

AGENDA FOR
LICENSING HEARING SUB COMMITTEE



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To: All Members of Licensing Hearing Sub Committee

Councillors : T Rafiq (Chair), A Booth and M Walsh

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, 28 July 2025 |
| 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

3 MINUTES OF THE LAST MEETING(S) *(Pages 3 - 14)*

The Minutes of the last Licensing Hearing Sub Committee meetings held at 1.30pm on Tuesday the 8th July 2025 and at 9.30am on Monday the 14th July are attached.

4 AN APPLICATION FROM A RESPONSIBLE AUTHORITY FOR A REVIEW OF THE PREMISES LICENCE UNDER THE LICENSING ACT 2003 IN RESPECT BAR B Q LAND, 7 STAND LANE, RADCLIFFE, M26 1NW
(Pages 15 - 36)

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

Minutes of: LICENSING HEARING SUB COMMITTEE

Date of Meeting: 8th July 2025

Present: Councillor I Rizvi (in the Chair)
Councillors A Booth and D Green

Also in attendance: L. Bell (Licensing Unit)
M. Bridge (Licensing Unit)
M. Cunliffe (Democratic Services)
R. Thorpe (Legal Services)

K. Luleme & A. Hasam (On behalf of the Applicant)
PC P. Eccleston- GMP (Representor).
C. Gee- Bury Times (Press)

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

1 APOLOGIES FOR ABSENCE

Apologies for absence were submitted by B. Thomson (Assistant Director of Operations Strategy).

2 DECLARATIONS OF INTEREST

There were no declarations of interest made.
However, Councillor Green placed on record that she was a substitute representative on the Planning Control Committee held on the 24th June which deferred a planning application at this location to allow a site visit to take place.

3 OBJECTION NOTICE BEING RECEIVED FROM GREATER MANCHESTER POLICE OR ENVIRONMENTAL HEALTH IN RESPECT OF A TEMPORARY EVENT NOTICE

The Licensing Unit Manager presented a report relating to an objection notice being given to the Licensing Authority, by Greater Manchester Police pursuant to section 104(2) of the Licensing Act 2003, in respect of a proposed temporary event to be held at 65 Windsor Road Prestwich, M25 0DB between the hours of 20.30 to 03.00 hours on the 17th July 2025 until 20th July 2025.

The Temporary Event Notice has been given by Ervis Shkuti, 86 Devonshire Square, Salford, M7 4AD.

Greater Manchester Police, in their capacity as a Responsible Authority, would give their reasons for their representation in respect of the Temporary Event Notice were they are satisfied that the representation would undermine the Prevention of Crime and Disorder. Representation was attached at appendix 1 in the agenda packs.

The Secretary of State Guidance issued under section 182 of Licensing Act 2003 was included in the agenda packs.

After hearing the evidence representation and 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 Sub-Committee heard oral representations on behalf of the applicant from Ms Konstantina Luleme. She explained the application was for extra hours to cater for the Oasis concerts taking place at Heaton Park and could not understand objections to the application as a previous one had been sought for trading until 11.00pm. The Licensing Unit Manager stated an application between the 11th to 15th July had been withdrawn which was a late TEN and a further Late TEN was received and GMP made representations, therefore a counter notice was issued.

Ms Luleme explained they were a new business in the area and wanted to grow and the concerts would help this. The venue would not make problems in the local neighbourhood and they would do their best. They were willing to not have any music playing after 9.00pm and would welcome the opportunity to try the extra hours. Plastic cups would be used instead of glassware and drunk people would not be served alcohol. The landlord of the building had turned the air conditioning unit and would also place a blanket on top of the canopy area off to limit noise.

A Member asked how many staff would be working during the concert days and it was reported around 5 people would be present as opposed to the usual 2 staff. The Licensing Unit Manager read out some of the proposed conditions submitted which were contained within the application form.

The Chair enquired what steps would be in place to avoid issues of anti-social behaviour. Ms Luleme stated they were thinking of having security on site.

A Member asked what assurance could be provided for security to be provided when this element had not been submitted on the application.

Mr A. Hasam (The landlord of the property) then joined the virtual meeting to aid Ms Luleme with her submissions in case of any translation problems. He explained she did not understand the application and to mention these extra procedures but 2 or more security staff can be on duty.

A Member asked how many customers the café can accommodate. Ms Luleme reported the number of tables inside and this would be around 27 with a sofa taking the total number to 30.

Upon questioning of the application by the Licensing Unit Manager, Mr Hasam explained Ms Luleme had completed the form via an agent and the notice giver had signed it. He also added that only yesterday the agent had informed them that they would not be representing them at the hearing.

A Member asked why a 3.00am licence was required when the concerts end at 11.00pm. This was a misunderstanding on behalf of Ms Luleme who had seen the road information signs and was happy to be open until midnight or 1.00am at the latest.

The Sub-Committee then heard formal representations from Greater Manchester Police via PC Peter Eccleston and these related to concerns preventing crime and disorder, public safety, public nuisance along with protecting children from harm.

During the dates and times requested, Heaton Park hosts five Oasis concerts with just under 80,000 people attending per day on the 11th, 12th, 16th, 19th and 20th July 2025. Those attending the concerts, are coming from all over the country and are not necessarily familiar with the local area and therefore it is anticipated that a high proportion will be utilising public transport links such as the Metrolink, bus services as well as taxi services including private hire vehicles to get to and from the events.

Heaton Park and the surrounding areas see a huge increase in footfall over the course of the 5 days and this doesn't include those who will be likely to attend the park who don't have a ticket to gain entry. New Eagle Coffee Bar, is not only within close proximity to Heaton Park itself, but also very close to the Bowker Vale Metrolink station.

Previously, the premises has submitted a Temporary Events Notice from the 11th to the 15th July 2025 to extend their closing time and alcohol sales by 2hrs from 21:00hrs to 23:00hrs. GMP had previously requested door supervisors be employed to help manage those attending the premises who are most likely already feeling the effects of alcohol. This request was refused by the Premises License Holder/DPS and since then, that TEN was withdrawn and two new notices have been submitted however on this occasion, the request is to extend the premises opening hours and alcohol sales by 6 hours, meaning that if granted, they would not close until 3am.

One of the TENS was submitted late and therefore GMP has already made representations to the Licensing Authority. Like the other TEN, there is no mention whatsoever as to how the much-anticipated increase in footfall and visits to the premises will be managed. Not only is there likely to be a sharp increase in customers before the event it is highly likely that there will be an increase level of custom after the event considering that they are requesting a 3am close the premises is close to one of the main transport links to and from Heaton Park.

Greater Manchester Police understands that this is probably the biggest music event Manchester has seen for a number of years and we understand that the hospitality industry is not what it used to be so businesses are trying to capitalise on that in order to try and make a profit however that should not be at the expense of public safety, annoyance of local residents and the most likely increase in crime and disorder. Unfortunately, the premises have not provided details as to how those attending the premises will be managed. There is no detail as to whether SIA registered door supervisors will be employed to manage those in attendance. GMP are of the opinion that the removal of seating outside and the decanting of alcohol into plastic glasses would not be sufficient to prevent potential incidents of crime and disorder which is likely to occur given those attending the premises both before and especially after, the events in Heaton Park will already be feeling the effects of alcohol.

The premises is situated in a mainly residential area and with the increase in footfall in and out of the premises and the lack of staff to manage those customers, there are concerns that this is likely to result in increased complaints from local residents as there is no mention of how ingress and egress will be managed, or how customers will be prevented from utilising outside areas at late hour resulting in annoyance being caused well into the early hours of the morning. Furthermore, there is the impact of parking and vehicles coming and going from the premises.

Although there are a number of GMP resources assigned to the Oasis concerts, their primary function will public safety in and around Heaton Park including both ingress and egress from the park itself. Should an incident occur at the premises GMP cannot guarantee that there will be available resources to attend and considering the premises is requesting an extension to the opening hours vastly exceeding all the other licensed premises in the near vicinity there is

no requirement for police resources to be retained on duty once egress from Heaton Park has been completed.

A number of other suggestions and further information was submitted by GMP and included within 1 of the agenda pack.

A Member asked what time the police expect people to arrive for the concerts and then clear the area afterwards. PC Eccleston reported gates open after 2.00pm with peak entry estimated around 5.30pm and 80,000 attendees leaving around 10.30pm.

Mr Hasam questioned why Nisa Local could stay open late during Parklife and they would comply with timings and welcome families. He added they were happy to abide by the same opening hours of the local shops.

The Sub-Committee heard no other representations.

All parties were offered the opportunity to question the applicant and representor and vice versa. All parties were allowed the opportunity to sum up their respective cases.

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

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

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

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

- a) the Council's published Statement of Licensing Policy
- b) the Guidance issued by the Secretary of State as contained in section 182 of the Licensing Act 2003, (December 2022 – updated 12 January 2023)

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

The Sub-Committee considered the Licensing Act 2003, regulations made thereunder, the Secretary of State's Guidance, issued under section 182 of the 2003 Act, and the Council's own Licensing Policy. The Sub-Committee also considered the Temporary Event Notice, the written objections from Greater Manchester Police and the oral representations from representatives of the Notice Giver, the Licensing Authority and from GMP.

Having considered all of the evidence with care, it was established that, having understood the application and equally noting and understanding the representations and assurances made by the applicant and for the premises, the Sub-Committee found there were causes for concern so far as the promotion of the licensing objectives.

The Notice Giver had not provided sufficient detail or submissions and the Sub-Committee was not satisfied that the Licensing Objective, in particular the Prevention of Crime and Disorder and Public Safety would not be imperilled if the Temporary Event were to proceed.

The Sub-Committee were deeply concerned about the staffing management responsibilities at the venue with the expected crowds attending the nearby event. Keeping the general public safe could not be guaranteed.

The Notice Giver had provided limited explanation of how the Licensing Objectives would be promoted during the proposed Temporary Event and, considering the Temporary Event itself and the wider context set out in evidence, the Sub-Committee was not satisfied that the Licensing Objective, in particular the Prevention of Crime and Disorder, but also the Protection of Public Safety, public nuisance along with protecting children from harm could not be imperilled if the Temporary Event were to proceed.

It was, therefore, agreed unanimously, **that the Sub- Committee give a counter notice to the Temporary Event Notice** given pursuant to section 105(2)(b) of the Licensing Act 2003, the Local Authority considering this necessary for the promotion of the Licensing Objectives – (preventing the event from taking place).

The Sub-Committee chair advised that the venue should consider using plastic cups and have door security at the venue during their normal opening hours when the concerts take place.

COUNCILLOR IRIZVI
Chair

(Note: The meeting started at 1.30pm and ended at 3.10pm)

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Minutes of: LICENSING HEARING SUB COMMITTEE

Date of Meeting: 14th July 2025

Present: Councillor T Rafiq (in the Chair)
Councillors D Green and D Quinn

Also in attendance: M. Bridge (Licensing Unit)
M. Cunliffe (Democratic Services)
R. Thorpe (Legal Services)

Mr S Crawford (Applicant)
Mr J Dolwin (Applicant)
Mr C Lucan (The Licensing Guys – Applicant's Consultant & Agent)
Councillor D. Berry (On behalf of some representors)
Councillor A. Booth (Observing)
Councillor G. Marsden (Observing)

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

1 APOLOGIES FOR ABSENCE

Apologies for absence were submitted by B. Thomson (Assistant Director of Operations Strategy).

2 DECLARATIONS OF INTEREST

There were no declarations of interest made.

3 MINUTES OF THE LAST MEETING

The minutes of the last Licensing Hearing Sub Committee meeting held at 1.00pm on Thursday the 12th June 2025 was attached to the agenda.

Resolved:- That the minutes of the Licensing Hearing Sub Committee held at 1.00pm on the 12th June 2025 be approved as a correct record.

4 APPLICATION FOR A CLUB PREMISES CERTIFICATE TO BE GRANTED UNDER THE LICENSING ACT 2003 IN RESPECT OF BOLTON WYRESDALE AMATEUR FOOTBALL AND SPORTS CLUB, 65 RADCLIFFE MOOR ROAD, BOLTON, BL2 6RF

The Licensing Authority received an application for a Premises Licence to be granted under the Licensing Act 2003 in respect of Bolton Wyresdale Amateur Football and Sports Club, 65 Radcliffe Moor Road, Bolton, BL2 6RF.

The applicant for the licence is Bolton Wyresdale Amateur Football and Sports Club Plc, 31 Knightswood, Beaumont Chase, Bolton BL2 6RF. Mr Stan Crawford of 31 Knightswood, Beaumont Chase, Bolton BL2 6RF is the proposed Secretary. The applicant has requested that the Club Premises Certificate if granted by Members today is to commence from the 16th August 2025.

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 Saturday | 12.00 till 23.00 |
| Sunday | 12.00 till 22.30 |

Supply of Alcohol by or on behalf a club to the order of a member of the Club (on the premises only):

| | |
|--------------------|------------------|
| Monday to Saturday | 12.00 till 23.00 |
| Sunday | 12.00 till 22.30 |

Recorded Music (Indoors)

| | |
|-----------------------|------------------|
| Wednesday to Saturday | 18.00 till 23.00 |
| Sunday | 18.00 till 22.30 |

Due to the Live Music Act 2012, there is no need to licence this activity until after 23.00.

The conditions contained in the operating schedule submitted by the applicant were contained at Appendix 1 in the agenda packs.

The club rules were contained at Appendix 2 in the agenda packs.

13 representations had been received from interested parties and they had been invited to make their representations at the hearing. The representations were attached at Appendix 3 in the agenda packs. The Licensing Unit Manager clarified that Councillor Berry was representing 6 representors, the other 6 had provided their apologies for the meeting and 1 had not replied back after being contacted by Licensing Officers.

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 grant 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.

Mr Chris Lucan (The Licensing Guys – Applicant's Consultant & Agent) addressed the Sub Committee and referred Members about the club rules contained at Appendix 2 in the agenda pack. Two of the objectives were to support sporting, social, recreational and cultural activities and events in which Bolton Wyresdale teams participate along with providing and maintaining high quality facilities for its members.

Mr Lucan explained the purpose of the club had not changed and it was not turning into a sports bar or nightclub and this was for the benefit of club members. People off the street would not be able to use the facility and guests needed to be signed in by a member. The hours are wide but the intention was not to operate for the full time period and this would save on applying for temporary event notices for special events. The operating schedule underpinned the licensing objectives and there was no history of disorder at the club.

Mr Lucan pointed out that no responsible authorities had made any concerns or representations for the application. The representations included in the report had no evidence to support these statements and Mr Lucan addressed a number of the points made in the representations submitted.

A Member enquired how the club would check people entering are members of the establishment and was the room available for function hire. Mr Joe Dolwin, a Director at the club reported people have to apply for a membership with verification taking place within 48 hours. Entry is only permitted once approved and a trained member of staff would be on site monitoring members. Unknown people would be asked which members they were accompanying on the premises and guests are required to sign in. A member could hire the venue but could only sign in one guest although children are not counted.

Councillor Berry stated there had been many objections made to the initial planning application for the site and local residents never thought it would become a social venue. He expressed concerns relating to the licensing objectives and there were many unknowns to take into account on behalf of local residents. He added that there was no mention on noise levels related to music and hoped this could not be heard beyond the boundary of the site. A request was made that a review take place after 6 months, a 10.00pm closing time be considered, deliveries take place in a set time period and stewards manage the car park.

The Licensing Unit Manager reminded Members of the Committee that due to the Live Music Act 2012, there was no need to licence music until after 11.00pm. He also reported that there was a review process available should there be any representations submitted from responsible authorities after approval if the promotion of the licensing objectives were not being met.

Mr Lucan summed up stating that by law the venue could only cover up to 500 people and to answer the question about an opposing team using the venue, 11 members would each have to sign one guest in. There would be no off-site sales and no excessive alcohol usage with safeguarding measures in place. Music would not be played at an excessive level and there was no negative history with the club with representations being based on speculation.

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

The Chair advised that the panel stressed the club rules about members and signing guests in on arrival must be upheld at all times.

Operating Schedule

General

- Ensure all staff are trained in recognizing and preventing potential crime and disorder, including procedures for dealing with intoxicated customers, security protocols, and conflict resolution.

Crime and Disorder

- Suitable and sufficient CCTV system with recording facilities will be in place at site and will operate at all times the premise is open for licensable activities. Images can be made available upon reasonable request by the Police or other relevant officers of a responsible authority.
- Spirits will be located behind the counter.
- Staff will be trained with regard to their responsibilities in the retail sale of alcohol and regular refresher training will also be undertaken.
- A zero-tolerance policy towards drugs, violence, and anti-social behaviour will be enforced.

Public Safety

- The premises will comply with all relevant health and safety, fire safety, and building regulations.
- Regular risk assessments will be carried out to identify and manage hazards.
- Clearly marked fire exits and escape routes will be kept unobstructed and illuminated at all times.
- A first aid kit will be available on-site and key staff will be trained in basic first aid.
- Electrical and gas equipment will be regularly tested and certified.
- Emergency Procedures: Develop and practice emergency procedures for various scenarios, such as fire, medical emergencies, or security breaches.

Prevention of Public Nuisance

- Noise Control: Clear and legible notices will be prominently displayed to remind customers to leave quietly and have regard to our neighbours. All customers will be asked to leave quietly.
- Waste Management: Manage waste effectively to prevent litter and odours, ensuring that all waste is collected regularly and stored appropriately.
- Lighting: Ensure adequate lighting to enhance visibility and prevent accidents, while also minimizing light pollution to neighbouring properties.
- Parking: Manage parking to avoid congestion and prevent public nuisance, ensuring that parking spaces are clearly marked and accessible.

Protection of Children from Harm

- Staff will ask persons who appear to be under the age of 25 for photographic ID such as proof of age cards, the Connexions Card and Citizen Card, photographic driving

licence or passport, an official identity card issued by HM Forces or by an EU country, bearing the photograph and date of birth of bearer.

- All staff will be trained for underage sales prevention regularly.
- A register of refused sales shall be kept and maintained on the premises.

COUNCILLOR T RAFIQ
Chair

(Note: The meeting started at 9.30am and ended at 10.30am)



| Classification | Item No. |
|----------------|----------|
| Open / Closed | |

| | |
|--|---|
| Meeting: | Licensing Hearings Sub-Committee |
| Meeting date: | 28 July 2025 |
| Title of report: | AN APPLICATION FROM AN RESPONSIBLE AUTHORITY FOR A REVIEW OF THE PREMISES LICENCE UNDER THE LICENSING ACT 2003 IN RESPECT BAR B Q LAND, 7 STAND LANE, RADCLIFFE, M26 1NW. |
| Report by: | Executive Director (Corporate Core) |
| Decision Type: | Council |
| Ward(s) to which report relates | Radcliffe East |

Executive Summary:

This report relates to an application pursuant to section 51 of the Licensing Act 2003 from a Responsible Authority for a review of the premises licence in respect of Bar B Q Land, 7 Stand Lane, Radcliffe, M26 1NW.

Recommendation(s)

That:

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

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.
- 1.3 At the time of the submission of this review application, the Premises Licence in respect of Bar B Q Land, 7 Stand Lane, Radcliffe, M26 1NW. The Premises Licence holder is Mr Paul Howarth 137 Spring Lane, Radcliffe.
- 1.4 The Licensing Service have received enquiries about the transfer of the premises licence at this address into another individual's name. However, at the time of writing this report no application has been received.

2.0 PROCEDURE

- 2.1 The Responsible Authority has complied with all the necessary procedural requirements laid down by the Act.
- 2.2 As part of the statutory process the Responsible Bodies and interested parties are entitled to make representations in relation to the review of a licence. The Licensing Authority has given Notice of the application by placing a Notice on the premises, at the Council Offices and on the Council web site. Where further representations are made by either the Responsible Authorities or from local residents / businesses and not withdrawn, Members are required to determine them.
- 2.3 Representations must be relevant to the licensing objectives defined within the Act. The objectives are:-
 - a) the prevention of crime and disorder
 - b) public safety
 - c) prevention of public nuisance and
 - d) protection of children from harm

3.0 CURRENT LICENSABLE ACTIVITIES

- 3.1 The current licensable activities are as follows:

a. Opening Hours

| | |
|--------------------|----------------|
| Monday to Thursday | 17.00 to 00.00 |
| Friday to Saturday | 17.00 to 01.30 |
| Sunday | 17.00 to 00.30 |

b. Provision of Late Night Refreshment (Off the Premises)

| | |
|--------------------|----------------|
| Monday to Thursday | 23.00 to 00.00 |
| Friday to Saturday | 23.00 to 01.30 |
| Sunday | 23.00 to 00.30 |

4.0 REPRESENTATIONS FROM RESPONSIBLE AUTHORITY

- 4.1 Greater Manchester Police will shortly expand upon the reason(s) for their application to review the Premises Licence in relation to these premises. The review application is at appendix 1.

5.0 REPRESENTATIONS FROM RESPONSIBLE AUTHORITY

- 5.1 Public Health will shortly expand upon the reason(s) for their representation in relation to these premises. The representation is attached at appendix 2.

6.0 SECTION 182 LICENSING ACT GUIDANCE (February 2025)

Section 10.2 states the following: -

Conditions include any limitations or restrictions attached to a licence or certificate and essentially are the steps or actions that the holder of the premises licence or the club premises certificate will be required to take or refrain from taking in relation to the carrying on of licensable activities at the premises in question. Failure to comply with any condition attached to a licence or certificate is a criminal offence, which on conviction is punishable by an unlimited fine or up to six months' imprisonment. The courts have made clear that it is particularly important that conditions which are imprecise or difficult for a licence holder to observe should be avoided.

Section 11.24 states the following: -

A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises, money laundering by criminal gangs, the sale of contraband or stolen goods, the sale of firearms, or the sexual exploitation of children. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts. The licensing authority's role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.

Section 11.26 states the following: -

Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives and the prevention of illegal working in the interests of the wider community and not those of the individual licence holder.

Section 11.27 states the following: -

There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:

- For the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime;

Section 11.28 states the following: -

It is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.

9.0 OBSERVATIONS

- 9.1 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.

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
Representation received

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

| Term | Meaning |
|------|---------|
| | |

Appendix One

**Review application for Off
Licence, 146 Tottington
Road, Bury, BL8 1RU**

**Application for the review of a premises licence or club premises certificate under the
Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I PC Pete Eccleston 15913-----

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

| | |
|---|-------------------------------------|
| Postal address of premises or, if none, ordnance survey map reference or description | |
| Bar B Q Land 7 Stand Lane Radcliffe M26 1NW | |
| Post town Bury | Post code (if known) M26 1NW |

| |
|--|
| Name of premises licence holder or club holding club premises certificate (if known) Mr Paul Howarth |
|--|

| |
|--|
| Number of premises licence or club premises certificate (if known) 1 |
|--|

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

☐

2) a responsible authority (please complete (C) below)

X

3) a member of the club to which this application relates (please complete (A) below)

☐

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr ☐ Mrs ☐ Miss ☐ Ms ☐ Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick ✓ yes
☐

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

| |
|---|
| Name and address PC 15913 Peter Eccleston Greater Manchester Police Bury Police Station Dunster Road Bury BL9 0RD |
| Telephone number (if any) 07774219071 |
| E-mail address (optional) peter.eccleston@gmp.police.uk |

This application to review relates to the following licensing objective(s)

- | | |
|---|---------------------------------|
| 1) the prevention of crime and disorder | Please tick one or more boxes ✓ |
| 2) public safety | X |
| 3) the prevention of public nuisance | <input type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/> |

Please state the ground(s) for review (please read guidance note 2)

Please accept this as a formal application From Greater Manchester Police to review the premises license for BAR-B-Q-Land, 7 Stand Lane, Radcliffe, M26 1NW.

The premises in question is a takeaway in the heart of Radcliffe village centre. The current premises license is for the provision of late-night refreshment between the hours of 23-00 – midnight Monday – Thursday, 23:00hrs – 01:30hrs Friday and Saturday and 23:00 – 00:30hrs on Sundays. The premises license has been held by a Mr Paul Howarth since the 1st March 2018.

This review has been requested after Police Officers executed a warrant under Section 8 Police and Criminal Evidence Act on the 5th June 2025 at approximately 08:20hrs. The premises was closed for business when officers attended and therefore entry had to be forced in order to execute the warrant.

Officers searched the ground floor, which on face value looked like a conventional takeaway with the main serving counter at the front of the premises with the kitchen / store room at the rear of the property however as the search continued officers found that the main staircase to the upper floors had been enclosed with the lower 5feet portion removed and light was emanating out of the remaining staircase and reflecting off the white chest freezer below.

To gain access to the staircase, Officers had to climb onto the chest freezer and through the small opening left by the removal of lower portion but before continuing any further, Bury Councils Building Control Inspectors were asked to attend to inspect said staircase.

On attendance, Building Control Officers with the assistance of Police Officers where able to make a temporary load bearing brace for the staircase but before proceeding any further the main electricity supply had to be made safe after officers discovered that the main electricity supply had been tampered with. As such Electricity Northwest was contacted and an engineer was dispatched to the premises. On closer inspection by the engineer, it was discovered that the meter had been bypassed but not in the conventional way. Normally at a cannabis farm, the meter is bypassed at the meter itself however on this occasion, the main electricity supply had been tampered with in the cellar before it reaches the meter / consumer box.

After some time, the electricity supply was made safe, and officers were able to continue with the search of the property and access the 1st and 2nd floor where a live cannabis was found. Over the two floors, 156 plants at different stages of growth were found along with 44 600watt halogen bulbs, 44 transformers, 5 large carbon filters, fans, thermostats, water supply with plant feed and compost. Officers also found that the chimney breast had been compromised and the venting system was being fed into the chimney flue.

Greater Manchester Police have also referred the matter to Greater Manchester Fire and Rescue Service and requested they execute an inspection.

Apart from the staircase in the kitchen area, officers report that there was no other possible way of accessing the 1st and 2nd floors therefore staff and management at the premises would not be able to ignore what was taking place in the floors above.

It is quite clear from the execution of this warrant, that the four licensing objectives have been seriously undermined and more specifically under the Prevention of Crime and Disorder along with Public Safety. It is quite clear to see that the premises had no regard for their own safety, nor their neighbours and it is more luck than anything else which has prevented the premises from setting on fire, which if it had, would of course have an impact on the neighbouring buildings. Officers at the scene spoke to the Electrical Engineer that attended and he stated that the electricity supply had been tampered with some considerable time ago and it is quite feasible to suggest that this is not the first time that cannabis has been grown at the premises.

A criminal investigation is now underway not only for the production of cannabis but also the abstraction of electricity and Greater Manchester Police are requesting that serious consideration be given to revoke the premises license in its entirety.

Please provide as much information as possible to support the application (please read guidance note 3)

As this investigation is in its infancy, photographs and Body Worn Video links are to follow along with the investigating officer's statement who was present on the warrant.

With regards additional information / evidence (annex), this is in the process of being compiled and will follow at a later date.

Please tick ✓ yes
☐

Have you made an application for review relating to the premises before

If yes please state the date of that application

| Day | Month | Year |
|----------------------|----------------------|----------------------|
| <input type="text"/> | <input type="text"/> | <input type="text"/> |

If you have made representations before relating to the premises please state what they were and when you made them


Please tick ✓ yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate X ☐
- I understand that if I do not comply with the above requirements my application will be rejected X ☐

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

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature  PC 15913.

Date **05/06/2025**

Capacity

| | |
|---|------------------|
| Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6) | |
| | |
| Post town | Post Code |
| Telephone number (if any) | |
| If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) | |

Data Protection agreement

In this form, we may ask for some personal information (such as name, address, date of birth, etc.) in order to fulfil your request for information or services.

This information will be held securely and will be used to provide you with the service you have requested.


Any processing will be performed in line with the requirements of the Data Protection Act 2018 and the General Data Protection Regulation.

Bury Council is the Data Controller for the information you give us. Further details about how we process personal data can be found in our privacy notice at:

<https://www.bury.gov.uk/privacy>

Consent

I consent to the Council capturing and storing the personal details in this form for providing the service requested. I understand that I can request for my details to be removed from your records

Signed Applicant  PC 15913.
Date 05/06/2025

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

Appendix Two

Representation from Public Health

Bury Metropolitan Borough Council

The Licensing Act 2003

Responsible Authority Representation Form

Section 1 - Application Details

We object to the following Application:

Bar-B-Q-Land, 7 Stand Lane, Radcliffe, M26 1NW

Type of application.

New premise licence

Application Number (if known):

?

Section 2 – Responsible Authority's Details

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 type="checkbox"/> | Licensing Authority |
| <input type="checkbox"/> | Immigration |

| | |
|---|--|
| <input checked="" type="checkbox"/> | Public Health Department |
| Full name: | Lee Buggie |
| Job Title: | Public Health Specialist – Healthy Place |
| Tele number: | 07428573549 |
| Email: | l.buggie@bury.gov.uk |
| Address: 6 Knowsley Place, Bury , BL9 0EL | |

Section 3 – Representations

| | |
|-------------------------------------|---|
| <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* |

*If you choose this option remember to tell us in section 3B what changes you would like to see.

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).

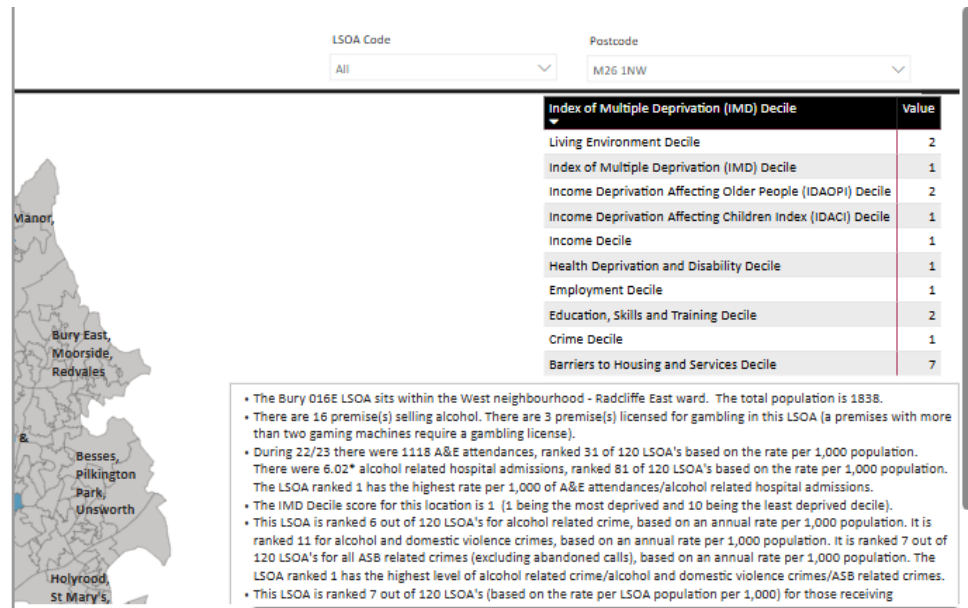
Please attach supporting documents/further pages as necessary. Please number all extra pages and add the applicant's name and your name to each page.

Section 3A – The Objectives

| | |
|-------------------------------|--|
| To prevent crime and disorder | <p>Please state your reasons:</p> <ul style="list-style-type: none"> • The lower Super output area (LSOA) that this establishment is situated within is ranked 6 out of 120 LSOA in Bury for alcohol related crime • It is ranked at 11 from 120 LSOA in terms of domestic violence crimes linked to alcohol |
|-------------------------------|--|

- The application is ranked 7th out of 120 for Anti-Social Behaviour crimes
- Its ranked 7th for the highest number of service users in alcohol recovery services
- The crime decile is ranked 1 (1 worst and 10 best) via the Index of Multiple deprivation

Bury Licencing Matrix evidence attached below:




Public safety

Please state your reasons:

- The proposed application is located within an LSOA that is highlighted as being in the top 25% for AE attendances (all causes)
- The proposed application is also located within accumulative markers for IMD 1 (highest in Bury).

| | |
|--|---|
| <p>To prevent public nuisance</p> | <p><i>Please state your reasons:</i></p> <ul style="list-style-type: none"> • Promoting longer / later access to those who may be drink dependent. • There are already 16 premises serving alcohol in this area. • Close to establishments with already granted –late licenses. |
| <p>The protection of children from harm</p> | <p><i>Please state your reasons:</i></p> <ul style="list-style-type: none"> - The Income deprivation effecting children is ranked 1 out of 10 - Children (aged 10-11) in this LSOA have high overweight and obesity rankings at 38% - Its also in the top 20% for adult obesity and top 50% for adults with diabetes so better food choices should be considered |
| <p>Section 3B – Suggestions/Further information</p> | |
| | |

Signed:  Dated: 07-06-25

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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