

**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:	Thursday, 5 December 2024
Place:	Virtual meeting via Microsoft Teams
Time:	1.00 pm
Notes:	To view the virtual meeting online, please email m.cunliffe@bury.gov.uk or phone 0161 2535399 who will provide you with a link to view the meeting via MS Teams or telephone you into meeting with the option of audio only.

AGENDA

1 APOLOGIES FOR ABSENCE

2 DECLARATIONS OF INTEREST

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

3 APPLICATION FOR A PREMISES LICENCE TO BE GRANTED UNDER THE LICENSING ACT 2003 IN RESPECT OF PRESTWICH MINI MARKET, 3 FAIRFAX ROAD, PRESTWICH, M25 1AS (Pages 3 - 34)

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



	Classification Open / Closed	Item No.
Meeting:	Licensing Hearings Sub-Committee	
Meeting date:	5 December 2024	
Title of report:	Application for a Premises Licence to be granted under the Licensing Act 2003 in respect of Prestwich Mini Market, 3 Fairfax Road, Prestwich, M25 1AS	
Report by:	Executive Director (Operations)	
Decision Type:	Council	
Ward(s) to which report relates	St Marys	

Executive Summary:

This report relates to an application for a Premises Licence to be granted under the Licensing Act 2003 in respect of Prestwich Mini Market, 3 Fairfax Road, Prestwich, M25 1AS.

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 Prestwich Mini Market Limited, 3 Fairfax Road, Prestwich, M25 1AS and the proposed Designated Premises Supervisor (DPS), in respect of the above premises, is Mr Zanyar Hasan Njad, 100 Baguley Crescent, Middleton, M24 4GU
- 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 Thursday	08:00 to 23.00
Friday and Saturday	08.00 to Midnight
Sunday	09.00 to 23.00

Supply of Alcohol (off the premises only):

Monday to Thursday	10.30 to 22.30
Friday	10.30 to 23.30
Saturday	10.00 to 23.30
Sunday	11.00 to 22.30

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 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.

4.2 This representation is attached at Appendix 2.

5.0 REPRESENTATIONS FROM A RESPONSIBLE AUTHORITY

5.1 Greater Manchester Police 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 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 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

Prevention of Crime and Disorder

- Install and maintain high quality cctv systems that covers all areas of premises including entry points.
- Staff training- train staff to deal with disorderly conduct, drunkenness, drug abuse, including the procedure for refusing service.
- Alcohol serving policy- Implement "Challenge 25" policy where ID is required from anyone who looks under 25.
- Refuse service to people already drunk. Clear signage displayed that warns against anti-social behaviour

Public Safety

- Set and enforce crowd size to avoid overcrowding.
- Have first aid kits available on premises and ensure staff trained for basic first aid.
- Have clear emergency procedures in place and staff know what to do in case of emergency.
- Keep premises well maintained, free from hazards and comply with health and safety regulations.

Prevention of Public Nuisance

- Noise control - limiting outdoor noise. alcohol will not be consumed on premises
- Ensure customers leave premises quietly especially during late hours.
- Deliveries and collections to be arranged for reasonable times to avoid disturbance to neighbours.

- Have adequate bins for litter control outside premises and staff clean up any litter generated by customers

Protection of Children from Harm

- Age verification - challenge 25 or challenge 21
- Train staff to recognise under age drinking and handle appropriately.
- Staff know how to handle vulnerable children.
- Clear signage displayed that shows refusal to sell alcohol to under 18. ID verification necessary.

Appendix 2

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:	
Prestwich Mini Market 3 Fairfax Road Prestwich M25 1AS	
Type of application.	
Application for a Premises Licence to be Granted	
Application Number (if known):	78006

<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:		
<p>Bury Council Trading Standards 3 Knowsley Place Duke Street Bury BL9 0EJ</p>		

Section 3 – Representations	
<input checked="" type="checkbox"/>	We object to the application being granted at all
<input 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>	
<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 23rd September however this was later rejected due to failure to comply with the advertising requirements of the application.</p> <p>A further application was made on 11th October 2024. Both of the applications were made in the name of Prestwich Mini Market Ltd, the Limited company being the proposed Premises Licence Holder. The proposed Designated Premises Supervisor is Zanyar Hasan Njad, who is also the company director.</p> <p>Intelligence on the Trading Standards National Database, IDB, shows that in July and August 2020, Mr Njad owned Liquor Stop, 65 High Street, Brierley Hill, DY53AB. The premises had a reputation for dealing in illicit tobacco and vapes, 6 intelligence logs are on the system, and a seizure was carried out by Trading Standards on the 19th August 2020. Mr Njad applied for an alcohol licence for the premises at 65 High street, but the application was refused, on the 9th June 2020. Laura Jones – Deputy Licensing Officer, contacted the Local Authority where the shop was located and obtained a copy of the minutes of the panel meeting. These she produces as an exhibit attached to her witness statement. I produce the statement and exhibit of the panel minutes with this representation. The minutes of the panel state;</p> <p><i>That, the application for the transfer of the premises licence for Liquor Stop, 65 High Street, Brierley Hill, be refused to promote the objective of preventing crime and disorder, as Mr Njad is not a fit and proper person due to his background and allegations in selling illegal/counterfeit tobacco</i></p> <p>Mr Njad has also been in a shop called 7 days (Long Street) Ltd, 77d Long Street, Middleton, M24 6UN. This shop was caught on the 13th December 2022, when Mr Njad was present again, with illicit tobacco and non-compliant vapes. A further seizure was carried out on 24th January 2023,</p>

	<p>Mr Njad was present again, and a hydraulic concealment was found with illicit tobacco inside.</p> <p>Supplying illicit tobacco and illegal vapes undermines the Licensing Objectives in relation to the Prevention of Crime and Disorder. Mr Njad has been caught in premises in Dudley and refused an alcohol licence as he was found by them not to be fit and proper and then he was caught in other premises where illicit products were found.</p> <p>If the panel chooses to grant the licence, I have suggested some licence conditions.</p>
<p>Public safety</p>	<p>Please state your reasons:</p>
<p>To prevent public nuisance</p>	<p>Please state your reasons:</p>
<p>The protection of children from harm</p>	<p>Please state your reasons:</p> <p>As above</p>

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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

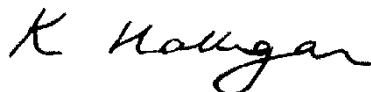
- The conditions in force under this licence.

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: 5 November 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.


STATEMENT OF WITNESS

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

STATEMENT OF Laura Jane Jones

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

This statement (consisting of 2 pages) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Signed: ...  (witness)

Date:31 October 2024.....

I am employed by Bury Council as the Deputy Licensing Officer based at 3 Knowsley Place, Duke Street, Bury. I am authorised for the purposes of the Licensing Act 2003.

On 23 September 2024 an application for a new premises licence was received for Prestwich Mini Market, 3 Fairfax Road, Prestwich. The proposed premises licence holder is Prestwich Mini Market Ltd. Mr Zanyar Njad is the only Director of the limited company and also the proposed designated premises supervisor.

My colleague Kelly Halligan, from Trading Standards, informed me that she had found some information that Mr Njad had previously been refused a

licence by Dudley Council and asked me if I could contact the Licensing Department there for more information.

I did this and received the minutes of Dudley Councils sub-committee meeting held on 9 June 2020 where Mr Njads application for a transfer of a premises licence was refused.

I emailed the minutes to Kelly on 24 September 2024. I produce the minutes in evidence as exhibit LJJ/1.

The application was subsequently rejected as the applicant had failed to advertise. A new application was then made on 11 October 2024.

All exhibits produced in this statement have been duly signed and dated by myself as being associated with it. The records to which I have made reference form part of the records created or received in the course of my employer's trade, business, profession or other occupation. The person who originally supplied the information contained in this statement had or reasonably be supposed to have personal knowledge of the matters dealt with, but cannot now reasonably be expected to have any recollection of the matters dealt with (having regard to the length of time since be supplied the information and all other circumstances). Each Intermediary between the person who originally supplied the information and me received the information in the course of a trade, business profession or other occupation.

Signed: ... Date:31 October 2024 ...



Minutes of Licensing Sub-Committee 1

Tuesday, 9th June, 2020 at 10.00 am

On Microsoft Teams

Present:

Councillor S Keasey (Chair)

Councillors P Miller and C Perks

Officers:-

B Hughes – Assistant Team Manager (Directorate of Public Realm), R Clark – Principal Solicitor, S Griffiths – Democratic Services Manager and M Johal – Senior Democratic Services Officer (Directorate of Finance and Legal).

1 Apology for Absence

An apology for absence from the meeting was submitted on behalf of Councillor C Elcock.

2 Appointment of Substitute Member

It was reported that Councillor P Miller had been appointed as a substitute Member for Councillor C Elcock for this meeting of the Sub-Committee only.

3 Declarations of Interest

No Member made a declaration of interest in accordance with the Members' Code of Conduct.

4 Minutes

Resolved

That the minutes of the meeting held on 21st January, 2020, be approved as a correct record and signed.

5 Application for Transfer of Premises Licence – Liquor Stop, 65 High Street, Brierley Hill

A report of the Director of Public Realm was submitted for the transfer of a Premises Licence in respect of Liquor Stop, 65 High Street, Brierley Hill.

The following were in attendance at the meeting:-

Mr Z Njad – Applicant

Mr A Sharzad – Applicant's Representative

Mr R Jones – Trading Standards

Ms K Turley – West Midlands Police

Following introductions the Assistant Team Manager presented the report on behalf of the Council.

Ms Turley then made representations on behalf of West Midlands Police, and in doing so, explained in detail the reasons for objecting to the transfer of the premises licence to Mr Njad. This included prior to applying to transfer this licence to himself, Mr Njad had worked at, and had managed a premises, namely Polo Mini Market in Brierley Hill. This particular shop had attracted the attention of Trading Standards Enforcement Officers as well as West Midlands Police for a number of years, as it was well known for selling both counterfeit and illicit tobacco. Mr Njad bought Liquor Stop (which was situated opposite Polo Mini Market) in November, 2019. Since the purchase of the shop by Mr Njad, Police officers, whilst on patrol witnessed an unknown Asian male opening the lid of a grey Local Authority dustbin with the number 65 displayed on it at the rear of Liquor Stop. Following this observation, Officers went directly to the dustbin and inside they found a large quantity of cigarettes which they believed to be counterfeit. Officers seized the contents of the bin and these were photographed for evidential purposes. Therefore, the Police strongly believed that Mr Njad would not be suitable to take over the premises licence.

Mr R Jones then presented the objections on behalf of Trading Standards, and in doing so, informed the meeting that they fully supported West Midlands Police in their representations against the transfer of the premises licence to Mr Njad on the grounds that he was known to be one of the major dealers of illicit tobacco in Brierley Hill. Mr Jones then provided detailed background information regarding Mr Njad whilst

managing Polo Mini Market, which had been one of the 5 shops that had been closed in 2019 for selling illegal tobacco. Further information leading to the closure of the shop was provided in that Enforcement Officers had entered the premises on 2nd July, 2019 acting under their powers to deal with illegal tobacco. Officers found thousands of illicit/counterfeit cigarettes contained in a holdall in the flat directly above the premises, which was known to be Mr Njad's home. Next to the bag of cigarettes there was a chute for illicit goods to be dropped from the flat directly into the shop for selling purposes. Mr Jones further explained about a covert test exercise conducted by LSBC1/3

Trading Standards at the shop in September, 2019 where illegal cigarettes were sold by an employee under the management of Mr Njad. A further 3 test exercises were conducted at the same premises and illegal tobacco was sold each time, and subsequently an application was made to the Magistrates Court for a Closure Order. This was granted for 3 months, and following a subsequent application, the closure of the premises was extended for a further 3 months, which expired on 18th May, 2020. Following the closure of the Polo Mini Supermarket, Mr Njad approached the owner of Liquor Stop and was understood to have bought the premise in November, 2019. Mr Jones explained in detail further instances referring to the continuity of Mr Njad's conduct and behaviour in selling illegal/counterfeit tobacco at Polo Mini Supermarket and Liquor Stop including the joint investigation with the Police regarding the failed test exercise conducted in January, 2020. This incident occurred at Liquor Stop where alcohol was sold to an under-aged young person and also led to illegal tobacco being seized, although Mr Njad was not present. The seller ran out of the back of the store and was not seen again. A joint police and Trading Standards investigation into Mr Njad for very serious offences is currently being pursued. In concluding Mr Jones stated that he was of the opinion Mr Njad should not be granted the transfer of the premises licence for reasons described in the presentation. The Police and Trading Standards representatives then responded to questions from all parties on their statements, and in response to a query, described the events leading to the surrender of the licence from the previous premises licence holder of Liquor Stop and non-payment of fees. It was also stated that it was understood that Mr

Njad was the owner of Liquor Stop as Trading Standards Officers had found formal documentation at Polo Mini Supermarket in November, 2019 that confirmed the sale of the lease between Mr Njad and the previous premises licence holder. In a subsequent interview, the former premises licence holder admitted the business had been transferred to Mr Njad and he confirmed the document seized was the formal lease. Mr Njad's representative then presented the case on his behalf and responded to points made by West Midlands Police and Trading Standards. It was stated that Mr Njad did not own the flat above the premises at Polo Mini Supermarket, he was not the leaseholder for Liquor Stop and there was no bin allocated to Liquor Stop. The formal document found by Trading Standards was an arrangement lease and the purchase of the premises would be completed in the following two weeks. The lease for Polo Mini Supermarket was also not in Mr Njad's name and he worked for his friend and he denied any knowledge about the illicit/counterfeit tobacco found or sold from the shop. Mr Njad and his representative then responded to questions from all parties. During the course of questioning a short adjournment followed to clarify certain information. The meeting adjourned at 10:51 am and reconvened at 11.00 am.

LSBC1/4

Questioning of Mr Njad and his representative by all parties continued. Mr Njad and his representative confirmed that Liquor Stop had no allocated bin, the bin in question belonged to residential housing and rubbish for the shop was placed in back bin bags. The identity of the person taking goods out of the bin was unknown to them and they did not know who the person was. With regard to the incident in January, 2020, Mr Njad acknowledged that the seller was a friend and alleged that the tobacco was also the sellers but he did not know where he was. Explanations on the failed test purchases were provided and it was acknowledged that mistakes were made.

Following summing up the parties then withdrew from the meeting to enable the SubCommittee to determine the application.

Resolved

That, the application for the transfer of the premises licence for Liquor Stop, 65 High Street, Brierley Hill, be refused to promote the objective of preventing crime and disorder, as Mr Njad is not a fit and proper person due to his background and allegations in selling illegal/counterfeit tobacco.

The appellant was informed on his right of appeal.

The meeting ended at 11.48 pm

CHAIR

Appendix 3

Representation from Greater Manchester Police

Bury Metropolitan Borough Council

The Licensing Act 2003

Responsible Authority Representation Form

<i>Section 1 - Application Details</i>	
<p>We object to the following Application:</p> <p>Prestwich Mini Market 3 Fairfax Road Prestwich M25 1AS</p>	
<p>Type of application.</p> <p>Application for Premises License</p>	
Application Number (if known):	

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

	Environmental Health Service	
	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:	<p>Bury Police Station Dunster Road Bury BL9 0RD</p>	

Section 3 – Representations	
x	We object to the application being granted at all
	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>	

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

Section 3A – The Objectives

To prevent crime and disorder

Please accept this as a formal representation from Greater Manchester Police with regards to the application for Prestwich Mini Market, 3 Fairfax Road, Prestwich, M25 1AS.

An application for a new premises license was made on the 23rd of September 2024. On the 9th of October 2024, the application was rejected due to failing to advertise the application. Following the rejection, a further application was made on the 11th of October 2024. On both applications, the name of Prestwich Mini Market Ltd has been provided as the premises license holder and the DPS nomination is a Mr Zanyar Hasan Njad who is also the director of the nominated premises license holder.

At a recent Tactical Licensing Meeting, the application for the above premises was discussed amongst partner agencies. During those discussions, information stored on the Trading Standards National Database relating to Mr Njad was shared particularly details of incidents where at two separate locations, illicit tobacc0 and illegal vapes were recovered.

Supplying illegal vapes and illicit vapes completely undermines the licensing objectives namely The Prevention of Crime and Disorder. It clearly demonstrates that he has very little regard for law and legislation after he was refused a premises license in Dudley, only to be found committing the exact same offences in Middleton, Manchester.

It is quite clear from the information gleaned and the history relating to the previous premises that the nominated Premises License Holder and Designated Premises Supervisor, Mr Njad is not fit and proper to ever be involved in a licensed premises and it is the opinion of Greater Manchester Police that should the premises license be granted, the licensing objectives will almost certainly be undermined and public safety will become a very real concern.

Public safety	Please state your reasons:
To prevent public nuisance	<i>Please state your reasons:</i>
The protection of children from harm	

Section 3B – Suggestions/Further information

If the panel chooses to grant the licence, Greater Manchester Police have suggested the below licence conditions instead of the proposed conditions, due to them being not fit for purpose and unenforceable.

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.....P. Eccleston.....

dated: 08/11/24

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

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