

Classification	Item No.
Open / Closed	

	open / closed
Meeting:	Licensing Hearings Sub-Committee
Meeting date:	4 November 2025
Title of report:	AN APPLICATION FROM AN RESPONSIBLE AUTHORITY FOR A REVIEW OF THE PREMISES LICENCE UNDER THE LICENSING ACT 2003 IN RESPECT EXPRESS MINI MARKET, 46 BOLTON STREET, BURY, BL9 OLL
Report by:	Executive Director (Corporate Core)
Decision Type:	Council
Ward(s) to which report relates	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 Express Mini Market, 46 Bolton Street, Bury, BL9 0LL

Recommendation(s)

That:

• The Licensing Authority recommend that the premises licence in respect of Express Mini Market, 46 Bolton Street, Bury, BL9 0LL be revoked due to the multiple breaches and the consequent risk to the public, including the safety of Children.

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 Express Mini Market, 46 Bolton Street, Bury, BL9 OLL. The

Premises Licence holder is Mr Faraydn Qasmpwr, 156 Deane Road, Bolton, BL3 5DL. He is also the designated Premises Supervisor

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further representations are made by either the Responsible Authorities or from local residents / businesses and not withdrawn, Members are required to determine them.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 Sunday 06.00 to 23.00

b. Retail Sale of Alcohol (Off the Premises)

Monday to Sunday 06.00 to 23.00

4.0 REPRESENTATIONS FROM RESPONSIBLE AUTHORITY

4.1 The review application is at appendix 1. Trading Standards will shortly expand upon the reason(s) for their application to review the Premises Licence in relation to these premises. The representation is attached at appendix 2.

5.0 REPRESENTATIONS FROM RESPONSIBLE AUTHORITY

5.1 Greater Manchester Police will shortly expand upon the reason(s) for their representation in relation to these premises. The representation is attached at appendix 3.

6.0 The conditions attached to the premises licence are contained with Appendix 4.

7.0 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.

8.0 OBSERVATIONS

8.1 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	Please provide a written explanation of the outcome(s) of
	either conducting an initial or full EA.

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
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: <u>m.bridge@bury.gov.uk</u>

Background papers:

List of Background Papers:-Application form Representation received

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

Tern	1	Meaning

Appendix One

Review application for Off Licence

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 Laura Bell		
(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, ordnan	ce survey map reference or description	
Express Mini Market		
46 Bolton Street		
Post town Bury	Post code (if known) BL9 OLL	
Name of premises licence holder or club holdi	ng club premises certificate (if known)	
Name of premises licence holder or club holding club premises certificate (if known) Faraydn Qasmpwr		
Number of premises licence or club premises	certificate (if known)	
PL1258		
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 comp	•	
or (B) below)		
2) a responsible authority (please complete (C) be	elow) X	
20 1 64 11 11 11 11 11 11		
3) a member of the club to which this application (please complete (A) below)	relates	

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)
Please tick ✓ yes	
Mr	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	
Laura Bell	
Deputy Licensing Officer	
Licensing Department	
Bury Council	
3 Knowsley Place	
Bury	
BL9 0EJ	
Telephone number (if any)	
0161 253 7206	
E-mail address (optional)	
l.j.bell@bury.gov.uk	
This application to review relates to the following li	censing objective(s)
	Dlagge tiely and an more haves /
1) the prevention of crime and disorder	Please tick one or more boxes ✓ □ x
2) public safety	
3) the prevention of public nuisance	
4) the protection of children from harm	$\square \mathbf{X}$

Please state the ground(s) for review (please read guidance note 2)	
The prevention of crime and disorder	
 Illicit cigarettes and illegal vapes on the premises. Breach of conditions attached to the Premises Licence 	
The protection of children from harm	
Complaints about underage sales of alcohol and vapes	
More information on the above is provided in the section below.	

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

Express Mini Market has held a Premises Licence since 23 November 2022. Faraydn Qasmpwr has been the Premises Licence Holder since that date and has been the Designated Premises Supervisor since 4 January 2023.

When the original application was made, Greater Manchester Police submitted a representation, and the application appeared before the Licensing and Safety Sub Committee on 15 November 2022 when it was granted with additional conditions and reduced hours.

I have visited the premises on a number of occasions alongside Trading Standards and Greater Manchester Police on multi agency visits and operations, when seizures for illegal vapes and illicit cigarettes have taken place. Many of these visits have been as a result of complaints made to Trading Standards regarding the underage sale of vapes and cigarettes.

In my capacity as a Licensing Enforcement Officer, I have identified the following issues during visits to the premises.

21/10/22	Visit to the premises by Licensing Enforcement Officers. TEN had been applied
	for as the licence had not yet been granted however the TEN had expired and
	the premises was open with alcohol on display; verbal advice was given.
19/1/24	Whilst on evening enforcement, Licensing Enforcement Officers observed that
	the premises was still open at 23.37 hours for members of the public to enter
	when the licence states that the premises must be closed by 23.00 hours.
	Officers entered the premises and advised staff that the premises should be
	closed. Staff advised Officers that they were just cleaning, Officers advised
	that in this case the door should be closed.
20/3/24	Staff member present could not tell us what a refusals register was or
	produce one and there was no written authority for staff to sell alcohol as per
	conditions, verbal advice given.
24/5/24	17.50 hours licensing enforcement officers witnessed a group of 8 males and
	females who appeared to be very young, approximately 12-14 years old,
	directly outside the premises vaping. As we entered the shop 2 young females
	around the same age were lingering in the doorway waiting for us to leave .
29/5/24	As a result of the observation on 24/5/24, a CCTV request was given for all
	internal and external cameras for 24/5/24 16.00-19.00. Officers were
	informed that the CCTV is not recording and has not been for over 2 weeks.
	This was a breach of conditions therefore officers attended the shop with
	GMP to look at the CCTV system which was working for live view but not
	recording. An enforcement notice was given.
30/5/24	Revisit as officers were notified that the CCTV was now working however
	when the rest of the conditions on the licence were checked there were
	numerous breaches – no written authority, no refusals register, no incident
	book, no evidence of staff training – written warning issued as a result, see
	Appendix 1.
20/6/24	Could not produce refusals register or written authority for staff to sell alcohol
	despite written warning being issued on 30/5/24, verbal advice given.

14/5/25	Complaint received that male who appeared to be under 18 was seen coming out of the premises with a bottle of vodka – CCTV request given to the DPS.
19/5/25	CCTV had not been downloaded as per the request, but a small snapshot was available to view on the DPS mobile phone. Officers were unable to find footage showing the male coming out of the shop with the CCTV that had been provided.
13/8/25	Could not produce refusals register or written authority for staff to sell alcohol – verbal advice given.

Most recently a complaint was received by the Licensing Department on 28/8/25 from the Stepdad of a 14-year-old girl who had been found by her parents inebriated through the consumption of alcohol, the previous evening. She informed her parents that she had purchased a litre bottle of vodka, and 2 disposable vapes from Express Mini Market in Bury Town Centre. She stated that she had purchased it herself without any ID.

I visited the premises on 1/9/25 and left a CCTV request for Mr Qasmpwr, for him to download footage from the 27/8/25 covering the hours 12.00-16.00 for all cameras. The request stated that I would collect the footage on the following day, and the accompanying letter reminded Mr Qasmpwr of the conditions of his licence in relation to CCTV stating;

- Your CCTV system should be in a good working order and images retained for a minimum of 28 days.
- CCTV should be made available to the Police or Authorised Officer of the Licensing Authority upon request.
- Copes of recorded data should be made available on request within no more than 12 hours from the time of the request.

The letter also informed him that viewing the CCTV on his mobile phone was not acceptable and it must be downloaded to a CD or memory stick. It informed him that if he had any difficulties he should contact me by email before 12pm on 2/9/25, he did not contact me. I attach the CCTV request and accompanying letter as Appendix 2.

On 2/9/25 I visited the premises alongside PC Eccleston to collect the requested CCTV. Mr Qasmpwr was present, but he had not downloaded the CCTV saying it was too much to do and he didn't know how to do it. He told us we could view it on his iPad. We informed him that this was not acceptable and that as DPS it is his responsibility, and a condition on the licence, that he knows how to operate the system. PC Eccleston obtained a memory stick for him, but Mr Qasmpwr claimed that he could not remember the password to access the system. He was advised to ring the engineer who had installed the CCTV and obtain the password and that we would return the following day to collect the downloaded footage.

On 3/9/25 I again visited the premises alongside PC Eccleston. On this occasion Mr Qasmpwr was not present. PC Eccleston accessed the CCTV system, and it was found to be unlocked of a password. However, the hard drive had been wiped and there were no recordings on the system for the whole of August. The system had started recording again at 8pm on 2/9/25.

Due to this I am unable to further investigate the complaint I had received. This goes against the objectives of protection of children from harm and prevention of crime and disorder.

Mr Qasmpwr has been given numerous warnings and advice on previous occasions with regards to his responsibilities as a licence holder. Despite this he continues to breach the conditions of his licence showing no regard for the objectives of the Licensing Act. Therefore, this leaves no option but to now seek the revocation of his alcohol licence through this review application.

		Please tick ✓ yes
Have you made an application for	or review relating to the	
premises before		
If yes please state the date of	Day Month Year	
that application		
If you have made representati	ons before relating to the prem	ises please state what they were and when
you made them		
N/A		

Please tick ✓ yes

X

- 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
- I understand that if I do not comply with the above requirements my application will be rejected

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)

(D-00

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	
Date17/9/25	
Capacity Deputy Licensing Officer	
Contact name (where not previously given) an application (please read guidance note 6)	d postal address for correspondence associated with this
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

	Bell		
Signed Applicant		Date	17/9/25

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.

Privacy Policy

Please visit www.bury.gov.uk/privacy to read our recently updated Privacy Policy which explains how Bury Council uses and shares your personal data to give you the best possible experience across our services.

Appendix 1 – Warning letter issued 30/5/24



			COUNCIL
Date	30 May 2024		
Website	www.bury.gov.uk	Department for Operati	ons

Faraydn Qasmpwr

Express Mini Market

46 Bolton Street

Bury

BL9 OLL

SENT BY EMAIL

Dear Sir

Express Mini Market

Breach of Conditions of Premises Licence - Licensing Act 2003

I write further to the Enforcement Notice that was served by my colleague yesterday, 29 May 2024, due to the breach of condition of the Premises Licence whereby the CCTV was not recording and had not been recording for at least 28 days previously as per the conditions of the licence.

Following a visit to the premises earlier today I am satisfied that the above i ssue has now been resolved in that the CCTV is now capable of recording.

However, during today's visit further breaches of the conditions attached to the Premises Licence were identified and are detailed below alongside the relevant condition.

2 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.

This was not available for Officers to view at the premises.

3. 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 member of staff present advised that he had received some training but was unable to answer questions with regards to what identification is acceptable as proof of age, no record of training was available for officers to view at the premises.

- 5. An incident book/register shall be maintained to record:
- i. All incidents of crime and disorder occurring at the premises.
- ii. Details of occasions when the police are called to the premises.
- 6. This book/register shall be made available for inspection by a police officer or other authorised officer on request.

No incident book was available to view at the premises.

14. 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.

No refusals book was available to view at the premises.

May I also take this opportunity to remind you of the conditions regarding the CCTV and the duration of time that the system must record for.

The CCTV system should be checked regularly to ensure it is functioning and if not as per 1.4 and 1.5 below the necessary steps should be taken. *These steps were not taken on this occasion*.

- 1.1 The premise 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.
- 1.2 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.
- 1.3 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.
- 1.4 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.
- 1.5 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.

May I also remind you of a further condition,

4. The Designated Premises supervisor / personal licence holder will be available /contactable at all times that alcohol is on sale.

You as the DPS should have been contactable yesterday, 29 May, when the CCTV was not functioning. Please ensure that going forward all staff have your contact details and know to contact you when requested.

You should ensure that the above breaches are rectified with immediate effect. Further visits will be made to ensure that this has been done.

This letter is to serve as a warning with regards to all the breaches highlighted in red above.

This will be kept on record and will be referred to in the event of any future complaints / breaches / action taken.

If there is anything in this letter which you wish to discuss, please do not he sitate to contact me.

Yours sincerely

Laura Jones

Deputy Licensing Officer





Appendix 2 - CCTV request and covering letter hand delivered to the premises on 1/9/25

BURY METROPOLITAIN BOROUGH COUNCIL REQUEST TO PRODUCE CCTV FOOTAGE

Premises: Express Minimarket

Address: 46 Bolton Street, Bury

Date of Reguest: 1/9/25 Time:

Please be advised that Authorised Officers of the Licensing Authority which has granted the Premises Licence in respect of the above premises, actively carry out compliance checks of licensed premises to ensure compliance with conditions attached to Licences. There is a condition attached to the Premises Licence in respect of the above premises relating to the requirement for the premises to operate and maintain a CCTV system and to produce copies of CCTV footage to either the police or to an Authorised Officer of the Licensing Authority upon request and within a period of no more than 12 hours from the request being made.

This notice is a formal written request for you to produce for collection from these premises by the undersigned Authorised Officer from Bury Council, at (time):_2.30pm on (date): 2/9/25, a copy of the premises CCTV footage for the following period(s):

Time from:	12.pm	on Date: 27/8/25
Time to:	4.00pm	on Date: 27/8/25

In relation to the following cameras/areas:

All cameras

The requested footage can be provided using any of the following medium: DVD/CD discs/Memory stick or production of the hard drive. Please be advised that the items supplied will be returned to you in due course unless legislation/a court of law dictates otherwise.

Details of Authorised Officer making the request:

Name:	Laura Bell
Appointment:	Deputy Licensing Officer

Name:	
Appointment:	
Contact Tel No:	

Contact Tel No:

0161 253 7206

Details of person the request was handed to:

(*This request should preferably be handed to the Designated Premises Supervisor (DPS). His/her details can be found on the Summary of the Premises Licence which is required to be on display at the premises. A signed duplicate of the notice should be retained as proof of service should non compliance with the request become an issue).

Date 01/09/2025 Website <u>www.bury.gov.uk</u>



Corporate Core

Faradyn Qasmpwr Express Mini Market 46 Bolton Street Bury

HAND DELIVERED

Dear Faradyn

Please find attached a CCTV request form for the date of 27 August between the hours of 12-4pm, covering <u>all</u> cameras inside and outside of the shop.

I will call into the shop to collect the CCTV footage tomorrow at 2.30pm please ensure it is ready for collection.

It is not acceptable for the CCTV to be viewed on your mobile phone. It must be downloaded to a CD or a memory stick / pen drive.

The conditions on your licence state that;

- Your CCTV system should be in a good working order and images retained for a minimum of 28 days.
- CCTV should be made available to the Police or Authorised Officer of the Licensing Authority upon request.
- Copes of recorded data should be made available on request within no more than 12 hours from the time of the request.

Therefore, the attached CCTV request must be complied with or you will be in breach of the conditions of your licence. A breach of conditions can lead to your licence being reviewed.

If there is an issue with being able to comply with the attached request, please email me at li,bell@bury.gov.uk before 12pm on Tuesday 2 September.

Regards

Laura Bell Deputy Licensing Officer

Appendix Two Representation from Trading Standards

Appendix Three Representation from Greater Manchester Police