



Licensing Sub Committee Hearing Panel

Date: Monday, 6 December 2021

Time: 10.00 am

Venue: Council Chamber, Level 2, Town Hall Extension

This is a **supplementary agenda** containing additional information about the business of the meeting that was not available when the agenda was published

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Membership of the Licensing Sub Committee Hearing Panel

Councillors - Andrews, Evans and Jeavons

Supplementary Agenda

- 1a. **Urgent Business - Temporary Event Notice - Mr Thomas's Chop House, 52 Cross Street, Manchester, M2 7AR** 3 – 26
The report of the Director of Planning, Building Control & Licensing is enclosed.
4. **Review of a Premises Licence - Euro Market , 402 Cheetham Hill Road, Manchester M8 9LE** 27 - 36
The report of the Head of Planning, Building Control and Licensing is enclosed.

Further Information

For help, advice and information about this meeting please contact the Committee Officer:

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This supplementary agenda was issued on **Thursday, 2 December 2021** by the Governance and Scrutiny Support Unit, Manchester City Council, Level 2, Town Hall Extension (Library Walk Elevation), Manchester M60 2LA

**Manchester City Council
Report for Resolution**

Report to: Licensing Sub-Committee Hearing Panel – 6 December 2021

Subject: Mr Thomas's Chop House, 52 Cross Street, Manchester, M2 7AR - ref: LTN267021

Report of: Director of Planning, Building Control & Licensing

Summary

Submission of a temporary event notice where an objection notice has been given.

Recommendations

That the Panel consider the objection notice(s) and give a counter notice where it considers it appropriate.

Wards Affected: Deansgate

Manchester Strategy Outcomes	Summary of the contribution to the strategy
A thriving and sustainable City: supporting a diverse and distinctive economy that creates jobs and opportunities	Licensed premises provide a key role as an employer, in regeneration, and in attracting people to the city. The efficient processing of applications as well as effective decision making in respect of them, plays an essential role in enabling businesses to thrive and maximise contribution to the economy of the region and sub-region.
A highly skilled city: world class and home grown talent sustaining the city's economic success	An effective Licensing regime will enable growth in our City by supporting businesses who promote the Licensing Objectives.
A progressive and equitable city: making a positive contribution by unlocking the potential of our communities	The Licensing process provides for local residents and other interested parties to make representations in relation to licensing applications. Representations have to be directly related to the licensing objectives.
A liveable and low carbon city: a destination of choice to live, visit and work.	An effective licensing system supports and enables growth and employment in our City with neighbourhoods that provide amenities suitable to the surrounding communities.

A connected city: world class infrastructure and connectivity to drive growth	
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Full details are in the body of the report, along with any implications for:

- Equal Opportunities Policy
- Risk Management
- Legal Considerations

Financial Consequences – Revenue

None

Financial Consequences – Capital

None

Contact Officers:

Name: Fraser Swift
 Position: Principal Licensing Officer
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 E-mail: fraser.swift@manchester.gov.uk

Name: Chloe Tomlinson
 Position: Technical Licensing Officer
 Telephone: 0161 234 4521
 E-mail: Premises.licensing@manchester.gov.uk

Background documents (available for public inspection):

- Manchester City Council Statement of Licensing Policy 2016 - 2021
- Guidance issued under section 182 of the Licensing Act 2003, April 2017
- Licensing Act 2003 (Hearings) Regulations 2005
- Any further documentary submissions by any party to the hearing

1. **Introduction**

- 1.1 On 24 November 2021, a temporary event notice (TEN) was given under s100A of the Licensing Act 2003 in respect of Mr Thomas's Chop House, 52 Cross Street, Manchester, M2 7AR in the Deansgate ward of Manchester. A location map of the premises is attached at **Appendix 1**.
- 1.2 In accordance with Licensing Act 2003 regulations, Greater Manchester Police (GMP) and Licensing Out of Hours Compliance (LOOH) were notified of the TEN.
- 1.3 Where either GMP or LOOH is satisfied that allowing the premises to be used in accordance with the TEN would undermine a licensing objective, they must give an objection notice to the relevant licensing authority, the premises user, and to every other relevant person.
- 1.4 The objection notice must be given no later than three working days after the day on which the objector is given the TEN.
- 1.5 An objection notice has been received in respect of this TEN and so it must be determined by a Licensing Hearing Panel in accordance with the Council's Constitution.

2. **The Notice**

- 2.1 A copy of the TEN is attached at **Appendix 2**.
- 2.2 The premises user is Jamie-Louise Harlow.
- 2.3 The description of the event is Wedding drinks reception with band.
 - 2.3.1 In accordance with the Live Music Act 2012 and Deregulation Act 2015, performances of Live Music and Recorded Music between the hours of 0800 and 2300 hours have been deregulated and so should not be regarded as licensable activities for the purposes of this TEN.
 - 2.3.2 Any further details provided relating to any of the individual licensable activities are specified on the TEN at **Appendix 2**.
 - 2.3.3 The premises is subject to a premises licence issued under the Licensing Act 2003, although the area proposed to be used for licensable activities under this notice is not covered by the plan attached to the premises licence. A copy of the licence is included at **Appendix 4**.
- 2.4 **Activities unsuitable for children**
 - 2.4.1 The premises user has not highlighted any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.
- 2.5 **Further documentation accompanying the application**

3. **Objection Notice(s)**

3.1 An objection notice was received from LOOH in respect of the TEN (**Appendix 3**). The personal details of all members of the public have been redacted. Original copies of these objections will be available to the Panel at the hearing.

3.2 Summary of the objections:

Party	Grounds of representation	Recommends
Licensing and Out of Hours Compliance	LOOH have concerns that the event would undermine the Licensing Objective of the prevention of public nuisance. In particular, the acoustic band would likely result in noise disturbance affecting St Ann's Church, nearby residents and businesses.	Serve a counter notice

4. **Key Policies and Considerations**

4.1 **Legal Considerations**

4.1.1 Hearings under the Licensing Act 2003 operate under the Licensing Act 2003 (Hearings) Regulations 2005.

4.2 **New Information**

4.2.1 In accordance with Regulation 18 of the Licensing Act 2003 (Hearings) Regulations 2005, the authority may take into account documentary or other information produced by a party in support of their application, representations or notice either before the hearing or, with the consent of all parties, at the hearing.

4.3 **Hearsay Evidence**

4.3.1 The Panel may accept hearsay evidence and it will be a matter for the Panel to attach what weight to it that they consider appropriate. Hearsay evidence is evidence of something that a witness neither saw nor heard, but has heard or read about.

4.4 **The Secretary of State's Guidance to the Licensing Act 2003**

4.4.1 The Secretary of State's Guidance to the Licensing Act 2003 is provided for all parties involved in licensing. It is a key medium for promoting best practice, ensuring consistent application of licensing powers across England and Wales and for promoting fairness, equal treatment and proportionality.

4.4.2 Section 4 of the 2003 Act provides that, in carrying out its functions, a licensing authority must 'have regard to' guidance issued by the Secretary of State under section 182. The Guidance is therefore binding on all licensing

authorities to that extent. However, the Guidance cannot anticipate every possible scenario or set of circumstances that may arise and, as long as licensing authorities have properly understood this Guidance, they may depart from it if they have good reason to do so and can provide full reasons.

- 4.4.3 Departure from the Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.

4.5 **Manchester Statement of Licensing Policy**

- 4.5.1 Section 4 of the 2003 Act provides that, in carrying out its functions, a licensing authority must 'have regard to' its statement of licensing policy.

- 4.5.2 The Licensing Policy sets out the vision the licensing authority has for the regulation of licensed premises throughout Manchester and outlines the standards expected in order to ensure the promotion of the licensing objectives in the city. The Panel may depart from the policies should it consider doing so would benefit the promotion of the licensing objectives. Reasons are to be given for any such departure from the Policy.

- 4.5.3 Section 4 of the Policy (Operation of the Policy) sets out how the Licensing Policy is intended to be used in practice for licence applications and licensed premises.

- 4.5.4 Where the authority considers that to impose on the TEN one or more of the conditions from a premises licence or club premises certificate in force at the premises (insofar as such conditions are not inconsistent with the event) is appropriate for the promotion of the licensing objectives, the policy is to give notice to the premises user that includes a statement of the conditions imposed. Copies of this notice will be provided for GMP and LOOH.

- 4.5.5 Where, following any representations at the hearing, the licensing authority is not satisfied the event will ensure the promotion of the licensing objectives, the policy is to issue a counter-notice against the Temporary Event Notice.

5. **Conclusion**

- 5.1 A licensing authority must carry out its functions under this Act ("licensing functions") with a view to promoting the licensing objectives:

- the prevention of crime and disorder
- public safety;
- the prevention of public nuisance; and
- the protection of children from harm.

- 5.2 In considering the matter, the Panel should take into account any objections that have been received from GMP or LOOH, and representations made by the applicant or premises user as the case may be. In reaching the decision, regard must also be had to relevant provisions of the national guidance and the Council's licensing policy statement.

- 5.3 Having regard to the objection notice(s), the panel must give the premises user a counter notice if it considers it appropriate for the promotion of a licensing objective to do so.
- 5.4 If the panel decides not to give a counter notice the panel may impose one or more conditions on the TEN if –
- the authority considers it appropriate for the promotion of the licensing objectives to do so,
 - the conditions are also imposed on a premises licence or club premises certificate that has effect in respect of the same premises, or any part of the same premises, as the temporary event notice, and
 - the conditions would not be inconsistent with the carrying out of the licensable activities under the temporary event notice.
- 5.5 All licensing determinations should be considered on the individual merits of the notification.
- 5.6 The Panel'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. Findings on any issues of fact should be on the balance of probability.
- 5.7 It is important that a licensing authority should give comprehensive reasons for its decisions in anticipation of any appeals. Failure to give adequate reasons could itself give rise to grounds for an appeal.
6. **The Panel is asked to determine the temporary event notice.**



PREMISE NAME:	Mr Thomas's Chop House
PREMISE ADDRESS:	52 Cross Street, Manchester, M2 7AR
WARD:	Deansgate
HEARING DATE:	06/12/2021

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Temporary Event Notice

Payment Transaction number:- SSES00196344 | Form Reference number EF1/238869

Premises User Information

Title

Miss

If other please state

n/a

Surname

Harlow

Forenames

Jamie-Louise

Previous names (Please enter details of any previous names or maiden names, if applicable)

HARLOW

Your date of birth

[REDACTED]

Your place of birth

[REDACTED]

National Insurance Number

[REDACTED]

Your current address (We will use this address to correspond with you unless you complete the separate correspondence box)

[REDACTED]

[REDACTED]

[REDACTED]

Telephone

[REDACTED]

Evening telephone

n/a

Mobile phone

[REDACTED]

Fax number

n/a

Email address

[REDACTED]

Address

n/a

Telephone

n/a

Evening telephone

n/a

Mobile phone

n/a

Fax number

n/a

Email

n/a

Premises information

Please give the name and address of the premises where you intend to carry on the licensable activities or if it has no address give a detailed description (including the Ordnance Survey references)

Mr Thomas Chop House
52 CROSS STREET
M2 7AR

Premises licence number

048457

Club premises certificate number

n/a

If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details.

St Anns Churchyard

Please describe the nature of the premises

Licensed Pub and Restuarant

Please describe the nature of the event

This event is a drinks reception for a wedding that was booked before the outdoor area license was taken away.

Mulled wine will be served outside (provided by Mr Thomas's Chop House) and outdoor furniture is also providing some lighting that will need to be set up during the day on Saturday 11th.

The wedding is taking place at 1:30 at St Marys Church (hidden gem) and then the wedding drinks reception will take place in the beer garden at 15:00-16:00.

There will be outdoor heaters provided and a large umbrella will be up for cover.

Licensable activities

The sale by retail of alcohol

Yes

The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club

No

The provision of regulated entertainment

Yes

The provision of late night refreshment

No

Are you giving a late temporary event notice?

No

Please state the dates on which you intend to use these premises for licensable activities.

11/12/21

Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock).

10:00-17:00

Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers (maximum 499).

60

If the licensable activities will include the supply of alcohol, please state whether the supplies will be for consumption on or off the premises, or both

On

Please state if the licensable activities will include the provision of relevant entertainment.

Yes

If yes selected, please state the times during the event period that you propose to provide relevant entertainment.

There will be an acoustic band playing from 15:00-16:00

Personal Licence Details

Do you currently hold a valid Personal Licence?

Yes

Issuing Authority

n/a

Licence Number

n/a

Date of Issue

n/a

Date of Expiry

n/a

Any further relevant details

Waiting for personal license to be delivered. I have passed all the relevant examinations but just not received my license yet.

Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?

No

If answering yes, please state the number of temporary event notices you have given for events in that same calendar year

n/a

a) ends 24 hours or less before; orb) begins 24 hours or less after the event period proposed in this notice?

No

Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

No

If answering yes, please state the total number of temporary event notices your associate have given for events in the same calendar year

n/a

a) ends 24 hours or less before; orb) begins 24 hours or less after the event period proposed in this notice?

No

Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

No

If answering yes, please state the total number of temporary event notices your business colleague(s) have given for events in the same calendar year.

n/a

a) ends 24 hours or less before; orb) begins 24 hours or less after the event period proposed in this notice?

No

Declaration and Payment New

Name

Jamie Louise Harlow

Capacity in which you are making this application

Assistant General Manager

Additional information

I understand

Yes

These are the files included with this application :-

Acknowledgement

I acknowledge receipt of this temporary event notice

Signature:

On behalf of the Licensing Authority

Date:

Name of officer signing:

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**MANCHESTER
CITY COUNCIL**

Licensing & Out of Hours Compliance Team - Representation

Name	Bob Cain
Job Title	Neighbourhood Compliance Officer
Department	Licensing and Out of Hours Compliance Team
Address	Level 1, Town Hall Extension, Manchester, M60 2LA
Email Address	bob.cain@manchester.gov.uk
Telephone Number	0161 234 1446

Premise Details

Application Ref No	REF267021
Name of Premises	Mr Thomas's Chop House
Address	52 Cross Street, Manchester, M2 7AR

Representation

Outline your representation regarding the above application below. This representation should describe the likely effect of the grant of the licence/certificate on the licensing objectives and on the vicinity of the premises.

The Licensing and Out of Hours Team have assessed the likely impact of the granting of this application taking into account a number of factors, including proposed activities, location of the premise, the Councils Statement of Licensing Policy 2021-2026 and any potential risk that the granting of this Temporary Event including the four licensing objectives of public nuisance, crime and disorder, protection of children from harm and public health.

The application for a Temporary Event Notice is for a wedding reception to be held for 60 guests on the premises former beer garden that was booked before their premises outdoor license area was taken away.

The Temporary Event to serve alcohol on premises is proposed to take place on St Ann's Churchyard located at the rear of the Thomas Chop House premises and next to St Ann's Church on 11 December 2021 between the hours 10:00 and 17:00 hours. Applicant proposes to serve mulled wine to guest in the former bear garden between 15:00 /16:00. Whilst they will have an acoustic band playing at the same time.

The applicant proposes to use outdoor furniture including heaters and large umbrella, on St Anns Churchyard but no plans and proposed layouts has been submitted in the application.

Licensing Out of Hours have concerns that the granting of TEN could also result in undermining the licencing objective, namely the prevention of Public Nuisance.

Allowing acoustic band is likely to result in noise disturbance affecting the St Anns Church, nearby residents and businesses.

Recommendation: Refuse Application

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MANCHESTER CITY COUNCIL

LICENSING ACT 2003 PREMISES LICENCE

Premises licence number	048457
Granted	16/07/2005
Latest version	DPS variation 256134 granted 18/03/2021

Part 1 - Premises details

Name and address of premises
Mr Thomas's Chop House 52 Cross Street, Manchester, M2 7AR
Telephone number
0161 832 2245

Licensable activities authorised by the licence
<ol style="list-style-type: none"> 1. The sale by retail of alcohol*. 2. The provision of regulated entertainment, limited to: Live music; Recorded music. 3. The provision of late night refreshment. <p>* All references in this licence to "sale of alcohol" are to sale by retail.</p>

The times the licence authorises the carrying out of licensable activities

Sale by retail of alcohol							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	1030	1030	1030	1030	1030	1030	1200
Finish	2400	2400	2400	2400	2400	2400	2230
The sale of alcohol is licensed for consumption both on and off the premises.							
Seasonal variations and Non standard Timings:							
<u>Every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend; every Thursday, Friday, Saturday, Sunday and Monday of the Easter Bank Holiday Weekend; Christmas Eve, Boxing Day: One additional hour</u>							
New Year's Eve: From permitted start until the terminal hour on New Year's Day.							

Live music							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	1030	1030	1030	1030	1030	1030	1200
Finish	2400	2400	2400	2400	2400	2400	2230
Licensed to take place indoors only.							
Seasonal variations and Non standard Timings:							
<u>Every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend; every Thursday, Friday, Saturday, Sunday and Monday of the Easter Bank Holiday Weekend; Christmas Eve, Boxing Day: One additional hour</u>							
New Year's Eve: From permitted start until the terminal hour on New Year's Day.							

Recorded music							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	0730	0730	0730	0730	0730	0730	1200
Finish	2400	2400	2400	2400	2400	2400	0000
Licensed to take place indoors only.							
Seasonal variations and Non standard Timings:							
Every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend; every Thursday, Friday, Saturday, Sunday and Monday of the Easter Bank Holiday Weekend; Christmas Eve, Boxing Day: One additional hour New Year's Eve: From permitted start until the terminal hour on New Year's Day.							

Provision of late night refreshment							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	2300	2300	2300	2300	2300	2300	Not permitted
Finish	2400	2400	2400	2400	2400	2400	permitted
Licensed to take place indoors only.							
Seasonal variations and Non standard Timings:							
Every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend; every Thursday, Friday, Saturday, Sunday and Monday of the Easter Bank Holiday Weekend; Christmas Eve, Boxing Day: One additional hour New Year's Eve: From permitted start until the terminal hour on New Year's Day.							

Hours premises are open to the public							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	0730	0730	0730	0730	0730	0730	1200
Finish	0030	0030	0030	0030	0030	0030	2300
Seasonal variations and Non standard Timings:							
Every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend; every Thursday, Friday, Saturday, Sunday and Monday of the Easter Bank Holiday Weekend; Christmas Eve, Boxing Day: One additional hour New Year's Eve: From permitted start until the terminal hour on New Year's Day. Christmas Day: Start 1200 Finish 1500 Start 1900 Finish 2230.							

Part 2

Details of premises licence holder	
Name:	Punch Taverns Limited
Address:	Jubilee House, Second Avenue, Burton Upon Trent, Staffordshire, DE14 2WF
Registered number:	03752645

Details of designated premises supervisor where the premises licence authorises for the supply of alcohol	
Name:	Emily Brooks
Address:	[REDACTED]
Personal Licence number:	[REDACTED]
Issuing Authority:	[REDACTED]

Annex 1 – Mandatory conditions

Door Supervisors

1. Only individuals licensed by the Security Industry Authority shall be used at the premises to undertake security activities, which include guarding against: -
 - (a) Unauthorised access or occupation (e.g. through door supervision),
 - (b) Outbreaks of disorder, or
 - (c) Damage,
 unless otherwise entitled by virtue of section 4 of the Private Security Industry Act 2001 to carry out such activities.

Supply of alcohol

2. No supply of alcohol may be made under this 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.
3. Every retail sale or supply of alcohol made under this licence must be made or authorised by a person who holds a personal licence.
4.
 - (1) The premises licence holder or club premises certificate 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.
5.
 - (1) 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.
 - (2) For the purposes of the condition set out in (1) above–
 - (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) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.

(3) Where the permitted price given by paragraph (2)(b) would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

(4) (a) Sub-paragraph (4)(b) applies where the permitted price given by paragraph (2)(b) on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.

(b) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

6. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises –

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to –

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

7. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

8. The responsible person must ensure that –

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures –

(i) beer or cider: ½ pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold the customer is made aware that these measures are available.

For the purposes of conditions 6, 7 and 8 above, a responsible person in relation to a licensed premises means the holder of the premise licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor. For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

Annex 2 – Conditions consistent with the operating schedule

1. The above time restrictions in relation to the hours for the sale of alcohol do not prohibit:
 - a) During the first twenty minutes after the above hours the consumption of the alcohol on the premises;
 - b) During the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
 - c) During the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking meals there if the alcohol was supplied for consumption ancillary to the meals;
 - d) Consumption of the alcohol on the premises by, or the taking or sale or supply of alcohol to any person residing in the licensed premises;
 - e) The ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
 - f) The sale of alcohol to a trader or club for the purposes of the trade or club;
 - g) The sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
 - h) The taking of alcohol from the premises by a person residing there; or
 - i) The supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.
2. The Nitenet radio link shall implemented, maintained and used.
3. The premises shall maintain its membership of the local Pub Watch Scheme.
4. Every retail sale or supply of alcohol made under this licence must be made or authorised by a person who holds a personal licence.
5. An appropriate number of SIA registered door staff shall be employed at the premises on Friday and Saturdays night and match days or similar events.
6. Table service shall be made available to patrons seated both inside and outside.
7. Additional staff shall be employed to ensure regular glass collection.
8. All staff shall be trained in their obligations to promote the licensing objectives.
9. There shall be a health and safety policy in respect of the premises.
10. Sufficient numbers and types of fire fighting equipment shall be installed at the premises and shall be maintained and serviced according to the manufacturers' instructions.
11. Regular written risk assessments shall be carried out in respect of all activities that take place at the premises.
12. No external speakers shall be operated from the premises.
13. The Management shall work closely with St Ann's Church to reduce opportunities for disturbance.
14. Notices shall be displayed requesting that the old graveyard is treated with respect.
15. A daily cleaning regime shall be introduced and maintained to provide additional tidiness in St Ann's

Alley and the Churchyard.

16. Persons under the age of 16 shall only be allowed to enter or remain on the premises before 2200 if they are accompanied by a person over the age of 18 and dining in the restaurant area.
17. Persons under the age of 16 shall not use the toilet facilities unless accompanied by a person over the age of 18.

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

Not applicable

Annex 4 – Plans

See attached

GREATER MANCHESTER POLICE - REPRESENTATION

About You

Name	PC Alan Isherwood
Address including postcode	Manchester Town Hall Extension Lloyd Street Manchester
Contact Email Address	alan.isherwood@gmp.police.uk
Contact Telephone Number	0161 856 6017

About the Premises

Application Reference No.	LPR 263545
Name of the Premises	Euro Market
Address of the premises including postcode	402, Cheetham Hill Road, Manchester M8 9LE

Your Representation

Please accept this representation as extra information towards Greater Manchester Police's support for the above Premises Licence Review.

Following our previous representation which was submitted earlier this year GMP wish to submit the following further evidence.

On Wednesday 1st December 2021 I attended at Euro Market, 402 Cheetham Hill Road, Manchester in company with Mr Devon Bennett from Manchester City Council Trading Standards to conduct a licensing inspection.

A lengthy discussion took place between Mr. Bennett and the male who was in charge, Barham Bakir Mohammed, which was to do with cigarettes and non -compliant packaging. Once Mr. Bennett had finished his conversation with Mr. Mohammed I and went through the conditions of the premises licence with him and it was found that the premises were in breach of the following conditions:

- There was no written notice of authority to sell alcohol being at the premises, a breach of Condition 3, Annex 3
There were no records of any staff training on the premises which is breach of Condition 6, Annex 3

This premises licence has recently been transferred into the name of the current Premises Licence Holder, Euro Market at 402 Ltd, but it is clear that the previous issues with illicit cigarettes and breach of licence conditions remain and therefore GMP are in even more convinced that the Premises Licence should be revoked.

The premises continue to undermine the licensing objectives and show no signs of attempting to uphold them.

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MANCHESTER CITY COUNCIL

STATEMENT OF WITNESS(Criminal Procedure Rules, r 16.2
Criminal Justice Act 1967, s. 9,)

STATEMENT OF Devon Bennett
 Age of Witness Over 18
 Occupation of Witness Trading Standards Technical Officer

This statement, consisting of 3 pages signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated this 1st day of December..... 2021.....

(Signed) 

I am employed by Manchester City Council Trading Standards Department as a Trading Standards Technical Officer. I am an authorised officer for the purposes of the Tobacco and Related Products Regulations 2016, the Standardised Packaging of Tobacco Regulations 2015, and the Trade Marks Act 1994.

Following on from the adjournment of the licensing review for Euro Market 402 Cheetham Hill Road, Manchester, M8 9LE. I attended the premises on the 1st December 2021. I was accompanied by PC Alan Isherwood of the licensing team from the City of Manchester Division, Greater Manchester Police. The purpose of the visit was to follow-up on the licence transfer and to see if the premises was now compliant with the conditions on the premises licence.

At approximately 13:15 hours, I was stood at the doorway into the premises. I noticed there was no worker behind the counter. I also noticed a customer looking up the aisle which leads to the rear of the premises. Inside the shop were three customers. I decided to wait until it was clearer as to not crowd the area and to see if the worker returned. I then saw a male who I met on a previous visit approach the counter, in his hand were packs of cigarettes in the incorrect packaging. I believed a sale was about

Signed 

Continued Statement of Devon Bennett**Page No 2**

to take place. I entered the premises with PC Isherwood. The male quickly put the cigarettes inside of a black carrier bag. I asked the male to stop and I advised I was from the Trading Standards Service. I asked the male to hand over the bag, inside the bag were 3 packs of L&M cigarettes which failed to display the correct health warnings, were in the incorrect packaging and did not appear to display any sign that UK duty had been paid. Owing to the on-going COVID pandemic, I politely asked the customers to wait outside until we had finished our visit. Whilst customers were leaving the male began to shout a word repeatedly which I did not understand as it did not sound English, the male was shouting down the aisle towards the back of the shop, the same area where I had previously discovered a chute to the flat above. After he stopped shouting, I could hear banging footsteps from the flat above the shop, where I had previously executed a warrant and found illicit cigarettes and hand rolling tobacco.

I issued the male with relevant paperwork and asked if the male had any more cigarettes. The male produced another pack of L&M cigarettes which also failed to comply with tobacco related laws.

I seized the packs of cigarettes as I believed that offences had been committed under the Tobacco and Related Products Regulations 2016 as the packs failed to display the correct combined health warnings and the Standardised Packaging of Tobacco Products Regulations 2015 as the packs were in the incorrect packaging.

PC Alan Isherwood then checked compliance with the conditions attached to the licence and found that conditions were still not being complied with.

The male present at the time told me he was called Barham Bakir Mohammed. I have previously met the male on the 5th November 2021, where I seized packs of Herbal Tobacco Products for Smoking which were non-compliant. I also know of the male from a rejected licence application where he was the proposed Designated Premises Supervisor.

Signed 

Continued Statement of Devon Bennett**Page No 3**

The facts and matters set out in this statement were compiled from records held by Manchester City Council. The records to which I have referred from part of the Manchester City Council's records maintained in the course of its profession and were compiled by people who had or may be reasonably supposed to have had, personal knowledge of the matters dealt with in the information contained in the documents but of which those people cannot reasonably be expected, having regard to the time which has elapsed since they created the document and to all the relevant circumstances, to have recollection of those matters.

Signed 

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

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