

The Licensing Act 2003

Responsible Authority Representation Form

Section 1 - Application Details

We object to the following Application:

Metro Off Licence,
66 Spring Lane,
Radcliffe,
M262SZ.

Type of application.

Application for a review of the Premises Licence at the above premises

Application Number (if known):	n/a
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Section 2 – Responsible Authority's Details

Responsible Authority's Details:

Please tick appropriate box:

<input type="checkbox"/>
<input type="checkbox"/>

Police

Fire Authority

<input type="checkbox"/>	Planning Authority
<input type="checkbox"/>	Health and Safety
<input type="checkbox"/>	Environmental Health Service
<input type="checkbox"/>	Child Protection
<input checked="" type="checkbox"/>	Weights and Measures
<input type="checkbox"/>	Licensing Authority
<input type="checkbox"/>	Immigration
<input type="checkbox"/>	Public Health Department
Full name:	Kelly Halligan
Job Title:	Unit Manger – Trading Standards
Tele number:	0161 253 5091
Email:	k.j.halligan@bury.gov.uk
Address:	<p>Bury Council</p> <p>Licensing Department</p> <p>3 Knowsley Place</p> <p>Duke Street</p> <p>Bury</p> <p>BL9 0EJ</p>

Section 3 – Representations

<input type="checkbox"/>	We object to the application being granted at all
<input checked="" type="checkbox"/>	We object to the application being granted in its current form*

*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

Please state your reasons:

Premises License Holder (PLH) and Designated Premises Supervisor (DPS) of Metro Off Licence, 66 Spring Lane, Radcliffe, is a Mr Mohammad Shafqat. The premises licence was transferred to him on the 3rd October 2022 and on the 23rd December 2022, the license was varied, nominating himself as the DPS.

On the 29th February 2024, a test purchase was carried out at Metro Off Licence, 66 Spring Lane, Radcliffe, M262SZ. Purchased was 20 lambert and butler for £7 and the packaging was incorrect as not in standardised packaging and therefore did not comply with the Tobacco and related Product Regulations 2016.

On the 21st March 2024, as part of Operation Avro, we revisited the premises, I was accompanied by PC Eccleston from Greater Manchester Police, Laura Jones Deputy Licensing officer at Bury

	<p>Council, Luci Sutton a dog handler from DC Detection dogs and officers from Immigration Whilst in the shop we had a look around at the stock, that was on sale. Behind the counter was Adrees Masood who stated he was just helping out. The dog and his handler went behind the counter and found under the counter 4 packets of lambert and butler, similar to the test purchase, not in standardised packaging, the dog handler also found a large machete and a hockey stick which she placed on the counter, in front of me, I notified PC Eccleston of these items. I took a picture of the machete and the hockey stick. We continued to look around the shop and found 49 disposable vapes which exceeded maximum capacity and therefore did not comply with the Tobacco and Related Product Regulations 2016. The vapes and the cigarettes were seized by me and I left Mr Masood with a receipt and a notice of powers and rights, to hand to the owner. I assisted PC Eccleston in bagging and tagging the machete and the hockey stick which he then seized as evidence.</p> <p>I produce as appendixes the following –</p> <ul style="list-style-type: none">(1)– Photo of the machete and hockey stick(2)– copy of receipt(3)– notice of powers and rights
Public safety	Please state your reasons:

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

Section 3B – Suggestions/Further information

If Members are minded to grant the application, I would ask that the following to be placed as conditions on the licence to ensure that the licensing objectives are met, taking into account the nighttime economy on a Friday / Saturday evening.

The Prevention of Crime and Disorder

- A Personal Licence holder must be on the premises at all times when open to the public.

Or

A Personal Licence holder must be on the premises on Thursday, Friday and Saturday between 15.00 hrs and close of business and have a personal licence on their person which can be produced on request by police / authorised officers of the Licensing Authority.

- Staff training shall take place on the Licensing Act and Licensing objectives every six months and a written record of this training to be maintained and made available to the police and any authorised officer of the Council for inspection on request.

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 should be accepted as proof of age.

A documented Challenge 25 scheme will be operated at the premises. The Challenge 25 scheme shall be actively promoted and advertised at the premises and will ensure that any person purchasing alcohol, who appears to be under 25 years of age, shall be asked to provide acceptable identification to prove that they are 18 years of age or over. Failure to supply such identification will result in no sale or supply of alcohol to that person.

Where a purchaser is asked for Identification, only the following forms of identification will be acceptable:-

- (a) Photo driving licence
- (b) Passport or
- (c) Her Majesty's Forces Warrant Card

- The premises is to maintain a refusals 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. The book must be made available to the police / authorised officers of the Licensing Authority on request.
- All individual alcohol containers (e.g. bottles/cans/cartons) before going on display for sale are to be uniquely and indelibly marked in a manner approved by the Greater Manchester Police and Bury Council.

Signed: ... Dated: 8/4/24

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

Appendix 1 - Photo of the machete and hockey stick



Appendix 2 – Copy of Receipt

BURY COUNCIL

1574

Department of Operations
Trading Standards and Licensing
3 Knowsley Place
Duke Street
Bury
BL9 0EJ
Tel: 0161 253 5353
Email: tradingstandards@bury.gov.uk

Name..... *Moto Off lease* Date..... *21.3.24* Time..... *3.50*
Address..... *66 Spring Lane Radcliffe*

..... *Impress + Related Products 2016*

..... *1 bag containing 49 Disposable Vapers Lx20*

..... *Lambert Bath - Tag No 2117181*

..... *Chaligan*

..... Trading Standards Officer / Enforcement Officer

Appendix 3 – Copy of Pace code B notice

Use of powers and rights to occupier

(5)

To Metn Off licence LA ref

Address 66 Spring Lane Radcliffe

Date 21/3/24 Time in 3:50 Time out

Officer(s) Kelallan / L Jones / Kwebste / Gimp Sutton

Person seen A Masood Position* Assistant



Trading Standards
 0161 253 5353
 tradingstandards@bury.gov.uk

* If you are an employee you should pass this notice to the business owner(s) or the relevant manager or company director etc.

Code of Practice – Powers of Entry (Section 48 (1)(a) of the Protection of Freedoms Act 2012)
 Police and Criminal Evidence Act 1984 (PACE) Code B

Visit conducted Without warrant Under warrant

This notice is issued in accordance with paragraph 7.1 of the above Code, or PACE Code B (if you are suspected of committing an offence and/or entry is under warrant).

It informs you about your rights when an authorised officer who has powers of entry wishes to exercise those powers. It also explains officers' associated powers and any compensation or complaints procedures.

Reason for visit Routine inspection Enquiry / complaint investigation Campaign / project Revisit

Officers powers

Authorised officers have a legal right to enter and inspect business premises when they are open for business or at any reasonable time. They may visit by appointment if appropriate but often will not, as to do so may defeat the purpose of the inspection or not be practicable. You should ask to see an officer's official credentials or identification before allowing them to proceed. It is good practice to do so as criminals do sometimes pose as bogus officials.

Powers do vary depending on the legislation but in most cases officers will have powers to;

- enter and inspect all parts of the premises
- observe the operation of the business
- interview staff during the inspection
- seize and retain any food, goods, computers or documents that may be required as evidence
- break open containers or vending machines
- make test purchases, take samples and photographs
- inspect and test any goods, equipment or installations
- seize items that are liable to forfeiture
- require the production and take copies of recordings (including computer records), documents and video recordings associated with the business
- access electronic devices to obtain or access information

Where entry is under a warrant any type of premises may be entered - with reasonable force if necessary.

Powers exercised are contained in statutory instruments enforced by this Service including those listed below

Consumer Rights Act 2015 <input checked="" type="checkbox"/>	General Product Safety Regulations 2005 <input type="checkbox"/>	Prices Act 1974 <input type="checkbox"/>
Consumer Protection from Unfair Trading Regulations 2008 <input type="checkbox"/>		Trade Descriptions Act 1968 <input type="checkbox"/>
Business Protection from Misleading Marketing Regulations 2008 <input checked="" type="checkbox"/>		Weights and Measures Act 1985 <input type="checkbox"/>
Copyright Designs and Patents Act 1988 <input type="checkbox"/>	Trade Marks Act 1994 <input checked="" type="checkbox"/>	Consumer Protection Act 1987 <input checked="" type="checkbox"/>
Hallmarking Act 1973 <input type="checkbox"/>	Licensing Act 2003 <input checked="" type="checkbox"/>	Food Safety Act 1990 <input type="checkbox"/>
Tobacco Advertising and Promotion Act 2002 <input type="checkbox"/>	Other <input checked="" type="checkbox"/> (insert detail) <u>Tobacco + related products Rego 2016</u>	
Product specific safety regulations <input type="checkbox"/> (insert detail)		

Obstruction of officers or failure to provide assistance

It may be an offence to obstruct, fail to comply with a requirement imposed, or fail to give any assistance or information reasonably required by the officer, or to give false or misleading information (this includes providing access to locked or secure areas). On conviction the offence is punishable by fine and/or imprisonment.

Consent of landowner or occupier (paragraph 8.1 of the Code*) or PACE Code B

Consent obtained Consent not requested Consent requested but not obtained

This section is to confirm that the occupier has been notified about the purpose of the visit and, for exercising powers of entry and associated powers, what these powers are and how they will be used.

*Reasonable effort should also be made to obtain the consent of the landowner or occupier, unless obtaining consent would frustrate the purpose of the visit, for example by causing undue delay. Further information overleaf.

Declaration of landowner or occupier

I confirm receipt of this notice. I understand that I am not obliged to consent and may withdraw consent at any time. I understand if I refuse or withdraw consent officers can still exercise lawful authority to enter and exercise powers. I also understand the consequences or penalty for obstructing officers when exercising their powers.

I hereby consent to officers entering the premises for the stated purposes - Yes No Not requested

Name of person signing A Masood Signature [Signature]

Bury Council endeavours to adopt a positive and proactive approach towards ensuring compliance. We have regard to the Regulators' Code and previously adopted the Government's Enforcement Concordat. We believe that close partnership between local business and the Council means:

- better consumer and business protection
- fair and consistent regulation
- clarity about what is required and by when
- action required is proportionate to the risks identified

Officers are always pleased to help if you need advice on any of the areas we regulate including fair trading, price marking, product safety, tobacco control, weights and measures and age verification. Business advice on these subjects and more can be found via the Council's website along with our enforcement policy and service standards.

If at the time of conducting an inspection or search you are suspected of committing an offence officers should have regard to the Police and Criminal Evidence Act (PACE) Code B.

Your rights at inspections – further information

- When you are required or advised to do something you have the right on request to a written explanation of what you need to do, by when and why, and whether it is a legal requirement or a recommendation of good practice
- When immediate enforcement action is taken you have the right to a written explanation as to why this action was necessary
- When other enforcement action is taken or proposed you have the right to have your point of view heard and for any alternative action (which must be equally effective) to be discussed
- When enforcement action is taken, you have the right to be told of any appeals mechanisms

If you are concerned about the possible implications for your business ask the inspecting officer what happens next.

Seizure of property

- Where property is seized officers should have regard to PACE Code B
- Before items are seized from occupied premises the officer must show the occupier their credentials if reasonably practicable
- The officer will also take reasonable steps to inform the person from whom items have been seized about the seizure and provide a written record of what has been seized
- Items seized will not be retained for longer than three months, unless the goods are reasonably required to be detained for a longer period for a purpose for which they were seized, in which case they will not be detained for longer than required for that purpose. This does not apply to goods seized for testing, that are liable to forfeiture or that are required as evidence
- Appeal rights may exist under the legislation concerned. These generally involve taking action in the Magistrates' Court. You should seek independent legal advice if you wish to appeal against any seizure
- Compensation for loss or damage resulting from a seizure of goods may be payable where there has been no infringement or breach of legislation. In the event of dispute such compensation, or right to it, shall be determined by arbitration

Access to seized property

- The occupier or representative can be allowed supervised access to items seized to examine or photograph them, or should be provided with a photograph or copy where possible, in either case within a reasonable time following any request and at their own expense
- Such requests may not be granted if there are reasonable grounds for believing this would prejudice the investigation of any offence or criminal proceedings; lead to the commission of an offence by providing access to unlawful material; or compromise the personal safety of security staff and/or the security of storage facilities

Further information & complaints

Please contact us for any further advice or guidance or e-copies of these codes – contact details are shown overleaf.

- You may access the Code of Practice on Powers of Entry via www.gov.uk/powers-of-entry
- PACE Codes are available for inspection at police stations or can be accessed via the GOV.UK website
- For further information on the Statutory Code of Practice for Regulators please visit the GOV.UK website

If you are unhappy with the inspection then you can complain using the Council's complaints procedure by writing to the Trading Standards Manager at the address overleaf or use our corporates complaints and feedback facility at www.bury.gov.uk