMISES LICENCE TO BE GRANTED UNDER THE LICENSING ACT 2003 IN RESPECT OF WINDSOR LOCAL, 89 WINDSOR ROAD, PRESTWICH, M25 0DE *(Pages 25 - 56)*

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

Minutes of: LICENSING HEARING SUB COMMITTEE

Date of Meeting: 11th April 2024

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

Also in attendance: M. Bridge (Licensing Unit Manager)
M. Cunliffe (Democratic Services)
K. Halligan (Trading Standards)
L. Jones (Licensing Unit)
C. Riley (Legal Services)
C. Smith (Public Protection)
L. Solcak (Licensing Unit)

S. Bhatia (Designated Premises Supervisor)
S. Panchal (Personal Licence Courses UK Ltd)
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.

1 APOLOGIES FOR ABSENCE

Apologies for absence were submitted from B. Thomson (Assistant Director of Operations Strategy at Bury Council), Mrs G. Kaur (Premises Licence holder) and PC P. Eccleston (Greater Manchester Police).

2 DECLARATIONS OF INTEREST

There were no declarations of interest made.

3 MINUTES OF THE LAST MEETING

The minutes of the last Licensing Hearing Sub Committee meeting held at 1.00pm on the 26th March 2024 were attached to the agenda.

Resolved:- That the minutes of the Licensing Hearing Sub Committee held at 10.00am on the 26th March 2024 be approved as a correct record.

4 AN APPLICATION FROM AN RESPONSIBLE AUTHORITY FOR A REVIEW OF THE PREMISES LICENCE UNDER THE LICENSING ACT 2003 IN RESPECT OF THE OFF LICENCE, 146 TOTTINGTON ROAD, BURY, BL8 1RU

The Executive Director for Operations had submitted a report relating to an application pursuant to section 51 of the Licensing Act 2003 from a Responsible Authority for a review of the premises licence in respect of the Off Licence, 146 Tottington Road, Bury, BL8 1RU.

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

The options available were:

- To revoke the licence
- To suspend the licence for a period not exceeding three months
- To remove the Designated Premises Supervisor
- To exclude a licensable activity from the scope of the licence
- To modify the conditions of the licence

The Licensing Act 2003 and the Licensing Act 2003 (Hearings) Regulations are the relevant legislation.

The Panel would 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.

At the time of the submission of this review application, on the 14th February 2024, the Premises Licence in respect of the Off Licence, 146 Tottington Road, Bury, BL8 1RU is held by Ms Guljeet Kaur, 68a Commercial Road, Newport, South Wales, NP202PF. Mr Surbir Singh Bhatia 15 Gilnow Gardens, Bolton, BL1 4LG is the Designated Premises Supervisor (DPS).

The Responsible Authority has complied with all the necessary procedural requirements laid down by the Act.

As part of the statutory process the Responsible Bodies and interested parties are entitled to make representations in relation to the review of a licence. The Licensing Authority has given Notice of the application by placing a Notice on the premises, at the Council Offices and on the Council web site. Where further representations are made by either the Responsible Authorities or from local residents / businesses and not withdrawn, Members are required to determine them.

Representations must be relevant to the licensing objectives defined within the Act.

The objectives are:-

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

The current licensable activities are as follows:

The Supply of alcohol – For consumption off the premises:

Monday to Sunday 08.00 to 22.00

Opening Hours

Monday to Sunday 07.00 to 22.00

The conditions, consistent with the premises operating schedule are attached to the current premises licence are attached at appendix 6:

The Trading Standards Service would shortly expand upon the reason(s) for their application to review the Premises Licence in relation to this premises. The representation was attached at appendix 1 which contains a further 5 Appendices. The appendices were marked 2 to 5 respectively in the agenda pack.

The Licensing Authority would also shortly expand upon the reason(s) for their representation in relation to these premises. This representation was attached at appendix 7 in the agenda pack.

The Licensing Unit Manager informed Members that due to operational staffing issues at Greater Manchester Police, PC P. Eccleston had submitted his apologies for the meeting. His written representation statement on behalf of GMP was contained in the agenda packs at appendix 8.

Attention was also drawn to section 182 of the Licensing Act Guidance.

K. Halligan from the Trading Standards Service expanded upon the reason(s) for their representation attached at appendix 1 in the agenda pack, she reported the following:-

The store is also known as Tottington Off Licence and Convenience, Best One and Sid's. The premises licence holder is Guljeet Kaur and the DPS is Surbir Singh Bhatia. The business is actually a limited Company called Rumney Value Food & wine Ltd, company number 11412837, the directors are Guljeet Kaur, who was a director from 13/6/18 to 1/4/23, and lives in Newport in Wales, Daljeet Singh Arorra, from 1/7/19 to 1/4/23, also resides in Newport in Wales, and Surbir Singh Bhatia, director from 1/1/22 who resides in Bolton.

Rumney Value Food & Wine Ltd is liable for the business rates for the Ground Floor, 146 Tottington Road, Bury BL8 1RU from 25/04/2019 to date.

Mrs Guljeet Kaur has been the Premises Licence Holder since June 2019, and Mr Subir Bhatia has been the DPS since June 2019.

On the 2nd July 2019, as a result of a complaint received, we visited the premises known as Tottington Off Licence with GMP and Licensing, and seized 117 blunts, 40 cyclones, 460 cigarettes and 100g of hand rolling tobacco, all of which didn't comply with the relevant legislation. We also advised on underage sales whilst at the premises. As this was a new Premises Licence, and our first contact with the trader we decided to issue a warning letter and have all items signed over to this authority. On 8 July 2019 I attended a meeting with the DPS and Laura Jones from Licensing regarding the visit on 2 July. The DPS was given a warning letter by myself to give to the owner and premises licence holder, and Laura Jones provided him with Challenge 21 signage for the shop. Mrs Kaur returned the letter signing the items over on the 29th July 2019.

In December 2021 a complaint was received that Sid's was selling illicit tobacco. As a result of this complaint and as part of a day of action, Sid's 146 Tottington road was visited on the 23/3/22, also on the visit was Greater Manchester Police and we also had the assistance of the tobacco dog, provided by Wagtail. Whilst on the premises, we found illicit tobacco hidden in the printer, and more illicit tobacco and counterfeit Viagra hidden with the crisps. We seized 59 packets of cigarettes and 12 packets of hand rolling tobacco, and 42 Viagra tablets. The cigarettes and tobacco have been examined and confirmed as either counterfeit or not for the UK market. The DPS told us that he sold them, but then he quickly said that he gives them to a friend, but stated he doesn't know where they came from.

At the beginning of August 2022, a further complaint was received that the shop was selling nitrous oxide to children. On the 17th August 2022 with colleagues from Licensing and Greater Manchester Police, another visit was carried out to the premises. Found and seized was 226x 3500 puff vapes and 15 x 7000 puff vapes, and 2x 20 B&H cigarettes. The cigarettes were sent off and confirmed as being counterfeit. The vapes were examined and confirmed not to comply with the Tobacco and Related Product Regulations 2016 due to exceeding maximum capacity permitted.

On the 6th October 2022, a further complaint was received alleging the shop was selling counterfeit vapes. The person who purchased the item had been hospitalised and had confirmed with the manufacturer that it wasn't a genuine item.

On the 20th March 2023 a further complaint was made that the shop was selling illegal cigarettes, alcohol, drugs to young people, and the shop was also selling balloons (nitrous oxide).

On the 23rd March 2023, the DPS, PL holder and Directors of the business were interviewed under caution at the Trading Standards Offices. Mrs Guljeet Kaur was interviewed first, she confirmed she was a director of the business as well as the Premises Licence holder, she also confirmed she lived in Newport and doesn't visit the shop very often she left the day to day running to her brother who was also a director Surbir Bhatia. She had no idea what the registered office address was or where it was, she said all director issues are dealt with by her husband. She had no idea about the stock, where it came from or who it was sold to, she knew nothing of the employees, and didn't visit the shop or have anything to do with the day to day running of the business. We suggested that she transferred the premises licence to her brother which she said she would do, but stated that it hadn't happened as he hadn't finished paying for the purchase of the business, to date that hasn't happened.

Next, we interviewed Mr Daljeet Arorra, husband of Guljeet Kaur, also a director of the business. He admitted to being a director and stated that the lease for the premises was in his personal name. Again, he lives in Newport, so has no day today running of the business and leaves it all to Mr Bhatia, as he runs his own shop in Newport. He is not involved with the staff, the buying of stock, and is not involved with the books, his accountant does them. Neither he or his wife had any idea or knew of the items we had seized, where they had come from and or who bought them, as they do not visit the premises.

Finally, we interviewed Mr Bhatia, who is the DPS and has been a director since the 1/1/22 (so a directing mind for all 3 seizures). He gave a completely different address in interview to the one on the licence, so he was advised to get that changed. He stated he bought the infringing products off a man who came into the shop, who he has not got any details of. He said he was responsible for the day to day running, but he didn't know why the tobacco was hidden. He was asked about the licensing objectives, but he didn't know what they were.

On the 20th April 2023 as part of Operation Avro, the premises was visited again, with colleagues from GMP, Licensing, immigration, and Wagtail. Seized were 5 illicit vapes, 50g of hand rolling tobacco and 80 cigarettes, and a stripe of blue tablets (Viagra). The vapes exceeded maximum capacity and therefore didn't comply with the Tobacco and Related Product Regulations, the cigarettes and tobacco have been confirmed as either counterfeit or not for the UK market.

In conclusion, there was serious concerns on who had control for the store and responsibility for the premises.

K. Halligan stated it had been a long and complex investigation by Trading Standards and apologised for the timescale it had took to come to committee. Some of the delays had been out of their control in relation to evidence being sent off for examination and the delays in returning the items.

A Member questioned the selling of Nitrous Oxide and it was stated that no gas canisters or balloons had been found on the premises.

The Deputy Licensing Officer, L. Jones reported the representation from the Licensing Authority attached at appendix 7 in the agenda pack.

She had been at the premises on a number of occasions as part of a multi-agency visit. Details of which were contained within the report and attention was drawn to the CCTV request.

She attended the shop on the 25th April to collect the CCTV. The DPS was present and told her that he was unable to produce the CCTV as no one knew the password, but he said that he would call a company and would be able to produce it in 2 or 3 days. He was informed this was a breach of the condition on the premises licence, and gave him an enforcement notice to this effect, which was detailed in Appendix 3 of the agenda pack.

Mr Bhatia, when asked what the 4 objectives of the Licensing Act were, was unable to answer but he did talk about Challenge 21, having a refusals book and CCTV recording for 28 days. These were all conditions on the licence. He was reminded of his role as the DPS with regards to the crime and disorder objective which cannot be met if illicit cigarettes are sold on the premises.

On the 20th April 2023 a further multi agency visit took place as part of Op Avro and 2 empty bottles of vodka were found in the bin of the storeroom. When questioned as to why they were there, Mr Bhatia answered that he had tidied outside the shop and picked them up and put them in the bin. Viagra was found under the counter and illicit cigarettes and tobacco and illegal vapes were seized.

The PLH had no control of the shop by their own admittance. The DPS had ignored previous warnings from Trading Standards and carried on with the sale of illicit cigarettes and illegal vapes showing disregard for the licensing objectives. The breach of condition relating to the CCTV showed that the premises is not being run in accordance with the licence and conditions. All of the above issues have taken place whilst the DPS has been in charge of the premises.

The Licensing Unit Manager reminded Members about the representation statement on behalf of GMP which was contained in the agenda packs and drew attention to the last 2 paragraphs of the statement, which stated:-

Following this intelligence report a further visit was conducted on the 20th April 2023 as part of Operation Avro with GMP officers, along with colleagues from Trading Standards, Licensing, Immigration and Wagtails. Again, quantities of illicit vapes and tobacco was seized along with a strip of blue tablets believed to be Viagra.

It is quite clear that the Premises License Holder has no control over the operation of this licensed premises. The premises has been visited on multiple occasions and illicit items have been seized on every occasion. You would think that the first visit, was sufficient warning with regards what is illicit and what isn't. Unfortunately, this has not been the case and the DPS, who has overseen the operation of the premises during the incidents listed above, has continued to ignore the warnings and advice provided by those responsible authorities in attendance. This just demonstrates that there is no regard whatsoever for the four licensing objectives.

Mr S. Panchal from Personal Licence Courses UK Ltd, asked for the licence to not be revoked and that the suggestions in the report be applied. The Designated Premises Supervisor, Mr S. Bhatia was present virtually with Mr Panchal but would not be providing any comments at the hearing. The Premises Licence holder, Mrs G. Kaur was out of the country and could therefore not attend the hearing.

Mr Panchal accepted the suggested conditions be placed on the licence which were detailed within the report. He was also in agreement with the suggestion for the removal of the Designated Premises Supervisor with immediate effect. A new DPS would be appointed and qualified to a level 2 training course for the role. He provided information that the Premises Supervisor had put the business up for sale and an agent had approached a potential buyer for the business, who would agree with all the suggested conditions. New staff would be trained with a manual at hand for reference along with a refusal and incident book. Alcohol would not be served if the CCTV system was not in operation. Mr Panchal claimed all these implementations were appropriate to promote the licensing objectives. He was also willing to accept a shorter suspension of 2 weeks to a month whilst changes to the business takes place.

Upon questioning of how long the changes would take, Mr Panchal stated these would be administered right away.

It was reported by the Deputy Licensing Officer that there was no guarantee that a sale of the business could be made and this would pose problems of who was in control.

The Licensing Unit Manager stressed that the decision would be taken on the existing licence and not any new licences to be issued. Questions were also raised as to why Mr Panchal had only been appointed to represent the business only a few days ago given the advanced notice period of the hearing.

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

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

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

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

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

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

DELEGATED DECISION

The Sub-Committee carefully considered the representations and evidence provided and therefore unanimously **resolved to revoke the licence and to remove the Designated Premises Supervisor** in order to promote the licensing objectives.

The Sub-Committee was therefore satisfied that there was sufficient evidence from Trading Standards, Greater Manchester Police and the Licensing Authority to mean these steps were necessary.

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

- The prevention of crime and disorder

The reasons by the sub-committee, included:-

- Clear evidence found at the premises on multiple search occasions of illicit cigarettes, vapes and other associated items that don't comply with the relevant legislation.
- The illicit cigarettes found hidden within a computer printer demonstrated the intention to sell the product on site, but the concealment led to knowing this was illegal to do so.
- There had been a number of previous opportunities to resolve the issues and these had been ignored.
- The Sub-Committee had no confidence that any changes would protect public safety or aid the prevention of crime and disorder.

The Sub-Committee found the situation very serious and concerning with the premises operating in such a way to undermine the licensing objectives. The evidence and supporting documents presented were sufficient evidence to revoke the licence and remove the Designated Premises Supervisor.

COUNCILLOR G MCGILL
Chair

(Note: The meeting started at 10.00am and ended at 11.40am)

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Minutes of: LICENSING HEARING SUB COMMITTEE

Date of Meeting: 17 April 2024, 1.00pm

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

Also in attendance: M. Cunliffe (Democratic Services)
K. Halligan (Trading Standards)
L. Jones (Licensing Unit)
C. Riley (Legal Services)

PC P. Eccleston (Greater Manchester Police)

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

1 APOLOGIES FOR ABSENCE

Apologies were submitted by M Bridge, (Licensing Unit Manager) and B Thomson- Assistant Director of Operations Strategy.

2 DECLARATIONS OF INTEREST

There were no declarations of interest submitted.

3 MINUTES OF THE LAST MEETING

The Minutes of the last Licensing Hearing Sub Committee meeting held on the 26th March 2024 were attached to the agenda.

Resolved:- That the minutes of the Licensing Hearing Sub Committee held on the 26th 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 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.

Attention was drawn to background papers which included:

Current Premises Licence

Section 53A application, Certificate and supporting evidence

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

On the 25th 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.

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.

On the 26th 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.

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 was attached at Appendix 1 in the agenda packs.

The premises licence holder had not made representations against the interim steps taken by the licensing authority.

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 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.

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

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 was the application by Greater Manchester Police for the Summary Review. Annex B was the Certificate issued by the Chief Superintendent respectively.

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 website. 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.

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

- 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

A representation was received from Trading Standards in their capacity as a Responsible Authority. The representation related to the following issues and was attached at Appendix 4 in the agenda packs:-

- Illicit cigarettes and illegal vapes on the premises
- Offensive weapons on the premises

The Premises Licence was also attached to the agenda pack and detailed the current licensable activities and conditions.

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.

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.

PC P. Eccleston from Greater Manchester Police provided a summary of the application for a review at the meeting, which was contained at Appendix 2 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 was necessary to allow the licence authority to impose the 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 revoked as the licensing objectives would 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.

PC Eccleston repeated that GMP had searched their records and checked with the Neighbourhood Crime Team, but no incidents had been recorded at the premises as alleged.

K. Halligan from Trading Standards concurred with the account provided by PC Eccleston and her statement was also attached in the agenda packs. She added if Members were minded not to revoke the licence, then suggested conditions within the agenda pack should be applied to ensure the licensing objectives are met. She had concerns on the weapons and illicit products found along with a lack of responsibility at the premises.

Members questioned the current ownership of the store and were informed that the licence could not be transferred to the new owner after the licence had been suspended as a suspended licence cannot be transferred.

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, concerns for public safety and the failure to protect children from harm. It was therefore unanimously decided to **remove the Designated Premises Supervisor from the licence** and to **revoke the licence** in order to promote the licensing objectives.

The Sub-Committee also reviewed the interim steps and unanimously **resolved to keep the interim steps in place to remove the Designated Premises Supervisor from the licence and to suspend the licence**. These would remain until the end of the period provided for appeal against the decision, or if the decision is appealed against, the time the appeal is disposed of. It was appropriate for the promotion of the licensing objectives that the interim steps remain in place.

The Sub-Committee was therefore satisfied that there was sufficient evidence to mean steps were necessary to remove the Designated Premises Supervisor from the licence and to revoke the licence under the licensing objectives recommended and advised by GMP.

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

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 with the machete capable of causing serious injury or death.
- Accounts of an alleged robbery incident provided by the Licence Holder in relation to the weapons being present at the store were not believable, with no recorded crime on the GMP database.
- Non-standard and illicit items seized from the premises which would have been sold by the store.

All the above reasons were taken into consideration when revoking the licence and removing the Designated Premises Supervisor from the licence. The Sub-Committee felt the decision was appropriate and proportionate.

COUNCILLOR G MCGILL

Chair

(Note: The meeting started at 1.00pm and ended at 1.42pm)

Minutes of: LICENSING HEARING SUB COMMITTEE

Date of Meeting: 19th April 2024

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

Also in attendance: M. Bridge (Licensing Unit Manager)
M. Cunliffe (Democratic Services)
C. Riley (Legal Services)

Mr K. Malaviya (Applicant)
Miss A. Auf Der Mauer (Applicant's representative)

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 press or public were in virtual attendance.

1 APOLOGIES FOR ABSENCE

Apologies for absence were submitted from B Thomson- Assistant Director of Operations Strategy.

2 DECLARATIONS OF INTEREST

There were no declarations of interest made.

3 APPLICATION FOR A PREMISES LICENCE TO BE GRANTED UNDER THE LICENSING ACT 2003 IN RESPECT OF HARERAM BURY, 40 HOLLY STREET, TOTTINGTON, BURY, BL8 3EZ

The Licensing Authority received an application for a Premises Licence to be granted under the Licensing Act 2003 in respect of Hareram Bury, 40 Holly Street, Tottington, Bury, BL8 3EZ.

The applicant for the licence is Hareram Bury Ltd, 40 Holly Street, Tottington, BL8 3EZ and the proposed Designated Premises Supervisor (DPS), in respect of the above premises, is Mr Kishan Vinubhai Malaviya, 449A Kingston Road, Epsom, Surrey, KT19 0DB.

The Applicant had complied with all the necessary procedural requirements laid down by the Act.

The Licensing Unit Manager presented the report and as part of the statutory process the Responsible Authorities and interested parties are entitled to make representations in relation to the grant of a licence. Where representations are made and not withdrawn Members are required to determine them

Representations must be relevant to the licensing objectives defined within the Act.

The objectives are:-

- the prevention of crime and disorder
- public safety
- prevention of public nuisance and

- protection of children from harm

The application is for the grant of a Premises Licence under Part 3 of the Licensing Act 2003 which was attached at Appendix 1 in the agenda packs.

Opening Times:

Monday to Sunday – 07:00 till 22:00

Supply of Alcohol (Off the premises only):

Monday to Sunday – 07:00 till 22:00

The conditions contained in the operating schedule submitted by the applicant were contained at Appendix 2 in the agenda packs.

One representation from two interested parties has been received. The representation related to the following issues:-

- Potential increase of traffic (issues with parking for residents).
- Primary School opposite/nearby
- There is no place for their customers to stop on the residential street
- Potential increase in noise from deliveries, car doors.
- Potential increase of anti-social behaviour/gangs
- Potential increase of litter/rubbish
- There is already a store/garage nearby (Spar) approx 250 metres away that sells alcohol.

The part redacted representations were attached at Appendix 3 in the agenda packs.

After hearing the representations made and the evidence presented, Members are obliged to determine the application with a view to promoting the licensing objectives and having regard to the Authority's Licensing Policy and National Guidance.

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.

In making its decision with regard to this application hearing, the steps the Sub-Committee can take are:

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

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

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.

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.

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

The applicant's representative, Miss Auf Der Mauer addressed the sub committee and told Members that the representation concerning car parking should be disregarded and was not a factor in the decision making process. She explained that the school playground backs onto the shop after a distance but children would not have contact with anyone buying goods from the store.

Miss Auf Der Mauer had asked the owner to place notices in the shop to advise against drinking in the nearby access road and alleyway. The area would be monitored and anyone found loitering would be asked to move on.

A primary school was nearby and most of the children would be buying sweets from the shop so it would be obvious they were too young to purchase alcohol. Even so, a challenge 25 sign would be displayed and Mr Malaviya had attended a personal licensing training course. If the shop was busy after school closing time, then a suggested limit on the number of customers would be introduced to help manage overcrowding and running of the business.

A large waste bin had been purchased for outside the store and litter picks would be conducted to keep the area clean and tidy. Deliveries would not generate any more noise issues than cars or deliveries to other homes in the area so the noise impact would be minimal.

It was unlikely that there would be gangs and anti-social behaviour issues as there were no current concerns or issues in the local community. There were also no problems around the Spar store which was located close by.

Miss Auf Der Mauer advised the sub committee that the applicant was willing to reduce the supply of alcohol hours from 7.00am-10.00pm to 9.00am-9.30pm.

The Licensing Unit Manager enquired that the application form did not contain any seasonal variations such as bank holidays or Christmas Day.

Miss Auf Der Mauer confirmed that any alcohol sold would be traceable with a label stuck on each product with the price along with the name and address of the store. The Licensing Unit Manager advised that a label could be removed and the goods could be marked with a permanent marker on the product.

The Licensing Unit Manager questioned how a limit could be placed on the number children in the shop and how many staff would be working.

The applicant said 2 people could be working in the shop around school closing times and the limit could be around 5 children, although the teachers at the school could help control numbers.

The Licensing Unit Manager commented that deliveries could be made between a certain period of time and avoid early morning or school opening and closing times.

Members enquired how many days a week would the applicant be at the store given he lived some distance away and was there any other reason to travel so far. It was stated that he would be on site once or twice a week but staff would be fully trained and he managed around 4 shops in the London area which he was a DPS for.

The Licensing Unit Manager clarified if the applicant had in writing the claims that school staff would help monitor outside the shop at the busy school closing time. The applicant stated he could speak with the school next week if required.

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

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

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

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

- a) the Council's published Statement of Licensing Policy
- b) the Guidance issued by the Secretary of State as contained in section 182 of the Licensing Act 2003, which was updated in December 2022.

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

Delegated decision

All of the evidence was considered with care, and it was established that having understood the application and equally noting and understanding the representations and assurances made by the applicant and their representative, the Sub-Committee found there were no causes for concern so far as the promotion of the licensing objectives were concerned.

It was therefore agreed unanimously that the Sub-Committee **grant the application for a Premises Licence in the terms requested with the only amendment to the supply of**

alcohol (Off the premises only) Monday to Sunday 9.00am to 9.30pm, subject to the following conditions:-

Operating Schedule

General

All staff will be provided with training in relation to the licensing objectives that are commensurate with their duties. This will include the individual's responsibilities, age verification and licensing offences, as appropriate. Details of the training will be recorded in a personnel file or logbook and will be refreshed at regular intervals.

The prevention of crime and disorder

A CCTV system shall be maintained at the premises with cameras in the location indicated on the accompanying plan. Recordings shall be made of images from the cameras whilst a licensable activity is taking place and shall be retained for a period of at least 30 days from the date of recording.

A member of staff shall be trained on how to provide copies to police officers, where a request is received that complies with the requirements of the Data Protection Act 2003 and any other legislation covering the disclosure of recorded material.

An incident book will be maintained in a non-loose leaf format to record details of any incidents in the premises that relate to the licensing objectives, in particular any refusals of sales of alcohol.

Signage will be displayed at the exit to the premises that advises customers that they must not take open alcoholic beverages from the premises.

Public safety

All safety matters at the premises are adequately covered by statutory provisions such as The Health and Safety at Work (etc) Act 1974, The Regulatory Reform (Fire Safety) Order 2005

The prevention of public nuisance

A telephone number for the premises shall be displayed that is visible from the exterior of the building in the event that contact needs to be made with the staff to deal with any issue that might arise from the licensable activity.

Persons identified as drinking alcohol in the immediate area around the premises (whether or not they have purchased alcohol from the premises) will be requested to leave and if they refuse to do so, a report will be made to the Police.

Any person who refuses to leave the area, or is identified as causing antisocial behaviour, will be subject to a ban from the premises. A record of banned individuals shall be maintained in the premises and all staff made aware of the persons who are currently banned so that entry may be refused. This record shall be kept available for inspection while the premises are open for trading.

All alcohol sold from the premises will be marked in a way that can be used to identify that the alcohol has been purchased from the shop.

A regular inspection shall be made of the area immediately in the vicinity of the premises and any litter that can reasonably be assumed to have originated from the premises shall be collected for disposal.

Staff from the premises shall regularly monitor the exterior of then premises in an attempt to identify persons loitering in the area who may have purchased alcohol from the premises or appear to be accompanied by a person who has purchased alcohol from the premises. Where such persons are identified, they will be requested to leave the area.

The protection of children from harm

- A Challenge 25 scheme will be adopted in compliance with the age verification condition: Customers who appear be under 25 years of age will be required to prove their age when purchasing alcohol. Suitable forms of identification will be a passport, 'Pass' card or other identification recognized by the licensing authority in its statement of licensing policy.

COUNCILLOR G MCGILL
Chair

(Note: The meeting started at 1.30pm and ended at 2.40pm)

[Type here]



	Classification	Item No.
	Open / Closed	
Meeting:	Licensing Hearings Sub-Committee	
Meeting date:	2 July 2024	
Title of report:	Application for a Premises Licence to be granted under the Licensing Act 2003 in respect of Windsor Local, 89 Windsor Road, Prestwich, M25 0DE	
Report by:	Executive Director (Operations)	
Decision Type:	Council	
Ward(s) to which report relates	Sedgeley	

Executive Summary:

This report relates to an application for a Premises Licence to be granted under the Licensing Act 2003 in respect of Windsor Local, 89 Windsor Road, Prestwich, M25 0DE.

Recommendation(s)

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

1.0 BACKGROUND

- 1.1 The Licensing Act 2003 and the Licensing Act 2003 (Hearings) Regulations are the relevant legislation.
- 1.2 The Panel will make a decision on the day of the hearing and the parties will be notified subsequently of the decision and the reasons for it by letter from the Licensing Office.

[Type here]

2.0 INTRODUCTION

- 2.1 The applicant for the licence is Sahiba Trading Limited, 56 Windsor Road, Prestwich, M25 0DE and at the time of writing this report there is nobody proposed to be the Designated Premises Supervisor (DPS), in respect of the above premises. Application and note relating to the DPS are attached at Appendix 1
- 2.2 The applicant has complied with all the necessary procedural requirements laid down by the Act.
- 2.3 As part of the statutory process the Responsible Authorities and interested parties are entitled to make representations in relation to the grant of a licence. Where representations are made and not withdrawn Members are required to determine them.
- 2.4 Representations must be relevant to the licensing objectives defined within the Act. The objectives are:-
- the prevention of crime and disorder
 - public safety
 - prevention of public nuisance and
 - protection of children from harm

3.0 THE APPLICATION

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

Opening Times:

Monday to Sunday 07:00 till 22.00

Supply of Alcohol (off the premises):

Monday to Sunday 07:00 till 22.00

The conditions contained in the operating schedule submitted by the applicant are contained at Appendix 2.

4.0 REPRESENTATIONS FROM INTERESTED PARTIES

- 4.1 Three representations have been received from interested parties have been made against this application. The interested parties have been invited to make their representations at the hearing.

[Type here]

4.2 These representations are attached at Appendix 3.

5.0 OBSERVATIONS

5.1 After hearing the representations made and the evidence presented, Members are obliged to determine the application with a view to promoting the licensing objectives and having regard to the Authority's Licensing Policy and National Guidance.

6.0 THE SECRETARY OF STATES GUIDANCE TO THE LICENSING ACT 2003

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

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

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

7.0 CONCLUSION

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

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

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

7.3 The Sub-Committee must consider what steps are appropriate for the promotion of the licensing objectives.

[Type here]

7.4 In making its decision with regard to this variation hearing, the steps the Sub-Committee can take are:

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

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

7.6 The Sub-Committee's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve. Findings on any issues of fact should be on the balance of probability.

7.7 It is important that a licensing authority should give comprehensive reasons for its decisions in anticipation of any appeals. Failure to give adequate reasons could itself give rise to grounds for an appeal.

7.8 The Sub-Committee is asked to determine what steps, as set out in 7.4 above, are appropriate for the promotion of the licensing objectives.

Community impact/links with Community Strategy

Not Applicable

Equality Impact and considerations:

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 -

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

[Type here]

that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services.

Equality Analysis	<i>Please provide a written explanation of the outcome(s) of either conducting an initial or full EA.</i>
<i>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.</i>	

Assessment of Risk:

The following risks apply to the decision:

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

Consultation:

Not Applicable

Legal Implications:

Yes, under the legislation the Council is required to determine representations. The report is in accordance with the appropriate legislation.

Financial Implications:

The cost of the licensing function are funded through the fees and charges levied by the Council. There may be additional costs if appeals are lodged with the Magistrates and Crown Courts.

Report Author and Contact Details:

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

Mr M Bridge

[Type here]

Licensing Office
Town Hall
Bury
Telephone No: 0161 253 5209
Email: m.bridge@bury.gov.uk

Background papers:

List of Background Papers:-
Application form
Representations received

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

Term	Meaning

Appendix One
Grant of Premises Licence for
Moonbeam Coffee House, 82
Bury Old Road, Whitefield,
Prestwich, M43 6TQ



* required information

Section 1 of 21

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference This is the unique reference for this application generated by the system.

Your reference You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

Yes No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

* Family name

* E-mail

Main telephone number Include country code.

Other telephone number

Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

Applying as a business or organisation, including as a sole trader

Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is the applicant's business registered in the UK with Companies House? Yes No

Note: completing the Applicant Business section is optional in this form.

Registration number

Business name If the applicant's business is registered, use its registered name.

VAT number Put "none" if the applicant is not registered for VAT.

Legal status

Continued from previous page...

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Agent Details

* First name

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

An agent that is a business or organisation, including a sole trader

A sole trader is a business owned by one person without any special legal structure.

A private individual acting as an agent

Agent Business

Is your business registered in the UK with Companies House? Yes No

Note: completing the Applicant Business section is optional in this form.

Registration number

Business name

If your business is registered, use its registered name.

VAT number

Put "none" if you are not registered for VAT.

Legal status

*Continued from previous page...*Your position in the business Home country

The country where the headquarters of your business is located.

Agent Registered Address

Address registered with Companies House.

Building number or name Street District City or town County or administrative area Postcode Country **Section 2 of 21****PREMISES DETAILS**

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

Premises Address

Are you able to provide a postal address, OS map reference or description of the premises?

 Address OS map reference Description
Postal Address Of PremisesBuilding number or name Street District City or town County or administrative area Postcode Country **Further Details**Telephone number Non-domestic rateable value of premises (£)

Section 3 of 21**APPLICATION DETAILS**

In what capacity are you applying for the premises licence?

- An individual or individuals
- A limited company / limited liability partnership
- A partnership (other than limited liability)
- An unincorporated association
- Other (for example a statutory corporation)
- A recognised club
- A charity
- The proprietor of an educational establishment
- A health service body
- A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- The chief officer of police of a police force in England and Wales

Confirm The Following

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

Section 4 of 21**NON INDIVIDUAL APPLICANTS**

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

Non Individual Applicant's Name

Name

SAHIBA TRADING LTD

Details

Registered number (where applicable)

13786947

Description of applicant (for example partnership, company, unincorporated association etc)

Continued from previous page...

Private Limited Company

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Contact Details

E-mail

Telephone number

Other telephone number

* Date of birth / /
dd mm yyyy

* Nationality

Documents that demonstrate entitlement to work in the UK

Add another applicant

Section 5 of 21**OPERATING SCHEDULE**

When do you want the premises licence to start? / /
dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end / /
dd mm yyyy

Provide a general description of the premises

For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.

The premises is a convenience store selling groceries, cigarettes and alcohol. The premises is located on a commercial lot within a residential area.

Continued from previous page...

If 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

Section 6 of 21

PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will you be providing plays?

- Yes No

Section 7 of 21

PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will you be providing films?

- Yes No

Section 8 of 21

PROVISION OF INDOOR SPORTING EVENTS

[See guidance on regulated entertainment](#)

Will you be providing indoor sporting events?

- Yes No

Section 9 of 21

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will you be providing boxing or wrestling entertainments?

- Yes No

Section 10 of 21

PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will you be providing live music?

- Yes No

Section 11 of 21

PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Will you be providing recorded music?

- Yes No

Section 12 of 21

PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will you be providing performances of dance?

Continued from previous page...

Section 13 of 21

PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will you be providing anything similar to live music, recorded music or performances of dance?

- Yes No

Section 14 of 21

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

- Yes No

Section 15 of 21

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

Give timings in 24 hour clock. (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Continued from previous page...

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption:

- On the premises Off the premises Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name

First name

Family name

Date of birth / /
dd mm yyyy

Continued from previous page...

Enter the contact's address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number (if known)

Issuing licensing authority (if known)

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- Electronically, by the proposed designated premises supervisor
- As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

Section 16 of 21

ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

Give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

NONE

Section 17 of 21

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock. (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Continued from previous page...

TUESDAY

Start	<input type="text" value="07:00"/>	End	<input type="text" value="22:00"/>
Start	<input type="text"/>	End	<input type="text"/>

WEDNESDAY

Start	<input type="text" value="07:00"/>	End	<input type="text" value="22:00"/>
Start	<input type="text"/>	End	<input type="text"/>

THURSDAY

Start	<input type="text" value="07:00"/>	End	<input type="text" value="22:00"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="07:00"/>	End	<input type="text" value="22:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="07:00"/>	End	<input type="text" value="22:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="07:00"/>	End	<input type="text" value="22:00"/>
Start	<input type="text"/>	End	<input type="text"/>

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Section 18 of 21

LICENSING OBJECTIVES

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

Continued from previous page...

List here steps you will take to promote all four licensing objectives together.

EFFECTIVE ONGOING TRAINING OF ALL MEMBERS OF STAFF TO UNDERSTAND AND PROMOTE THE LICENSING OBJECTIVES AND WORK WITH IN THE CONDITIONS SET BY THE PREMISES LICENCE. THE DESIGNATED PREMISES SUPERVISOR WILL CONDUCT STAFF TRAINING ON A SIX MONTHLY BASIS, RECORDS OF TRAINING WILL BE DOCUMENTED AND MADE AVAILABLE TO THE POLICE OR OTHER RESPONSIBLE AUTHORITIES.

b) The prevention of crime and disorder

CCTV covering areas inside of the premises shall be installed and maintained to police recommendations with properly maintained log arrangements. CCTV shall be working and recording correctly at all times. All images shall be stored for a minimum of 31 days. The DPS shall inspect and test that the CCTV is operational and working correctly on a weekly basis. A signed and dated record of the CCTV examination and any findings shall be kept on the premises and made available to the police and authorised officers of the Licensing Authority on request.

c) Public safety

All staff responsible for selling alcohol shall receive regular training in the Licensing Act 2003 in terms of the licensing objectives, offences committed under the Act and conditions of the Premises Licence. Written records of this training shall be retained and made available to police and authorised officers of the Licensing Authority on request.

d) The prevention of public nuisance

The outside of the premises will be monitored regularly for litter.

e) The protection of children from harm

The premises shall operate a Challenge 25 age restricted sales policy and shall display appropriate signage advising customers of this policy. All staff shall be trained in the Proof of Age policy and how to identify acceptable means of identification.

Section 19 of 21

NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

Continued from previous page...

Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

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

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this in one of two ways: 1) by providing with this application copies or scanned copies of the documents listed below (which do not need to be certified), or 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

Documents which demonstrate entitlement to work in the UK

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

Continued from previous page...

- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 18(3) or 20(2) of the Immigration (European Economic Area) Regulations 2016, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
 - (iv) self-sufficient e.g. bank statements.

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

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

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

Continued from previous page...

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

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

Home Office online right to work checking service

As an alternative to providing a copy of the documents listed above, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their 9-digit share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth (provided within this application), will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be checked online. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copy documents as set out above.

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NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
 - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

Continued from previous page...

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

Section 21 of 21**PAYMENT DETAILS**

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Premises Licence Fees are determined by the non-domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at http://www.voa.gov.uk/business_rates/index.htm

Band A - No RV to £4300 £100.00

Band B - £4301 to £33000 £190.00

Band C - £33001 to £87000 £315.00

Band D - £87001 to £12500 £450.00*

Band E - £125001 and over £635.00*

*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then you are required to pay a higher fee

Band D - £87001 to £12500 £900.00

Band E - £125001 and over £1,905.00

There is an exemption from the payment of fees in relation to the provision of regulated entertainment at church halls, chapel halls or premises of a similar nature, village halls, parish or community halls, or other premises of a similar nature. The costs associated with these licences will be met by central Government. If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of late night refreshment, a fee will be required.

Schools and sixth form colleges are exempt from the fees associated with the authorisation of regulated entertainment where the entertainment is provided by and at the school or college and for the purposes of the school or college.

If you operate a large event you are subject to ADDITIONAL fees based upon the number in attendance at any one time

Capacity 5000-9999 £1,000.00

Capacity 10000 -14999 £2,000.00

Capacity 15000-19999 £4,000.00

Capacity 20000-29999 £8,000.00

Capacity 30000-39000 £16,000.00

Capacity 40000-49999 £24,000.00

Capacity 50000-59999 £32,000.00

Capacity 60000-69999 £40,000.00

Capacity 70000-79999 £48,000.00

Capacity 80000-89999 £56,000.00

Capacity 90000 and over £64,000.00

* Fee amount (£)

100.00

DECLARATION

Continued from previous page...

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

I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the licensing act 2003, to make a false statement in or in connection with this application. (Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership) I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name

* Capacity

* Date / /
dd mm yyyy

[Add another signatory](#)

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/bury/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

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

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

OFFICE USE ONLY

Applicant reference number	<input type="text"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

[Type here]

To Licensing,

We have applied for a premises licence to sell alcohol with no person nominated as a DPS. We are aware that if this licence is granted, alcohol cannot be sold until a DPS is appointed.

The person who is likely to become The DPS is currently taking part in an accredited personal licence course and hopes to have this completed and apply to the authority before the end of this consultation.

Regards

[Type here]

Appendix 2

Operating Schedule submitted by the applicant

[Type here]

Prevention of Crime and Disorder

- The premise is to operate an effective CCTV system which is to be maintained in good working order at all times the premises is open for business. The location of cameras will be recorded on the plan attached to the licence. The recording medium (e.g. discs/tapes/hard drive etc) and associated images are to be retained and securely stored for a minimum period of 28 days and are to be made available to the police/Authorised Officers of the Licensing Authority upon request. The premises licence holder or designated premises supervisor is to provide the police with the contact details of at least two members of staff (or other person(s)) who are trained and familiar with the operation of the equipment so that, at the expense of the premises licence holder, they are able to check that the equipment is operating properly and that they are able to provide copies of recorded data upon request and within no more than 12 hours from the time of the request. The premises licence holder or the Designated Premises Supervisor must notify the licensing office or the Police in the event of CCTV breakdown or malfunction as soon as is reasonably practicable and in any event within 24hrs.
- A written record shall be kept every time images are recorded by CCTV and shall include details of the recording medium used, the time and date recording commenced and finished. This record shall identify the person responsible for the recording and shall be signed by him/her. Where the recording is on a removable medium (i.e. videotape, compact disc, flash card etc.), a secure storage system to store those recording mediums shall be provided.
- Staff training shall take place on the Licensing Act and Licensing objectives upon commencement of employment and every six months thereafter, a written record of this training is to be maintained and made available to the police and any authorised officer of the Council for inspection on request.
- A written delegation of authority record will be kept at the premises whereby non personal licence holders are authorised to make sales on behalf of a personal licence holder.
- The Designated Premises supervisor / personal licence holder will be available /contactable at all times that alcohol is on sale.
- An incident book/register shall be maintained to record:
 - All incidents of crime and disorder occurring at the premises.
 - Details of occasions when the police are called to the premises.
 - This book/register shall be made available for inspection by a police officer or other authorised officer on request.
- No alcoholic drink shall be removed from the premises in an unsealed container.
- Alcohol may only be sold in sealed containers.
- Alcohol may not be sold to any person who appears to be intoxicated.

[Type here]

Public Safety

- All staff responsible for selling alcohol shall receive regular training in the Licensing Act 2003 in terms of the licensing objectives, offences committed under the Act and conditions of the Premises Licence.
- Written records of this training shall be retained and made available to police and authorised officers of the Licensing Authority on request.

The Prevention of Public Nuisance

- The outside of the premises will be monitored regularly for litter.
- Management and staff are to use their best endeavours to prevent persons loitering outside the premises and to ensure that persons refused entry or ejected are asked to leave the vicinity of the premises.
- No refuse shall be disposed of or collected from the premises between the hours of 2300 - 0700 where such disposal or collection is likely to cause disturbance to local residents.
- Prominent, clear and legible notices must be displayed at all exits requesting that customers respect the needs of local residents and to leave the premises and area quietly.

The 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 or a proof of age card bearing the official 'PASS' accreditation hologram should be accepted as proof of age.
- The premises is to maintain a refusals / incident 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 and record the circumstances of any incident. The book must be made available to the police / authorised officers of the Licensing Authority on request.

Appendix 3

Representations from three Interested Parties

[Type here]

Representor 1 and 2

Dear Sir/Madam,

We wish to object to the application for a licence to authorise the sale of alcohol off the premises at Windsor Local between the hours of 7am and 10pm daily.

The shop is located in a row of premises on a residential street. We live directly opposite, approximately 20 metres away. Our concern is the likelihood of an increase in public nuisance and antisocial behaviour. This includes litter, noise outside the premises and light pollution. The store has an extremely brightly backlit sign. All these issues are likely to be exacerbated by the late evening opening.

Windsor Local is situated in a row of premises including Kosher City grocery store, Beautified hair and beauty, Windsor Launderette, The Box gym, Outside Education (Ofsted registered) and Oakley Physio. There are residential apartments above most of the units. While some of the premises are busy during the day the street is usually quiet after 8pm. We are particularly worried about the likelihood of noise and antisocial behaviour in the evening.

Kind Regards

[Type here]

Representor 3

Dear Sirs

I wish to make a representation in opposition to the above application for a new licence to sell alcohol at the above premises between the hours of 07:00 to 22:00 Monday to Sunday.

The approval of a licence will undoubtedly cause an increased public nuisance in the local area:

For some months Windsor Road has seen an increase in criminal activity with cars pulling up on a regular basis drug dealing, people hanging around the tram station entrance on Windsor Road waiting for drug drop offs, residents of a property adjoining the tram approach at Windsor Road waiting for drug drop offs (this property has recently been taken over by what seems to be an agency such as the probation service or social services). Adding the sale of alcohol to this existing problem will only increase crime and disorder and bring more problems into the primarily residential neighbourhood. It could also cause issues around public safety with drinking alcohol in the neighbourhood and causing a public disturbance.

In the last 2-3 months one of the flats above the shops was targeted in a break in by a group of men attempting to bang the door down. In another incident a group of young people came into the area, one person carrying a machete. Both incidents were reported to the police who attended the scene on both occasions. An off-licence will bring people into the street to buy alcohol when events take place in Heaton Park, such as Parklife due to it's proximity to the tram station and people passing by making their way to the park. This would cause anti-social behaviour and noise disturbance to residents.

An off-licence used to operate many years ago on Windsor Road and the owner was a target for criminal activity. A newsagent that used to be on the corner of Windsor Road and Downham Crescent equally was held at knifepoint shortly before he decided to close the business. An off-licence will only bring further issues to the road and it's residents.

The shop intends to be open for 15 hours a day from 07:00 to 22:00 - 7 days a week. Again in a primarily residential area no consideration or prior consultation has been given to residents before the premises opened for business.

Litter is already an issue on the street as no public bins are available therefore the street is constantly covered in litter. No bin has been installed outside the shop for customers to dispose of their litter as they vacate the premises.

I look forward to hearing from you on the conclusion of your consultation.