



Classification	Item No.
Open / Closed	

Meeting:	LICENSING AND SAFETY SUB-COMMITTEE
Meeting date:	16 th JUNE 2021
Title of report:	APPLICATION FOR A PREMISES LICENCE TO BE GRANTED UNDER THE LICENSING ACT 2003 IN RESPECT OF BURY OFF LICENCE, 319 BOLTON ROAD, BURY, BL8 2PD
Report by:	EXECUTIVE DIRECTOR (OPERATIONS)
Decision Type:	Council
Ward(s) to which report relates	St Marys

Executive Summary:

Recommendation(s)

This report relates to an application for a Premises Licence to be granted under the Licensing Act 2003 in respect of Bury Off Licence, 319 Bolton Road, Bury, BL8 2PD

OPTIONS & RECOMMENDED OPTION Options

- 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

Key considerations

This is a Council Function that is delegated to the Licensing and Safety Panel by the Council's Constitution.

Community impact / Contribution to the Bury 2030 Strategy

Not Applicable

Equality Impact and considerations:

24. *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.*
25. *The public sector equality duty (specific 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.*

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

Assessment of Risk:

The following risks apply to the decision:

Risk / opportunity	Mitigation
Not Applicable	.

Consultation:

Not applicable

Legal Implications:

Under the legislation the Council is required to determine representations. The report is in accordance with the appropriate legislation.

Financial Implications:

There are no specific issues from the report other than potential costs/risks associated with legal appeals

Report Author and Contact Details:

Mr M Bridge
Licensing Office
3 Knowsley Place
Duke Street
Bury
Telephone No: 0161 253 5208
Email: m.bridge@bury.gov.uk

Background papers:

Application form
Representation received
Plan

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

Term	Meaning
DPS	Designated Premises Supervisor

1.0 BACKGROUND

- 1.1 The Licensing Act 2003 and the Licensing Act 2003 (Hearings) Regulations is 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 in respect of the above premises is Mr Khalil Salim Ahmed, Flat 2, 114-118 Deane Road, Bolton, BL3 5DL. The proposed Designated Premises Supervisor (DPS) is Mr Salim Ahmed who has made application to Bolton Council for His personal Licence.
- 2.2 The applicant has complied with all the necessary procedural requirements laid down by the Act.
- 2.3 As part of the statutory process the Responsible Authorities and interested parties are entitled to make representations in relation to the grant of a licence. Where representations are made and not withdrawn Members are required to determine them.
- 2.4 Representations must be relevant to the licensing objectives defined within the Act. The objectives are:-
- the prevention of crime and disorder
 - public safety
 - prevention of public nuisance and
 - protection of children from harm

3.0 THE APPLICATION

- 3.1 The application is for the grant of a Premises Licence under Part 3 of the Licensing Act 2003:

The operating schedule shows the following:

a. Supply of alcohol – For consumption Off the Premises.

Sunday to Thursday	07.00 to 23.00
Friday to Saturday	07.00 to 00.00

b. Opening Times

Sunday to Thursday	07.00 to 23.00
Friday to Saturday	07.00 to 00.00

4.0 REPRESENTATIONS FROM GREATER MANCHESTER POLICE

- 4.1 Greater Manchester Police submitted a representation in relation to this application which they request the Sub-Committee to not grant the application in it's current form.

- 4.2 Greater Manchester Police have mediated with the applicant prior to today's hearing and they have accepted the proposal. The Conditions are attached at Appendix One.

5.0 REPRESENTATIONS FROM INTERESTED PARTIES

- 5.1 A petition and Four interested parties have been made relevant representations to this application are detailed below:-

- Concerns relating to the undermining of the Crime and Disorder, Prevention of Public Nuisance and the Protection of Children from Harm licensing objectives.
- Petition containing 183 signatures states the following:-
 - significant number of existing establishments in the immediate area for existing premises that sell alcohol
 - Populated area which already has crime and disorder and public nuisance which has reached problem levels in the area.
 - Extra noise nuisances added to a already busy parade
 - Additional litter issues
 - Anti-social behaviour
 - Parking issues
 - Drain on police resources

- 5.2 These representations are attached at Appendix 2.

6.0 LICENSING POLICY

- 6.1 **Members should take into account section 19.0 of the Council's Statement of Licensing Policy in relation to petitions which states as follows:-**

19.1 Petitions may be submitted to the Licensing Authority so show depth of feeling for or against an application. There is no prescribed format for such petitions and whilst the licensing authority has no power to require any particular format individuals may find the following suggestion useful. Each page should include:

- i) The premise name and address
- ii) The details of the application
- iii) The reason for the petition and a linkage to one or more of the licensing objectives
- iv) The full name and address (in print) and signature of each person supporting the petition

19.2 Appropriate weight will be given to petitions having regard to the above. Petitions in respect of an application will only be accepted if submitted by a Responsible Authority, a person who has made a relevant representation or by the applicant. The licensing authority will not consider each signatory as a separate representation and so will not contact individual signatories.

7.0 OBSERVATIONS

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

Appendix One

- 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.
- The Designated Premises supervisor / personal licence holder will be available /contactable at all times that alcohol is on sale.
- 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.
- Alcohol may only be sold in sealed containers.
- Alcohol may not be sold to any person who appears to be intoxicated.
- 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 local 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.
- 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.

I am Police Constable Gregory Scott of the Greater Manchester Police. I am an authorised and delegated officer of the Chief Constable in relation to all licensing matters. Greater Manchester Police objects to the granting of this premises licence in its current form for the following reasons;

- At this time the applicant has applied for both the premises licence and the role as DPS at the premises.
- The applicant has not as yet gained a personal licence, this would mean that no licensable activity can take place at the premises until either the applicant gains his personal licence or looks at employing a personal licence holder to hold the role as DPS until the applicant is in the position to fulfil the role.

Appendix 2

Good Afternoon,

I wish to object against the license application for [319 Bolton Road](#), Bury. BL8 2PD.

The area currently has sufficient shops selling alcohol and cigarettes etc, adding another with later opening hours will only have a negative effect on our local area.

Should this license be approved it will only cause issues, once the Wellington pub is reopen it is likely that people will go to this premises to purchase more alcohol/cigarettes after leaving the pub. This will cause local residents further disturbance and noise nuisance and also an added risk of violent crime and drain on the Police.

Another off license will also increase the ASB and youths causing annoyance in the area, again impacting local residents and further draining Police resources.

Please consider local residents opinion when considering this application.

Thank you,

Jennifer Smith

Dear Sir

I am just emailing regards another off license on Bolton road Bury next door but two to Booze Box

And 150 yards from Tesco express which sells alcohol and its directly opposite a public house.

Why do we need to keep increasing these type of shops extra noise shops doing the same things

Anti social behavior and general public nuisance within a vert confined area.

Kind Regards

Garry Johnston

Good Morning,

I am writing to express my disappointment and complete objection that another establishment, intending to sell alcohol, seems to have popped up in the immediate vicinity of 2 other well-established local stores (Booze Box and Tesco Express) that operate along the same lines.

I live immediately above the property in question (which i was informed by the council was NOT going to be a late night Off Licence) and i am extremely concerned that the following factors do not seem to have been taken into consideration;

1. There are a significant number of premises in the area that already sell alcohol (Booze Box, Tesco Express, Wellington Pub, Go Local Extra etc)
2. Local Community Impact: Unfortunately, whether it is immediately in your control or not, late night off licence shops attract a whole host of issues for residents in the local area, such as noise pollution, major litter issues, anti-social behaviour among younger drinkers, and parking issues. These are issues you may not think are directly in your control, but indirectly by allowing the licence for this shop you would be complicit in the issues that will be caused.
3. There is a shop 2 doors away doing exactly the same thing (Booze Box) closes at 9:30pm and the rapport among the local community that the management have built over the last few years means fewer issues impacting local residents and respect for our surroundings.
4. A large number of these so called "Off Licences" or "Mini Markets" in and around Bury are well known for selling imported cigarettes, if my local intel serves me correct it is my opinion that this shop will be operating similarly.

I urge you not to create a rod for your own back by allowing this shop to open as a late night "Off Licence", and reconsider.

Thanks for taking the time to read my email and I would really appreciate a response.

Best Wishes

Stay Safe

George Stephens

From: Elaine Ibbotson <EIbbotson@john-gaunt.co.uk> **On Behalf Of** Patrick Robson
Sent: 19 May 2021 15:15
To: Licensing <Licensing@bury.gov.uk>
Subject: Premises Licence application - 319 Bolton Road, Bury, BL8 2PD - Objection (BOO98/2)

Good afternoon

Please find attached letter of Representation behalf of [REDACTED] relating to the Premises Licence application for 319 Bolton Road, Bury, BL8 2PD.

In support of the Representation, we also attach a Petition referenced in the letter of Representation itself.

Please kindly confirm the Representation is accepted as valid and relevant and we urgently look forward to you on that point.

In addition, please might you kindly confirm the closing date for the consultation period – is this tomorrow?

We look forward to hearing from you.

Kind Regards

Patrick Robson

Partner
Sent by Elaine Ibbotson

PRobson@john-gaunt.co.uk | www.john-gaunt.co.uk
T: 0114 266 8664 | **M:** 07841 451 440 | **F:** 0114 267 9613



John Gaunt
& Partners

Licensing Solicitors

Our Ref: PJR/GEN/BOO98/2

Bury Council
Licensing
3 Knowsley Place
Level 2
Duke Street
Bury
BL9 0EJ

19th May 2021

Dear Sir/Madam

Premises Licence application – 319 Bolton Road, Bury, BL8 2PD

We act for [REDACTED] and have been instructed to submit this representation on his behalf.

Our client operates a business in the vicinity of the applicant premises and is extremely concerned by the Premises Licence application (your reference 067868) submitted by Khalil Salim Ahmed, being a request to sell alcohol by retail for consumption off the premises as follows:

- Sunday to Thursday: 07.00 to 23.00; and
- Friday to Saturday: 07.00 to 00.00.

[REDACTED] believes that granting the premises licence would be inconsistent with the licensing authority's duty to promote the licensing objectives.

[REDACTED] is greatly concerned that the application will undermine the promotion of the licensing objectives, particularly the prevention of crime and disorder and prevention of public nuisance. There are also serious public safety concerns over parking issues on what are already busy roads in the locality. [REDACTED] also reserves the right to comment on the protection of children from harm licensing objective.

In addition, numerous other persons also share these concerns and have completed a petition against the grant of the premises licence. A copy of that petition is filed with this representation in an underacted form (which will need redacting in due course as part of any documents available to the public).

Please will correspondence associated with this representation be provided to us in the first instance.

Should you have any queries, or require further detail, please contact our Patrick Robson.

Yours faithfully

John Gaunt & Partners
Email: probson@john-gaunt.co.uk

OBJECTION NOTICE

I WISH TO ADD MY NAME TO THE LIST BELOW IN RELATION TO THE APPLICATION FOR AN ALCOHOL LICENCE AT 319 BOLTON ROAD BURY BL8 2PD

BY ADDING MY NAME I STRONGLY AGREE TO THE GROUNDS LISTED BELOW

1 A significant number off existing establishments in the immediate area already selling alcohol. (Please see list below for existing premises selling alcohol) and adding the impact on those already existing businesses in the area.

2 Impact on the community, as a whole. Providing a further source off alcohol in such a populated area which already has crime, disorder and public nuisance which have already reached problem levels in the area

3 Extra noise nuisances added to an already busy parade

4 Addition litter issues

5 Anti Social Behaviour in an already populated area

6 Parking issues on a already busy road/s

7 Premises located in the immediate area (all off which are in the immediate vicinity off the proposed site)

TESCO EXPRESS STORE BOLTON ROAD BURY

BOOZEBOX BOLTON ROAD BOLTON ROAD BURY

GO LOCAL EXTRA COALVILLE DRIVE BURY

McColl's AINSWORTH ROAD BURY

WHITEHEAD CONVIENIENCE STORE AINSWORTH ROAD BURY

LIDL BOLTON ROAD BURY

(NEW PETROL STATION/SAINSBURYS BOLTON ROAD BURY) OPENING LATER IN THE YEAR

NAME	ADDRESS/TEL NUMBER	SIGNATURE
ALISON REGAN.		
M. Mahmood		
C. Wilson		
Shirley Edyvean		
STE Grahame.		SG.
C Gibson		
D Adams		
Matthew.		MW
Natasha.		
John Price		
Andy Burns		
① Eccles.		
Thomas & Linda		
Peter, Ter		
Claire Helly		
Rebecca McIntosh		
YVONNE RITCHIE		
Hayley Jones		

NAME	ADDRESS/TEL NUMBER	SIGNATURE
MARTIN KANDISI		
OWEN TAYLOR		
Phil SEATON		
M WILKINSON		
HANNAH BADAT		
Oliver O'neill		
John O'neill		
P. Hume		
B. Clarke		
R. FINNAY		
S. MCMAHON		
Sheraz Ahmed		
Shoaib Ahmed		
Harizan Ahmed		
Nadain Ahmed		
A. Sajida Ahmed		
JENNIE WARD		
MICHAEL CUNLIFFE		
A. O'Sullivan		
D. Ratcliffe		
LEE RATCLIFFE		
MICHAEL RATCLIFFE		
C. BARNES		
Y. FENNA		
G. LOONEY		
Charles		
A. Hume		
P. Richards		
P. RICHARDS Mrs		
A. AZARAHMAN		
MATT ABLETT		
Frankie Ratcliffe		
ANAM JAVED		
Adelle Fenech		
ASIF KARIMI		
Kimberly Carson		
Nidha Hart		
SANDRA MCNEENEY		
DAVID MOORE		
Jason Richards		
SPRING FOX		

NAME	ADDRESS/TEL NUMBER	SIGNATURE
Yvonne Quilton	[REDACTED]	Y. Quilton
M. Quilton	[REDACTED]	M. Quilton
A. GILLING	[REDACTED]	A. Gilling
J. J. Forbe	[REDACTED]	J. J. Forbe
Ian Clarke	[REDACTED]	I. Clarke
SALEM BROOK	[REDACTED]	S. Brook
PAUL HOTHERSALL	[REDACTED]	P. Hotherhall
LESLEY HERTLEIGH	[REDACTED]	L. Hertleigh
STEWART TUNNEY	[REDACTED]	S. Tunney
Anita Ilyas	[REDACTED]	A. Ilyas
Sobail dar	[REDACTED]	S. Dar
S. J. Mc Dermott	[REDACTED]	S. J. Mc Dermott
MUNRO.	[REDACTED]	M. Munro
SUSAN SPIRIT	[REDACTED]	S. Spirit
Rebecca Birt	[REDACTED]	R. Birt
ED. RAYMON	[REDACTED]	E. Raymon
DAVID HADSCOCK	[REDACTED]	D. Hadscock
Kenneth Eccles	[REDACTED]	K. Eccles
H. J. REED MRS	[REDACTED]	H. J. Reed
MORRIS HICKMAN	[REDACTED]	M. Hickman
CAROL JOHNSTON	[REDACTED]	C. Johnston
Jordan Mayo	[REDACTED]	J. Mayo
Kean TITMUS	[REDACTED]	K. Titmus
ZOE GIFFARD	[REDACTED]	Z. Giffard
JOHN DAWSON	[REDACTED]	J. Dawson
Lillian chesley	[REDACTED]	L. Chesley
Michael chesley	[REDACTED]	M. Chesley
Michael chesley	[REDACTED]	M. Chesley
Liam chesley	[REDACTED]	L. Chesley
paul chesley	[REDACTED]	P. Chesley
Liam chesley	[REDACTED]	L. Chesley
peter chesley	[REDACTED]	P. Chesley
Michael chesley	[REDACTED]	M. Chesley
J. BAKER	[REDACTED]	J. Baker
C. MASHITER	[REDACTED]	C. Mashiter
D. FIELDING	[REDACTED]	D. Fielding
S. BENTLEY	[REDACTED]	S. Bentley
Cherelwood	[REDACTED]	C. Wood
Chloe Pendlebury	[REDACTED]	C. Pendlebury
Hannah Crompton	[REDACTED]	H. Crompton
Dawn Hopwood	[REDACTED]	D. Hopwood
Paul Gray	[REDACTED]	P. Gray

NAME	ADDRESS/TEL NUMBER	SIGNATURE
Barbara Auer	[REDACTED]	Barbara Auer
Tom Allison	[REDACTED]	Tom Allison
Sarah fern	[REDACTED]	Sarah fern
Gary fern	[REDACTED]	Gary fern
Sharon Nowell	[REDACTED]	S Nowell
Geoff Nowell	[REDACTED]	G Nowell
Suzanne Smith	[REDACTED]	Suzanne Smith
Dale Arkwright	[REDACTED]	Dale Arkwright
Jan Allen	[REDACTED]	Jan Allen
Sophie	[REDACTED]	Sophie
Sharon	[REDACTED]	Sharon
Wendy	[REDACTED]	Wendy
Amber Rose	[REDACTED]	Amber Rose
Ryan	[REDACTED]	Ryan
Shirley	[REDACTED]	Shirley
Aimee	[REDACTED]	Aimee
Beverly	[REDACTED]	Beverly
Danielle Taylor	[REDACTED]	Danielle Taylor
Jordan Dodge	[REDACTED]	Jordan Dodge

NAME	ADDRESS/TEL NUMBER	SIGNATURE
Debra Williams		D. Williams
Wendy Cray		W. Cray
Kevin Fitzpatrick		K. Fitzpatrick
Sam Fitzpatrick		S. Fitzpatrick
Jayne Fitzpatrick		J. Fitzpatrick
John Geddis		J. Geddis
Eric Williams		E. Williams
Trevor Fielding		T. Fielding
Liam Fielding		L. Fielding
Mark Kennedy		M. Kennedy
Keith Ford		K. Ford
Liam Fielding		L. Fielding
Mark Williams		M. Williams
Matty Williams		M. Williams
Kristina Commons		K. Commons
Jack Hodgson		J. Hodgson
Tom Williams		T. Williams
Louise Dawson		L. Dawson
Pauline Barnes		P. Barnes
Chris Harrison		C. Harrison
Tracy Orton		T. Orton
Stella Taylor		S. Taylor
Codie Taylor		C. Taylor
Owen Taylor		O. Taylor
Jill Leach		J. Leach
Tracy Maher		T. Maher
Cuth Robinson		C. Robinson
Jayne Taylor		J. Taylor
Thomas Taylor		T. Taylor

NAME	ADDRESS/TEL NUMBER	SIGNATURE
DANIEL FREEDMAN		
DAVID FREEDMAN		
LEE Ratchford		
YVONNE RITCHIE		
Stephanie Vain		
Robyn Fielding		
Chris Long		
Matt Aslett		
MR P HOTHESALL		
Susan Swift		
A. G. West		
B. Clarke		
C. Wilson		
D. Wilson		
G. Vee		
C. Gibson		
S. J. McIlmott		
D. Williams		
M. Williams		
H. BADAT		
D. Roston		
R. Finney		
Anita Ilyas		
Andrea		
Paul Hennes		
B. Ophert		
J. ALLEY		