

**AGENDA FOR
LICENSING HEARING SUB COMMITTEE**



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To: All Members of Licensing Hearing Sub Committee

Councillors : G McGill (Chair), G Marsden and D Quinn

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, 25 November 2024
Place:	Virtual meeting via Microsoft Teams
Time:	10.00 am
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 - 16)*

The Minutes of the last Licensing Hearing Sub Committee meetings held at 1.30pm and 3.00pm on Monday the 5th August 2024 are attached.

4 APPLICATION FOR A PREMISES LICENCE TO BE GRANTED UNDER THE LICENSING ACT 2003 IN RESPECT OF KRAKOW GROCERY, 20 PARKHILLS ROAD, BURY, BL9 9AX *(Pages 17 - 46)*

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

Minutes of: LICENSING HEARING SUB COMMITTEE

Date of Meeting: 5th August 2024, 1.30pm

Present: Councillor I. Rizvi (in the Chair)
Councillors G. Marsden and G. McGill

J. Ashworth (Democratic Services)
M. Bridge (Licensing Unit Manager)
M. Cunliffe (Democratic Services)
C. Riley (Legal Services)

Also in attendance: Mr R Taylor (Legal representative for Asda)
Miss L Johnston (Asda representative)
Mr B Little (Representor)

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 Mr S. Donohue, L. Buggie (Public Health), C. Smith (Head of Public Protection) and B. Thomson (Assistant Director of Operations Strategy).

2 DECLARATIONS OF INTEREST

There were no declarations of interest made.

3 MINUTES OF THE LAST MEETINGS

The minutes of the last Licensing Hearing Sub Committee meetings held at 1.30pm on the 17th July and 1.00pm on the 19th July 2024 were attached to the agenda.

Resolved:- That the minutes of the Licensing Hearing Sub Committee held at 1.30pm on the 17th July and 1.00pm on the 19th 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 ASDA EXPRESS PFS BLACKFORD BRIDGE, MANCHESTER ROAD, BURY, BL9 9ST

The Licensing Authority received 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.

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 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.

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 were contained at Appendix 2 in the agenda packs.

One representation had 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. The representation was attached at Appendix 3 in the agenda packs.

Eight relevant representations from interested parties had been made against the Application. The representations were attached at Appendix 4 in the agenda packs.

The Proposed Variations below were provided to the Committee following consultations and agreement with the Council's Public Health Department. As a result of these amendments the representation from Public Health had been withdrawn and they did not attend the meeting.

Opening Times:

Monday to Sunday – 00:00 till 00:00 (24 hours)

Supply of Alcohol (off the premises):

Monday to Sunday– 06:00 till 00:00

Late Night Refreshment- Hot drinks only (On and off the premises)

Monday to Sunday– 23:00 till 05:00

All sales between 2200 and 0600 will be made through the night hatch

Members of the public will not be permitted to enter the premises between 2200 and 0600. For the avoidance of doubt, this does not apply to officers of the emergency services

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 Taylor addressed the sub committee and informed Members that Euro Garges was owned and operated by Asda. He had legally represented Asda since 2005 and had never been required to sit on a licensing review meeting as the companies policies, procedures and training was to a quality standard. Asda had many stores with millions of customers and this

was the third application in the Bury area for an Asda Express and the other two had been granted following discussions with GMP and public health officials.

Mr Taylor stated there were no complaints by members of the public or issues from responsible authorities. The application was to add the ability for the Express store to sell a bottle of wine or pack of beer along with the grocery range available. Packs of beer would not be split to sell individual containers and it was intended to compliment the convenience store and not act like an off licence. There would be a Greggs bakery on the site but this only opened at 6.00am and did not trade late into the evening.

Mr Taylor explained that the late night refreshment element of the licence was for a coffee machine. He stressed that the licensing objectives would be met with CCTV coverage, staff training including the challenge 25 scheme. High value spirits would be kept behind the counter and there would be no sales of miniatures, white cider and port which was linked to on street drinking habits.

Sales between 22:00 till 06:00 would be conducted via the night hatch, excluding Members of the emergency services. Public health had withdrawn their representation following these amends and GMP had no concerns. In reply to representations from local residents the supply of alcohol would cease at midnight and there were no concerns about ASB in the area or the premises attracting drink drivers. A litter pick would be conducted twice daily and the DPS named on the application was in charge of all Asda licences and sales would not be conducted until training had been provided to staff.

A Member asked about the litter picking and it was stated this would cover the forecourt and immediate area outside the premises.

Mr Brian Little, a representor had joined the virtual meeting via the telephone and stated there had been an attempted robbery of the cash machine some time ago. He had concerns about an increase in noise, the volume of litter that may end up in his and neighbouring gardens. He felt ASB may increase and questioned the CCTV system and if it would cover the surrounding side streets which may capture the individuals dropping litter. Mr Taylor confirmed the cameras would not cover nearby houses and this would require permission from the ICO.

The Licensing Unit Manager advised Members that all the representations from other people who were not in attendance, could be found in the agenda packs.

Mr Taylor in summing up referred to licensing guidelines, no representations from the responsible authorities along with no evidence of formal disorder in the local area.

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 amended terms requested** and subject to the following conditions:-

Operating Schedule

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/ All sales between 2200 and 0600 will be made through the night hatch
- 4/ Members of the public will not be permitted to enter the premises between 2200 and 0600. For the avoidance of doubt, this does not apply to officers of the emergency services

The prevention of crime and disorder

- 5/ 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'.
- 6/ All spirits will be displayed behind the counter.

Public safety

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

The prevention of public nuisance

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

The protection of children from harm

- 9/ The store will have a till prompt system for alcohol products.
- 10/ When prompted, staff will adopt a Challenge 25 proof of age scheme.
- 11/ 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.
- 12/ Notices are to be prominently displayed advising customers of the Challenge 25 policy.

COUNCILLOR IRIZVI
Chair

(Note: The meeting started at 1.30 pm and ended at 2.20pm)

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Minutes of: LICENSING HEARING SUB COMMITTEE

Date of Meeting: 5th August 2024, 3.00pm

Present: Councillor I. Rizvi (in the Chair)
Councillors G. Marsden and G. McGill

J. Ashworth (Democratic Services)
M. Bridge (Licensing Unit Manager)
M. Cunliffe (Democratic Services)
C. Riley (Legal Services)

Also in attendance: Mr G Dixon (Applicant's representative)
K. Halligan (Trading Standards)

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 C. Smith (Head of Public Protection) and B. Thomson (Assistant Director of Operations Strategy).

2 DECLARATIONS OF INTEREST

There were no declarations of interest made.

3 APPLICATION FOR A PREMISES LICENCE TO BE GRANTED UNDER THE LICENSING ACT 2003 IN RESPECT OF BEST LOCAL, 62 BOLTON STREET BURY, BL9 0LL

The Licensing Authority received an application for a Premises Licence to be granted under the Licensing Act 2003 in respect of Best Local, 62 Bolton Street Bury, BL9 0LL.

The applicant for the licence is Best Local Limited and the proposed Designated Premises Supervisor (DPS), in respect of the above premises, is Mr Kosrat Ali Faqe Mohammed, 88 Lewis Drive, Heywood, OL10 3NB. 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.

Opening Times:

Monday to Sunday – 06:00 till 23:00

Supply of Alcohol (off the premises):

Monday to Sunday– 08:00 till 23:00

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

One representation had been received from Trading Standards Service in their capacity as a Responsible Authority against this application. The Responsible Authority had been invited to make their representations at the hearing. The representation was attached at Appendix 3 in the agenda packs.

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

The Licensing Unit Manager reported that extra documents had been circulated after publication of the agenda packs, these included:- Witness statements of test purchases, photographs of products purchased and confirmation of counterfeit products following examination.

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 sought clarification that the applicant was not attending the meeting and the extra paperwork circulated after publication of the agenda pack had been received. Mr G Dixon was in attendance to represent the applicant and confirmed he had seen the extra paperwork provided.

Mr G Dixon stated to the committee that the application was for alcohol sales between 8.00am - 11.00pm with the store open between 6.00am and 11.00pm. He reported that there were no representations from environmental health or GMP.

Kelly Halligan, Trading Standards Unit Manger reported:-

The business is a limited company by the name of Best Local Ltd, and the previous company name was Booze Just For You. The director of this business is Zerian Walidbagi, and he is also a director of another limited company called Local European Mini Market Ltd, with the registered office address as 87 Beresford Road, Manchester.

Intelligence on the Trading Standards national database, showed that the director was working in October 2023 at Zloto Polski, 2 Church Road, Manchester. The shop was owned by a different limited company called Church Superstore Ltd, when a seizure of 232 illegal vapes and 280 illicit cigarettes was carried out by Manchester Trading Standards, whilst Mr Walidbagi was present in the premises.

On the 18th June 2024, a test purchase was carried out at 62 Bolton Street. Purchase was an illegal vape, that exceeded the maximum capacity.

On the 26th June 2024, a test purchase was carried out again at 62 Bolton Street. Purchase was an illegal vape, that exceeded the maximum capacity.

On the 30 July 2024, a test purchase was carried out at 62 Bolton Street. Purchase was 2 packets of illicit tobacco. Trade mark representative confirmed the items to be counterfeit.

Supplying illicit tobacco and illegal vapes undermines the Licensing Objectives in relation to the Prevention of Crime and Disorder.

Due to the fact that the director of this business has been caught supplying illicit products before and 2 test purchases of illegal vapes have been made from this premises already, a request was made that this licence isn't granted.

Should Members choose to grant the licence, a number of suggestions were contained in the representations by Trading Standards.

For clarity Kelly Halligan confirmed she had asked on the 25th June for a test purchase to be conducted but this was actioned on the 26th June.

Mr Dixon questioned a visit and search of the store by 2 trading standards officers along with GMP who had tried to access private accommodation above the store without a search warrant and confirmed no illegal items were found on the premises.

Kelly Halligan informed the committee that the visit on the 25th June was conducted with GMP and Trading Standards stayed in the front part of the store with the police dealing with the rear location.

Mr Dixon enquired after 3 failed test purchases why had there been no interview process conducted with anyone from the store which had continued to trade with no actions taken. Kelly Halligan reported that an invite to interview under caution had been made.

Mr Dixon addressed the sub committee and told Members that on all three test purchase visits the male member of staff had left the premises and been away for several minutes. This could have allowed for the product to be purchased from another store or the employee supplying their own vapes as Trading Standards found nothing on their search of the store. A request was made to grant the licence on the lack of evidence and if any was found it could be called back under review.

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 causes for concern so far as the promotion of the licensing objectives were concerned.

It was therefore agreed unanimously that the Sub- Committee **refuse the application for a Premises Licence.**

The Sub-Committee was therefore satisfied that on the balance of probability there was sufficient evidence presented that had demonstrated the following licensing objectives had not been met and failed the:-

- the prevention of crime and disorder

The reasons by the sub-committee, included:-

- Three failed Trading Standards test purchase operations in the store.
- An association with other stores that had also sold illegal vapes and cigarettes.

The Sub-Committee found the situation concerning with the premises operating in such a way to undermine the licensing objectives. The evidence and supporting documents presented were deemed sufficient evidence to refuse the licence.

COUNCILLOR IRIZVI
Chair

(Note: The meeting started at 3.00 pm and ended at 3.45pm)

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	Classification Open / Closed	Item No.
Meeting:	Licensing Hearings Sub-Committee	
Meeting date:	25 November 2024	
Title of report:	Application for a Premises Licence to be granted under the Licensing Act 2003 in respect of Krakow Grocery, 20 Parkhills Road, Bury, BL9 9AX	
Report by:	Executive Director (Operations)	
Decision Type:	Council	
Ward(s) to which report relates	East	

Executive Summary:

This report relates to an application for a Premises Licence to be granted under the Licensing Act 2003 in respect of Krakow Grocery, 20 Parkhills Road, Bury, BL9 9AX.

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 Krakow Grocery 1 Limited, 20 Parkhills Road, Bury, BL9 9AX and the proposed Designated Premises Supervisor (DPS), in respect of the above premises, is Mr Dana Saeedi, Flat 20 Parkhills Road, Bury BL9 9AX.
- 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 09:00 till 23.00

Supply of Alcohol (off the premises only):

Monday to Sunday 09:00 till 23.00

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

4.0 REPRESENTATIONS FROM A RESPONSIBLE AUTHORITY

- 4.1 The Licensing Authority in it's capacity as a Responsible Authorities have made representations been made against this application. The Licensing Authority will make their representations at the hearing.
- 4.2 This representation is attached at Appendix 2.

5.0 REPRESENTATIONS FROM A RESPONSIBLE AUTHORITY

- 5.1 Trading Standards Service in its capacity as a Responsible Authorities have made representations been made against this application. The trading Standards Service will make their representations at the hearing.
- 5.2 This representation is attached at Appendix 3.

6.0 REPRESENTATIONS FROM A RESPONSIBLE AUTHORITY

- 6.1 Greater Manchester Police in its capacity as a Responsible Authorities have made representations been made against this application. Greater Manchester Police will make their representations at the hearing.
- 6.2 This representation is attached at Appendix 4.

7.0 OBSERVATIONS

- 7.1 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.

8.0 THE SECRETARY OF STATES GUIDANCE TO THE LICENSING ACT 2003

- 8.1 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.
- 8.2 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.
- 8.3 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.

9.0 CONCLUSION

9.1 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.

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

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

9.4 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

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

9.6 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.

9.7 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.

9.8 The Sub-Committee is asked to determine what steps, as set out in 8.4 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 1

Operating Schedule submitted by the applicant

General

1. No supply of Alcohol on Premises without the Designated Premises Supervisor
2. No supply of Alcohol to any persons without a Valid ID
3. Constant CCTV recording in the shop to prevent theft of Alcohol
4. Alcohol liquor bottles located behind the counter.

The Prevention of Crime and Disorder

5. We have a constant CCTV cameras recording within the shop premises in order to help deter crime. The DPS will be behind the counter at all times when the premises are open to the public with all strong liquor bottles located behind the counter.
6. The premises also has security shutters which will be kept down when the premises is closed to the public.

Public Safety

7. We have regulations which help us ensure Public safety is constantly being maintained on the shop premises.
8. No person will be able to purchase alcohol without presenting a Valid, up to date UK Identification which will be thoroughly checked by the Designated Premises Supervisor.
9. Any persons who enter the premises and do not comply with these regulations will not be served and asked to leave.

The Prevention of Public Nuisance

- 10 The prevention of public nuisance will be maintained through ensuring that alcohol be only sold to customers who present a Valid UK Identification which will be thoroughly checked by the Designated Premises Supervisor.
- 11 As well as this, no Alcohol will be served to customers whom the DPS deems to be a public nuisance, for example through either violent acts or intoxication. Any individual whom the DPS deems to be a public risk will not be sold alcohol and asked to leave.

The Protection of Children from Harm

- 12 Children will be protected from harm by ensuring safeguarding rules are in place within the shop premises. No children will be sold alcohol and every customer must present valid UK Identification which the DPS will thoroughly check to the likeness of the individual as well as the credibility of the Identification.
 - 13 As well as this, no child will be allowed onto the premises after 9pm.
- .

Appendix 2

Representation from Licensing 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: Krakow Grocery 20 Parkhills Road Bury BL9 9AX	
Type of application. Application for a Premises Licence to be Granted	
Application Number (if known):	077934

<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
<input type="checkbox"/>	Weights and Measures

<input checked="" type="checkbox"/>	Licensing Authority	
	Immigration	
	Public Health Department	
Full name:	Laura Jones	
Job Title:	Deputy Licensing Officer	
Tele number:	0161 253 7206	
Email:	laura.j.jones@bury.gov.uk	
Address:	<p>Bury Council Licensing Department 3 Knowsley Place Duke Street Bury BL9 0EJ</p>	

Section 3 – Representations

<input type="checkbox"/>	We object to the application being granted at all
<input checked="" type="checkbox"/>	We object to the application being granted in its current form*
<p>*If you choose this option remember to tell us in section 3B what changes you would like to see.</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).

Please attach supporting documents/further pages as necessary. Please number all extra pages and add the applicant's name and your name to each page.

Section 3A – The Objectives

To prevent crime and disorder	<p>Please state your reasons:</p> <p>This premises has previously been licensed with the Premises Licence Holder being the limited company Krakow Grocery, the director of which</p>
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	<p>was Mohammed Mamal Hamad. The licence was transferred to this limited company on 8 July 2022. However, this company was made insolvent on 14 November 2023. Under the Licensing Act 2003 when a company is made insolvent, the premises licence lapses.</p> <p>This did not come to the attention of the Licensing Service until 7 August 2024 when a visit was made and advice given that all sales of alcohol must cease with immediate effect until such time that a new licence was obtained.</p> <p>A new application for a premises licence was made on 27 August however this was later rejected due to failure to comply with the advertising requirements of the application. A temporary event was applied for allowing the sale of alcohol from 22 – 28 August. This application was made by Mr Hamad.</p> <p>A further new application was made on 11 September 2024. Both of the new applications were made with Krakow Grocery 1 Ltd being the proposed Premises Licence Holder. Mr Hamad is the sole director of the new limited company.</p> <p>The proposed Designated Premises Supervisor is Dana Saeedi.</p> <p>I visited the premises alongside my colleagues Luke Solczak, Licensing Enforcement Officer and PC Pete Eccleston from Greater Manchester Police whilst carrying out evening enforcement visits on 20 September.</p> <p>On entering the premises, I witnessed a male member of staff selling a bottle of vodka to a customer. Alcohol was on display in all the fridges and behind the counter. Mr Hamad was also present in the shop. We reiterated the advice that had been given on 7 August that no alcohol could be sold from the premises until the new licence had been granted unless a Temporary Event Notice was in force which there wasn't on that particular day.</p> <p>I revisited the premises alongside Kelly Halligan from Trading Standards and PC Pete Eccleston from Greater Manchester Police on 26 September. Mr Hamad was again present in the shop alongside another male member of staff. He was joined later during our visit by the proposed DPS Mr Saeedi.</p> <p>On this occasion the alcohol was covered so as not to be on display for sale. However, there were other issues that were raised by GMP and Trading Standards including the seizure of 147 illegal vapes.</p> <p>On 1 October the application was again rejected by the Licensing Authority due to the failure of the applicant to comply with the advertising requirements. A new application was submitted on 1 October.</p>
--	---

	<p>On the evening of Friday 11 October, I again visited alongside PC Pete Eccleston and Luke Solczak from Licensing. The alcohol was covered, and no further illegal vapes were being offered for sale.</p> <p>The steps given in the operating schedule on the application form, as to how the licensing objectives will be met, are unrealistic and unenforceable.</p> <p>The Licensing Authority have concerns as to how much of an understanding of the licensing objectives the proposed Premises Licence Holder and Designated Premises Supervisor have as they have already sold alcohol without a licence in force, despite being given clear advice that this was not permitted and have undermined the prevention of crime and disorder objective by allowing illegal vapes on the premises.</p>
Public safety	Please state your reasons:
To prevent public nuisance	Please state your reasons:
The protection of children from harm	<p>Please state your reasons:</p> <p>As above</p>

Section 3B – Suggestions/Further information

I would ask that the following are placed as conditions on the licence to promote the licensing objectives in place of the steps volunteered by the applicant.

Prevention of Public Nuisance

1. Management and staff are to use their best endeavours to prevent persons loitering outside the premises.

Prevention of Crime and Disorder

The premises licence holder must ensure that:

2. 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).
3. The system records clear images.
4. The CCTV system is able to capture a minimum of 24 frames per second.
5. All recorded footage must be securely retained for a minimum of 28 days and to be made available to the Police/Authorised Officers of the Licensing Authority upon request. Copies of any requested footage must be produced within 12 hours of the request.
6. The CCTV system operates at all times while the premises are open for licensable activities or specify timings.
7. All equipment must have a constant and accurate time and date generation.
8. The CCTV system is fitted with security functions to prevent recordings being tampered with, i.e. password protected.
9. 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.
10. All staff authorised to sell alcohol shall be trained in:
 - Relevant age restrictions in respect of products
 - Prevent underage sales
 - Prevent proxy sales
 - Maintain the refusals log
 - Enter sales correctly on the tills so the prompts show as appropriate
 - Recognising signs of drunkenness and vulnerability
 - How to refuse service
 - The premises' duty of care policy, understanding and dealing with situations involving vulnerable people, and incidents of harassment
 - 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.

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.

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. Training

records shall be made available for inspection upon request by a police officer or an authorised officer of Bury Council.

Protection of Children from Harm

11. 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.
12. The premises shall display prominent signage indicating, at any point of sale and at the entrance to the premises that the Challenge 25 scheme is in operation.
13. The premises shall display prominent signage indicating, at any point of sale and at the entrance to the premises that it is an offence to buy or attempt to buy alcohol for a person who is under 18 and for a person under the age of 18 to buy or attempt to buy alcohol.
14. A refusals record must be kept at the premises which details all refusals to sell alcohol. This record must include the date and time of the incident, a description of the customer, the name of the staff member who refused the sale, and the reason the sale was refused. All entries must be made within 24 hours of the refusal. The record must be made available for inspection and copying upon request by an officer of a Responsible Authority.
15. That the following alcoholic drinks be kept behind the counter or in a place where customers do not have direct access to these products without the assistance of a member of staff, namely: all spirits.



Signed: ...

.....Dated: 14 October 2024

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 3

Representation from the Trading Standards Service

Bury Metropolitan Borough Council

The Licensing Act 2003

Responsible Authority Representation Form

<i>Section 1 - Application Details</i>	
We object to the following Application: Krakow Grocery 20 Parkhills Road Bury BL9 9AX	
Type of application. Application for a Premises Licence to be Granted	
Application Number (if known):	077781

<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
<input checked="" type="checkbox"/>	Weights and Measures

	Licensing Authority
	Immigration
	Public Health Department
Full name:	Kelly Halligan
Job Title:	Trading Standards Unit Manager
Tele number:	0161 253 5091
Email:	k.j.halligan@bury.gov.uk
Address: Bury Council Trading Standards 3 Knowsley Place Duke Street Bury BL9 0EJ	

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>A new application for a premises licence was made on 27 August however this was later rejected due to failure to comply with the advertising requirements of the application.</p> <p>A further new application was made on 11 September 2024. Both of the new applications were made with Krakow Grocery 1 Ltd being the proposed Premises Licence Holder. Mr Hamad is the sole director of the new limited company.</p> <p>The proposed Designated Premises Supervisor is Dana Saeedi.</p> <p>I visited the premises alongside Laura Jones from Bury Councils Licensing Department and PC Pete Eccleston from Greater Manchester Police on 26 September 2024. Mr Hamad was present in the shop alongside another male member of staff, who worked there called Ali Amoudeh. He was joined later during our visit by the proposed DPS Mr Saeedi.</p> <p>The alcohol was covered so as not to be on display for sale. However, there were other issues that were raised by GMP and myself from Trading Standards. The beer covered up did not all have English labelling, so therefore an allergen information was not easily identified. The same issue was identified with some food products, so the director Mr Hamad was directed to check all his products, remove from sale all those with no English labelling and get correction labels from the cash and carry's he purchased the products from. One the shelves behind the till we found 149 vapes that were above maximum capacity and therefore can not legally be sold in the UK. These were seized by myself. There were pricing signs on the shelves in front of the vapes and the prices of the vapes depended on whether you were purchasing for cash or on a card. When I explained, you couldn't legally do this I was told well we pay for our vapes in cash, so we really want to be paid in cash. I asked to see a receipt for the vapes purchased, but none could be found.</p> <p>The weights and measures authority, have concerns as to how much of an understanding of the licensing objectives the proposed Premises Licence Holder and Designated Premises Supervisor have as they have already undermined the prevention of crime and disorder objective by allowing illegal vapes on the premises, they have numerous products without English labelling and want to differentiate in selling products by cash or card.</p> <p>On 1 October the application was again rejected by the Licensing Authority due to the failure of the applicant to comply with the advertising requirements. A new application was submitted on 1 October.</p>
Public safety	Please state your reasons:

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

Section 3B – Suggestions/Further information

I would ask that the following are placed as conditions on the licence to promote the licensing objectives in place of the steps volunteered by the applicant.

Prevention of Public Nuisance

1. Management and staff are to use their best endeavours to prevent persons loitering outside the premises.

Prevention of Crime and Disorder

The premises licence holder must ensure that:

2. 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).
3. The system records clear images.
4. The CCTV system is able to capture a minimum of 24 frames per second.
5. All recorded footage must be securely retained for a minimum of 28 days and to be made available to the Police/Authorised Officers of the Licensing Authority upon request. Copies of any requested footage must be produced within 12 hours of the request.
6. The CCTV system operates at all times while the premises are open for licensable activities or specify timings.
7. All equipment must have a constant and accurate time and date generation.
8. The CCTV system is fitted with security functions to prevent recordings being tampered with, i.e. password protected.
9. 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.
10. All staff authorised to sell alcohol shall be trained in:
 - Relevant age restrictions in respect of products
 - Prevent underage sales
 - Prevent proxy sales
 - Maintain the refusals log
 - Enter sales correctly on the tills so the prompts show as appropriate
 - Recognising signs of drunkenness and vulnerability
 - How to refuse service
 - The premises' duty of care policy, understanding and dealing with situations involving vulnerable people, and incidents of harassment
 - 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.

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.

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. Training

records shall be made available for inspection upon request by a police officer or an authorised officer of Bury Council.

Protection of Children from Harm

11. 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.
12. The premises shall display prominent signage indicating, at any point of sale and at the entrance to the premises that the Challenge 25 scheme is in operation.
13. The premises shall display prominent signage indicating, at any point of sale and at the entrance to the premises that it is an offence to buy or attempt to buy alcohol for a person who is under 18 and for a person under the age of 18 to buy or attempt to buy alcohol.
14. A refusals record must be kept at the premises which details all refusals to sell alcohol. This record must include the date and time of the incident, a description of the customer, the name of the staff member who refused the sale, and the reason the sale was refused. All entries must be made within 24 hours of the refusal. The record must be made available for inspection and copying upon request by an officer of a Responsible Authority.
15. That the following alcoholic drinks be kept behind the counter or in a place where customers do not have direct access to these products without the assistance of a member of staff, namely: all spirits.



Signed: ...

.....Dated: 14/10/24

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

Representation from Greater Manchester Police

Bury Metropolitan Borough Council

The Licensing Act 2003

Responsible Authority Representation Form

<i>Section 1 - Application Details</i>	
We object to the following Application: KRAKOW GROCERY 20 PARKHILLS ROAD BURY BL9 9AX	
Type of application. New Premises Licence	
Application Number (if known):	

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

	Weights and Measures	
	Licensing Authority	
	Immigration	
	Public Health Department	
Full name:	Peter Eccleston	
Job Title:	Bury District Licensing Officer	
Tele number:	07774219071 / 0161 856 2256	
Email:	peter.eccleston@gmp.police.uk	
Address:	Bury Police Station Dunster Road Bury BL9 0RD	

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

Section 3A – The Objectives	
<p>To prevent crime and disorder</p>	<p>Please accept this as a formal representation from Greater Manchester Police with regards to the premises licence application in relation to KRAKOW GROCERY, 20 Parkhills Road, Bury BL9 9AX.</p> <p>A new premises licence application was made to Bury Council Licensing Department on the 27th of August, naming Krakow Grocery 1 Ltd as the proposed Premises Licence Holder (PLH) with Mr Mohammed Hamad being the sole director. A Mr Dana Saeedi was named as the proposed Designated Premises Supervisor (DPS). This application was later rejected due to not complying with advertising requirements. A Temporary Events Notice made by Mr Hamad was also received requesting the sale of alcohol between the 22nd – 28th August.</p> <p>A further Premises Licence Application was made on the 11th of September with the same proposed PLH and DPS.</p> <p>In the evening of Friday 20th September 2024, I along with Laura Jones and Luke Solczak from Bury Council Licensing Departments attended the above premises as part of our evening enforcement visits.</p> <p>On entering the premises, I witnessed Mr Hamad inside the store and a member of staff selling a bottle of vodka to a customer. Further to that, alcohol was on display in the fridges and behind the counter. We explained that the new Premises Licence application was still within the 28-day representation period and that no alcohol could be sold from the premises until the new license had been granted or a Temporary Events Notice was in place to authorise the sale of alcohol in the absence of a premises license. Unfortunately, no Temporary events Notice had been submitted for this date.</p> <p>During the visit, I also noticed a quantity of what appeared to be illegal vapes for sale behind the counter where the maximum legal capacity was exceeded.</p> <p>Following the visit, information regarding the illegal vapes was relayed to Bury Council Trading Standards representatives and consequently, I along with Kelly Halligan from Bury Councils Trading Standards and Laura Jones from Bury Councils Licensing Department attended the premises on Thursday 26th September 2024 at 10:10 hours.</p> <p>Upon entry to the premises, the director and manager, Mr Hamad was present along with the shop assistant, Mr Ali Amoudeh. The alcohol was still covered and the vapes were still on display behind the counter however they were being advertised at two different prices. There was a price per vape if paying by card and another if paying by cash. Kelly Halligan from Trading Standards inspected the vapes and in total 147 were seized as evidence due to not complying with UK standards.</p> <p>Since the visit on the 26th of September, the Premises License Application was rejected again on the 1st of October due to failing to meet</p>

	<p>the advertising requirements and again, the new license application was resubmitted that same day.</p> <p>I, along with Laura Jones and Luke Solczak from Bury Councils Licensing Department, reattended the premises on the evening of Friday 11th October. There were no further issues to report at the time and all alcohol remained covered and all vapes appeared to be legally permitted in the UK.</p> <p>Having considered the application and the steps provided in the operating schedule, Greater Manchester Police have severe concerns as to how the licensing objectives will be met and the level of understanding both the Premises Licence Holder and Designated Premises Supervisor has in relation to those licensing objectives. The proposed steps are unrealistic and unenforceable, alcohol is being sold without a valid license or TEN and under the prevention of crime and disorder objective, this has already been undermined by allowing and offering for sale, illegal vapes.</p>
<p>Public safety</p>	<p>Please state your reasons:</p>
<p>To prevent public nuisance</p>	<p><i>Please state your reasons:</i></p>
<p>The protection of children from harm</p>	
<p>Section 3B – Suggestions/Further information</p>	

Greater Manchester Police would ask that the following conditions be considered and replace the proposed conditions on the application to sufficiently promote the licensing objectives.

PREVENTION OF PUBLIC NUISANCE

1. Management and staff are to use their best endeavours to prevent persons loitering outside the premises.

PREVENTION OF CRIME AND DISORDER

The premises licence holder must ensure that:

2. 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).
3. The system records clear images.
4. 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.
5. The CCTV system operates at all times while the premises are open for licensable activities or specify timings.
6. All equipment must have a constant and accurate time and date generation.
7. The CCTV system is fitted with security functions to prevent recordings being tampered with, i.e. password protected.
8. 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.
9. All staff authorised to sell alcohol shall be trained in:
 - Relevant age restrictions in respect of products.
 - Prevent underage sales.
 - Prevent proxy sales.
 - Maintain the refusals log.
 - Enter sales correctly on the tills so the prompts show as appropriate.
 - Recognising signs of drunkenness and vulnerability.
 - How to refuse service.
 - The premises' duty of care policy, understanding and dealing with situations involving vulnerable people, and incidents of harassment.
 - 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.

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.

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. Training records shall be made available for inspection upon request by a police officer or an authorised officer of Bury Council.

PROTECTION OF CHILDREN FROM HARM

10. 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.
11. The premises shall display prominent signage indicating, at any point of sale and at the entrance to the premises that the Challenge 25 scheme is in operation.
 12. The premises shall display prominent signage indicating, at any point of sale and at the entrance to the premises that it is an offence to buy or attempt to buy alcohol for a person who is under 18 and for a person under the age of 18 to buy or attempt to buy alcohol.
 13. A refusals record must be kept at the premises which details all refusals to sell alcohol. This record must include the date and time of the incident, a description of the customer, the name of the staff member who refused the sale, and the reason the sale was refused. All entries must be made within 24 hours of the refusal. The record must be made available for inspection and copying upon request by an officer of a Responsible Authority.
 14. That the following alcoholic drinks be kept behind the counter or in a place where customers do not have direct access to these products without the assistance of a member of staff, namely: all spirits.

Signed.....P. Eccleston.....

dated: 14/10/2024

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

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