

**IN THE MANCHESTER AND SALFORD
MAGISTRATES' COURT**

BETWEEN

CIHAN SATIROGLU Appellant
(TURKISH KITCHEN)

- and -

MANCHESTER CITY COUNCIL
Respondent

CONSENT ORDER

IN THE MANCHESTER AND SALFORD MAGISTRATES' COURT

B E T W E E N

**CIHAN SATIROGLU
(TURKISH KITCHEN)**

Appellant

- and -

MANCHESTER CITY COUNCIL

Respondent

CONSENT ORDER

**Premises Licence Application – Cihan Satiroglu, Turkish Kitchen Unit 1, 153 Great Ducie Street
Manchester M31 FB**

1. On the 11th December 2014 a hearing was held before the Licensing Committee in the above matter following representations made by Environmental Health, Trading Standards and Greater Manchester Police objecting to the new premises licence. The Appellant prior to the hearing agreed conditions with Environmental Health.
2. The Appellant failed to attend the committee hearing on 11th December 2014. The Appellant had received notification of the hearing. Following representations made by Trading Standards and Greater Manchester at the hearing the Committee decided to refuse the application for a premises licence on the ground of crime and disorder. (Reasons attached)

3. The Applicant appealed to Manchester and Salford City Magistrates' Court pursuant to Schedule 5 Licensing Act 2003.
4. Following discussion between the parties the Licensing Authority has reviewed its decision and in the light of the conditions suggested an agreement has been reached between the parties.
5. The terms of the agreement are set out below. We are of the opinion the agreement reached meets the licensing objectives and is appropriate and proportionate.

Therefore, **BY CONSENT IT IS ORDERED** that: -

6. Subject to the conditions set out hereinafter the appeal is allowed and the Premises Licence is granted.
7. We substitute the following decision, for the decision made by the Respondent on 11th December 2014

Opening Hours 10.00-23.00 - Monday to Sunday

Supply of Alcohol on the Premises Only -Monday to Sunday 12:00 to 22:30

Conditions to be attached to the Licence

8. Documented records of staff and management training with regard to licensing shall be completed. Training shall be refreshed at no greater intervals than 6 monthly intervals. Training records shall be available upon request by a police officer or an authorised officer of the City Council.
9. In addition to any other training, the premises licence holder shall ensure all staff are trained to prevent underage sales, to maintain the refusals log, enter sales correctly on the tills so the prompts show as appropriate and monitor staff to ensure their training is put into practice.
10. The premises shall operate a refusal book and this should be checked on a regularly basis by the Designated Premises Supervisor to ensure that it is being used by staff.
11. There shall be no noise or odours caused by the kitchen extraction equipment that gives rise to a nuisance.

12. A Challenge 25 scheme will be operated at the premises to ensure that any person who appears to be under the age of 25 shall provide documented proof that he/she is over 18 years of age. Proof of age shall only comprise a passport, photo driving licence, an HM Forces warrant card, or a card bearing the PASS hologram. Notices will be displayed in prominent positions at the premises indicating that the Challenge 25 policy is in force.

13. A digital hard drive CCTV system to be in operation at the premises and must cover internal and external areas of the premises, any areas where customers have legitimate access must be sufficiently illuminated for the purposes of CCTV. All CCTV recorded images will have sufficient clarity / quality / definition to enable facial recognition.

CCTV will be kept in an unedited format for a period of 31 days, any DVD's subsequently produced will be in a format so it can be played back on a standard personal computer or standard DVD player.

Any person left in charge of the premises must be trained in the use of any such CCTV equipment and able to produce / download / burn CCTV images upon request by a person from a responsible authority.

CCTV will be maintained on a regular basis and kept in good working order. CCTV maintenance records to be kept details of contractor used and work carried out to be recorded.

Where the recording is on a removable medium (i.e. videotape, compact disc, flash card etc.), a secure storage system to store those recording mediums shall be provided.

14. Any person who tries to gain entry to the premises who is involved in disorderly conduct or antisocial behaviour outside the premises will not be permitted entry to the premises. The premises licence holder shall ensure that any person within the premises who is involved in disorderly conduct or anti social behaviour inside the premises will be removed from the premises.

15. Notice shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly. Staff will remind customers to leave quietly.

16. The management and staff will report all incidents of crime and disorder that occur on the premises; all incidents shall be recorded in a designated log book

17. The premises shall implement a zero tolerance to drugs.

18. The staff and management will use best endeavors not to allow to enter or allow to remain in the premises any person who is notified to the Designated Premises Supervisor by Greater Manchester Police as being a person of bad character by way of association to other persons or by convictions at court.

19. Management shall carry internal and external patrols of the premises any time that the premises is open to the general public.

20. Deliveries of goods necessary for the operation of the business will be carried out at such a time or in such a manner as to prevent nuisance and disturbance to near by residents.

21. Signs requesting that customer leave the premises quietly shall be displayed at the exits.

22. The premises and immediate surrounding area shall be kept clean and free from litter at all times the premises are open to the public.

23. Cigarette bins will be place outside the premises for customers to use.

24. The licence holder shall enter into an agreement with a hackney carriage and/or private hire firm to provide transport for customers, with contact numbers made readily available to customers, who will be encouraged to use such services.

The Premises Licence shall be granted to the Appellant in the terms of the agreement reached.

Costs:

The Respondent to pay costs in the sum of £400 to the Appellant in full and final settlement of this Appeal within 28 days.

Dated the 11.2.15.

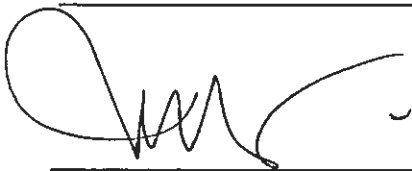
Laura Raine
Senior Solicitor

Manchester City Council



on behalf of
Manchester
City Council

Appellant- Mr Cihan Satiroglu



Justices of the Peace/~~District Judge~~

Alwyn Hooper . JP . 11.2.15

Name of the Applicant: Mr Cihan Satiroglu
Premises: Turkish Kitchen

Nature of the Application:

New Premises Licence	Variation of Premises Licence	Personal Licence	Temporary Event Notice	Other applications Please specify
x				

The committee have listened to the representations made by

Body/ individual	Summary of representations
Applicant:	Failed to attend the hearing
Police:	x
Environmental Health:	Agreed subject to conditions
Trading Standard:	x
Written presentations:	x

and have taken them into consideration.

In reaching its decision the Committee also have considered the Council's Statement of Licensing Policy, the Licensing Act 2003, the Regulations made there under and the Guidance issued by the Secretary of State under Section 182 of that Act and the licensing objectives.

Legal Submissions/ Case law

Committee's Decision

Refused

Ground

Crime and Disorder: x
The Applicant failed to attend the hearing. The Committee were advised that the Applicant was aware of the hearing date. The Committee considered whether to proceed in absence. The committee felt with out any explanation as to why the Applicant had not attended they felt it in the interest of justice to proceed.

Summary of the Evidence

Police -The police were very concerned with the quality of the application made by the Applicant. They did not have any confidence that the licensing objectives would be upheld in particular crime and disorder.

T/S- They had put suggested conditions within their representations which could be placed on the licence but the Applicant had not engaged with them. They were not aware whether the Applicant would agree to the conditions.

Reasons-

The reason for the Committee decisions was due to the evidence from Greater Manchester Police and the very poor quality of the application. The Committee accepted the evidence of GMP and were concerned that the licensing objectives would not be upheld. The application did not give any confidence to the Committee that the Applicant understood the licensing process and they had the necessary skills to run a licensed premises.

Application Refused

Determination :

Name of the Applicant: Mr Rakip Martini

Premises: Pane Vino, 225 Deansgate, Manchester, M3 4EN