

**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:	Monday, 5 August 2024
Place:	Virtual meeting via Microsoft Teams
Time:	1.30 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 - 22)*

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

4 APPLICATION FOR A PREMISES LICENCE TO BE GRANTED UNDER THE LICENSING ACT 2003 IN RESPECT OF ASDA EXPRESS PFS BLACKFORD BRIDGE, MANCHESTER ROAD, BURY, BL9 9ST *(Pages 23 - 66)*

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

Minutes of:	LICENSING HEARING SUB COMMITTEE
Date of Meeting:	17 July 2024
Present:	Councillor G McGill (in the Chair) Councillors G Marsden and D Quinn M. Bridge (Licensing Unit Manager) M. Cunliffe (Democratic Services) C. Riley (Legal Services)
Also in attendance:	Mr A Cummins (Applicant) Mr M Yoffey Mr & Mrs Taylor Mr & Mrs Dempsey Councillor L. Ryder
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 other members of the public or press were in virtual attendance.

1 APOLOGIES FOR ABSENCE

Apologies for absence were submitted by Councillors E. Moss, I. Rizvi and C. Smith (Head of Public Protection).

2 DECLARATIONS OF INTEREST

There were no declarations of interest made.

3 MINUTES OF THE LAST MEETING(S)

The minutes of the last Licensing Hearing Sub Committee meetings held at 1.00pm on the 25th June and 1.00pm on the 2nd July 2024 were attached to the agenda.

Resolved:- That the minutes of the Licensing Hearing Sub Committee held at 1.00pm on the 25th June and 1.00pm on the 2nd July 2024 be approved as a correct record.

4 APPLICATION FOR A PREMISES LICENCE TO BE GRANTED UNDER THE LICENSING ACT 2003 IN RESPECT OF MOONBEAM COFFEE HOUSE, 82 BURY OLD ROAD, WHITEFIELD, PRESTWICH, M45 6TQ

The Licensing Authority received an application for a Premises Licence to be granted under the Licensing Act 2003 in respect of Moonbeam Coffee House, 82 Bury Old Road, Whitefield, Prestwich, M45 6TQ.

The applicant for the licence is Whitefield Brunch Club Limited, 239 Bury New Road, Whitefield, M45 8QP and the proposed Designated Premises Supervisor (DPS), in respect of the above premises, is Mr Aaron Cummins, 41 Ringley Drive, Whitefield, M45 7LA. The application was attached at Appendix 1 in the agenda pack.

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 – 08:00 till 00:00

Supply of Alcohol (On and off the premises):

Monday to Sunday– 09:00 till 23:30

Recorded Music (On and off the premises)

Monday to Sunday– 08:00 till 23:30

Members were reminded to note the Live Music Act 2012, recorded music and live music is permitted at licensed premises between the hours of 08.00 to 23.00 with an audience of up to 500 people without it having to be permitted on the premises licence. Therefore, if members were minded to grant the premise licence the hours for recorded music will be 23.00 to 23.30.

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

Six relevant representations from interested parties had been made against this application and some of the representors were in attendance.

The representations were attached at Appendix 3 in the agenda packs. Members were informed to ignore page 61 as this had been included twice by mistake.

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 Licensing Unit Manager reminded Members that there was still a process for a review if the licensing objectives were not promoted.

Mr A Cummins addressed the sub committee and told Members he was unaware of the time limit process required to transfer a licence and offered his apologies for that error. The intention was that customers could enjoy a breakfast and if they desired then an alcoholic drink such as a bloody Mary could be served with their food. The hours of operation would be between 9.00am and 3.00pm and there was not the demand of staff time to open for all the other extra hours. The application was made in such a manner to cater for small pop-up events for around 25 people such as the working mums networking group or birthday parties for 40th or 50th celebrations.

Mr Cummins stated he had spoken with a local ward Councillor and the business wanted to be a good neighbour. He had a restaurant further up the road for 6 years and had never needed a licence review. Residents had his details for any issues and traffic would be managed to keep vehicles to a minimum. He was happy to close the outside area at 9.00pm although this would probably not be used between September to March. He regretted not speaking to residents before the application was submitted but the business case was to provide an alcoholic drink with a breakfast which was priced around £14 so the clientele was professional people and a good standard of society.

Mr Cummins stressed that there was no intention to run a nighttime business as he had 2 young children and the general manager had a young child. They would come back in the evening to cover an event if the venue had been hired.

The local nursery across the road had been approached in relation to using their car park when the nursery had closed for the day. Although most people who want a drink would arrive in a taxi.

Two bins were emptied once a week but if there was a build-up of waste, this would be increased to twice weekly. Overgrown trees would be cut back as they didn't want the surrounding area to reflect badly on their business. Discussions would be held about storing their bins in a nearby courtyard which had shutter access.

A number of representors had gathered in a room with access to one laptop which belonged to Mr Yoffey.

Mr Taylor spoke and enquired could verbal agreements on reduced opening times be wrote down. Mr Cummins stated that a certain number of TEN (Temporary Event Notices) could also be applied for if required but these were a time consuming administration task. The Licensing Unit Manager provided an overview of the TEN process to those in virtual attendance.

Mr Taylor's main concern was noise levels with young families in the area and what assurances had been provided by the nursery for using their car park. He asked the committee how they would feel being in the same position and having this on their own doorstep.

Mr Cummins said the previous licence holder had an agreement with the nursery and they also wanted coffee morning events with parents so it would work for both parties and be mutually beneficial. He also suggested that a Council run street parking permit scheme could also be introduced to help.

Mr Yoffey questioned how noise would be stopped for the houses nearby and another resident in attendance stated her back garden was only 8 feet away from the property.

Ward Councillor L. Ryder who was representing residents felt if the venue was not going to open late, then why not reduce the hours and apply for TEN if and when required. Noise will impact on the nearby house on Walker Avenue and an earlier closing time would be a good compromise.

Mr Cummins was willing to limit the hours on the outdoor space to close earlier and TEN mean additional work and staff costs.

Mr Yoffey said the beer garden was metres from people's bedrooms and other residents in virtual attendance commented it was not fair that they cants enjoy their garden whilst another requested that the trees are not cut back as this adds screening to the side of her house.

Councillor L. Ryder felt there would be a noise issue and it would upset the lifestyle of residents. Whilst not in objection to a bar element, there was an issue with timings and a compromise should be sought between the needs of the business and residents.

Mr Cummins reported that his business opened in November and it already had a licence. He would do everything he could to help and support residents and the application was in line with other businesses that trade as brunch venues. Customers would exit the venue via the front door away from residential properties to limit any noise levels.

The legal advisor and Licensing Unit Manager stated that property values being decreased and car parking issues was not a consideration of the committee.

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 the relevant provisions of the 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 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, 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 an additional condition that in the interest of public nuisance, the outdoor space was closed at 20.00 hours Monday to Sunday** and subject to the following conditions:-

Operating Schedule

General – All four Licensing Objectives

- The staff will undertake training which will focus on the 4 objectives - prevention of crime & disorder, public safety, prevention of public nuisance, and protection of children from harm.
- Challenge 25 will be used in the venue, CCTV is in use both indoors and outside the venue. Management will be trained to be licensed staff.
- All staff shall be trained in:
 - Relevant age restrictions in respected products
 - Recognising signs of drunkenness and vulnerability
 - How to refuse service
 - The premises; duty of care policy
 - Action to be taken in the event of an emergency, including the preservation of a crime scene and reporting an incident to the emergency services
 - The conditions in force under this licence
- The Challenge 25 scheme must be operated to ensure that any person who appears to be under the age of 25 shall provide documented proof that he/she is over 18 years of age. Proof of age shall only comprise a passport, photo card driving licence, an EU/EEA national ID card or similar document, an HM Forces warrant card, a card bearing the PASS hologram, or any electronic or biometric age verification technology approved by the licensing authority.

- An incident log (which may be electronically recorded) shall be kept at the premises for at least six months, and made available on request to GMP or an authorised officer of the licensing authority, which will record the following incidents including pertinent details:
 - Seizures of drugs, offensive weapons, fraudulent I.D. or other items
- The premises licence holder must ensure that:
 - CCTV cameras are located within the premises to cover all public areas including all entrances and exits [The location of cameras could also be specified on the plan attached to the premises licence].
 - The system records clear images permitting the identification of individuals.
 - The CCTV system is able to capture a minimum of 24 frames per second and all recorded footage must be securely retained for a minimum of 28 days.
 - The CCTV system operates at all times while the premises are open for licensable activities.
 - All equipment must have a constant and accurate time and date generation.
 - The CCTV system is fitted with security functions to prevent recordings being tampered with, i.e. password protected.
 - There are members of trained staff at the premises during operating hours able to provide viewable copies on request to police or authorised local authority officers as soon as is reasonably practicable in accordance with the Data Protection Act 1998 (or any replacement legislation).
- The dispersal of customers from the premises must be managed in accordance with the following:
 - Clear and legible notices must be prominently displayed at all exits requesting customers to respect local residents and leave the area quietly.
- All external windows and doors must be kept shut at all times when regulated entertainment is being provided. Doors may be opened for normal entrance and egress of people but must be shut immediately thereafter.
- Clear and legible notices must be prominently displayed at any area used for smoking requesting customers to respect the needs of local residents and use the area quietly.

The prevention of crime and disorder

- Any incidents of a criminal nature that may occur on the premises will be reported to the police. CCTV is in place operated and maintained at the premises. CCTV will conform to several points that will help and assist the police identify what is needed. Such as sufficient lighting, footage will be kept for at least 31 days, overlooking floor areas, wide angles, premises overview, full frame shots of heads and shoulders, in colour during the day, view of tills.

Public safety

- Appropriate fire safety procedures are in place, including fire extinguishers, foam, H2) and CO2. Fire blankets, internally illuminated fire exit signs. Numerous smoke detectors and emergency lighting. All appliances inspected annually, all emergency exits kept free from obstructions at all times.

The prevention of public nuisance

- All customers will be asked to leave quietly. Clear and legible notices will be prominently displayed to remind customers to leave quietly and have regard to our neighbours.

The protection of children from harm

- The licensee and staff will ask persons who appear to be under the age of 25 for photographic ID such as:
 - Proof of Age card, Connexions card and Citizens Card, Photographic Driving Licence or Passport.

An official identity card issued by HM forces or by an EU country bearing the photograph and date of birth of the bearer. All staff will be regularly trained for underage sales prevention. A register of refused sales shall be kept.

COUNCILLOR G MCGILL
Chair

(Note: The meeting started at 1.30pm and ended at 3.00pm)

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- Minutes of:** LICENSING HEARING SUB COMMITTEE
- Date of Meeting:** 19 July 2024
- Present:** Councillor I Rizvi (in the Chair)
Councillors G Marsden and G McGill
- L. Jones (Licensing Unit)
M. Cunliffe (Democratic Services)
C Riley (Legal Services)
C Smith (Head of Public Protection)
- Also in attendance:** PC P. Eccleston (Greater Manchester Police)
M. Wood (Premises Licence Holder)
M. Ireland (Legal representative for the Premises Licence Holder)
K. Torgersen (Legal representative for the Premises Licence Holder)
Councillor A. Booth (Observing)
C. Gee (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 other members of the public or press were in virtual attendance.
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1 APOLOGIES FOR ABSENCE

No apologies for absence were submitted.

2 DECLARATIONS OF INTEREST

There were no declarations of interest submitted.

3 AN APPLICATION FROM GREATER MANCHESTER POLICE FOR A SUMMARY REVIEW OF THE PREMISES LICENCE IN RESPECT OF SKY BAR, UNIT 4, KAY GARDENS, BURY, BL9 0BL

The Licensing Authority received an application by a Detective Superintendent of Greater Manchester Police in respect of the licensed premises, Sky Bar, Unit 4, Kay Gardens, Bury, BL9 0BL. This was 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 and serious disorder.

The nature of the application and consideration of options was detailed in the report which was presented to the Members of the Sub-Committee by the Licensing Unit Officer, Ms L. Jones.

The options available were as follows:-

- 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.
- To take no action

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) – 25th June 2024

Licensing Hearings Sub Committee- Minutes (interim steps hearing) – 25th June 2024

On the 24th June 2024, Greater Manchester Police submitted an application to the Licensing Authority for a Summary Review in respect of the Sky Bar, Unit 4, Kay Gardens, Bury, BL9 0BL, because they believed that the premises was associated with Serious Crime and/or Disorder.

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 had been undertaken in accordance with Licensing Act 2003 regulations; requiring the application to be advertised by the displaying of a blue notice at or on the premises and details of the application published on the Council's website.

Under section 53C of the Licensing Act 2003, the licensing authority must hold a full review of the premises licence and determine the review within 28 days after the day of receipt of the application

Following the review under section 53C, the licensing authority must then review any interim steps in place and determine whether it is appropriate for the promotion of the licensing objectives for the steps to remain in place, or if they should be modified or withdrawn.

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

On the 25th June 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 modify the conditions to state that SIA registered door staff to be on duty at the Premises from 20:00 every night. The reasons for the Sub-Committee's decision were attached at Appendix 1 in the agenda packs.

The premises licence holder may make representations against the interim steps taken by the licensing authority. Under s53B of the Licensing Act 2003 the licensing authority must within 48 hours of the time of its receipt of the representations, hold a hearing to consider those representations.

The premises licence holder has 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 Sky Bar has been held by Sky Bar (Bury) Ltd since the 9th December 2019. Michael Wood and Kieley Neill are Directors of the limited company. Michael Wood is also the Designated Premises Supervisor and has been since the 21st September 2021.

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

A Detective 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 and serious disorder.

At 00:14 hours on the morning of Friday the 21st June 2024 an incident of serious disorder occurred at the above premises resulting in a customer being struck by an advertising board and seemingly being knocked unconscious and a female member of staff being punched to the face which knocked off her feet resulting in her colliding with a lamp post.

The offenders in this case have then fled the scene after being approached by another customer and threatened with a large adjustable spanner which was taken from behind the bar at the venue. A few minutes later, several customers from Sky Bar (one which was still carrying the adjustable spanner), and two members of staff have pursued the two males onto Bury Interchange. A brief exchange has taken place before both males are attacked. The male from the initial assault outside Sky Bar has attempted to flee, however he trips and is then beaten 7 to 8 times in the head by one of the pursuing customers, with the adjustable spanner causing significant injuries to his head and face resulting in a complete loss of consciousness and a substantial loss of blood.

Whilst on the floor unconscious, the same offender kicks the male in the torso and one of the staff members hits the customer with what appears to be a bag. All parties then flee the scene leaving the male in a serious condition and the second member of staff, flees with the customer responsible for the assault. During the investigation, it transpires that this second member of staff is responsible for discarding the weapon in a bin at the far side of the interchange before returning to the premises and continuing with his duties.

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

Attached to the report contained within the agenda pack:-

Appendix 2 (Application by Greater Manchester Police for the Summary Review) and Appendix 3 (Certificate issued by the Detective 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. The prevention of crime and disorder
- b. Public safety
- c. Prevention of public nuisance
- d. Protection of children from harm

No further representations were received, however 3 emails in support were received from customers of the premises. These were attached at Appendix 4 in the agenda pack.

The premises licence which showed the current licensable activities and conditions was attached at Appendix 5 of the agenda pack.

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.

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

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

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

- To modify the conditions of the premises licence
- To exclude from the scope of the licence any of the licensable activities to which the application relates;
- To remove the designated premises supervisor from the licence;
- To suspend the licence for a period not exceeding 3 months;
- To revoke the premises licence.
- To take no action

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

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.

The Sub-Committee was asked to determine what steps are appropriate for the promotion of the licensing objectives.

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

To ensure that there are appropriate and proportionate safeguards in place at all times, the licensing authority is required to review any interim steps that it has taken that are in place on the date of the final review hearing. This is to be done immediately after the determination of the review under s53C. In reaching its decision, the panel must consider any relevant representations made.

Upon the determination of the licence review, the Sub-Committee is asked to review the interim steps in place and determine whether it is appropriate for the promotion of the licensing objectives for the steps to remain in place, or if they should be modified or withdrawn.

The Licensing Unit Officer stated that further information had been circulated since publication of the agenda packs and this included:-

- GMP Witness Statement
- GMP Incident Logs
- GMP Crime reports
- GMP CCTV footage
- GMP Photographs
- Documents from the Premises Licence Holder including witness statements, letters of support and proposed conditions

PC P. Eccleston from Greater Manchester Police addressed the committee and reported he was the Divisional Licensing Officer and had been delegated to act on behalf of the Chief Constable relating to all matters as defined under the Licensing act 2003 (hearings) Regulations 2005.

On the 9th December 2019 Sky Bar received its premises licence for the first time at Unit 4, Kay Gardens, Bury, BL9 0BL. Sky Bar (Bury) Ltd was and still is the current premises license holder with Mr Michael Wood registered as one of two company directors. Since the premises opened, there have been 3 variations to the Designated Premises Supervisor with Mr Michael Wood nominating himself back in August 2021.

Having completed research on Greater Manchester Police recording systems there has been a total of 57 Incidents reported to the police and 31 crimes (predominately low-level assaults – S.39 assaults) recorded as a result of those calls in 2024. Out of those reported incidents, there was a high proportion which have been made by staff at the premises which are reporting ongoing disturbances or issues with customers whether that be they are refusing to leave or out of concern for their welfare. There have also been two reported 'spiking' incidents however none have been confirmed as a spiking and there have been evidential difficulties due to the alleged victims visiting numerous premises throughout the course of the evening.

PC P. Eccleston stated that some of these incidents were only included as Sky Bar was the nearest local landmark and was recorded as the physical location for data purposes.

In 2024, there was only one other noticeable incident which took place at Sky Bar and that was in relation to log reference: 003620-19042024. In summary, two young male customers (over 18yrs) had been in dispute with other customers. At this point, no violence had been used and SIA door supervisors stepped in early to prevent any escalation. The two young male customers were ejected from the premises however they refused to go quietly and whilst being ejected, they became violent with the door supervisors and proceeded to hit them with metal poles which formed part of the barriers for the smoking area just outside the front door. The two young male customers were detained by the door supervisors assisted by other customers until police arrived, at which point both males were arrested. At present, the investigation was still ongoing, and the evidence has been put before the CPS for a decision with regards potential charges.

Following this incident, I had a discussion with Mr Woods and on my recommendations, he put into place a series of measures to try and prevent an incident of this nature re-occurring. Some of those measure included increased searching of customer prior to entering the premises and the removal/securing any street furniture which formed part of the pavement licence and from what I have witnessed this is being carried out.

PC P. Eccleston explained that chairs were chained up and barriers for the smoking area were dismantled.

Looking through the entire history of incidents and crimes involving Sky Bar, the incident on Friday 21st June 2024 is the most serious in terms of the level of violence and injury caused hence the request for an expedited (Serious Crime & Serious Disorder) and full review of the premises licence by Greater Manchester Police so that the licensing committee are made aware, and a decision made on what course of action to take.

The circumstances of the incident which resulted in a serious assault on the 21st June 2024 are as follows: Between 00:14 and 00:18 hours that morning an incident of Serious Disorder and Serious Crime occurred immediately outside and in the nearby Bury Interchange which is associated to SKY BAR.

Two customers were confronted outside the venue after they were seen to be drinking alcohol from glassware in a public place. The glasses were removed from the customers by a member of staff, who at the time was not on duty and had been drinking alcohol themselves. The two males have then followed the member of staff back into the bar, at which point a verbal exchange has taken place and they are escorted out of the premises by both staff and other customers.

Whilst immediately outside, one of the ejected customers has picked a wooden advertising board and proceeded to hit another male customer over the head twice resulting in him being knocked unconscious. Following this initial assault, a female member of staff who was present, is punched once in the face by the same male customer which knocks her backwards off her feet and into one of the support stanchions for the canopy outside hitting her head in the process.

As the two customers were being escorted off the premises, another customer, who is the partner of one of the bar managers, picks up a large adjustable wrench which had been left behind the bar and following the assaults, threatens the two ejected customers resulting in them fleeing the scene and onto the nearby interchange.

Two to three minutes later, two members of bar staff and several other customers, including the customer holding the wrench, pursues the males onto the interchange. There is a brief verbal exchange before one of the customers present, takes hold of the adjustable wrench and lunges at the two ejected customers. Both males try to flee, however in doing so, one of the

male's trips and falls to floor at which point the male customer, who is now holding the wrench, approaches and proceeds to beat this male in the face and over the head several times with said wrench before proceeding to kick him. At this point, one of the members of staff joins in and hits him with what appears to be a small shoulder bag whilst lying helpless and unconscious in the middle of the road.

Following this serious assault, those present flee the scene, with the majority returning to the premises however, the male customer responsible for the assault with the wrench and a member of staff, flee in the opposite direction. During the investigation, CCTV evidence was reviewed and the investigating officers have been able to establish that this member of staff is responsible for disposing of the weapon in a bin on the far side of the interchange. Fortunately, the male customer who was beaten with the wrench, survived the attack however as a result, his injuries consisted of a fractured jaw and the loss of several teeth along with several lacerations, bruising and swelling.

In the immediate aftermath, two individuals were arrested at the time and were subsequently questioned by police. Investigating officers tried to piece together evidence in relation to this incident, and a request was made to SKY BAR for a copy of their CCTV footage however, on the night they were told by staff that there was no one present who had access to the CCTV system and therefore could not produce a copy there and then. Footage has been recovered since, along with footage from Bury Council and TFGM with regards to the interchange.

A crime has been recorded for a Section 18 Assault (Wounding with Intent) and although the investigation is still ongoing, PC P. Eccleston was able to confirm that a total of three individuals have been questioned in connection with this incident to date.

PC P. Eccleston made reference to the other documents which had been circulated after the agenda pack was published. He added if members are minded not to revoke the licence, Greater Manchester Police would like to suggest additional conditions be placed on the licence to ensure that the licensing objectives are met. These were detailed in the GMP Witness Statement.

PC P. Eccleston had circulated to the Committee all the CCTV footage and this now included videos of the wrench being placed in a waste bin nearby.

At the request of Members, some parts of the CCTV footage were played to highlight the initial incident and to show the assault.

Mr M. Ireland (Legal representative for the Premises Licence Holder) asked if there had been any issues with the Door Supervisors. PC P. Eccleston reported there were no issues and he had been out with the crime reduction advisor 2 weeks ago and had witnessed the stop and search of customers with metal detecting wands being used along with drugs being seized. Visiting the venue yesterday, 34 bags of drugs and a knuckle duster was recovered from the venue's secure box.

A Member of the panel enquired about the crime statistics compared to other town centre venues and had arrests been made in connection with the incident.

PC P. Eccleston reported compared to Silver Street venues it was even or lower and the number of incidents linked to the venue was higher due to the bar being the nearest location on Kay Gardens. Three arrests had also been conducted with two taking place on the day of the incident. CID are working on the case and another person may be spoken to in due course.

The Legal representative for the Premises Licence Holder referred to the document pack they had produced and offered apologies on behalf of Alexandra Smith who could not be present at

the hearing. The document painted a picture of the venue which was liked by staff and customers as a friendly and safe place with it being an asset to the community.

A number of support letters were included in the pack and the Legal representative for the Premises Licence Holder drew attention to some of these highlighting those from elderly customers and asked that they be considered.

The Legal representative for the Premises Licence Holder reported that 2 members of staff involved in the incident had been dismissed from their employment at the venue as a result of the incident. This was a painful decision for the Premises Licence Holder but it had been undertaken to uphold the licensing objectives.

The Legal representative for the Premises Licence Holder summarised that this was a horrific incident with short comings from not de-escalating a situation and leaving a potential weapon under the bar but this was carelessness and not done with any malice. The person who hit the victim was responsible and this was an isolated incident.

The Legal representative for the Premises Licence Holder reported that Sky Bar had been reaccredited with the Best Bar None scheme and staff had been trained to access the CCTV system without any delay.

The Legal representative for the Premises Licence Holder provided a summary of the options available to the committee and added supporting information for the Premises to each of the possible outcomes. The option to modify conditions of the licence was deemed acceptable although there were differences between their proposed conditions contained in the supporting papers and those submitted by GMP. There had been no time to hold talks before the meeting and agree on all the conditions. The Legal representative for the Premises Licence Holder went through the GMP proposed conditions and provided explanation on why some needed to be amended, removed and which were acceptable.

A Member commented why had the dismissals of staff taken so long. The Legal Advisor to the Committee reported that employment law needed to be considered and the extra CCTV footage was released at a later date, so there was a wait for all evidence to be presented.

A Member asked had anyone from the venue reached out to the victim of the serious assault and it was reported no.

A Member enquired had the dismissed staff been barred from the premises and it was reported yes. A discussion also took place about the spanner and its use behind the bar for changing gas canisters.

Members asked was a knife displayed by the victim of the serious assault and no weapon was reported as seen or had been found on the victim.

A Member questioned if the drinks removed from the victim on the street had been purchased from the bar. It was reported they had been in and out of the bar on the evening but these had been purchased off site.

Greater Manchester Police in their summing reported this was the most serious recorded incident at the venue and if members were minded not to revoke the licence, GMP would like the additional conditions to be placed on the licence to ensure that the licensing objectives are met.

The Legal representative for the Premises Licence Holder in their closing remarks

requested that the interim steps be removed as door supervision was not required every night going forward. They had provided comfort to the Committee during the review process period and there had been no further incidents.

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 consider the representations presented at the meeting.

DELEGATED DECISION

The Sub-Committee carefully considered the representations and evidence provided which demonstrated serious crime & disorder and public safety. It was therefore unanimously **resolved to modify the conditions of the licence** in order to promote the licensing objectives.

The Sub-Committee also reviewed the interim steps and unanimously **resolved to withdraw the interim steps in place due to the new conditions on 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 reasons by the sub-committee, included:-

- The violence used throughout the prolonged incident was considered to meet the criteria of serious disorder.
- Management and actions of the venue had an impact on public safety.

The Sub-Committee was therefore satisfied that there was **sufficient evidence to mean modifications were necessary for amendments to the current premises licence under the licensing objectives recommended by GMP, with some amendments from the Committee**, these were as follows:-

PREVENTION OF CRIME AND DISORDER:

- a) Following a risk assessment relating to televised sporting events throughout the year, the premises licence holder/DPS will employ SIA registered door supervisors upon the requirement of the Police whether that be via verbal or written communication.

- b) The premises licence holder/DPS will employ a SIA approved contractor scheme company, or a SIA registered company approved by Greater Manchester Police Licensing Officer.
- c) A door supervisors log must be maintained at the premises showing the full name, date of birth and SIA badge number of the Door Security Staff on duty, the time when they started and ended their shift and the details of any incidents that take place to include incidents when a member of the public is refused entry to the premises. The log is to be made available to the Police, to SIA inspectors & to Authorised Officers of the Licensing Authority on request.
- d) An incident log (which may be electronically recorded) shall be kept at the premises for at least six months, and made available on request to the police or an authorised officer of the licensing authority, which will record the following incidents including pertinent details (delete as appropriate):
 - (i) All alleged crimes reported to the venue or by the venue to the police.
 - (ii) All ejections of patrons.
 - (iii) Any complaints received.
 - (iv) Any incidents of disorder
 - (v) Seizures of drugs, offensive weapons, fraudulent ID or other items
 - (vi) Any faults in the CCTV system, searching equipment or scanning equipment.
 - (vii) Any refusal of the sale of alcohol
 - (viii) Any faults in the CCTV system, searching equipment or scanning equipment.
 - (ix) Any visit by a responsible authority or emergency service
 - (x) The times on duty, names and the licence numbers of all licensed door supervisors employed by the premises.
- e) All staff authorised to sell alcohol shall be trained in:
 - I. Relevant age restrictions in respect of products
 - II. Prevent underage sales.
 - III. Prevent proxy sales.
 - IV. Maintain the refusals log.
 - V. Enter sales correctly on the tills so the prompts show as appropriate.
 - VI. Recognising signs of drunkenness and vulnerability
 - VII. How overservice of alcohol impacts on the four objectives of the Licensing Act 2003
 - VIII. How to refuse service
 - IX. The premises' duty of care policy, understanding and dealing with situations involving vulnerable people, and incidents of harassment.
 - X. Action to be taken in the event of an emergency, including the preservation of a crime scene and reporting an incident to the emergency services.
 - XI. The conditions in force under this licence.
 - XII. Conflict resolution
 - XIII. First Aid training (every 12 months)
 - XIV. The licensing objectives
- f) Training must include evidence that the trainee has gained knowledge and understanding of the training, which may consist of a test or quiz, completed and signed by the trainee.
- g) Documented records of training completed shall be kept for each member of staff. Training shall be regularly refreshed and at no greater than 6 monthly intervals unless otherwise stated. Training records shall be made available for inspection upon request by a police officer or an authorised officer of Bury Council.

- h) A Personal licence Holder must be present at the premises to supervise all sales of alcohol.
- i) All outdoor furniture which forms part of pavement licence or otherwise, is to be securely stored from 8pm every day of the week to prevent use as weapons.
- j) 1 in 5 Patrons or less are to be searched as a condition of entry when door supervisors are on duty.
- k) A lockable box is to be used for the safe and secure storage of any found/confiscated drugs.
- l) Customers permitted to temporarily leave and then re-enter the premises to smoke must be restricted to a designated smoking area defined as the right-hand side of the front door not going past the boundary of the premises. No more than 10 customers will be permitted to remain in the designated smoking area at any one time.

Removal of condition 11 on the current premises licence and to replace with the following:

Customers will not be permitted to remove from the premises any drinks supplied by the premises (alcoholic or otherwise) in open containers except for consumption in any delineated external area as shown on the plan attached to the licence for example an authorised pavement licence.

COUNCILLOR IRIZVI
Chair

(Note: The meeting started at 1.00pm and ended at 4.05pm)

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	Classification	Item No.
	Open / Closed	
Meeting:	Licensing Hearings Sub-Committee	
Meeting date:	5 August 2024	
Title of report:	Application for a Premises Licence to be granted under the Licensing Act 2003 in respect of ASDA Express PFS Blackford Bridge, Manchester Road, Bury, BL9 9ST	
Report by:	Executive Director (Operations)	
Decision Type:	Council	
Ward(s) to which report relates	Redvales	

Executive Summary:

This report relates to an application for a Premises Licence to be granted under the Licensing Act 2003 in respect of ASDA Express PFS Blackford Bridge, Manchester Road, Bury, BL9 9ST.

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.

2.0 INTRODUCTION

- 2.1 The applicant for the licence is Euro Garages Limited, ASDA House, Great Wilson Street, Leeds, Yorkshire, LS11 5AD and the proposed Designated Premises Supervisor (DPS), in respect of the above premises, is Mr Neil Eccles, 4 Chasewater, Sandymoor, Runcorn, Cheshire, WA7 1UJ. The application is 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 00:00 till 00.00 (24 hours)

Supply of Alcohol (off the premises):

Monday to Sunday 00.00 till 00.00 (24 hours)

Late Night Refreshment (on and off the premises):

Monday to Sunday 23.00 till 05.00

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

4.0 REPRESENTATIONS FROM A RESPONSIBLE AUTHORITY

- 4.1 One representation has been received from Public Health Department in their capacity as a Responsible Authority against this application. The Responsible Authority has been invited to make their representations at the hearing.
- 4.2 The representation is attached at Appendix 3.

5.0 REPRESENTATIONS FROM AN INTERESTED PARTY

- 5.1 Eight representations have been received from an interested parties against this application. The interested parties have been invited to make their representations at the hearing.
- 5.2 These representations are attached at Appendix 4.

6.0 OBSERVATIONS

- 6.1 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.

7.0 THE SECRETARY OF STATES GUIDANCE TO THE LICENSING ACT 2003

- 7.1 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.
- 7.2 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.
- 7.3 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.

8.0 CONCLUSION

8.1 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.

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

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

8.4 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

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

8.6 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.

8.7 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.

8.8 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 -

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

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

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
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
ASDA EXPRESS PFS Blackford
Bridge



Bury
Application for a premises licence
Licensing Act 2003

For help contact
licensing@bury.gov.uk
 Telephone: 0161 253 5208

* 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 private individual acting as an agent

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

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

EURO GARAGES LIMITED

Details

Registered number (where applicable)

04246195

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

Continued from previous page...

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.

CONVENIENCE STORE / PETROL FILLING STATION

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

Standard Days And Timings

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.

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

SUNDAY

Start

End

Start

End

Continued from previous page...

Will the provision of late night refreshment take place indoors or outdoors or both?

- Indoors
 Outdoors
 Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

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 late night refreshments 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 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

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...

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

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

*Continued from previous page...***Name**

First name

Family name

Date of birth / /
 dd mm yyyy

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

Continued from previous page...

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.

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

SUNDAY

Start

End

Start

End

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.

Continued from previous page...

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)

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

Staff shall be trained in the premises licence holder's procedures which include liquor licensing and all checkout operators shall have additional training in the sale of alcohol.

All spirits will be displayed behind the counter.

No miniature bottles of spirits of 20cl or below shall be sold from the premises. Please note this does not apply to pre packaged gift packs which may contain a spirit miniature

There will be no customers permitted to enter the premises between the hours of 22.00 and 06.00 Any sales between these hours will be made through the night pay window

b) The prevention of crime and disorder

A CCTV system will be installed and maintained at the premises. Cameras will cover internal areas and the external area immediately in front of the store. The system will be capable of continuously recording and copies of such recordings shall be kept for a period of not less than 31 days and handed to the Police or authorised person upon production of a compliant 'Access Request'.

All spirits will be displayed behind the counter.

c) Public safety

The premise licence holder seeks to comply with the requirements of the health and safety legislation.

d) The prevention of public nuisance

The provision of late night refreshment will be limited to the sale of hot drinks only.

e) The protection of children from harm

The store will have a till prompt system for alcohol products.

When prompted, staff will adopt a Challenge 25 proof of age scheme.

Only recognised forms of photographic identification such as Passport, Photo Driving Licence, 'Proof of Age' card, Military ID or any other form of identification agreed with the police will be accepted as proof of age. If the appropriate proof of age is not produced there will be no sale.

Notices are to be prominently displayed advising customers of the Challenge 25 policy.

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 your 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 (£)

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

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	RJT.JB 84773.19669
Fee paid	
Payment provider reference	
ELMS Payment Reference	
Payment status	
Payment authorisation code	
Payment authorisation date	
Date and time submitted	
Approval deadline	
Error message	
Is Digitally signed	<input type="checkbox"/>

[1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) [10](#) [11](#) [12](#) [13](#) [14](#) [15](#) [16](#) [17](#) [18](#) [19](#) [20](#) [21](#) Next >

Appendix 2

Operating Schedule submitted by the applicant

Licensing objectives

LICENSING ACT 2003

CONDITIONS ATTACHED TO THE GRANT OF THIS LICENCE

This licence is granted subject to any Mandatory Conditions imposed by the Licensing Act 2003, and conditions volunteered on the application form to be undertaken by the applicant and where necessary, conditions imposed by the Licensing Authority in order to promote the Licensing Objectives.

Mandatory Conditions:

a No supply of alcohol may be made under the Premises Licence at a time when there is no Designated Premises Supervisor (DPS) in respect of the Premises Licence OR at a time when the Designated Premises Supervisor does not hold a Personal Licence or his/her Personal Licence has been suspended.

b Every supply of alcohol under the Premises Licence must be made or authorized by a person who holds a Personal Licence.

Mandatory Conditions pursuant to The Licensing Act 2003 Mandatory Licensing Conditions (Amendment) Order 2014

3. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:

(a) a holographic mark, or

(b) an ultraviolet feature.

Definition:

Responsible person - as defined by section 153 (4) Licensing Act 2003 -

(a) In relation to a licensed premises -

(i) The holder of a premises licence in relation to a premise

(ii) The designated premises supervisor (if any) under such a licence.

(iii) Any individual aged 18 or over who is authorized for the purposes of this section by such a holder or supervisor.

(b) In relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables him to prevent the supply in question.

The Licensing Act 2003 (Mandatory Conditions) Order 2014

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1-

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979

(b) "permitted price" is the price found by applying the formula-

$$P = D + (D \times V)$$

Where-

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence-

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "Value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Licensing objectives

General

1/ Staff shall be trained in the premises licence holder's procedures which include liquor licensing and all checkout operators shall have additional training in the sale of alcohol.

2/ No miniature bottles of spirits of 20cl or below shall be sold from the premises. Please note this does not apply to pre packaged gift packs which may contain a spirit miniature

3/ There will be no customers permitted to enter the premises between the hours of 22.00 and 06.00 Any sales between these hours will be made through the night pay window

The prevention of crime and disorder

4/ A CCTV system will be installed and maintained at the premises. Cameras will cover internal areas and the external area immediately in front of the store. The system will be capable of continuously recording and copies of such recordings shall be kept for a period of not less than 31 days and handed to the Police or authorised person upon production of a compliant 'Access Request'.

5/ All spirits will be displayed behind the counter.

Public safety

6/ The premise licence holder seeks to comply with the requirements of the health and safety legislation.

The prevention of public nuisance

7/ The provision of late night refreshment will be limited to the sale of hot drinks only.

The protection of children from harm

8/ The store will have a till prompt system for alcohol products.

9/ When prompted, staff will adopt a Challenge 25 proof of age scheme.

10/ Only recognised forms of photographic identification such as Passport, Photo Driving Licence, 'Proof of Age' card, Military ID or any other form of identification agreed with the police will be accepted as proof of age. If the appropriate proof of age is not produced there will be no sale.

11/ Notices are to be prominently displayed advising customers of the Challenge 25 policy.

Appendix 3

Representations from the Responsible Authority

Bury Metropolitan Borough Council

The Licensing Act 2003

Responsible Authority Representation Form

<i>Section 1 - Application Details</i>	
We object to the following Application:	
Asda Express PFS Blackford Bridge, 530 Manchester Road, Bury, BL9 9ST	
Type of application.	
New premise licence	
Application Number (if known):	?

<i>Section 2 – Responsible Authority's Details</i>	
Responsible Authority's Details:	
Please tick appropriate box:	
<input type="checkbox"/>	Police
<input type="checkbox"/>	Fire Authority
<input type="checkbox"/>	Planning Authority
<input type="checkbox"/>	Health and Safety
<input type="checkbox"/>	Environmental Health Service
<input type="checkbox"/>	Child Protection

	Weights and Measures	
	Licensing Authority	
	Immigration	
X	Public Health Department	
Full name:	Lee Buggie	
Job Title:	Public Health Specialist – Healthy Place	
Tele number:	07428573549	
Email:	l.buggie@bury.gov.uk	
Address: 6 Knowsley Place, Bury , BL9 0EL		

Section 3 – Representations	
	We object to the application being granted at all
x	We object to the application being granted in its current form*
<p>*If you choose this option remember to tell us in section 3B what changes you would like to see.</p>	
<p>You need to complete the boxes below as fully as possible. If you do not then the Licensing Sub-Committee may not understand why you have made a representation (objection).</p> <p>Please attach supporting documents/further pages as necessary. Please number all extra pages and add the applicant's name and your name to each page.</p>	

Section 3A – The Objectives	
To prevent crime and disorder	<p>Please state your reasons:</p> <p>There would be a percentage of the 1718 population within the Lower Super Output Area (LSOA) that would be directly impacted by 24 hour alcohol sales.</p> <p>The area / post code proposed is ranked 5/10 for levels of crime, this includes alcohol related crime, anti social behaviour and crime linked to alcohol related domestic abuse.</p> <p>The area is ranked 6/10 in terms of overall deprivation (including crime) and therefore Public Health would like to see this trend stabilise rather than decline.</p>
Public safety	<p>Please state your reasons:</p> <p>There was 835 A&E attendances which ranks as 54/120 in terms of Bury's LSOA's along with ranking 92/120 for alcohol related admissions.</p> <p>24 hour drinking will only exacerbate this trend.</p>
To prevent public nuisance	<p>Please state your reasons:</p> <p>There are already 8 licensed premises in this Lower Super Output Area.</p> <p>The IMD Decile score for this location is 3 (1 being the most deprived and 10 being the least deprived decile).</p> <p>This LSOA is ranked 85 out of 120 LSOA's (based on the rate per LSOA population per 1,000) for those receiving treatment for alcohol addiction for 2020-2023, with the LSOA ranked as 1 having the highest numbers in treatment.</p>
The protection of children from harm	<p>Please state your reasons:</p> <p>All markers which contribute to the Index of Multiple Deprivation (IMD) ranking are higher than the 5 average. These include:</p> <p>Income deprivation effecting children at a score 6/10, Public Health believe more money spent on alcohol given extended opening times will negativity</p>

	impact on the lives of young people with care givers having greater access to alcohol sales.
Section 3B – Suggestions/Further information	
We would agree to licencing hours that conform to 6am until midnight.	

Signed:  Dated: 05-07-24

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

Appendix 4

Representations from Interested Parties

Representation 1 and 2

Dear Sir/Ma'am,

I have been a resident on Manchester Road Bury for the last 23 years and have lived in the location for that past 52 years.

The downward spiral of the location disheartens me. The local town council are pushing its residents away instead of encouraging them to stay.

I write in objection to the application to late night licence to sell food and alcohol at the location by the Euro Garages Ltd petrol station.

This is a residential area and there is absolutely no requirement for a store to be permitted to sell alcohol in the area. Asda already have a huge store at Pilsworth on 1/2 mile away.

To permit the sale of alcohol 24 hours a day from a fuel station would be irresponsible of the local council in my view.

The ASB that will come with such a decision as I have seen this on many occasions in my role as a Greater Manchester Police officer.

The effect on the local community will be extremely impactful as this attracts people from outside the area.

I find it totally unacceptable to permit a fuel station to sell alcohol. If this is not a licence to permit young drivers to drink and drive I do not know what is.

I visited the store last evening when I noted the application in the window. I would like to point out that the store may have fulfilled its obligation to notify by sticking a notice on the window however please note that the notice is not visible to those people visiting the store if not on foot.

I also do not agree with the fact they have not informed the local community.

I would like to point out that since this location has been a multipurpose location the litter generated has increased hugely, and we know it is from the location as the papers are named from the various outlets.

I have complained about this several times.

I must note that whilst walking yesterday I noted empty cans and bottles of alcohol already in the location not deposited by their owners and also not cleaned by the local council who I have not seen clean the streets in Bury for years.

There is a clear link between alcohol and crime and disorder, the area has suffered recently from vehicle theft and interference, plus since the road has been relaid, the road is like a race track. The town is not attracting the right people to the area.

This is a public safety issue selling alcohol to people driving. I don't want to be associated with a town that encourages driving whilst under the influence.

These issues will be a public nuisance to the area and disturb the peace of the hard working residents in the area.

In addition there are many young families and young children in the area and a decision to agree will not protect those most vulnerable.

The temptation for the young to try to purchase will be considerable.

For these reasons I request that this licence is refused.

Representation 3

I strongly object to the granting of the licensing applications for selling alcohol and refreshments.

Our property is adjacent to the garage and the additional noise and late night disruption not to mention the additional litter deposited in our garden (plus any additional drunkenness) is simply not warranted.

I urge you to reject this application totally.

Representor 4

Good Evening

> I strongly disagree with these premises being awarded an alcohol licence and late night refreshment licence. My garden backs onto the premises and if this is allowed I will have rubbish discarded onto my property. The noise level and possible drunken behaviour would also impact on us. I urge you to not allow these licences to be awarded.

Representor 5

Good morning

I wish to make a formal objection to the application to sell Alcohol at the ASDA garage Blackford bridge Manchester rd,

I live next to the premises and the noise made by vehicles late at night is a nuisance already.

The side street on Hampson mill Lane is used as a dumping ground for litter, cans and bottles purchased at the garage.

There are sufficient shops selling alcohol within walking distance as well as Public Houses. There is no need for this licence to be granted.

Please consider and respect the voice of residents who will have to suffer the consequences,

Yours sincerely

Representation 6 and 7

I would like to register a complaint and oppose the application for an alcohol and late food license at the Asda express on Manchester Road We already have sufficient off licenses in the area and do not need another - it's a residential area and selling alcohol will attract underage drinking in the area

Representation 8

Dear Sir/Madam

I am writing to object to the application to sell alcohol in the Asda Garage Manchester Road.

There will be no benefit to the local people whatsoever in fact it will be another bad idea for the local community.

Hampson Mill Lane is already being used for drug dealing and the road is littered with rubbish from the local taxi drivers parking up to have their break and leaving their rubbish behind. The only people who will benefit from this are Asda and the local drug addicts and alcoholics that this council has filled our once lovely area with. Its about time this council started to think about its residents and not the greedy Supermarkets. Come on Bury Council start using common sense before you turn Bury into a ghetto.