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SPEAKERS PANEL (LIQUOR LICENSING)

Day: Tuesday
Date: 19 December 2023
Time: 1.30 pm
Place: Committee Room 1 - Tameside One

Item No.	AGENDA	Page No
1.	APOLOGIES FOR ABSENCE To receive any apologies for absence.	
2.	DECLARATIONS OF INTEREST To receive any declarations of interest.	
3.	MINUTES To approve as a correct record the Minutes of the proceedings of the Speakers Panel (Liquor Licensing) meeting held on 7 November 2023.	1 - 6
4.	REVIEW OF A PREMISES LICENCE FOR SAVE MORE CONVENIENCE STORE, DROYLSDEN To consider a report of the Assistant Director of Operations and Neighbourhoods.	7 - 66

From: Democratic Services Unit – any further information may be obtained from the reporting officer or from Charlotte Forrest, Senior Democratic Services Officer on 0161 342 2346 or charlotte.forrest@tameside.gov.uk, to whom any apologies for absence should be notified.

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SPEAKERS PANEL (LIQUOR LICENSING)

7 November 2023

Commenced: 10.00 am

Terminated: 2.35 pm

Present: Councillors Drennan (Chair), Bowden and Quinn

In Attendance:

Mike Robinson	Regulatory Services Manager (Licensing), TMBC
James Horton	Regulatory Compliance Officer (Licensing), TMBC
Ashleigh Melia	Legal Representative, TMBC
James Mallion	Assistant Director of Public Health, TMBC
PC Craig Foley	GMP
Ian Whittaker	Premises Licence Holder
Andrea Forrest	Forrest Solicitors, Legal Representative for the Premises Licence Holder
Chris Badawed	Witness for the Premises Licence Holder

6. DECLARATIONS OF INTEREST

Councillor Bowden declared, on the grounds of public interest, that she was acquainted with PC Foley through a mutual family acquaintance and she was also acquainted with Mr Whittaker. She further declared that this did not prejudice her professional integrity in hearing the Review and reaching a decision with Panel Members.

7. MINUTES

RESOLVED

That the Minutes of the meetings of the Speakers' Panel (Liquor Licensing) held on 15 August and 22 August 2023 were approved as a correct record.

8. REVIEW OF A PREMISES LICENCE - BACK TO THE 80'S, 37 - 39 MARKET STREET, STALYBRIDGE, SK15 2AA

Mr Robinson, Regulatory Services Manager, presented the report and identified the steps available to the Panel in determining the Review, under Section 52 (4) of the Licensing Act 2003. He informed the Panel of the background to the Review, as set out in the report, and summarised the six representations received. He advised the Panel that CCTV footage from two separate incidents at the premises would be shown during the Hearing and that one of the CCTV footage sequences would need to be viewed in private due to it being part of an ongoing investigation.

PC Foley addressed the Panel and stated that the representation from GMP had been submitted by Inspector Cesarz as PC Foley was unavailable at the time. He explained that the representation related to a serious incident on 24 July 2023 and an expedited review had been considered with a suspension of the licence. Due to the severity of the incident, GMP met with the Premises Licence Holder, Mr Whittaker and Mr Robinson, Regulatory Services Manager on 26 July 2023 in order to ensure effective promotion of the licensing objectives. Following the meeting, PC Foley stated a Review was required to ensure the premises was run safely and the Premises Licence Holder had agreed to a number of amendments in relation to how the venue would operate in the interim period before the Review took place.

PC Foley outlined to the Panel that there were frequent issues at closing times on Saturdays and Sundays regarding issues with customers, drugs and door staff. There was a log of incidents between August 2022 and July 2023, which was appended to the report.

There was opportunity for all relevant parties present to ask questions of GMP's representation.

PC Foley then requested that the Hearing go into private to view the CCTV footage from 24 July 2023.

At this juncture, with reference to Schedule 12A of the Local Government Act 1972 (as amended) and Regulation 14 of the Licensing Act 2003 (Hearings) regulations 2005, the press and public were excluded on the grounds that, having applied the public interest test, the hearing or part of it, being in public was outweighed by the public interest in the hearing or part of being held in private.

Following the viewing of the CCTV footage from 24 July 2023 and an opportunity for questions, the Hearing returned to public and the press and public were readmitted to the meeting.

The CCTV footage from the incident in June 2022 was then played. Mr Whittaker stated that the perpetrator was the best friend of the victim in this incident and had just been released from prison for a serious assault however, nobody at the premises was aware of this at the time. Mr Whittaker explained that the door staff attended to the victim after the assault and it was confirmed that the injury suffered by the victim was due to the victim wearing braces and his lip had caught the braces during the assault.

There was an opportunity for all relevant parties to ask questions on the CCTV footage from June 2022.

Mr Horton, Regulatory Compliance Officer, then addressed the Panel and made reference to the representation he had submitted on behalf of the Licensing Authority. He outlined that there had been many incidents at the premises and that the Licensing Authority had tried to work with Mr Whittaker to prevent further incidents and to promote the licensing objectives. Mr Horton explained that in relation to the incident on 24 July 2023, GMP initially considered an expedited review and that, following the meeting with Mr Whittaker, the Licensing Authority and GMP on 26 July 2023, the following conditions were agreed:

- **Sale by retail of alcohol**

Thursday – Saturday 21:00 – 03:00
Sunday 21:00 – 00:00

- **Opening Hours**

Thursday – Saturday 21:00 – 03:30
Sunday 21:00 – 00:30

- **Door Staff**

A minimum of 3 SIA registered door supervisors shall be employed at the premises on Thursday, Friday, Saturday and Sunday nights from 9.00 pm until 20 minutes after the premises closes. Door supervisors will wear high visibility armbands.

Mr Horton stated that the Licensing Authority had lost faith in the premises and recommended that either the licence be revoked or a number of conditions be placed on the licence including a reduction in hours, ASC door staff and metal detector wands to be used.

In response to questions from Ms Forrest on behalf of Mr Whittaker, Mr Horton stated that he had received information from GMP that a knuckle-duster was involved in the serious incident on 14 June 2022 to which Ms Forrest clarified that there was no knuckle-duster and the injury was sustained via the braces that the victim was wearing on their teeth. Mr Horton confirmed during

questioning that there had been a total of 3 serious incidents over the past 2 years in November 2021, June 2022 and July 2023, which he considered to be a lot. He also confirmed that there were other venues in the area with similar opening hours.

Mr Mallion, Assistant Director of Public Health, read out his representation on behalf of Public Health, as set out at Appendix 8 of the report, and there was opportunity for all relevant parties to ask any questions.

Ms Forrest, Forrest Solicitors, then addressed the Panel on behalf of Mr Whittaker explaining that The Licensing Act 2003 was not a piece of legislation to punish; it was remedial in its nature and not punitive. She highlighted that the purpose of the Act was to secure compliance with the licensing objectives and that the Panel had to decide what the outstanding causes of concern were, what measures had already been taken, or needed to be taken, which were reasonable or proportionate to remedy the issues.

She reminded the Panel that GMP had decided against an Expedited Review and had instead applied for a Review of the licence following the incident on 24 July 2023, which she stressed occurred outside the premises after it had closed for business and the shutters were down. She expressed regret on behalf of Mr Whittaker over the incident and his desire for the perpetrator to be suitably punished. She quoted statutory guidance, which stated that an individual was responsible for their own behaviour and the Premises Licence Holder could not be held accountable for an incident that had happened down the road. She emphasised that Mr Whittaker had been in attendance at the premises earlier on in the evening that the incident took place.

She stated that Mr Whittaker took a series of immediate remedial actions when he was notified of the incident the morning after, on 25 July 2023, which included the removal of the Designated Premises Supervisor.

Ms Forrest queried the accuracy of the incident log that had been submitted by GMP, which detailed a list of incidents dating back to August 2022, and she advised the Panel to give little weight to this in their decision-making. She told the Panel that there were 30 incidents in the space of one year and a lot of these were unrelated to the premises. She emphasised that for a late night venue in a town, an average of 1.6 incidents per month was not excessive, especially given some of the incidents related to lost property or the confiscation of drugs, which staff at the premises had reported. She stressed that it would be ideal for there to be no incidents in a perfect world but that it was unrealistic for there to be no incidents at all for a busy area.

She outlined the business model of the premises, which was a late night venue that did not typically get busy until approximately midnight, and stated that a reduction in hours was not necessary due to this. She stated that the presence of door staff from 9pm was also not necessary due to a lack of customers at this time. She also highlighted the compliance of Mr Whittaker following the meeting that took place on 26 July 2023 between Mr Whittaker, GMP and the Licensing Authority, where a number of temporary arrangements were implemented by Mr Whittaker pending the outcome of the Review Hearing.

Ms Forrest referred to various paragraphs of the Guidance under Section 182 of the Licensing Act 2003 and informed the Panel of the matters that the Panel should consider.

Mr Whittaker then addressed the Panel and quoted from the door attendant's supervision book, which he had brought to the Hearing, stating that checks were made and logged every half an hour. The book also contained how many people entered and exited the premises and he gave examples of the number of customers during the weekend. He highlighted that the premises could only hold a maximum of 160 people and the suggested ratio of customer to door staff was 1 to every 200 people. He therefore believed that to have 3 door staff on duty was not necessary and was excessive.

A series of questions from all parties present were satisfactorily answered by Ms Forrest and Mr Whittaker.

The Panel heard brief closing submissions from all parties with the Premises Licence Holder and their representative given the final say.

Members of the Panel then retired to carefully consider the written submissions, representations and questions and answers during the hearing in addition to all of the information provided. The Panel were accompanied by the Legal Representative and the Senior Democratic Services Officer, who provided legal and procedural advice only and took no part in the decision making process.

DECISION/REASONS

In determining the matter, the Panel had due regard to:

- the report to Panel
- the application and representations received
- all oral and written evidence and submissions
- the Council's Statement of Licensing Policy
- the relevant sections of the Licensing Act 2003 and Regulations made thereunder
- the Guidance issued by the Secretary of State under Section 182 of that Act.

The Panel determined the Review pursuant to Section 52(3) of the Act having regard to the relevant representations and the requirement to take such steps as it considered appropriate to promote the licensing objectives.

The Panel identified that the key points to the Review were as follows.

1. The Panel acknowledged the remedial action taken by Mr Whittaker since the incident on 24 July 2023.
2. The Panel acknowledged that the list of incidents detailed in Appendix 5 of the report, were not solely a list of incidents that had happened at the premises and that some of these incidents had been reported by the premises. However, the Panel felt that some of the incidents that did occur on the premises were concerning and felt they could give weight to this list; it was provided by GMP and they had the power under Regulation 18 of the Hearing Regulations to take into account documentary or other information provided by a party in support of their representation.
3. The Panel were concerned that the incidents happened whilst door staff employed by the SIA were on duty and were of the view that ASC credited door staff should be employed.
4. The Panel acknowledged that the opening hours had been reduced and felt that the reduction of hours would promote the licensing objectives.
5. The Panel acknowledged that 3 door staff was excessive when the premises was empty and felt that fewer door staff should be on duty earlier in the evening; they felt that 1 door staff between 9-11pm would be appropriate and 3 door staff from 11pm until 20 minutes after the premises closing would be reasonable to promote the licensing objectives.
6. The Panel agreed that metal detection wands should be used and that the Designated Premises Supervisor or Personal Licence Holder should be on the premises at all times.

STEPS TAKEN PURSUANT TO S52(4) LICENSING ACT 2003

On balance, after carefully considering all available options, the Panel considered the appropriate steps to promote the licensing objectives was to impose the following conditions on the licence:

Sale of Alcohol

Thursday to Saturday – 21:00 to 02:00

Sunday – 21:00 to 00:00

Opening Hours

Thursday to Saturday – 21:00 to 02:30

Sunday – 21:00 to 00:30

Door staff

Thursday, Friday, Saturday and Sunday

Between the hours of 21:00 to 23:00 – a minimum of one ACS registered door supervisor

From 23:00 until 20 minutes after the premises closes – a minimum of three ACS registered door supervisors

Door supervisors must wear high visibility armbands.

Metal detection wands to be used by door staff upon customer admission

Personal Licence Holder/Designated Premises Supervisor

The Personal Licence Holder and/or the Designated Premises Supervisor must be on the premises at all times licensable activities are taking place.

The Panel thanked those who had attended the Review Hearing for their contribution and assisting the Panel in reaching its decision.

RESOLVED

That the following conditions be added to the Licence:



- (i) **Sale of Alcohol**
 - Thursday to Saturday – 21:00 to 02:00
 - Sunday – 21:00 to 00:00
- (ii) **Opening Hours**
 - Thursday to Saturday – 21:00 to 02:30
 - Sunday – 21:00 to 00:30
- (iii) **Door staff**
 - Thursday, Friday, Saturday and Sunday
 - Between the hours of 21:00 to 23:00 – a minimum of one ACS registered door supervisor
 - From 23:00 until 20 minutes after the premises closes – a minimum of three ACS registered door supervisors
 - Door supervisors must wear high visibility armbands.
 - Metal detection wands to be used by door staff upon customer admission
- (iv) **Personal Licence Holder/Designated Premises Supervisor**

The Personal Licence Holder and/or the Designated Premises Supervisor must be on the premises at all times licensable activities are taking place.

CHAIR

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Agenda Item 4.

Report to:	SPEAKERS PANEL (LIQUOR LICENSING)
Date:	19 December 2023
Reporting Officer:	Emma Varnam – Assistant Executive Director, Operations & Neighbourhoods
Subject:	APPLICATION FOR A REVIEW OF A PREMISES LICENCE – PL210038 – SAVE MORE CONVENIENCE STORE, 75-77 MARKET STREET, DROYLSDEN, M34 6DD
Report Summary:	Members are requested to determine the application.
Recommendations:	<p>Having regard to the application and the relevant representations, Members are invited to take such steps (if any) as it considers appropriate for the promotion of the licensing objectives. The steps available are:</p> <ul style="list-style-type: none">a) Modify the conditions of the licenceb) Exclude a licensable activity from the scope of the licencec) Remove the designated premises supervisord) Suspend the licence for a period not exceeding 3 monthse) Revoke the licence
Corporate Plan:	Living Well – Improve satisfaction with local community.
Policy Implications:	Members are provided with policy guidelines to assist in the decision making process.
Financial Implications: (Authorised by the statutory Section 151 Officer & Chief Finance Officer)	There are limited financial implications for the Council, as detailed in the report, however, any legal challenge to a policy decision may potentially incur costs.
Legal Implications: (Authorised by the Borough Solicitor)	Any decision to revoke/suspend a licence or impose amendments or conditions to a licence can be challenged by way of appeal (in the first instance) to the local Magistrates Court.
Risk Management:	Failure to give full consideration to the determination of licensing issues has the potential to impact on public safety.
Access to Information:	The author of the report is Mike Robinson, Regulatory Services Manager (Licensing).
Background Information:	<p>The background papers relating to this report can be inspected by contacting Mike Robinson:</p> <p> Telephone: 0161 342 4122</p> <p> e-mail: mike.robinson@tameside.gov.uk</p>

1. INTRODUCTION

- 1.1 Section 51(1) of the Licensing Act 2003 outlines the procedure whereby a responsible authority may apply to the Licensing Authority for a review of a premises licence.
- 1.2 Section 52(3) of the Licensing Act 2003 states that the Authority must, having regard to the application and any relevant representations, take such of the steps mentioned in subsection (4) (if any) as it considers appropriate for the promotion of the licensing objectives.
- 1.3 The steps mentioned in subsection (4) are:
 - (a) to modify the conditions of the licence;
 - (b) to exclude a licensable activity from the scope of the licence;
 - (c) to remove the designated premises supervisor;
 - (d) to suspend the licence for a period not exceeding 3 months;
 - (e) to revoke the licence.

2. REPORT

- 2.1 Save More Convenience Store, 75-77 Market Street, Droylsden, M34 6DD is a licensed premises, the current Premises Licence Holder and Designated Premises Supervisor is Reza Enayati. Mr Enayati has held these positions since 3 February 2023. A copy of the premises licence is attached at **Appendix 1**.
- 2.2 A site plan, including an up to date photograph of the premises is attached at **Appendix 2**.
- 2.3 The Premises Licence was previously subject to a Premises Licence Review following concerns regarding the sale of illicit tobacco. On 6 December 2022 a Speakers Panel (Liquor Licensing) Hearing took place and Panel determined to suspend the licence for a period of 3 months and the conditions on the licence were modified. The decision letter is attached at **Appendix 3**.
- 2.4 The suspension of the Premises Licence took affect following the appeal period and the licence remained suspended until 2 April 2023. On 3 April 2023, a compliance visit was carried out at the premises and found that nine conditions were being breached and no Personal Licence Holder was present at the premises. The inspection record sheet is attached at **Appendix 4**.
- 2.5 On 18 April 2023, a further visit to the premises was conducted where a number of breaches were also identified. These breaches included no licence summary on display, no Personal Licence Holder on site, no authorisations list, no staff training records and the member of staff at the premises was unable to use the CCTV system. This inspection sheet is attached at **Appendix 5**. A letter was sent to Mr Enayati outlining the breach of conditions, this letter is attached at **Appendix 6**.
- 2.6 On 26 April 2023 another visit was conducted at the premises. Regulatory Compliance Officers found that the premises had not addressed the breaches previously identified on 18 April 2023. The inspection sheet is attached as **Appendix 7**.
- 2.7 On 31 August 2023, the Licensing Department were made aware that Greater Manchester Police had received two intelligence reports stating that illegal cigarettes were being sold from the premises and that the cigarettes were being stored in a vehicle at the rear of the shop. The intelligence report received from Greater Manchester Police is attached at **Appendix 8**.

- 2.8 On 7 September 2023, a visit was carried out by Licensing, Trading Standards and Greater Manchester Police. At the time of the visit a male went to the back of the shop to use the toilet. The male was searched by Police Officers and car keys, which belonged to a black Audi, were found in his possession.
- 2.9 The car was parked in the car park at the rear of the premises and when unlocked, various illicit/non-compliant items were found, including:
- 40 x Marlboro
 - 80 x M1 Red
 - 40 x Richmond King Size Real Blue
 - 120 x Benson and Hedges Gold
 - 140 x Richmond King Size
 - 300 x Marlboro Limited Edition (White and Gold)
 - 9 x Amber Leaf
 - 13 x Amber Leaf (Original)
 - 2 x Crystal Galaxy 4500 Vapes
 - 33 x Crystal Pro Max 4000 Vapes
 - 28 x Crystal Galaxy 4500 Vapes
 - 55 x ENE 3500 vapes
 - 9 x Prime Bar 8000 Vapes
 - 10 x Firerose EX 4500 vapes
 - Empty Packaging of tobacco
 - Back seat Car arm rest had a Marlboro Gold
- Behind the counter there was also an empty box Crystal Pro Max 4000+ vape.
- 2.10 The vehicle was subsequently seized by Police. Upon inspection, the premises was found to be not compliant with the following licensing conditions:
- No Personal Licence Holder on premises
 - Refusals Book not up to date
 - No staff training record
 - No CCTV checks being made
 - No staff able to use CCTV
 - List of authorised persons up to date
 - CCTV not storing footage for 28 days.
 - No waste contract in place.
- The visit sheet is attached as **Appendix 9**.
- 2.11 On 8 September 2023, a letter was hand delivered to the premises licence holder by a Regulatory Compliance Officer outlining the breaches found from the previous visit on 7 September 2023. This letter is attached as **Appendix 10**.
- 2.12 On 21 September 2023, Mr Enayati was invited in by a Regulatory Compliance Officer and Trading Standards Officer to discuss the visit on the 7 September 2023. Mr Enayati was asked to bring in CCTV footage from the 7 September 2023, however he could not produce it. During the conversation Mr Enayati said that he would be sorting all the issues raised on the 7 September 2023. He was asked to produce the CCTV later that day and that a visit would take place 2 weeks after this meeting. No CCTV could be produced as he said the system had not been recording since the 8 August 2023. This constituted a breach in licence conditions.
- 2.13 On the 4 October 2023 a visit was made by Regulatory Compliance Officers in the company of PC Craig Foley. The premises was again found to be non-compliant and there were a number of issues still not addressed. These being:-

No Personal Licence Holder on premises
Refusals Book not up to date
No staff training records
No CCTV checks being made
No staff able to use CCTV
List of authorised persons up to date
No waste contract in place

The visit sheet is attached as **Appendix 11**

3. REPRESENTATIONS & EVIDENCE SUBMITTED

3.1 Greater Manchester Police

A statement has been received from Police Licensing Officer, PC Craig Foley on behalf of Greater Manchester Police, the statement is attached at **Appendix 12**.

3.2 Trading Standards

A statement has been received from Tracy Jones Lacy on behalf of Trading Standards. This is attached at **Appendix 13**.

3.3 Public Health

A statement has been received from James Mallion on behalf of Public Health. This is attached at **Appendix 14**.

4. HOME OFFICE GUIDANCE

4.1 In determining this review, the Panel must have due regard to the Guidance issued by the Home Office under section 182 of the Licensing Act 2003 and the Council's Statement of Licensing Policy 2022 – 2027, published pursuant to s5 of the Licensing Act 2003.

4.2 The guidance issued by the Home Office under section 182 of the Licensing Act 2003 deals with the powers of a Licensing Authority on the determination of a review, where a Licensing Authority considers action under its statutory powers, with particular attention drawn to the following paragraphs:

Determining actions that are appropriate for the promotion of the licensing objectives

9.42 Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be.

9.43 The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.

9.44 Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. While this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that any condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors

which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters. As with the consideration of licence variations, the licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business. Further advice on determining what is appropriate when imposing conditions on a licence or certificate is provided in Chapter 10. The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination.

Reviews arising in connection with crime

11.24 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.

11.25 Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. There is, therefore, no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. Some reviews will arise after the conviction in the criminal courts of certain individuals, but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go beyond any finding by the courts, which should be treated as a matter of undisputed evidence before them.

11.26 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.

11.27 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;
- for the sale and distribution of illegal firearms;
- for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
- for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
- for prostitution or the sale of unlawful pornography;
- by organised groups of paedophiles to groom children;
- as the base for the organisation of criminal activity, particularly by gangs;

- for the organisation of racist activity or the promotion of racist attacks;
- for employing a person who is disqualified from that work by reason of their immigration status in the UK;
- for unlawful gambling; and
- for the sale or storage of smuggled tobacco and alcohol.

11.28 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.

5. CONCLUSION AND OPTIONS FOR THE PANEL

- 5.1 The Panel is requested to consider the content of this report and appendices and any oral evidence/submissions put forward at the hearing and to determine this review and to take such steps (if any) as it considers appropriate for the promotion of the licensing objectives. The steps available are set out at the front of the report.

THIS LICENCE IS ISSUED BY



Tameside MBC
Licensing Department
Tame Street Depot
Tame Street
Stalybridge
Tameside
SK15 1ST
web: www.tameside.gov.uk
Tel: 0161 342 4262

Part 1 – Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

PREMISES	Save More	TELEPHONE:
ADDRESS	75 - 77 Market Street, Droylsden, Tameside, M43 6DD	

WHERE THE LICENCE IS TIME LIMITED THE DATES:

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE:

J - Sale by retail of alcohol;

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES:

Activity (and Area if applicable)	Description	Times
J - Sale by retail of alcohol	Monday - Sunday	08:00 - 23:00

THE OPENING HOURS OF THE PREMISES:

Description	Times
Monday-Sunday	08:00 23:00

Where the licence authorises supplies of alcohol whether these are on and /or off supplies:

Alcohol is supplied for consumption **OFF** the Premises

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:

Mr Enayati Reza
75 - 77 Market Street, Droylsden, Tameside, M43 6DD,

Tel:

Email: [REDACTED]

Registered number of holder, for example company number, charity number (where applicable)

Business Reg No:

Name address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:

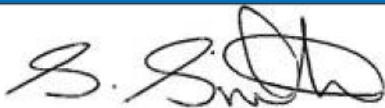
Mr Enayati Reza
75 - 77 Market Street, Droylsden, Tameside, M43 6DD,

Tel: [REDACTED]

Personal licence number and issuing authority of personal licence held by designated premises supervisor (where the premises authorises for the supply of alcohol):

Trafford PA085159

SIGNED ON BEHALF OF THE ISSUING LICENCE AUTHORITY



Sharon Smith

Head of Public Protection - Operations & Neighbourhoods

Date on which this licence takes effect:

14th January 2021

ANNEXES

Annex 1 – Mandatory conditions

Off Licence Premises

All supplies of alcohol

1. No supply of alcohol may be made under the premises licence-

(a) at a time when there is no designated premises supervisor in respect of the premises licence, or

(b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Age verification policy

1. The premises licence holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

2. The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

3. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—

a) a holographic mark, or

b) an ultraviolet feature.

Minimum Cost of Alcohol

A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

For the purposes of the condition

a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

b) "permitted price" is the price found by applying the formula-

$$P = D + (D \times V)$$

where-

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence-

(i) the holder of the premises licence,

- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- e) "valued added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

Where the permitted price given by the calculation is not a whole number of pennies, the price given by that calculation shall be taken to be the price rounded up to the nearest penny.

Annex 2 – Conditions consistent with the Operating Schedule

General Store wishing to sell alcohol along with other products on offer

(a) General - all four licensing objectives (b,c,d,e)

No alcohol or tobacco will be purchased from sellers calling at the premise. Exceptions to the condition would be purchases made from authorised representatives who have made prior appointments to visit the store. All alcohol and tobacco products sold at the premises shall have the relevant UK duty paid. Foreign tobacco, which does not comply with relevant UK legislation, shall not be stored and/or sold at the premise. If any tobacco products purchased for or on behalf of the business does not have UK duty paid fiscal mark or are otherwise suspicious, the licensee and/or designated premises supervisor shall notify the supplier to Council Trading Standards and HMRC as soon as possible.

(b) The prevention of crime and disorder

The CCTV system is installed and operates internally to cover all areas that licensable activities take place and where alcohol is displayed within any public area.

The CCTV unit shall be positioned in a secure part of the licensed premise. Access to the system should be allowed immediately to the Police upon request.

A competent trained person in the use of and operation of the CCTV will be in attendance at the premises at all times that licensable activities take place and be able to fully operate the CCTV system to be able to download in a recognised format any information requested by the police.

The CCTV system clock should be set correctly and maintained (taking account of GMT and BST).

A facility will be available for the police to remove from the CCTV system a copy of any material relevant to any on-going police investigation.

All CCTV images will be retained for a period of no less than 31 days.

All persons involved in the sale of alcohol will receive initial and subsequent 6 monthly refresher training by the Designated Premises Supervisor or an appropriately accredited training provider with regards to the law in relation to the sale of alcohol. This will be recorded in a staff training register and will include, signature of the member of staff, the DPS or an appropriately accredited training provider together with the date.

At any time where there is no personal licence holder on the premises there must be at least one member of staff on duty inside the premise who has been authorised by the DPS.

All records shall be retained at the premises for a period of no less than 12 months and made available to responsible authorities on request.

(c) Public safety

Prominent signs will be displayed requesting customers to have regard for local residents when leaving the premises. Adequate bins are available for customers to dispose of litter.

(d) The prevention of public nuisance

A challenge 25 policy will be adopted in order to reduce the potential for underage sales of age restricted products including alcohol. If a customer appears to be under 25 years of age and cannot prove that they are eligible to purchase the age restricted item with a valid UK or Ireland photocard driving licence, a valid passport or PASS accredited proof of age scheme card, they will be refused service.

Challenge 25 posters will be displayed at the premises to reinforce this policy. Posters will be placed at; each till, each area alcohol is stocked and at the point of entry into the store. The posters will be displayed prominently and in sight of customers and staff.

A refusals register is to be used to record all incidents when a sale is refused. The register is to be kept in the store at all times unless it is requested by authorised officers of responsible authorities. The refusal/challenge register is to be checked and signed off by the Designated Premises Supervisor every two weeks.

(e) The protection of children from harm

Challenge 25 will be in operation.

CONDITIONS ADDED FOLLOWING AGREEMENT WITH RESPONSIBLE AUTHORITY ON 21/01/2021

1. CCTV

A tamper-proof digital colour CCTV system must be installed and maintained at the premises to the satisfaction of Greater Manchester Police.

The system must run and record continuously for 24 hours a day, 7 days per week and recorded footage must be stored for a minimum of 28 days.

The system must provide a clear head and shoulders view to an evidential quality on every entry/exit route and within any other vulnerable areas as identified by Greater Manchester Police.

Recorded footage must be provided to a representative of any responsible authority on request. Such footage must be provided in an immediately viewable format and must include any software etc. which is required to view the footage. Any discs, portable drives or other storage media onto which footage is transferred must be provided by the premises and sufficient stock of such storage media must be kept on the premises at all times.

A member of staff who is trained to operate the system and supply footage must be present at the premises at all times when licensable activities are taking place.

The Designated Premises Supervisor must ensure that the CCTV system is checked at least once every week by a suitably trained member of staff. This check must include the operation of the cameras, the recording facilities, the facilities for providing footage and the accuracy of the time & date. A written record of these checks must be kept, including a signature of the person carrying out the check. This written record must be kept on the premises at all times and made available to a representative of any responsible authority on request.

Suitable signage informing customers that a CCTV system is in operation must be placed in prominent positions within the premises, including information on the Data Protection Act and the Human Rights Act.

2. Challenge 25

The premises must operate a "Challenge 25" scheme at the premise in relation to age verification for alcohol sales and other age-restricted products. Signs and/or posters must be displayed in prominent positions inside the premise to inform customers of this condition.

3. Refusals Book

A refusals book must be kept at the premises and must be used to record all refusals to sell alcohol for any reason. Where other age restricted products are sold at the premise, any refusals to sell such items to underage persons or persons who appear underage must be recorded. The details to be recorded must be as follows:

- (i) Time, day & date of refusal
- (ii) Item refused
- (iii) Name & address of customer (if given)
- (iv) Description of customer
- (v) Details of i.d. offered (if shown)

The refusals book must be made available for inspection by responsible authorities on request. The refusal book can be hand written or in electronic form on the till.

4. Proxy Notices

The premise must display, in a prominent position, a notice or notices explaining that it is an offence for adults to purchase alcohol and then supply it to persons under 18.

5. Staff Training

Any staff employed at the premises will receive training by the Designated Premises Supervisor on first appointment and at least every three months thereafter. Training will include input on preventing underage sales, sales of alcohol to people who are drunk, application of the drugs policy and any other relevant matters. A written record will be kept of all training carried out. This record must be kept on the premises and made available for inspection by any responsible authority.

6. List of Authorised Persons

The Designated Premises Supervisor must maintain a written record of all members of staff who are authorised to sell alcohol. This record must include a photograph of the relevant members of staff to be kept on the premises at all times and be made available to a representative of any responsible authority on request.

7. Legal Highs

The premise must not sell, supply, advertise or keep as stock any type of "new psychoactive substances" (NPS) commonly known as "legal highs". This includes any substance which mimics the effects of illegal drugs, irrespective of whether the substance is labelled as "not for human consumption" and also includes nitrous oxide in any form. In addition, any other substance, item or other thing which may, from time-to-time be identified as having an intoxicating effect by the police or local authority must not be sold, supplied, advertised or kept in stock.

8. Paraphernalia

The premise must not sell, supply, advertise or keep as stock any drug or NPS paraphernalia, including grinders, bong pipes, pipes, or any other item which is designed to assist with the use, consumption or production of illegal drugs or NPS.

9. Reduce the Strength

The premises will not sell lager, beers and ciders above 6.5% abv.

Annex 3 – Conditions attached after a hearing by the licensing authority on 06.12.2022

There must be at all times a personal licence holder on the premises when licensable activities take place.

Annex 4 – Authorised Plans

Premises Licence Summary

Licensing Act 2003

PL210038

THIS LICENCE IS ISSUED BY



Tameside MBC
Licensing Department
Tame Street Depot
Tame Street
Stalybridge
Tameside
SK15 1ST
web: www.tameside.gov.uk
Tel: 0161 342 4262

Part 1 – Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

PREMISES	Save More	TELEPHONE:
ADDRESS	75 - 77 Market Street, Droylsden, Tameside, M43 6DD	

WHERE THE LICENCE IS TIME LIMITED THE DATES:

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE:

J - Sale by retail of alcohol;

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES:

Activity (and Area if applicable)	Description	Times
J - Sale by retail of alcohol	Monday - Sunday	08:00 - 23:00

THE OPENING HOURS OF THE PREMISES:

Description	Times
Monday-Sunday	08:00 23:00

Where the licence authorises supplies of alcohol whether these are on and /or off supplies:

Alcohol is supplied for consumption **OFF** the Premises

Premises Licence Summary

Licensing Act 2003

PL210038

THIS LICENCE IS ISSUED BY



Tameside MBC
Licensing Department
Tame Street Depot
Tame Street
Stalybridge
Tameside
SK15 1ST
web: www.tameside.gov.uk
Tel: 0161 342 4262

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:

Mr Enayati Reza
75 - 77 Market Street, Droylsden, Tameside, M43 6DD,

Tel:

Email: [REDACTED]

Registered number of holder, for example company number, charity number (where applicable):

Business Reg No:

Name of designated premises supervisor where the premises licence authorises the supply of alcohol:

Mr Enayati Reza

Tel:

State whether access to the premises by children is restricted or prohibited:

Access to the premises by children is restricted

SIGNED ON BEHALF OF THE ISSUING LICENCE AUTHORITY

A handwritten signature in black ink, appearing to read 'S. Smith', written over a white background.

Sharon Smith

Head of Public Protection - Operations & Neighbourhoods

Date on which this licence takes effect:

14th January 2021





PRIVATE AND CONFIDENTIAL

██████████
Premises Licence Holder
Save More Convenience Store
75-77 Market Street
Droylsden
M43 6DD

Robert Landon
Head of Democratic Services

Democratic Services, Floor 4,
 Tameside One, Market Place,
 Ashton-Under-Lyne, OL6 6BH

Call Centre 0161-342-8355

www.tameside.gov.uk

email: Carolyn.eaton@tameside.gov.uk

Ask for Carolyn Eaton
 Direct Line 0161 342 3050
 Date 12 December 2022

TAMESIDE MBC**Speakers Panel (Liquor Licensing)**

Councillors ██████████ (Chair), ██████████ ██████████
6 December 2022

DECISION NOTICE**Review of a Premises Licence – Licensing Act 2003**

Premises: Save More Convenience Store, 75-77 Market Street, Droylsden. M43 6DD

The hearing was heard in person, in public, at Tameside One, Ashton-under-Lyne

The hearing commenced at 10:25am and concluded at 1:25pm (including decision time).

In attendance:**Tameside MBC (general):**

- Carolyn Eaton, Principal Democratic Services Officer, Tameside MBC
- Ashleigh Melia, Solicitor, Tameside MBC
- Rifat Iqbal, Senior Solicitor, Tameside MBC
- Mike Robinson, Regulatory Services Manager, Tameside MBC
- Rebecca Birch, Regulatory Compliance Officer
- Lauren O'Toole, Regulatory Compliance Officer

License Holder:

- ██████████ – Premises Licence Holder, Save More Convenience Store
- ██████████ – Friend of ██████████

INTRODUCTION

The key legislation/policy guidance is as follows:

Section 51(1) of the Licensing Act 2003 outlines the procedure whereby a responsible authority may apply to the Licensing Authority for a review of a premises licence.

Section 52(3) of the Licensing Act 2003 states that the Authority must, having regard to the application and any relevant representations, take such of the steps mentioned in subsection (4) (if any) as it considers appropriate for the promotion of the licensing objectives.

The steps mentioned in subsection (4) are:

- (a) to modify the conditions of the licence;
- (b) to exclude a licensable activity from the scope of the licence;
- (c) to remove the designated premises supervisor;
- (d) to suspend the licence for a period not exceeding 3 months;
- (e) to revoke the licence.

The Licensing Act 2003 (hearings) Regulations 2003 and the Guidance issued pursuant to s182 of the Licensing Act 2003 set out the procedure for the hearing.

Mr Mike Robinson, Regulatory Services Manager, Tameside MBC

Mr Robinson presented the report to the Panel and identified the steps available to the Panel in determining the application.

Mr Robinson informed the Panel of the brief background to the application as set out in the report and summarised the representations received from:

- Trading Standards, Tameside MBC
- Licensing, Tameside MBC
- Greater Manchester Police
- Public Health

Save More Convenience Store, 75-77 Market Street, Droylsden, M34 6DD had been a licensed premises since 18 December 2020. [REDACTED] had been the premises licence holder since 9 September 2022.

Mr Robinson informed the Panel that on 7 September 2022, Officers from the Council were working in the area as part of a day of action, focused on waste enforcement. Officers noticed a large accumulation of waste behind Save More Convenient Store. Nearby there was a vehicle parked up which smelt of cannabis and was found to contain a quantity of illicit tobacco and cannabis. The vehicle was subsequently seized by Greater Manchester Police.

In order to investigate this further, Trading Standards Officers, in the company of Police Officers visited the premises in order to view CCTV that was covering the area where the vehicle was parked. Mr [REDACTED], who identified himself as the business owner was unable to provide CCTV footage as he informed Officers that he did not know where the CCTV hard drive was located.

During the time of this visit on 7 September 2022, Lauren O'Toole, Regulatory Compliance Officer and Mike Robinson, Regulatory Services Manager (Licensing) attended the premises to carry out a compliance check. It was established that the Premises Licence Holder and Designated Premises Supervisor (DPS) stated on the licence were no longer associated with the business.

In addition to this, seven conditions on the licence were not being complied with. Mr [REDACTED] was advised that offences may be committed if alcohol was sold whilst in breach of the conditions and before submitting an application to transfer the licence and vary the DPS. Mr [REDACTED] was given advice regarding how to rectify these issues.

On 9 September 2022, the Licensing Authority received a Transfer Application and Vary of DPS application for Save More Convenience Store. This application specified Mr [REDACTED] as the licence holder and [REDACTED] as the DPS. Mr [REDACTED] was advised that the premises licence conditions were still not being complied with and therefore, if alcohol was to be sold from the premises this would be in breach of the licence. Mr [REDACTED] was further advised given support in relation to rectifying these breaches.

The Licensing Authority conducted a test purchase at the premises on 14 September 2022 following information that the business was selling alcohol. This test purchase was successful and a bottle of wine was purchased.

Following this positive test purchase, a compliance visit was carried out at the premises on 14 September 2022. The premises was not compliant with the following three conditions on the premises licence;

- CCTV – no person on site able to demonstrate system, record/burn footage to a storage device, no CCTV check sheet with weekly checks completed, no CCTV signage.
- List of Authorised Persons – blank copy provided by myself, has not been completed by DPS and staff members.
- Staff Training – no records available.

Mr [REDACTED] was advised again to cease the sale of alcohol until all premises licence conditions were complied with.

On 22 September 2022, a further test purchase was conducted where a bottle of Blue WKD was purchased.

Following this positive test purchase, a Licensing Officer conducted a compliance visit on 22 September 2022. During this visit, it was identified that a number of the premises licence conditions were not being complied with. The staff member working at the time of this inspection showed the location of the hard drive for the CCTV system in the ceiling tiles in front of the counter. On this visit, the following conditions were identified as being breached:

- CCTV – not storing footage for 28 days minimum, no person on site able to demonstrate system fully, record/burn footage to a storage device, no CCTV check sheet with weekly checks completed, no CCTV signage.
- Staff Training – no records available.

On 26 September 2022, Mr [REDACTED] contacted Ms O'Toole, to advise that he had rectified the breaches. Ms O'Toole arranged a compliance visit later the same day, however the following conditions were not being complied with:

- CCTV –no CCTV check sheet with weekly checks completed.
- Staff Training – no records available.

Trading Standards reported that since June 2021, they had received three complaints regarding this premises, two of these complaints were anonymous. Two of the complaints related to underage sales of illicit tobacco and one was in relation to the sale of illicit tobacco.

On 13 October 2022, the premises was visited as part of an operation to tackle the sale of illicit tobacco. The following illicit and illegal products were seized from the premises:

- 67x ELUX 3500

Items found within a carrier bag in the rear yard:

- 9x Packets of Amber Leaf 50g
- 8x Packets Marlboro Gold
- 12x Packets Richmond
- 2x Packets L&B
- 10x Packets L&M
- 13x Packets NZ Gold

Items found within coat behind the counter:

- 5x Packets Richmond
- 2x Packets L&B

Following this seizure a Licensing Officer carried out a full compliance visit at the premises on 13 October 2022, where the following of conditions were not being complied with:

- CCTV – staff member unable to operate system, could not supply any footage, no CCTV checks being conducted.
- Refusals book – no entries.
- Authorisations list – member of staff working not listed on sheet
- Staff training – no records available.

During this visit, Mr [REDACTED] informed the Licensing Officer that Fakheraddin Qazizadeh, the Designated Premises Supervisor nominated on 9 September 2022 was not involved in the business in any capacity.

On 17 October 2022, a Late Temporary Event Notice to permit the sale of alcohol from the premises, between 25th – 30th October 2022, was submitted by Mr [REDACTED]. On 20 October the Licensing Authority received an objection to this application from Greater Manchester Police. Following this, a counter notice was served on Mr [REDACTED] to inform him that the application was rejected.

On the 25th October 2022, a test purchase was carried out at the premises in an attempt to purchase a vape from the premise, by a child who was underage. No sale was made.

On 31 October 2022, Mr [REDACTED] submitted a Vary DPS application for the premises, nominating [REDACTED] as the new DPS and a compliance visit was carried out which found the premises to be operating in compliance with the conditions.

Mr Robinson informed the Panel that representations have been received from Tameside MBC Licensing Authority, Greater Manchester Police, Trading Standards and Public Health in relation to their concerns regarding the following licensing objectives:

1. Prevention of crime and disorder
2. Public safety
3. Protection of children from harm

Mr Robinson informed the Panel that James Mallion from Public Health was unable to attend and that his statement has been submitted.

Ms Eaton, Clerk to the Panel, then asked [REDACTED] to confirm his full name and he confirmed his full name was [REDACTED].

REPRESENTATIONS & EVIDENCE SUBMITTED

Lauren O'Toole, Regulatory Compliance Officer, Tameside MBC

Rebecca Birch read out the statement submitted by Lauren O'Toole as Lauren had laryngitis.

Reading out the statement, Ms Birch informed the Panel:

- Mr Robinson and Ms O'Toole attended the premises on 7 September 2022 and found out that the DPS listed on the licence was no longer associated with the business and that 7 conditions on the licence were not being complied with
- Mr [REDACTED] was advised to remove alcohol from sale at the premises
- Ms O'Toole provided Mr [REDACTED] with the relevant forms for the DPS via email
- Refusals book was provided to Mr [REDACTED] together with Challenge 25 posters and Mr [REDACTED] was advised to contact Lauren when the conditions were being complied with so she could revisit the premises
- Following the visits on 7, 8 and 9 September, Ms O'Toole concluded that the premises were operating and selling alcohol
- A test purchase was undertaken on 14 September 2022 and Ms Birch purchased a bottle of wine from the premises

- An inspection took place on 14 September and Ms O'Toole followed this up again by email
- On 22 September 2022 another test purchase was undertaken and a bottle of blue WKD was purchased
- A further visit was carried out by Ms O'Toole on 22 September and [REDACTED] was advised of how to comply with the licence conditions
- On 26 September, Mr [REDACTED] contacted Ms O'Toole to advise that he was complying with the licence conditions
- Ms O'Toole conducted a visit but the licence conditions were still being breached as there were no staff training or CCTV checks
- Mr [REDACTED] was advised by email of these breaches
- A further visit was carried out on 13 October where illicit tobacco was seized at the premises and it was noted there were no entries on the refusals book
- Mr [REDACTED] was not present on this occasion however Ms O'Toole had spoken with him on the phone and asked if she could return later
- Ms O'Toole returned later that day and noted in relation to CCTV Mr [REDACTED] didn't recall whether or not the CCTV was saved for 28 days and had no understanding of Challenge 25 as he was unable to explain what it meant when asked to do so
- It was also noted there was no staff training list and the DPS was not involved in the business
- On 17 October Mr [REDACTED] submitted a Temporary Event Notice to permit the sale of alcohol between 25-30 October
- On 20 October a review application was submitted on behalf of the Licensing Authority
- On 1 November Ms O'Toole conducted a further visit with PC Foley from Greater Manchester Police
- A large number a visits to the premises found the premises to be non-compliant
- Relevant information and emails were provided to Mr [REDACTED] by the Licensing Authority but were ignored on numerous occasions and therefore the Licensing Authority had lost confidence in Mr [REDACTED] and submitted a review application

The Panel asked Ms O'Toole if any further visits had been carried out that were not mentioned in the report to which Lauren stated a visit had been carried out on 1 November and noted improvements. The Panel also asked Ms O'Toole if there was ever any paraphernalia on sale in the premises to which Lauren stated that shisha pipes had been on sale in the premises, they had been removed after the first visit but there were still some decorative shisha's on display on the second visit which were then removed.

PC Foley, Greater Manchester Police

The following submissions were made by PC Foley:

- PC Foley was made aware of the review application by Ms Birch on behalf of Tameside MBC.
- The review is sought for failing to promote the following licensing objectives:
 - Prevention of crime and disorder
 - Public safety
 - Protection of children from harm.
- PC Foley has concerns over the shop owner and staff being able to run a safe shop to prevent crime and disorder at the premises or within the close proximity of the premises.
- On 13 October 2022 a joint visit was conducted with Tameside Trading Standards in relation to a positive test purchase for illicit tobacco.
- Items were found and by a sniffer dog as they were hidden in the rear yard of the shop amongst some dissembled shelving which was placed at the back door to the shop which is easy to get to for the shop worker. The shop worker was asked if they had any illicit tobacco and they told the officer they didn't.
- The following items were seized in a carrier bag in the rear yard:
 - 9 x Amber leaf 50g

- 8 x Marlboro gold
- 12 x Richmond
- 2 x L&B
- 13 x NZ gold
- The following items were seized from a coat behind the counter:
 - 5 x Richmond
 - 2 x L&B
- 67 x ELUX 3500 were also seized.
- The member of staff working in the shop could not communicate with PC Foley or other members of Tameside Council due to a language barrier
- The member of staff did not have authorisation to sell alcohol and could not operate the CCTV
- On 7 September 2022 Tameside Licensing department made PC Foley aware of a vehicle parked at the rear of the shop. PC Foley attended and illicit tobacco was seized by Trading Standards. PC Foley searched the vehicle and found a quantity of cannabis which was hidden in the vehicle which he then seized.
- Whilst at the rear of the shop Tameside Council staff felt threatened by a number of males who were trying to get to the car
- Although the car cannot be directly attributed to the shop, one of the CCTV cameras inside the shop was pointing at the car at all times
- The cannabis was destroyed in line with GMP policy of disposing of drugs.
- The seizure of the car and drugs has prevented any crime taking place at the rear of the shop.
- PC Foley was of the view the car was being used to deal drugs from which is a major concern given the proximity to the town centre and the busy night time economy.
- On the two occasions PC Foley has visited the shop, illegal activities had been taking place.
- PC Foley had no confidence that the running of the shop could be conducted safely and adhere to the licensing objectives of preventing crime and disorder.
- Staff members were unable to communicate due to a language barrier, were unable to view or download CCTV and had no knowledge of the licensing conditions which could cause further breaches.
- PC Foley attended the shop on 20 October 2022 and the same member of staff was working alone in the shop. PC Foley felt that if the staff member was in trouble and needed any emergency service he would be unable to call and ask for the help he needed.

In response questions from Mr Robinson's, PC Foley stated:

- He was involved in both the removal of the vehicle and the shop visit.
- Mr [REDACTED] was unable to explain why the CCTV was directed at that particular car when he was asked this during the shop visit.
- Mr [REDACTED] was unable to operate the CCTV when asked to access the footage and replay it.

Mr [REDACTED] then stated:

- He invited them both PC Foley and the Trading Standards Officer into the shop and stated he had no idea who the vehicle belonged to
- PC Foley said there was a camera on top of the building pointing at the vehicle
- As already mentioned he moved to the shop a couple of weeks prior and didn't know who the vehicle belonged to
- The vehicle was there a long time so he could ask the neighbours as he has no idea who the vehicle belonged to

In response to this, PC Foley stated that he could not attribute the vehicle to Mr [REDACTED], the vehicle was on the area but that he was not saying it had come from Mr [REDACTED] shop. The enquiries made revealed the keeper of the car was in Yorkshire who sold the car on. All PC Foley could say was the vehicle was there and the camera was pointing at the vehicle and appreciated it may have been put there before Mr [REDACTED] started in the shop.

Tracy Jones-Lacy, Trading Standards Officer, Tameside MBC

The following submissions were made by Ms Jones-Lacy:

- The premise had a history of non-compliance resulting in the revocation of the licence granted on the premises.
- The operation of the premises in recent years had consistently undermined the licensing objectives, namely:
 - The protection of children from harm
 - The prevention of crime and disorder
 - Public safety.
- The Local Authority had received information relating to the premise since June 2021 and to date there have been three complaints; two relating to underage sales of illicit tobacco and one in relation to the sale of illicit tobacco.
- Due to the pattern of non-compliance with Trading Standards legislation, Trading Standards has lost faith in the ability of the management of the premises to promote the licensing objectives and therefore recommend the premises licence be revoked.
- On 7 September 2022 Ms Jones-Lacy received a phone call from a colleague who was at the rear of the premises and had found a vehicle which contained illicit tobacco.
- Trading Standards Officers visited the site and found the vehicle unlocked.
- Accompanied by PC Foley, Ms Jones-Lacy searched the vehicle and found a quantity of cannabis and a locked till, both of which were seized by PC Foley, and the following tobacco products:
 - 44 x L&B original
 - 29 x Richmond
 - 16 x B&H Switch
 - 38 x L&M first cut
 - 9 x Compliments Blue Slim
 - 5 x L&B Silver
 - 2 x Baham Filter
 - 22 x Amber Leaf 50g standard packaging
 - 16 x Amber Leaf 50g non-standard packaging
- Genuine cost of these items are £1573 for the cigarettes and £1140 for the hand rolling tobacco.
- These items brought to the hearing and were in the corner of the room.
- The vehicle was seized by GMP and towed away.
- During the visit, PC Foley and Ms Jones-Lacy were spoken to by a male who exited the rear of Save More Off Licence who is now known to be Mr Abdi.
- Mr █████ claimed to be the owner of the shop and during the visit a full inspection of the premises was conducted.
- During the visit, the following issues were identified:
 - Tobacco displays were not covered
 - No Tobacco Notice was displayed
 - No price list was displayed
 - Premise Licence was not displayed
 - No refusals book
 - Elux 3500 on sale which must not be sold and a warning letter was provided
- The Licensing Department were notified of the concerns and Officers from the Licensing Department attended the site
- During the visit it was found that a CCTV camera was focused on the vehicle which contained the tobacco and a photograph was taken to highlight the field of view which is contained in the report and was reviewed during the hearing.
- On 13 October 2022 Trading Standards carried out a site visit with Wagtails detection dogs and GMP.
- During the visit, the dog found a carrier bag containing 9 x Amber Leaf 50g, 8 x Marlboro Gold, 12 x Richmond, 2 x L&B, 10 x L&M, 13 x NZ Gold.

- The genuine cost of these items are £495 for the cigarettes and £270 for the hand rolling tobacco.
- In the coat behind the counter a further 5 x Richmond and 2 x L&B were found and a further 67 ELUX 3500 were seized.
- On 25 October 2022, a 15 year old test purchaser was asked to attend to purchase a vape from the premises however no sale was made.

In response to questions from Mr Robinson, Ms Jones-Lacy stated:

- Whilst inspecting the vehicle with GMP, they carried out a search in the neighbouring vicinity of the vehicle which is when Mr [REDACTED] came out and discussed their powers to enter the rear of the premises and stated they did not have powers to search however they did in fact have the powers and a notice of powers was served on Mr [REDACTED].
- All retailers have previously been sent a letter regarding the sale of vapes on premises and all retailers who were not sent a letter are having them hand delivered at the time of site visits.
- A letter was delivered to Mr [REDACTED] on 7 September 2022 regarding sale of vapes and on the Wagtails day the vapes were found and seized.

Ibrahim Abdi, Premises Licence Holder

Mr Robinson explained to Mr [REDACTED] that this was his opportunity to explain to the Panel what had happened and to put his case across, explaining anything he's learned to the Panel.

Mr [REDACTED] made the following submissions:

- In September when the Licensing team and the police and Council came to the shop, they were trying to take a picture of the shop door so he invited them inside the shop and they started searching the shop.
- At this time he did not have experience running this type of business.
- He didn't do the licensing and the licence and the premises, nor did the DPS and he didn't have enough experience.
- After that, licensing came to the shop a few times and because he wasn't running it properly they asked him to stop selling alcohol until he did it properly.
- The Officers left a phone number with a list of the tobacco and cigarettes they found inside the shop and Mr [REDACTED] questioned if they found these products inside the shop.
- Mr [REDACTED] was speaking to Mr Robinson the day before the hearing and didn't want to attend the hearing as he had nothing else to lose because he didn't have enough experience and was just about to close the shop.
- His best friend [REDACTED] said he would help him to run the business properly and Mr Robinson advised Mr [REDACTED] to attend the hearing to explain how everything is done legally to which Mr [REDACTED] agreed.

Mr Faizi made the following submissions to the Panel:

- They had never been in this situation before and are interested in the situation
- They came to the UK from a different country.
- He didn't know anything about this case until they heard something from Licensing and GMP.
- He was in the shop the day prior to the hearing and Mr Robinson attended looking for Mr [REDACTED]
- He told Mr Robinson he would speak to Mr [REDACTED] and would attend the hearing because the case should be clear.
- They did not know anything about running this type of business as they came from a different country and didn't know anything about the law.
- The business was going down badly and he was trying to help Mr [REDACTED] build up the business because last week he wanted to close the shop.
- He appreciated the Panel taking the time for them and stated this situation was interesting because they have never been in that situation before.
- They are not ready and was thinking this is a simple meeting, nothing else.

Mr Robinson asked the Trading Standards Officer to explain the location of the tobacco that was seized in relation to the premises as there is a photograph at page 79 of the report. Ms Jones-Lacy stated that she wanted to put context into the location of where the tobacco was seized because Mr [REDACTED] stated the tobacco wasn't in his shop. Ms Jones-Lacy had done a list of brands from the car, from the rear yard immediately out the rear door and packets in the coat behind the counter.

The Chair asked Ms Jones-Lacy to clarify the dates on which the tobacco was seized. Ms Jones-Lacy confirmed on 7 September 2022 the vehicle tobacco was seized, on 13 October 2022 the Wagtails dog detected the tobacco in the yard and coat which was seized. Ms Jones-Lacy went through the list of tobacco products that were seized and referred to page 77 of the report.

Mr Robinson asked, in relation to the rear yard, how close to the rear entrance of the premises was the tobacco found, to which Ms Jones-Lacy replied that if your feet were still inside the kitchen area of the shop and the door was open, you could grab the tobacco from that point.

Mr Robinson explained to Mr [REDACTED] that he wanted to clarify where the tobacco was as he was disputing where the tobacco was found in the shop and Trading Standards confirmed it was found in the rear yard and there was some illicit tobacco found in the coat behind the counter. Mr Robinson asked Mr [REDACTED] to explain why there were 7 packets of tobacco in the coat behind the counter to which Mr [REDACTED] said he had no idea as he wasn't inside the shop.

Mr [REDACTED] questioned whether if someone does something wrong, would they do it again, and if he did something wrong he would leave it as it would make things dangerous for him. He also stated the back door is shared with the upstairs flat, with neighbours and the pizza shop, with only one door for a few flats and 2-3 shops.

PC Foley clarified it's the yard that was shared and the back gate going into the yard was shared and the yard was shared.

Mr Robinson asked Mr [REDACTED] to forget the vehicle and yard and asked why the same branded cigarettes that were found in the vehicle and yard were found in a coat in the shop behind the counter. Mr [REDACTED] stated that two members of staff smoke and that it was not his business to tell them where to put their products and not his job to tell them.

Mr Robinson questioned whether Mr [REDACTED] was telling him these were his staff's cigarettes. Mr [REDACTED] stated he's seen the list in the shop and that two staff members smoke and it was not his job to tell them where to put their cigarettes. Mr Robinson asked him if he understood how this must look to Trading Standards and how, if reports of the shop selling illicit tobacco which was then found in the vehicle, yard and shop, how this looked suspicious. Mr [REDACTED] stated the tobacco belonged to his staff.

Mr Robinson mentioned CCTV and Mr [REDACTED] stated he didn't know about CCTV as when he took over the business he knew nothing about the business and bought it from one of his friends who told him to just run it. Mr Robinson stated that if he bought a business he would want to know how to operate the CCTV, the screen in the shop showed CCTV but Mr [REDACTED] didn't know how to work it and when they looked for the CCTV hard drive, Mr [REDACTED] didn't know where it was however on 22 September it was found in the ceiling. Mr [REDACTED] stated he didn't show Mr Robinson the CCTV because he didn't know.

Mr Robinson questioned why Mr [REDACTED] didn't act on the advice provided on 9 September 2022 and that if he had acted on this advice, he wouldn't be in this situation. Mr [REDACTED] stated he had a business partner who didn't do anything, that he had to do everything on his own and he decided to ignore the advice and letters because he didn't know what would happen.

Mr Robinson stated that recent visits show that conditions are being adhered to and whether Mr [REDACTED] is currently the DPS. Mr [REDACTED] confirmed he is still the DPS, he runs the shop as a manager and visits every day after the shop has closed, checks the camera and counts the money. Mr Robinson asked

Mr [REDACTED] if he understood what a personal licence holder was to which he confirmed he did and he had applied for one and was waiting and that no other members of staff had a personal licence.

In response to questions from Ms Birch, Mr [REDACTED] stated:

- He never works at the premises.
- Submitted a Temporary Event Notice on 17 October 2022 because he didn't want to wait to sell alcohol and wanted to get the temporary licence until he could get a DPS for the shop.
- Instead of working on adhering to the conditions, his business partner didn't do anything, he couldn't do things on his own so he ignored advice.
- Mr [REDACTED] doesn't work at the premises as a staff member he just manages the shop
- He has no idea when Mr [REDACTED] goes but he does go during the day sometimes as well.

In response to questions from Ms Jones-Lacy, Mr [REDACTED] stated:

- The business was Save More Manchester Limited when he purchased the business.
- When he left the shop on 7 September, the business partner went to buy more vapes to sell in the shop.
- The tobacco found in the yard didn't belong to the shop and the yard belonged to the pizza shop and flats above.
- He could not say the products found in the yard belongs to the shop because it wasn't inside the shop.
- He was told by another shop not to use the back door as it is an emergency door.

In response to questions from the Panel, Mr [REDACTED] stated:

- The business partner moved on from the business when he brought [REDACTED] to the business.
- Save More is no longer a limited company.
- The name of the company is [REDACTED]
- The current DPS is the sole director of [REDACTED] which is active and looking to be struck off and Mr [REDACTED] has set up Save More Manchester Limited because he had asked the DPS to close his account many times and he isn't using the company anymore which is why Mr [REDACTED] set up a new company.
- CCTV is up and running now.
- He was previously a barber and had never had a shop before and never understood Trading Standards.
- He decided to run a shop because he needed a different job due to problems with his back.
- He didn't think to read up on running a licensed premises as he had a business partner who ignored everything and so he ignored everything too.
- He had no idea what the licensing objectives are and that he knows how to operate the CCTV and have a refusals book.
- The full name of the previous business partner is [REDACTED]
- He knows what Challenge 25 is.
- When the child was refused a vape, this was recorded in the refusals book.
- When he brought the shop, he bought the stock as well which included the vapes and 20 boxes of expired things.
- He now checks all stock.
- Things have changed; his old business partner didn't want to work there and he now knows who he is sending to the shop and who works there.
- The CCTV is fully working and there is a staff training folder.
- There is a refusals register and challenge 25 posters.
- He feels confident about running the business now Mr [REDACTED] is there as they grew up together.

Closing Submissions

The Panel heard brief closing submissions.

On behalf of the Licensing Authority, Mr Robinson:

- Summarised the steps which could be taken by the Panel which are detailed on the front of the report.
- Acknowledged that Mr [REDACTED] does seem to have taken some steps to rectify the issues and have found that the premises is now compliant.
- If the Panel were satisfied the premises is in safe hands, they could decide to suspend the licence for a short period.
- If the Panel were minded to modify the conditions, it would be appropriate that a condition be applied that would require a personal licence holder to be on the premises at all time.

On behalf of the Licensing Authority, Ms Birch:

- Stated there have been issues and visits have shown that the licence conditions were not being complied with and Mr [REDACTED] had continued to ignore advice.
- The premises had served alcohol when advised not to.
- The Licensing Authority felt the only option was to review the licence because of the continuing issues.

On behalf of Greater Manchester Police, PC Foley:

- Reiterated what Mr Robinson said.
- Stated he felt a personal licence holder did need to be on site as the one person who had been present when he had visited struggles with English.

On behalf of Trading Standards, Ms Jones-Lacy:

- Reiterated the issues that were raised in her representations.
- Stated the business had disregard for all regulatory compliance; waste, trading standards and licensing and that this should be taken into account.

Mr [REDACTED] stated:

- He had already explained he had a business partner and they both ignored things.
- He's now on his own and is trying to do his best to do everything properly.
- He followed the rules and he wanted to build the business.
- He was trying to build the business to bring customers back to the shop.

Mr [REDACTED] stated:

- He wants to help Mr [REDACTED] and he will get a personal licence.
- He doesn't need to work at the shop but he wants to help Mr [REDACTED].

DECISION/REASONS

In determining this matter, the Panel has had due regard to:

- the report to Panel
- the application and representations received
- all oral and written evidence and submissions
- the Council's Statement of Licensing Policy,
- the relevant sections of the Licensing Act 2003 and Regulations made thereunder
- the Guidance issued by the Secretary of State under section 182 of that Act.

The Panel determined the application pursuant to section 52 of the Act having regard to the relevant representations and the requirement to take such steps as it considered appropriate to promote the licensing objectives.

The key points identified by the Panel were as follows:

1. Mr █████ purchased the business with a joint business partner and he never made the Licensing Authority aware of this.
2. Mr █████ had never run a business before, having previously worked as a barber.
3. Mr █████ confirmed he ignored the advice from the Licensing Authority on numerous occasions.
4. Mr █████ stated there were no members of staff working in the shop who had a personal licence.
5. Mr █████ was unable to identify the licensing objectives when asked by the Panel members, and how these were implemented.
6. Mr █████ stated the coat containing illicit tobacco on 13 October 2022 belonged to a member of staff and that he had no control over their behaviour.
7. The Panel noted on recent visits, the premises had passed regularly compliance checks.

STEPS TAKEN PURSUANT TO S18(4) LICENSING ACT 2003

The Panel considered all available options.

On balance, having carefully considered all of the available information and having regard for the premises licence holder's lack of knowledge on the licensing objectives and retailing of age restrict products, the Panel concluded that Mr █████ licence be suspended for a period of 3 months and that conditions be added or modified on the current licence.

The Panel noted the submissions made by Mr █████ in relation to members of staff employed at the premises. The Panel reminded Mr █████ that it was his responsibility to ensure all staff received appropriate training in the sale of alcohol and tobacco related products and adhered to the law during their employment within the premises.

The Panel felt that Mr █████ had wilful disregard for the law, guidance and support provided to him by the licensing authority in operating the premises since the involvement of the licensing authority and other regulatory departments/bodies. However, the Panel noted the recent steps taken by Mr █████ and with further guidance and training, the Panel felt confident that the premises could be run in accordance with the licensing objectives.

The conditions to be added/modified were as follows:

Annex 2 (b) (vii) which briefly states all staff to receive 6 month refresher training on the sale of alcohol related products, be permanently modified to include training on age restricted products stocked on the premises for example tobacco related products.

Annex 2 (b) (viii) which states 'at any time where there is no personal licence holder on the premises there must be at least one member of staff on duty inside the premise who has been authorised by the DPS.'

BE PERMANENTLY MODIFIED TO NOW READ:

'there must be at all times a personal licence holder on the premises when licensable activities take place'

The Panel would like to thank those attending the hearing for their contribution and assisting the Panel in reaching its decision.

Right of Appeal

Any party has 21 days to make an appeal against today's decision. Any appeal must be made to the Magistrates' Court within 21 days of the Licensing Authority providing a written decision notice.
Yours faithfully,

CEaton

Carolyn Eaton
Principal Democratic Services Officer and
Clerk to the Speakers' Panel (Liquor Licensing)

cc **Mike Robinson**
 Rebecca Birch
 Lauren O'Toole
 PC Foley
 Tracy Jones-Lacy
 James Mallion

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REPORT OF PREMISES INSPECTION

Date and Time of Inspection: 11. 7. 23 / 11am	DPS: No DPS in Place
Premises Details: 3ave nise Drayishen	Person spoken to: [Redacted]
Premise Licence No.	Contact Number:
Premise Licence Holder:	Email:
	Designation:
	Personal Lic. No:

Food Premises: Yes <input type="checkbox"/> No <input type="checkbox"/>	Gaming Machines	Cat C..... Cat D.....
Late Night Ref. Lic. Required Yes <input type="checkbox"/> No <input type="checkbox"/>	Number of Gaming Machines in Premises	Gamcare Yes No
Late Night Ref. Lic. In Place Yes <input type="checkbox"/> No <input type="checkbox"/>	Gaming Machine: Yes/ No Lic No.....Issued.....	Labelled Yes No
	Club Gaming Machine Yes/No Lic No.....Issued.....	Under 18 Yes No
		Labelled Yes No

Comments / Observations / Actions

Summary Displayed Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	DPS Alcohol Authorisation Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Smoking Signage Yes <input type="checkbox"/> No <input type="checkbox"/>
Protection of Children from Harm	Prevention of Public Nuisance	
Underage/I.D Policy <input checked="" type="checkbox"/>	Noise Limiter Control <input type="checkbox"/>	Self Closing Doors <input type="checkbox"/>
Signage <input checked="" type="checkbox"/>	Signage <input type="checkbox"/>	Litter <input type="checkbox"/>
Public Safety	Prevention of Crime & Disorder	
Emergency Lights <input type="checkbox"/>	CCTV <input checked="" type="checkbox"/>	Glassware <input type="checkbox"/>
Fire Risk Assessment <input type="checkbox"/>	Drug Awareness Policy/Signage <input type="checkbox"/>	
Fire Log Book <input type="checkbox"/>		
Fire Safety Equipment <input type="checkbox"/>		
Emergency Exits <input type="checkbox"/>		
Door Person (s) on Duty: Yes <input type="checkbox"/> No <input type="checkbox"/> How Many <input type="checkbox"/>	SIA Registered: Yes <input type="checkbox"/> No <input type="checkbox"/>	Door Persons Log Book <input type="checkbox"/>
Waste Transfer contract in place Yes <input type="checkbox"/> No <input type="checkbox"/> Information:		
Trade Waste contract in place Yes <input type="checkbox"/> No <input type="checkbox"/> Information:		
Additional Comments:		
2x fridges with Alcohol total		
MR Harpak Malanpor to remove		
all Alcohol today		

Signature of Person interviewed: _____ Date: 3.4.23

IF YOU NEED TO CONTACT US TO DISCUSS THIS PLEASE CONTACT:
Licensing, Tame Street, Stalybridge, SK15 1ST or email: licensing@tameside.gov.uk

Officer Name: _____ Signed: _____

Telephone: 0161 342 4262

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APPENDIX 5

Date and Time of Inspection:	DPS: <i>MR P [redacted]</i>
Premises Details: <i>Sale of Motor Orbits</i>	Person spoken to: [redacted]
Premise Licence No. <i>210038</i>	Contact Number: [redacted]
Premise Licence Holder: [redacted]	Email: [redacted]
	Designation:
	Personal Lic. No:

Food Premises: Yes <input type="checkbox"/> No <input type="checkbox"/>	Gaming Machines	Cat C Cat D.....
Late Night Ref. Yes <input type="checkbox"/> No <input type="checkbox"/>	Number of Gaming Machines in Premises	Gamcare Yes No
Lic. Required	Gaming Machine: Yes/ No Lic No.....Issued.....	Labelled Yes No
Late Night Ref. Yes <input type="checkbox"/> No <input type="checkbox"/>	Club Gaming Machine Yes/No Lic No.....Issued.....	Under 18 Yes No
Lic. in Place		Labelled Yes No

Comments / Observations / Actions

Summary Displayed Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	DPS Alcohol Authorisation Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Smoking Signage Yes <input type="checkbox"/> No <input type="checkbox"/>
Protection of Children from Harm	Prevention of Public Nuisance	
Underage/I.D Policy <input checked="" type="checkbox"/>	Noise Limiter Control <input type="checkbox"/>	Self Closing Doors <input type="checkbox"/>
Signage <input checked="" type="checkbox"/>		Signage <input type="checkbox"/>
Public Safety	Prevention of Crime & Disorder	Litter <input type="checkbox"/>
Emergency Lights <input checked="" type="checkbox"/>	CCTV <input checked="" type="checkbox"/>	
Fire Risk Assessment <input checked="" type="checkbox"/>	Glassware <input type="checkbox"/>	Drug Awareness Policy/Signage <input type="checkbox"/>
Fire Log Book <input checked="" type="checkbox"/>		
Fire Safety Equipment <input checked="" type="checkbox"/>		
Emergency Exits <input checked="" type="checkbox"/>		
Door Person (s) on Duty: Yes <input type="checkbox"/> No <input type="checkbox"/> How Many <input type="checkbox"/>	SIA Registered: Yes <input type="checkbox"/> No <input type="checkbox"/>	Door Persons Log Book <input type="checkbox"/>
Waste Transfer contract in place Yes <input type="checkbox"/> No <input type="checkbox"/> Information:		
Trade Waste contract in place Yes <input type="checkbox"/> No <input type="checkbox"/> Information:		

Additional Comments:

*NO Summary
NO OPS Aut form
NO personal licence holders on site
NO self training fuel
cant work CCTV & NO waste contract in place*

Signature of Person interviewed: [redacted] Date: *18.4.23*

IF YOU NEED TO CONTACT US TO DISCUSS THIS PLEASE CONTACT:
Licensing, Tame Street, Stalybridge, SK15 1ST or email: licensing@tameside.gov.uk

Officer Name: *Jenna Cole* Page 41 Signed: *[Signature]*
Telephone: *0161 342 4262*

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Save More
75-77 Market Street
Droylsden
Tameside
M43 6DD

Doc Ref
Ask for Gemma Lee
Direct Line 0161 342 4262
Date 20 April 2023

Dear Mr 

RE: Licensing Act 2003 – Save More 75-77 Market Street Droylsden Tameside M43 6DD. (PL210038)

I am writing to you following my visits to Save More, 75-77 Market Street, Droylsden, M43 6DD.

I visited the premises on 18 April, 2023 and found there to be breaches of a number of licence conditions. They have been summarised below:

- LICENCE CONDITION BREACH: No refusals book
- LICENCE CONDITION BREACH: No list of authorised persons
- LICENCE CONDITION BREACH: No staff training record
- LICENCE CONDITION BREACH: No personal license holder on the premises
- LICENCE CONDITION BREACH: No CCTV checks being completed
- LICENCE CONDITION BREACH: Drug paraphernalia
- LICENCE CONDITION BREACH: Staff members unable to operate CCTV system
- LICENCE CONDITION BREACH: No proxy notices on display
- LICENCE CONDITION BREACH: No portable drives for CCTV footage

During my visit, I spoke with you regarding the breach of conditions. You were provided with all of the relevant information to aid you with complying with your licence conditions.

Another visit will be conducted, within the next four weeks, to ensure you have addressed the above matters and are trading in accordance with your Premises Licence.

I would like to remind you that, failure to comply with your licence conditions, may result in you committing offences under Section 136 of the Licensing Act 2003 which, in turn, may result in the authority taking action against you.

Yours sincerely,

Gemma Lee
Regulatory Compliance Officer (Licensing)
Operations & Neighbourhoods

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REPORT OF PREMISES INSPECTION

Date and Time of Inspection: 3:20pm 26/4/23	DPS: / [REDACTED]
Premises Details: SAVE MORE OFF LICENCE	Person s: [REDACTED]
Premise Licence No. PL210038	Contact Number:
Premise Licence Holder: [REDACTED]	Email:
	Designation:
	Personal Lic. No: PA085169

Food Premises: Yes <input type="checkbox"/> No <input type="checkbox"/>	Gaming Machines	Cat C Cat D.....
Late Night Ref. Lic. Required Yes <input type="checkbox"/> No <input type="checkbox"/>	Number of Gaming Machines in Premises	Gamcare Yes No
Late Night Ref. Lic. in Place Yes <input type="checkbox"/> No <input type="checkbox"/>	Gaming Machine: Yes/ No Lic No.....issued.....	Labelled Yes No
	Club Gaming Machine Yes/No Lic No.....issued.....	Under 18 Yes No
		Labelled Yes No

Comments / Observations / Actions

Summary Displayed Yes <input type="checkbox"/> No <input type="checkbox"/>	DPS Alcohol Authorisation Yes <input type="checkbox"/> No <input type="checkbox"/>	Smoking Signage Yes <input type="checkbox"/> No <input type="checkbox"/>
Protection of Children from Harm	Prevention of Public Nuisance	
Underage/I.D Policy <input checked="" type="checkbox"/>	Noise Limiter Control <input type="checkbox"/>	Self Closing Doors <input type="checkbox"/>
Signage <input type="checkbox"/>	Signage <input type="checkbox"/>	Litter <input type="checkbox"/>
Public Safety	Prevention of Crime & Disorder	
Emergency Lights <input checked="" type="checkbox"/>	CCTV <input checked="" type="checkbox"/>	Glassware <input type="checkbox"/>
Fire Risk Assessment <input checked="" type="checkbox"/>	Drug Awareness Policy/Signage <input type="checkbox"/>	
Fire Log Book <input checked="" type="checkbox"/>		
Fire Safety Equipment <input checked="" type="checkbox"/>		
Emergency Exits <input checked="" type="checkbox"/>		
EXTINGUISHERS OUT OF DATE		
Door Person (s) on Duty: Yes <input type="checkbox"/> No <input type="checkbox"/> How Many <input type="checkbox"/>	SIA Registered: Yes <input type="checkbox"/> No <input type="checkbox"/>	Door Persons Log Book <input type="checkbox"/>
Waste Transfer contract in place Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Information: HAS CONTRACT AT ANOTHER SITE	
Trade Waste contract in place Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Information:	
Additional Comments:		
<p>Refusals log last filled in 19/04/23. CCTV camera recording check last done 19/04/23. (listed equipment problems = 'increase area coverage') Authorised persons list = [REDACTED]. * STILL NOT COMPLIANT WITH ALL LICENSING CONDITIONS AS PER THE LAST VISIT ON 18/04/23</p>		

Signature of Person Interviewed: [REDACTED] Date: 26/04/23.

IF YOU NEED TO CONTACT US TO DISCUSS THIS PLEASE CONTACT:
 Licensing, Tame Street, Stalybridge, SK15 1ST or email: licensing@tameside.gov.uk

Officer Name: DAVID RINGAN Signed: [Signature]

Telephone: 0161-342-3759

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To: Police

2020118

15/8/23

APPENDIX 8

Dear Police officer

Can I ask you please to tell ^{off licence} _{shop} 77 Market street Droylsden to stop selling

fake cheap Cigaretts to our children.

my son is coughing I am taking him to GP

and make a complaint too. Thanks

I do appreciate if you stop them

they keep fake Cigaretts in their car

at the back of the shop. Thanks

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REPORT OF PREMISES INSPECTION

Date and Time: 07/09/2023 12:15pm		DPS: [Redacted]
Premises Details: SAVE MORE 77 MARKET ST, DROYLSDEN		Person: [Redacted]
Premises Licence No: PL210038		Contact No:
Premises Licence Holder: [Redacted]		Email:
		Designation: SHOP ASSIS
		Personal Licence No: PA085159
Food Premises: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Gaming Machine Lic: Yes <input type="checkbox"/> No <input type="checkbox"/>	Waste contract: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Late Night Ref: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	No in premises: C..... D.....	Details:

Comments/Observations/Actions:

Summary Displayed: Yes No Licence Available: Yes No DPS Alcohol Authorisation: Yes No
 Door Company used: N/A Log Book available: Yes No SIA Registered: Yes No

Protection of Children from Harm Underage/I.D. Policy Signage Incident/refusals book Proxy Notice <input type="checkbox"/> challenge 25 <input checked="" type="checkbox"/>	Prevention of Public Nuisance Signage Litter <input type="checkbox"/> <input type="checkbox"/>
--	---

Public Safety Any Fire Safety concerns (e.g. exits/lights/equipment) Yes <input type="checkbox"/> No <input type="checkbox"/>	Prevention of Crime and Disorder CCTV Drug Awareness Policy/Signage <input checked="" type="checkbox"/> <input type="checkbox"/>
---	---

Additional Comments/Advice: PERSONAL LICENCE HOLDER NOT ON SITE
 CCTV SIGNAGE ✓ PROXY NOTICES ✓ MA WARPAC MOWAN FOR
 TOBACCO SIGNAGE ✓ HAS ACCESS TO CCTV - BUT UNABLE TO
 WORK IT DUE TO NOT HAVING HIS GLASSES!
 DPS ALCOHOL AUTHORIZATION - [Redacted] - NOT ON SITE INITIALLY
 (NO AUTHORIZED SIGNATURES)
 NO TRADE WASTE CONTRACT - BAGS OF WASTE PILED UP IN
 KITCHEN AREA OF THE PREMISES - 2 WEEKS NOTICE, AFTER A MONTH FPN.
 SHOP ASSIS UNABLE TO WORK CCTV - 'DIDN'T HAVE PASSWORD'
 Cameras last checked 27/4/23
 Refusals up to 27/4/23
 Number of bags of waste no contract, bags
 in Reza not available too busy
 PERSONAL LICENCE HOLDER - [Redacted] N° 287909

Signature of Staff Member: [Redacted] Date: 07/09/2023

If you need to contact us to discuss this please contact: Licensing, Tame Street, Stalybridge, SK151ST or by email licensing@tameside.gov.uk or on 0161 342 4262

Signed: [Redacted] 07/09/23

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Sharon Smith
Head of Public ProtectionTame Street Depot, Tame Street,
Stalybridge, Tameside, SK15 1STCall Centre 0161-342-8355
Twitter @tmbc_placeswww.tameside.gov.uk
email: licensing@tameside.gov.ukDoc Ref 23/06706/LICGEN
Ask for Dave Ringer
Direct Line 0161 342 4262
Date 08 September 2023[REDACTED]
Save More
75-77 Market Street
Droylsden
Tameside
M43 6DD.

Dear [REDACTED]

RE: Licensing Act 2003 – Save More, 75-77 Market Street, Droylsden M43 6DD (PL210038)

I am writing to you following my premises compliance visit to Save More, 75-77 Market Street Droylsden M43 6DD.

I visited the premises on 07th September 2023 and found there to be breaches of a number of licence conditions. They have been summarised below:

- **LICENCE CONDITION BREACH: Refusals Book not being kept up to date**
- **LICENCE CONDITION BREACH: No Staff Training records**
- **LICENCE CONDITION BREACH: No CCTV Checks being Completed**
- **LICENCE CONDITION BREACH: Staff Members unable to Operate CCTV System**
- **LICENCE CONDITION BREACH: List of authorised persons not up to-date**
- **LICENCE CONDITION BREACH: No Personal Licence holder on site at all times**
- **LICENCE CONDITION BREACH: CCTV not storing footage for 28days**

During my visit I initially spoke with [REDACTED] and I then spoke with [REDACTED], Personal Licence holder, regarding the breach of conditions and advised that these breaches need to be addressed as a matter of priority.

(I would refer you to the copy of the premises inspection sheet that was left with [REDACTED])

Due to the aforementioned breaches, you are not trading in accordance with your Premises Licence. **By failing to do so, you are committing offences under Section 136 of the Licensing Act 2003.** A copy of this letter will be kept on file.

During our visit I understand that you spoke on the phone with Tracy Jones Trading Standards Officer who you informed that you would attend the premises, unfortunately you did not attend. Further attempts were made to contact you, however you were unavailable.

It was also noted during our visit that a large number of bin bags containing waste was present on the premises and after speaking to Mr [REDACTED], he was unable to provide us with details of a trade waste contract. Correspondence with regard to this issue will be sent to you in due course.

I will complete a visit at your premises within the next few weeks in order to check you are fully compliant with all the licence conditions.

If you require further clarification on the issues outlined above, please feel free to contact us on 0161-342-4262 or you can e-mail at licensing@tameside.gov.uk

Yours sincerely,

Dave Ringer
Regulatory Compliance Officer
Operations & Neighbourhoods

REPORT OF PREMISES INSPECTION

Date and Time: 4/10/2023 11:10AM		DPS: [REDACTED]
Premises Details: SAVE MORE 77 MARKET STREET DROYLSDEN		Person (SIA) [REDACTED]
Premises Licence No: PL 210038		Contact No:
Premises Licence Holder: [REDACTED] 287909 (NOT ON SITE)		Email:
		Designation:
		Personal Licence No: PAC65159
Food Premises: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Gaming Machine Lic: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Waste contract: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Late Night Ref: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	No in premises: C..... D.....	Details: UNABLE TO PRODUCE

Comments/Observations/Actions:

Summary Displayed: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Licence Available: Yes <input type="checkbox"/> No <input type="checkbox"/> DPS Alcohol Authorisation: Yes <input type="checkbox"/> No <input type="checkbox"/>	
Door Company used: _____ Log Book available: Yes <input type="checkbox"/> No <input type="checkbox"/> SIA Registered : Yes <input type="checkbox"/> No <input type="checkbox"/>	
Protection of Children from Harm	Prevention of Public Nuisance
Underage/I.D. Policy <input checked="" type="checkbox"/> Signage <input checked="" type="checkbox"/> Incident/refusals book <input type="checkbox"/> Proxy Notice <input type="checkbox"/>	Signage <input type="checkbox"/> Litter <input type="checkbox"/>
Public Safety	Prevention of Crime and Disorder
Any Fire Safety concerns (e.g. exits/lights/equipment) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	CCTV <input checked="" type="checkbox"/> Drug Awareness Policy/Signage <input type="checkbox"/>

Additional Comments/Advice:

NO PERSONAL LICENCE HOLDER ON SITE

SHOW ASSISTANTS CANNOT WORK CCTV SYSTEM

NO REFUSALS BOOK

NO STAFF TRAINING

NO CCTV CHECKS / STAFF CANNOT WORK CCTV SYSTEM → CCTV NOT STORING FOOTAGE - UNABLE TO DEMONSTRATE

LIST OF AUTHORISED PERSONS NOT UP TO DATE

NUMBER OF BLACK BAGS OF WASTE IN KITCHEN AREA

NO CHANGES SINCE LAST VISIT ON 07/09/2023 WITH [REDACTED] AND FROM MEETING AT TAME STREET.

Signature of Staff Member: [REDACTED] Date: 04/10/2023

If you need to contact us to discuss this please contact: Licensing, Tame Street, Stalybridge, SK151ST or by email licensing@tameside.gov.uk or on 0161 342 4262

Officer Name: J.R. Signed: J.R.

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GREATER MANCHESTER POLICE - REPRESENTATION

About You

Name	PC Craig Foley
Address including postcode	Ashton-under-Lyne Police Station Manchester Road Ashton-under-Lyne Tameside OL7 0BQ
Contact Email Address	Craig.foley1@gmp.police.uk
Contact Telephone Number	07393782074

About the Premises

Application Reference No.	
Name of the Premises	Save More Off Licence
Address of the premises including postcode	75-77 Market St, Droylsden, M43 6DD

Your Representation

Please outline your representation below and continue overleaf. This should describe the likely effect of the grant of the variation on the licensing objectives on and in the vicinity of the premises in question.

Please accept this as formal notification of the Greater Manchester Police objection to the request for a premises license to be granted in relation to the above premises.

The grounds for the representation are Prevention of Crime and Disorder and protection of children from harm.

I am Police Constable 13850 Craig Foley of the Greater Manchester Police currently based at Ashton-Under-Lyne. I am the licensing police officer for the Tameside District, and I make all decisions on licensing matters for Greater Manchester Police in Tameside.

I have concerns over the running of Save More Off Licence which I believe has not changed since the change of ownership since the last review. The same issues have been consistent for the current owner Mr Reza Enayati as it was for the previous owner Mr Abdi. The licensing objectives for preventing crime and disorder and protecting children from harm are not being adhered too despite being given plenty of advice and opportunity to operate a safe professional premise.

I list below the visits I have undertaken with TMBC staff in the trading standards and licensing departments since Mr Reza Enayati has taken control of the premise.

On the 11th April 2023 I carried out a visit with TMBC to ensure compliance. During this visit the Owner Mr Reza Enayati was present and 154 ELUX 3500, 2 x Prime 8000 Vapes and an open ELUX 3500 were seized from the Kitchen at the rear of the shop and from behind the counter. A packet of foreign labelled Marlboro Gold and Turner Hand rolling tobacco were found behind the counter and seized. In addition to Trading Standards, I found 12 Ace Cider and 4 Frosty Jack Cider with an alcohol content over that allowed strength in the Conditions specified in their licence. These were also seized by me.

On the 26th April 2023 a search was made by Wagtails. One packet of Amber leaf Tobacco was found in the kitchen under the shelving. Inside the bin there were also empty packets of n ELUX 3500 vape, Marlboro gold and Kent cigarettes.

In August 2023 GMP received information which stated that 75-77 Market Street were selling illegal cigarettes. It has also been reported they are being sold to children. They are believed to be stored in a vehicle to the rear of the store.

On the 7th September 2023 I attended the premise with trading standards and licensing officers from TMBC to conduct a search. A black Audi vehicle was parked at the rear of the shop in a similar place to the previous vehicle used to store illegal stock the year before. 2 males were present inside the shop, and one had the car keys to the Black Audi (MF57 FKH)

Inside the vehicle the following seizure was made,

40 x Marlboro
80 x M1 Red
40 x Richmond King Size Real Blue
120 x Benson and Hedges Gold
140 x Richmond King Size
300 x Marlboro Limited Edition (White and Gold)
9 x Amber Leaf
13 x Amber Leaf (Original)
2 x Crystal Galaxy 4500 Vapes
33 x Crystal Pro Max 4000 Vapes
28 x Crystal Galaxy 4500 Vapes
55 x ENE 3500 vapes
9 x Prime Bar 8000 Vapes
10 x Firerose EX 4500 vapes
Empty Packaging of tobacco
Back seat Car arm rest had a Marlboro Gold

Behind the counter there was also an empty box Crystal Pro Max 4000+ vape.

The vehicle was not registered or taxed, therefore GMP seized and removed the vehicle. The person who claimed the vehicle was theirs, was Media Molanpour DOB 08/05/2004 who inside the shop on our visit using the toilet. His coat was in the stock room with the car keys, his wallet and ID inside.

The person working behind the counter called Mustafa Mohammadammini contacted Mr Reza Enayati by telephone and Tracy Jones from TMBC trading standards spoke to him. He stated he was on his way to the shop. A short while later, Mr Harpack Molanpor arrived to discuss the issues. Mr Molanpor refused to sign the receipt of the items seized stating it was nothing to do with the premise.

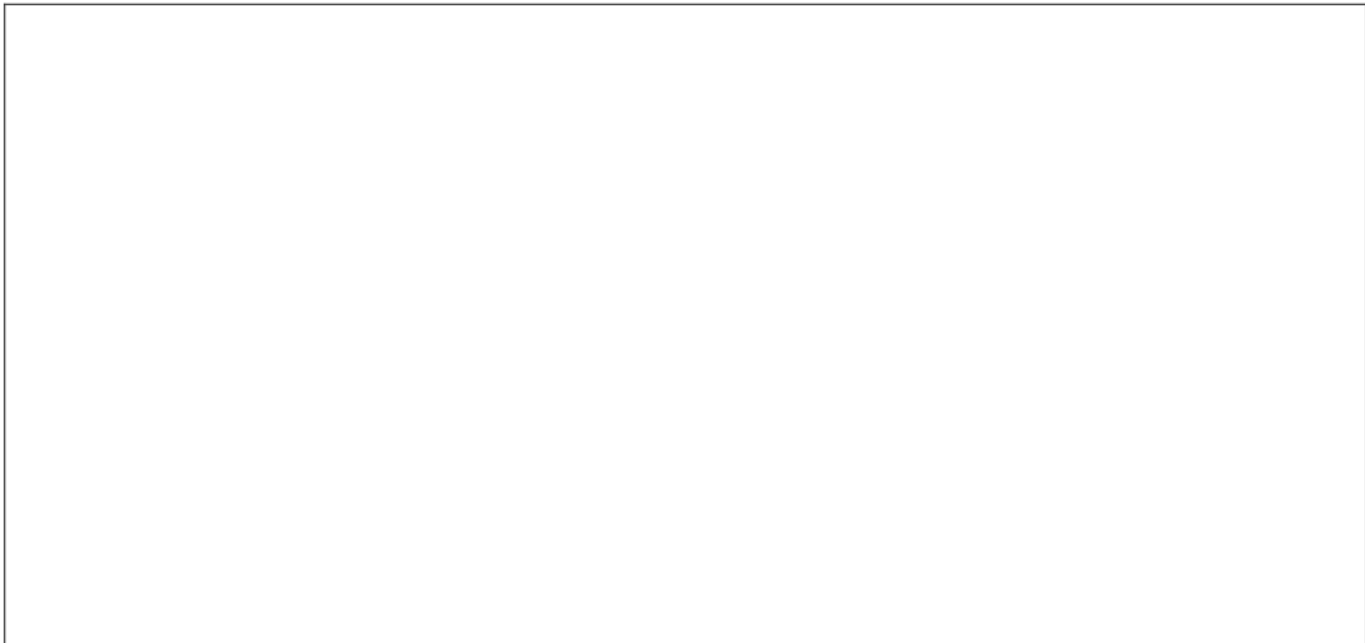
Mustafa Mohammadammini has been the solo worker in the shop on visits on the 7th of September 2023 and a visit previous. Mustafa Mohammadammini stated on both occasions that he is training but on the two visits mentioned he has had no one at the shop to train him. The shop has licence conditions to always have a personal licence holder at the shop. Mustafa Mohammadammini is not a personal licence holder.

Greater Manchester Police have a report from Mustafa Mohammadammini 8th of August 2023 stating that he was working in the shop when a male stole a bottle of Jack Daniels and ran off to the tram stop. Mustafa Mohammadammini chased after the suspect to the tram where he fights with the suspect who then makes off towards Manchester. This again shows that Mustafa Mohammadammini was the lone worker in the shop and again the shop did not have a personal licence holder at the premise.

The crime reference for this incident is CRI/06GG/0018426/23

Greater Manchester Police have received intelligence regarding the shop selling vapes and cigarettes to underage people in June, July, and September 2023. Thus again undermines the licensing objective around protecting children from harm.

PC 13850 Foley



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LICENSING ACT 2003**Representation Re Application for a New Premises Licence**

From:	Trading Standards, Tameside Metropolitan Borough Council
To:	The Licensing Section, Tameside Metropolitan Borough Council
Date:	2 nd November 2023
Date of Application:	

Trading Standards, in its capacity as a 'Responsible Authority' under the provisions of the Licensing Act 2003, hereby give notice of our representation in respect of the above premises.

The reason(s) for the objection are as follows:

This premise has a history of non-compliance with Trading Standards. The operation of the premises in recent years has consistently undermined the licensing objectives namely, the protection of children from harm, the prevention of crime and disorder and public safety.

Using records within the Department's database,

On the 6th December 2022 I made a Representation regarding the Premise Licence at Save More Off Licence. The history regarding this premise shows a pattern of non-compliance with Trading Standards Legislation.

On the 7th September 2022 I conducted a visit to the premise with GMP and found a vehicle (Vauxhall Corsa) at the rear of the premise which contained a large quantity of Illicit tobacco (143 packets of cigarettes and 24 packets of hand rolling tobacco) and a quantity of Cannabis. The Tobacco was seized from the vehicle by Trading Standards and GMP seized the vehicle and drugs. No persons were identified as owning the car. During this visit a number of issues were raised inside the shop with the owner [REDACTED]. No refusals book was being used, no price list, premise licence was not displayed, tobacco must be covered at all times and ELUX 3500 were offered for sale. Warning letter was provided at the time regarding illegal e-cigs. During the conversation with [REDACTED] he informed us that the previous director of Save More Off Licence Ltd No 13461005 was [REDACTED] and that [REDACTED] taken over. (Inspection Sheet, Notice of Powers – TLL/01)

On 13th October 2022 I carried out a visit with GMP and Wagtails, a quantity of illicit tobacco (9 packets of hand rolling tobacco and 45 packets of cigarettes) and 67 ELUX 3500 were found in a plastic bag in the rear yard. A further 7 packets were found in the shop employees coat behind the counter. A receipt was provided to the premise. I spoke with the owner [REDACTED] on the phone. The receipt was refused to be signed as they claimed the tobacco was not related to the shop. (Inspection sheet, Notice of Powers & Seizure Record – TLL/ 02)

On the 25th October 2022 Trading Standards carried out an underage sales operation and a 15 year old Test Purchaser volunteer entered the Premise to attempt to purchase a vape. On this occasion no sale was made.

According to Companies House records the Company was dissolved on the 7th February 2023 and there was no transfer of directorship.

On the 11th April 2023 I carried out a visit with GMP PC Craig Foley to ensure compliance. During this visit the Owner [REDACTED] was present. During the visit a seizure of the tobacco in the

gantry was made and checks made with Trade Mark owners. The tobacco was confirmed as genuine and returned to [REDACTED] on the 26th April 2023. However during this visit a further 154 ELUX 3500, 2 x Prime 8000 Vapes and an open ELUX 3500 were seized from the Kitech at the rear of the shop and from behind the counter. A packet of foreign labelled Marlboro Gold and Turner Hand rolling tobacco were found behind the counter and seized. In addition to Trading Standards, PC Foley found 12 Ace Cider and 4 Frosty Jack Cider with an alcohol content over that allowed in the Conditions specified in their licence. These were also seized by GMP. (Seizure Record TLL/03)

On the 26th April 2023, while returning the genuine stock, a search was made by Wagtails. One packet of Amber leaf Tobacco was found in the kitchen under the shelving. Inside the bin there were also empty packets of n ELUX 3500 vape, Marlboro gold and Kent cigarettes. (Inspection Record, notice of Powers, return of stock receipt, seizure record – TLL/04)

On the 31st August 2023 I was informed of 2 separate intelligence reports that GMP had received which stated that 75-77 Market Street, whereby reports of illegal cigarettes are being sold from the store. It has also been reported they are being sold to children. They are believed to be stored in a vehicle to the rear of the store.

On the 7th September 2023 I attended the premise with GMP and licensing officers from TMBC to conduct a search. A black Audi vehicle was parked at the rear of the shop in a similar place to the previous vehicle used to store illegal stock the year before. 2 males were present inside the shop and one had the car keys to the Black Audi [REDACTED]

Inside the vehicle the following seizure was made,

40 x Marlboro
80 x M1 Red
40 x Richmond King Size Real Blue
120 x Benson and Hedges Gold
140 x Richmond King Size
300 x Marlboro Limited Edition (White and Gold)
9 x Amber Leaf
13 x Amber Leaf (Original)
2 x Crystal Galaxy 4500 Vapes
33 x Crystal Pro Max 4000 Vapes
28 x Crystal Galaxy 4500 Vapes
55 x ENE 3500 vapes
9 x Prime Bar 8000 Vapes
10 x Firerose EX 4500 vapes
Empty Packaging of tobacco
Back seat Car arm rest had a Marlboro Gold

Behind the counter there was also an empty box Crystal Pro Max 4000+ vape.

The vehicle was not registered or taxed, therefore GMP had the vehicle seized and removed. The person who claimed the vehicle was theirs, was [REDACTED]

The person working behind the counter contacted [REDACTED] by telephone and I spoke to him. He stated he was on his way to the shop. A short while later, [REDACTED] arrived to discuss the issues. [REDACTED] refused to sign the receipt of the items seized stating it was nothing to do with the premise. (Inspection Sheet, Notice of Powers, Record of Seizure x2 – TLL/05)

On the 21st September 2023, [REDACTED] attended a meeting at Tame Street Depot with myself and Sharon Campbell (Licensing) to discuss the issues found. During this meeting he stated he knew nothing about the illegal stock and that he was in Birmingham on the 7th September 2023. Sharon discussed the licensing issues found during the visit and requested the CCTV of the

day. I was informed by Sharon Campbell that the CCTV was not delivered as requested.
(Inspection record – TLL/06)

On the 25th October we instructed a Test Purchase company to visit the premise and attempt to purchase illicit tobacco. The Test purchaser notified me on the 2nd November 2023 that in his professional opinion stated that

Save more, 77 Market Street, Droylsden. Opened at 10am. Male dropped off at shop by Black Skoda index [REDACTED]. Black Astra car parked at rear of premises could be stash car. The male in shop refused a sale to me however I had the feeling he just didn't know me so aired on the side of caution and didn't sell.

On the 2nd November 2023 I carried out Gov.uk checks on the on the vehicle mentioned at this time we are unaware of the vehicle's owner but on the 2nd November the vehicle was not taxed (as of the 1st November 2023) but MOT'd till the 3rd December 2023. Following the modus operandi of this premise using vehicles to store illicit or illegal stock I believe more illegal stock is stored in the vehicle and a small quantity inside the premise.

Due to the pattern of non-compliance with trading standards legislation since the revocation of the premises licence, evidence of sale of illicit tobacco. Tameside Trading Standards Authority has lost faith in the ability of the management of the premises to promote the licensing objectives and therefore I recommend that the premises licence be revoked.

Signed: T Jones-Lacy Name : TRACY JONES-LACY

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Dear Mike,

I, James Mallion on behalf of Public Health in their capacity as a Responsible Authority under the Licensing Act 2003 make representation in relation to the premises licence review at Save More Convenience Store, 75-77 Market Street, Droylsden, M43 6DD submitted to the Licensing Authority on 2 November 2023.

In relation to the above review, I have enclosed some information and comments below.

The representation relates primarily to: the prevention of crime and disorder; public safety; and the protection of children from harm.

The attached document in Appendix 1 is a letter outlining our findings including the evidence behind this in relation to the known harms of alcohol, alcohol-related crime, tobacco and access to illicit tobacco, as well as existing levels of deprivation and health harms in the surrounding area.

See below a screenshot of the data for this area (M43 6DD) which indicates the level of existing alcohol-related harm in the Lower Super Output Area (LSOA). This tells us that this area has a relatively moderate level of overall alcohol related harm compared to the rest of the borough, ranked 41st out of 141 LSOAs placing this area in the top 30% of alcohol harm in the borough. This area ranks particularly highly for individual measures of alcohol harm including the density of existing licensed premises (3rd highest out of 141 LSOAs in the borough); and alcohol-related crimes (6th highest out of 141 LSOAs).

ENTER POSTCODE
M43 6DD
or
ENTER LSOA CODE
E01006000

INDICATORS	WEIGHTING
Alcohol Specific Hospital Admissions	33.3%
Weekend A&E attendances (12-05 AM)	33.3%
Alcohol Related Crimes	11.1%
Alcohol and Domestic Violence Associated Crimes	11.1%
Alcohol Related Anti-Social Behaviour Incidents	11.1%

RESULTS FOR SELECTED LSOA

E01006000

INDICATOR	VALUE	Z-SCORE	TAMESIDE RANK
Density of Licensed Premises (per 1000 population)	14.6	3.69	3
Alcohol Specific Hospital Admissions (DSR per 100,000 Population)	902.4	0.14	45
Weekend A&E attendances (12-05 AM)	2932.8	0.11	57
Alcohol Related Crimes	20.4	1.32	6
Alcohol and Domestic Violence Associated Crimes	6.4	0.42	49
Alcohol Related Anti-Social Behaviour Incidents	7.4	0.49	14
OVERALL SCORES			
Unweighted Composite Score for LSOA	-	0.49	27
Weighted Composite Score for LSOA	-	0.33	41

Given the increased availability of alcohol that this application represents, the wider alcohol harms across the borough should also be considered. Tameside has some of the highest levels of alcohol harm in England and locally across Greater Manchester. Tameside has the 8th highest alcohol related death rate in the country; 7th highest rate of alcohol sold through off trade in the country; and 10th highest level of dependant drinkers in the country. This demonstrates the high level of harm and the impact that alcohol has across our wider population in Tameside.

Further evidence also demonstrates that increasing the availability of alcohol, particularly via off-sales premises such as this one, contributes to increased levels of alcohol related harm

due to increased visibility of alcohol products and local price competition driving down the prices of harmful alcohol products. One insight from the research shows that “*off-sales outlets have the greatest potential for alcohol-related harm, due to their cheaper product, large volumes obtainable, accessibility for under-age drinkers, and the absence of control over the final recipient*”.

Smoking is the single biggest cause of premature death in the UK and is responsible for at least half the difference in life expectancy between the richest and poorest in society, perpetuating health inequalities.¹

Cheap illegal tobacco fuels teen smoking, worsens health inequalities and is linked to wider organised crime.² The required labelling of tobacco products in the UK and health warning statements printed in English are also a protective factor as they act to reduce the appeal of tobacco products. Young people are major consumers of illicit cigarettes not only because of their price but also because of access. A UK survey found that a third of smokers between the ages of 14 and 17 had obtained illicit tobacco products from the black market, rates which are higher than amongst older smokers.³

Research commissioned by ASH found that one in four of the poorest smokers buy smuggled tobacco compared to one in eight of the most affluent. The availability of cheaper illicit tobacco may exacerbate health inequalities.⁴

There is a wide range of evidence demonstrating the harms of tobacco. Tameside experiences long-term adverse health impacts from smoking across the population with latest data showing that we have the 6th highest smoking related death rate in the country (Public Health Outcomes Framework).

Further data for this specific area in Droylsden around M43 6DD, provided by CACI, shows some of the related issues either linked to or caused by smoking demonstrate the high impact and level of harm in this area (postcodes located within the E010060000 LSOA, including this premises):

Health of E01006000	Percentage of Population in LSOA	Percentage of Population in England
Alcohol Consumption: Men >4 units per day	41.6%	41.2%
Alcohol Consumption: Women >3 units per day	28.1%	28.8%
Any kind of liver condition	2.7%	2.3%
Asthma	34.1%	12.0%
Chronic bronchitis	2.9%	2.1%
Current cigarette smoker	23.2%	15.7%
Currently Smoke	30.2%	20.2%
Emphysema	1.5%	1.0%
Obese (BMI>30)	34.6%	21.0%
Smokes 20+ per day	6.3%	3.7%

This data shows that overall this LSOA has worse outcomes for almost all areas in the table, with particularly high prevalence of asthma and smoking prevalence.

¹ [Marmot Review report – 'Fair Society, Healthy Lives | Local Government Association](#)

² [Smoking: Low income households \(ash.org.uk\)](#)

³ [Equalities Analysis \(publishing.service.gov.uk\)](#)

⁴ ASH. Beyond Smoking Kills, Protecting Children, reducing inequalities. 2008

Based on this information I would recommend revoking the license for these premises as the evidence of generally not complying with the premise licence conditions, particularly around the supply of illicit tobacco represents a direct risk of increased harm to those who may purchase them, which can disproportionately affect children and should be prevented. We have also presented evidence that indicates that such activities may have a disproportionate impact on the residents living in the Droylsden area due, health inequalities and harms from smoking that are already seen in this area.

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