

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further representations are made by either the Responsible Authorities or from local residents / businesses and not withdrawn, Members are required to determine them.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 | <input checked="" type="checkbox"/> |
| 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.

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

Please tick ✓ yes

☐

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:

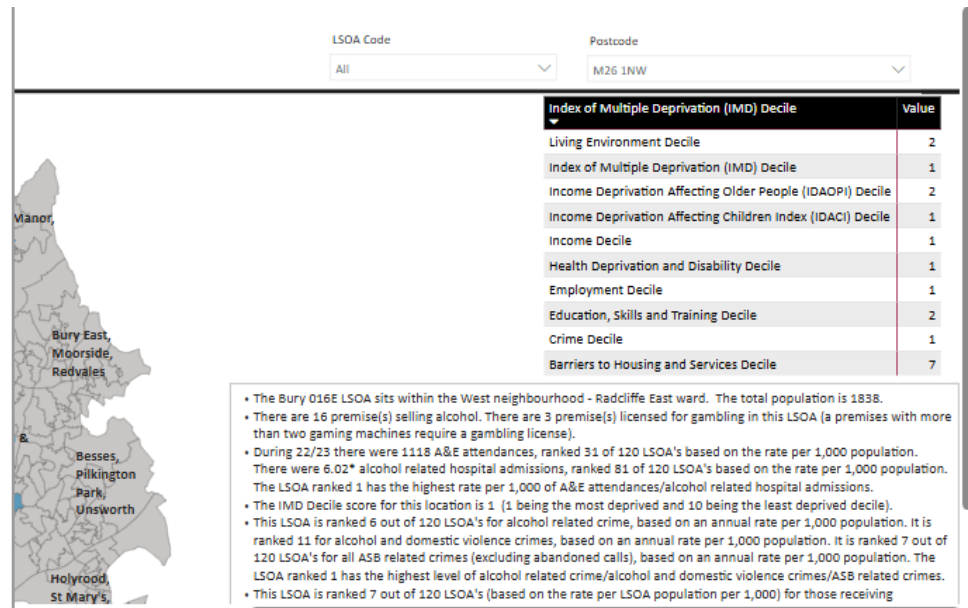
<input type="checkbox"/>	Police
<input type="checkbox"/>	Fire Authority
<input type="checkbox"/>	Planning Authority
<input type="checkbox"/>	Health and Safety
<input type="checkbox"/>	Environmental Health Service
<input type="checkbox"/>	Child Protection
<input type="checkbox"/>	Weights and Measures
<input type="checkbox"/>	Licensing Authority
<input type="checkbox"/>	Immigration

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