

**AGENDA FOR  
LICENSING HEARING SUB COMMITTEE**



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

**Councillors :** G McGill, 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:-

<b>Date:</b>	Wednesday, 18 December 2024
<b>Place:</b>	Virtual meeting via Microsoft Teams
<b>Time:</b>	10.00 am
<b>Notes:</b>	To view the virtual meeting online, please email m.cunliffe@bury.gov.uk or phone 0161 2535399 who will provide you with a link to view the meeting via MS Teams or telephone you into meeting with the option of audio only.

## **AGENDA**

### **1 APOLOGIES FOR ABSENCE**

### **2 DECLARATIONS OF INTEREST**

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

### **3 MINUTES OF THE LAST MEETING** *(Pages 3 - 10)*

The Minutes of the last Licensing Hearing Sub Committee meeting held at 10.00am on Monday the 25<sup>th</sup> November 2024 are attached.

### **4 APPLICATION FOR A VARIATION OF A PREMISES LICENCE UNDER THE LICENSING ACT 2003 IN RESPECT OF VILLAGE NEWS, 477 BURY NEW ROAD, PRESTWICH, M25 1AD** *(Pages 11 - 30)*

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

<b>Minutes of:</b>	<b>LICENSING HEARING SUB COMMITTEE</b>
<b>Date of Meeting:</b>	25 <sup>th</sup> November 2024
<b>Present:</b>	Councillor G McGill (in the Chair) Councillors G Marsden and D Quinn  M. Bridge (Licensing Unit Manager) M. Cunliffe (Democratic Services) P. Llewellyn (Democratic Services) R. Thorpe (Legal Services)
<b>Also in attendance:</b>	Mr M Hamad (Applicant) PC P. Eccleston (Greater Manchester Police) K. Halligan (Trading Standards) L. Jones (Licensing Unit)
<b>Public Attendance:</b>	The Hearing was held virtually and interested members of the public were provided with a link to access the hearing online via Microsoft Teams or could be telephoned into the meeting via audio only. No other members of the public or press were in virtual attendance.

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## **1 APOLOGIES FOR ABSENCE**

Apologies for absence were submitted by Councillor I. Rizvi, 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 MEETING(S)**

The minutes of the last Licensing Hearing Sub Committee meetings held at 1.30pm on the 5<sup>th</sup> August 2024 and 3.00pm on the 5<sup>th</sup> August 2024 were attached to the agenda.

**Resolved:-** That the minutes of the Licensing Hearing Sub Committee held at 1.30pm on the 5<sup>th</sup> August 2024 and 3.00pm on the 5<sup>th</sup> August 2024 be approved as a correct record.

## **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**

The Licensing Authority received 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.

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. 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 – 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 were contained at Appendix 1 in the agenda packs.

The Licensing Authority in its capacity as a Responsible Authority had made representations against this application. The Licensing Authority would make those representations at the hearing. The representation was attached 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.

One representation had been received from Greater Manchester Police 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 4 in the agenda packs.

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

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

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

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

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

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

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

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

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

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

The Licensing Unit Manager provided clarification that 9.4 of the report should state grant rather than the word variation and within paragraph 9.8 of the report the numbering should state 9.4 and not 8.4.

Mr Mohammed Hamad addressed the Committee and stated the store used to have a licence but there had been an issue with Companies House and he was unaware the licence had ceased until the Council visited. He had not received any paperwork, telephone calls or emails for the company being dissolved and had tried to obtain another licence.

The Licensing Unit Manager clarified that under the licensing act if a company becomes insolvent then the licence lapses.

A Member of the committee asked why the business had been struck off Companies House and Mr Hamad explained that a letter had been forwarded to his accounting office and a form was amended by them. They then lost the paperwork which included material sent via WhatsApp and then forgot to inform Mr Hamad so the company become dissolved.

A Member of the committee questioned who was responsible for informing the business that the licence had been voided. Mr Hamad had not received anything from Companies House and the Chair enquired with all the administration errors, how would this situation not occur again. Mr Hamad explained he ran another business next door and it was a lot of pressure to

run 2 businesses. He would make sure he looked after the business properly and it would not happen again and was unaware that some vapes are illegal.

The Licensing Unit Manager stated that the applicant had held a licence previously and questioned how he would ensure the licencing objectives were upheld.

Mr Hamad responded by saying that he would focus all his efforts on this one business and was trying to get rid of the other fast food takeaway business as it takes a lot of his time up which he wants to spend with his family and daughter.

Laura Jones, Deputy Licensing Unit Manger explained that a premises licence had no expiry date on it but if a business became insolvent then the licence expires straight away, she reported:-

*This premises has previously been licensed with the Premises Licence Holder being the limited company Krakow Grocery, the director of which 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.*

*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.*

*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.*

*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.*

*The proposed Designated Premises Supervisor is Dana Saeedi.*

*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.*

*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 re iterated 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.*

*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.*

*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.*

*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.*

*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.*

*The steps given in the operating schedule on the application form, as to how the licensing objectives will be met, are unrealistic and unenforceable.*

*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.*

The Deputy Licensing Unit Manger had suggested further conditions in the report. The Chair enquired if prior to this application there had been any concerns with the store and it was stated there had been no concerns since Mr Hamad had held the licence.

Kelly Halligan, Trading Standards Unit Manger reported:-

*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 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. The proposed Designated Premises Supervisor is Dana Saeedi. 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. 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 147 vapes that where above maximum capacity and therefore can not legally be sold in the UK. These were seized by myself. There where 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. 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. 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.*

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

For clarity Kelly Halligan confirmed that 147 vapes had been found and not 149 as detailed in the report. The Chair enquired if prior to this application there had been any concerns via Trading Standards with the store and it was stated there had been no concerns since Mr Hamad had held the licence.

PC Peter Eccleston, Greater Manchester Police reported:-

*This was 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. A new premises licence application was made to Bury Council Licensing Department on the 27<sup>th</sup> 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. A further Premises Licence Application was made on the 11<sup>th</sup> of September with the same proposed PLH and DPS.*

*In the evening of Friday 20<sup>th</sup> 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.*

*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.*

*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.*

*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 26<sup>th</sup> September 2024 at 10:10 hours.*

*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.*

*Since the visit on the 26<sup>th</sup> of September, the Premises License Application was rejected again on the 1<sup>st</sup> of October due to failing to meet the advertising requirements and again, the new license application was resubmitted that same day.*

*I, along with Laura Jones and Luke Solczak from Bury Councils Licensing Department, reattended the premises on the evening of Friday 11<sup>th</sup> 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.*

*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.*

In summary GMP had concerns on the proposals and licensing objectives being met. Should Members choose to grant the licence, a number of suggestions were contained in the representations by GMP.

The Licensing Unit Manager added that two previous applications had not been advertised correctly and this application had been conducted via the correct process hence why it was before the Sub Committee for consideration.

The Chair asked if communications had taken place with the applicant and the proposed conditions from the relevant authorities and it was stated no conversations had taken place.

The Council's Legal Advisor clarified that all three proposed conditions from the relevant authorities were the same with a slight change in the numbering from GMP.



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 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:-

- Evidence from the Council's Licensing Unit, Trading Standards and GMP that on a number of occasions the licensing objectives had been undermined.
- The sale of alcohol without a licence.
- The sale of illegal vapes.
- Different sale prices if paying by cash or credit transactions.

The Sub-Committee had little confidence and felt the application did not take the licensing objectives seriously and the safety of people in the Borough was paramount. The evidence and supporting documents presented were deemed sufficient evidence to refuse the licence. Details on the right for an appeal were provided to the applicant.

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

**(Note: The meeting started at 10.00am and ended at 10.57am)**

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	<b>Classification</b> <b>Open / Closed</b>	<b>Item No.</b>
<b>Meeting:</b>	Licensing Hearings Sub-Committee	
<b>Meeting date:</b>	18 December 2024	
<b>Title of report:</b>	Application for a Variation of a Premises Licence under the Licensing Act 2003 in respect of Village News, 477 Bury New Road, Prestwich, M25 1AD	
<b>Report by:</b>	Executive Director (Operations)	
<b>Decision Type:</b>	Council	
<b>Ward(s) to which report relates</b>	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 Village News, 477 Bury New Road, Prestwich, M25 1AD.

### **Recommendation(s)**

- To grant the variation in the terms requested
- To grant the variation subject to amendments
- 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 Venu Mandadapu, 40 Alfa Way, Great Sankey, Warrington, Cheshire, WA5 3YY and he is also the proposed Designated Premises Supervisor (DPS).
- 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 variation 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 variation of a Premises Licence under Part 3 of the Licensing Act 2003:

### **Opening Times:**

Monday to Sunday          00.01 to 00.00 (24 hours)

### **Supply of Alcohol (off the premises only):**

Monday to Sunday          00.01 to 00.00 (24 hours)  
Alcohol sold from 23.00 to 06.00 will be via a night hatch with no access to inside the premises.

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 Public Health Service and Greater Manchester Police, in their capacity as Responsible Authorities, have made representations against this application.

4.2 These representations are attached at Appendix 2.

## **5.0 REPRESENTATIONS FROM INTERESTED PARTIES**

5.1 Two representations have been received from interested parties in respect of this application.

5.2 These representations are 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.

## **7.0 CONCLUSION**

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

- the prevention of crime and disorder
- public safety;

- the prevention of public nuisance; and
  - the protection of children from harm.
- 7.2 In reaching the decision, regard must be had to relevant provisions of the national guidance and the Council's licensing policy statement.
- 7.4 The Sub-Committee must consider what steps are appropriate for the promotion of the licensing objectives.
- 7.5 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 amendments
  - To amend or modify existing or proposed conditions
  - To refuse the application
- 7.6 All licensing determinations should be considered on the individual merits of the application.
- 7.7 The Sub-Committee's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve. Findings on any issues of fact should be on the balance of probability.
- 7.8 It is important that a licensing authority should give comprehensive reasons for its decisions in anticipation of any appeals. Failure to give adequate reasons could itself give rise to grounds for an appeal.
- 7.9 The Sub-Committee is asked to determine what steps, as set out above, are appropriate for the promotion of the licensing objectives.

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### **Community impact/links with Community Strategy**

Not Applicable

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### **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.*

<b>Equality Analysis</b>	<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:

<b>Risk / opportunity</b>	<b>Mitigation</b>
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.

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**Report Author and Contact Details:**

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

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**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

- The premises are to operate an effective CCTV system which is to be maintained in good working order at all times the premises is open for business. The recording medium (e.g., disks / tapes / hard drive, etc.) and associated images are to be retained and securely stored for a minimum period of 28 days and are to be made available to the police / authorised officers of the Licensing Authority upon request. The premises licence holder or designated premises supervisor is to provide the police with the contact details of at least one other member of staff (or other person(s)) who is trained and familiar with the operation of the equipment so that, at the expense of the premises licence holder, they are able to check that the equipment is operating properly and that they are able to provide copies of recorded data upon request and within no more than 12 hours from the time of the request. The premises licence holder / Designated Premises Supervisor must notify the licensing office or the Police in the event of CCTV breakdown as soon as is reasonably practicable and in any event within 24 hours. In the case of a breakdown or malfunction the premises licence holder / designated premises supervisor shall make sure that the CCTV is in working order as soon as practicable.
- A written delegation of authority record will be kept at the premises whereby non personal licence holders are authorised to make sales on behalf of a personal licence holder.
- Staff training shall take place on the Licensing Act and Licensing objectives upon commencement of employment and every six months thereafter, a written record of this training is to be maintained and made available to the police and any authorised officer of the Council for inspection on request.
- An incident book/register shall be maintained to record:
  - All incidents of crime and disorder occurring at the premises.
  - Details of occasions when the police are called to the premises.

This book/register shall be made available for inspection by a police officer or other authorised officer on request.

- No alcoholic drink shall be removed from the premises in an unsealed container.

### **Public safety**

- Alcohol may only be sold in sealed containers.
- Alcohol may not be sold to any person who appears to be intoxicated.

### **Prevention of public nuisance**

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

### **Protection of children from harm**

- The premises will operate a "Challenge 25" proof of age policy, and signage to this effect is to be prominently displayed within the premises. Persons who appear to be under the age of 25 must produce for thorough scrutiny by staff, proof of identity/age before being sold/supplied alcohol. Only a passport or photo-card driving licence or a proof of age card bearing the official 'PASS' accreditation hologram should be accepted as proof of age.
- The premises is to maintain a refusals / incident book to record the details of incidents / descriptions of individuals whenever a member of staff has refused to sell alcohol to a person suspected of being under the age of 18 and record the circumstances of any incident. The book must be made available to the police / authorised officers of the Licensing Authority on request.

### **Condition consistent with the Operating Schedule for Variation October 2024**

#### **Prevention of Crime and Disorder**

- A Night Hatch service will be installed at the front of the premises, whereby all customers shall only be served via a night hatch between the hours of 23.00 and 06.00 every day. The premises will remain closed during these hours until such time that a night hatch has been fitted.

## **Appendix 2**

# **Representations from Responsible Authorities**

Bury Metropolitan Borough Council

The Licensing Act 2003

Responsible Authority Representation Form

<i>Section 1 - Application Details</i>	
We object to the following Application:  Village News, 477 Bury New Road, Prestwich, M25 1AD	
Type of application.  Variation to licence	
Application Number (if known):	

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

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

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

Section 3A – The Objectives	
To prevent crime and disorder	<p>Please state your reasons:</p> <p>There would be a percentage of the 1486 population within this Lower Super Output Area (LSOA) that would be directly impacted by 24-hour alcohol sales along with an already high saturation of premises already selling alcohol with a total of 43 sites.</p> <p>The LSOA ranks <b>2</b> in terms of crime decile (<b>1 being the most deprived score, 10 being the least deprived decile</b>) however it also has negative markers for Total Index of multiple deprivation(IMD) = <b>3</b> along with income deprivation effecting older people = <b>2</b> and a low rating against employment = <b>2</b>.</p> <p>The LSOA is ranked <b>10/120</b> LSOA's for alcohol related crime (per 1000 of the population), Its rated <b>41/120</b> for alcohol related domestic crimes and its ranked <b>3/120</b> for all antisocial behaviour crimes.</p> <p>The LSOA ranks <b>1</b> for the highest level of alcohol rated crime/alcohol related domestic abuse and ASB crime as a total (Total crime).</p>
Public safety	<p>Please state your reasons:</p> <p>The LSOA ranks <b>60/120</b> for A&amp;E attendances however it ranks high with <b>11/120</b> for alcohol related admissions, the total figure shows the LSOA ranks <b>1</b> for combined A&amp;E attendances and alcohol related admissions.</p> <p>24-hour drinking will only exacerbate this trend or potentially give communities the opportunity to drink for longer periods.</p> <p>The LSOA ranks <b>17/120</b> for those receiving alcohol addiction and its ranked <b>1<sup>st</sup></b> out of 120 for highest numbers in treatment.</p>
To prevent public nuisance	<p>Please state your reasons:</p> <p>There are already <b>43</b> licensed premises in this Lower Super Output Area along with <b>3</b> gambling premises, these are significant counts compared to some other LSOA's and could lead to further addictions.</p> <p>The IMD Decile score for this location is <b>3</b> (1 being the most deprived and 10 being the least deprived decile), Crime is also ranked lower a <b>2</b>.</p>
The protection of children from harm	<p>Please state your reasons:</p> <p>Income deprivation effecting children at a score <b>5/10</b>, Public Health believe more money spent on alcohol given extended opening times will negativity impact on the lives of young people with care givers having greater access to alcohol sales.</p>

Section 3B – Suggestions/Further information	
Bury Public Heath would agree to licencing hours which span from 6am until midnight.	

Signed: .....  ..... Dated: 09-11-24

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

**Bury Metropolitan Borough Council**

The Licensing Act 2003

**Responsible Authority Representation Form**

<i>Section 1 - Application Details</i>	
<p><b>We object to the following Application:</b></p> <p><b>Village News</b></p> <p><b>477 Bury New Road</b></p> <p><b>Prestwich</b></p> <p><b>M25 1AD</b></p>	
Type of application.	
Variation to Premises Licence.	
Application Number (if known):	

<i>Section 2 – Responsible Authority's Details</i>	
<p><b>Responsible Authority's Details:</b></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
<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	
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> <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>	

<b>Section 3A – The Objectives</b>	
To prevent crime and disorder	<p>Please accept this as a formal representation from Greater Manchester Police with regards to the application to vary the Premises Licence for the Village News, 477 Bury New Road, Prestwich M25 1AD.</p> <p>The application to vary the Premises Licence was received by Greater Manchester Police on the 29<sup>th</sup> October 2024 with a request to vary the operating schedule from its existing opening times of 06:00hrs – 23:00hrs, 7 days a week to 24 hours, 7 days a week. The application is also asking to vary the supply of alcohol from it's existing 07:00hrs – 23:00hrs 7 days a week to 24hrs, 7 days a week, with the provision that alcohol will be supplied though a serving hatch, (similar to a petrol forecourt) between 23:00hrs and 06:00hrs each day.</p> <p>The premises itself, it situated in the heart of Prestwich village centre which is becoming an increasingly popular destination for people who are not just local to Prestwich, but those who live further afield who wish to sample the array or licensed premises and restaurants. With this increase in popularity brings its challenges and problems with an increase in alcohol related violent crime and other anti-social behaviour related incidents.</p> <p>With the majority of premises closing between midnight and 2am on the weekends, (earlier during the week) there is a high volume of footfall in the early hours of the morning.</p> <p>For those who haven't finished drinking and not moved onto other venues in Manchester City Centre or Bury Town Centre where premises are open even later, the concerns of Greater Manchester Police, is that instead of calling it a night and going home, members of the public will have greater access to alcohol after hours and is likely to lead to on street drinking. This is likely to lead to further alcohol fuelled anti-social behaviour and violent crime, which is only likely to be more severe with the discarding of empty containers such as glass bottles which in turn increases the availability of potential weapons which wouldn't have been there previously.</p> <p>Having considered the application and the proposed steps provided in the application, Greater Manchester Police have severe concerns that granting of the license as per the proposals poses a real risk to public safety.</p>
Public safety	Please state your reasons:

To prevent public nuisance	<i>Please state your reasons:</i>
The protection of children from harm	
<b>Section 3B – Suggestions/Further information</b>	

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

dated: 25/11/2024

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**

# **Representations from Interested Parties**

Good Evening

Re application for 24-hour alcohol licence for Village news, Bury New Road, Prestwich

I would like to strongly object to this application on the following grounds.

## Prevention of Crime and Disorder

The shop is very close to a large social housing complex. There is a history on this estate of antisocial behaviour, including drug abuse and sales, public drunkenness and theft from cars and property which has been linked to the purchase and use of alcohol and drugs.

Having the ability to buy alcohol during the night would, in my opinion, contribute to theft from properties, cars, and mugging.

There is also the concern that the shop itself would be targeted for robbery and the staff threatened and abused.

## Public Safety/prevention of public nuisance

The shop is situated on an extremely busy major conduit leading from J17 of the M60 directly into Salford and Manchester City Centre. The road is always busy and the potential for road accidents between vehicles and inebriated customers is high. There are already issues with begging in the area and this could add to the problem.

I am also concerned re cuckooing. The housing estate has several vulnerable clients residing there and they would be at risk from people wanting to be close to a 24-hour supply of alcohol. It may also lead to an increase in drink and drug driving as purchasers from other areas come to buy alcohol.

Malicious damage of property and vandalism have been problems in this area of Prestwich, I strongly believe adding the ability to purchase alcohol throughout the night will lead to an increase, thus putting pressure on police and council services.

## Protection of children from harm

The premises is within walking distance of both a primary and secondary school. It is near to Prestwich tram station which is used by children going to other schools in the borough. The proximity of the shop to the tram network leads to a potential of people travelling to buy alcohol late at night and early morning. This could mean they are in a state of drunkenness both on the platform and on the tram while children are travelling to and from school.

I hope my concerns are fully considered. I know other Councillors and local Police feel this is an ill-advised application that has a high probability of causing major harm to an area that we are currently looking to attract high value businesses to. The regeneration plans have been widely welcomed, and residents are looking forward to a better Prestwich and this application serves to diminish that.

Hello,

I would like to formally object to this application.

As the premises is in the town centre, there are already a higher level of alcohol related issues of ASB, public nuisance and crime. The current licensing arrangements help to limit this, with most licensed premises closing at a reasonable time.

The application to serve alcohol 24/7 would run contrary to the existing arrangements and very likely increase the risks of these issues getting worse.

The premises is also next to a residential area – primarily social housing – and the potential impact of this license on those residents should be considered too.

Overall, this application should be rejected on the grounds that it will increase the risk of crime, disorder and public nuisance and be contrary to the current arrangements in the vicinity.

Thank you,