



Licensing Sub Committee Hearing Panel

Date: Monday, 13 June 2022

Time: 10.00 am

Venue: Council Antechamber, 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

Access to the Council Antechamber

Public access to the Council Antechamber is on Level 2 of the Town Hall Extension, using the lift or stairs in the lobby of the Mount Street entrance to the Extension.

There is no public access from any other entrance of the Extension.

Membership of the Licensing Sub Committee Hearing Panel

Councillors - Grimshaw, Andrews and Flanagan

Supplementary Agenda

4. **Application for a New Premises Licence - Euro Market, 402** 3 - 102
Cheetham Hill Road, Manchester, M8 9LE
New information from Trading Standards is enclosed.

Further Information

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

Ian Hinton-Smith
Tel: 0161 234 3043
Email: ian.hinton-smith@manchester.gov.uk

This supplementary agenda was issued on **Tuesday, 7 June 2022** by the Governance and Scrutiny Support Unit, Manchester City Council, Level 2, Town Hall Extension (Library Walk Elevation), Manchester M60 2LA

Additional Information

Licence Application No. 274188

Euro Market

402 Cheetham Hill Road, Manchester, M8 9LE

Additional Information

1. Additional Information Submitted as Part of Review for Premises Licence No. 174860
2. Statement Dated 1st December 2021
3. Staff Training Document from Foresters Solicitors
4. Letter to Premises Licence Holder and Designated Premises Supervisor Dated 27th May 2022
Sent by Email to the PLH/DPS and by Recorded Post
5. Proof of Delivery Dated 31st May 2022 – Premises Licence Holder
6. Proof of Delivery Dates 31st May 2022 – Designated Premises Supervisor
7. Licensing Committees decision to Revoke Premises Licence No. 174860
8. Premises Licence No. 174860

Additional Information 2

Review

Licensing Act 2003

Euro Market

402 Cheetham Hill Road, Manchester, M8 9LE

Devon Bennett
Trading Standards Technical Officer
Trading Standards Service
05/11/2021

Following the service of additional information on the 4th November 2021. A further visit was made to the premises on the 5th November. This visit was to give the premises licence holder a hard copy of the additional information.


During the visit it was established that licence conditions were in breach and not being complied with. Herbal Tobacco for Smoking was also on display in the shop. The tobacco was not displaying the correct labelling and was therefore seized under the Tobacco and Related Products Regulations 2016.

In total 1900g of Herbal Tobacco was seized.

Present was [REDACTED] the listed Designated Premises Supervisor. Who informed me that he no longer works at the premises.

Exhibit DBR8 – Inspection report listing licence breaches (No. 000401)

Exhibit DBR8 – Inspection report listing licence breaches (No. 000401)


MANCHESTER CITY COUNCIL
 Trading Standards Service
000401

Inspection report

Trader: Euro Market at 402 Ltd
 Address: 402 Cheetham Hill Road
Manchester
 Postcode: M8 9LG
 Person seen: [REDACTED]

This report only covers the areas inspected at the time of the inspection as indicated below. It does not signify compliance with any legislation

<input type="checkbox"/> Goods (average quantity)	<input type="checkbox"/> Pricing	<input type="checkbox"/> Under-age sales
<input type="checkbox"/> Goods (minimum quantity)	<input type="checkbox"/> Product description/markings	<input type="checkbox"/> Product safety
<input type="checkbox"/> Equipment	<input type="checkbox"/> Consumer Protection regulations	<input type="checkbox"/> Trademarks
<input checked="" type="checkbox"/> * Licensing Act 2003		<input type="checkbox"/> Tobacco notice

Please note the following:

- Delivered Additional information
- conditions in breach
- A3 - C2 - No log book
- A3 - C1 - CCTV only 28 Days
Due to new system
- A3 - C3 - No written notice of authority
- A3 - C4 - C25 sign in place (Proxy)
- A3 - C5 - C25 sign in place
- A3 - C6 - No refusal log
- No till prompts
- No training Records
- No refreshed training
- DPS on lic - [REDACTED] states no longer works at premises

Officer: D. Bennett Signature: [REDACTED] Date: 5/11/21

MANCHESTER CITY COUNCIL

STATEMENT OF WITNESS

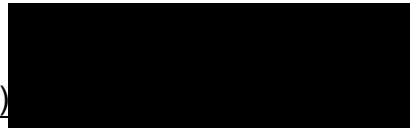
(Criminal Procedure Rules, r 16.2
Criminal Justice Act 1967, s. 9,)

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.

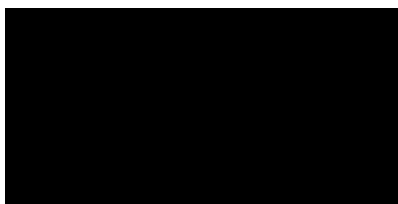
The male present at the time told me he was called [REDACTED] I have previously met the male on the 5th November 2021, where I seized packs of Herbal Tobacco Products for Smoking which were non-compliant. I also know of the male from a rejected licence application where he was the proposed Designated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

Signed [REDACTED]

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.

Signe



YOUR PERSONAL GUIDE TO SELLING ALCOHOL

INTRODUCTION

The licensing Act 2003 introduces a single integrated system throughout England and Wales to regulate the sale and supply of alcohol, the provision of entertainment to the public and the provision of late-night refreshment – the sale of hot food and hot drinks between the hours of 11pm and 5am.

Under the Act there is a statutory requirement that retail sales of alcohol can only be made from premises that have been granted a Premises Licence.

In addition, all premises licensed for the sale of alcohol must have a designated premise supervisor (DPS) appointed for those premises who must be a Personal Licence holder.

Understanding the licensing language

The licensing objectives:

These are the governing principles of licensing law in England and Wales. Everyone involved with any of the licensable activities including the sale of alcohol must be aware of and actively promote these objectives.

The four licensing objectives, all of which are of equal importance, are as follows:

- **The prevention of crime and disorder**
- **Public safety**
- **The prevention of public nuisance**
- **The protection of children from harm**

Licensable Activities:

For a business to carry out any of the following activities, a premises licence is required. The licensable activities are defined as:

- **Sale of alcohol by retail**
- **Supply of alcohol in club premises**
- **Provision of regulated entertainment**
- **Provision of late night refreshment 11pm – 5am**

THE PENALTIES FOR CARRYING OUT A LICENSABLE ACTIVITY WITHOUT A LICENCE OR FAILURE TO COMPLY WITH THE MANDATORY CONDITIONS ON A PREMISES LICENCE ARE SEVERE:

A MAXIMUM FINE OF £20,000 AND/OR 6 MONTHS IMPRISONMENT

MAKE YOURSELF AWARE OF THE HOURS AND ANY CONDITIONS ON THE PREMISES LICENCE

Premises Licence:

The licence required by a business to allow it to carry out any of the licensable activities listed above.

The premises licence will usually be held in the name of the owner of the business or the operator and can be a company or an individual person or persons.

Personal Licence:

The licence needed to be held by a person to allow that person to sell alcohol from premises that hold a premises licence (that allows the sale of alcohol) and to authorise others who do not hold a personal licence to do so. There must be at least one personal licence holder at your site but there can be more than one.

Designated Premises Supervisor (DPS):

Usually the person in day-to-day control of the premises named to the Licensing Authority as the person responsible for the sale of alcohol at the premises by the premises licence holder. A person must have a current personal licence to hold this position and there can only be one named DPS for each site.

Understanding the licensing language

The sale of alcohol is a licensable activity controlled by law and carrying penalties that reflect the important social responsibilities that apply to people who sell it.

These penalties only relate to those people who break the law, committing what is a criminal offence punishable by measures varying from a fixed penalty notice of £30 to a £20,000 fine and/or six months' imprisonment and forfeiture of the premises licence.

When selling alcohol, it is your responsibility to ensure that you carry out this action lawfully. Remember, you can only sell alcohol when you have been authorised to do so and then only to customers who it is lawful for you to sell it to.

Authorised sales

Regardless of your age or training you are only legally allowed to sell alcohol when you have been authorised to do so by your DPS or another Personal Licence holder at the site.

You will only receive this Authorisation when you have demonstrated to the DPS that you understand your responsibilities and the law controlling these sales. You will have to be re-authorised on a regular basis and this would normally follow refresher training in the sale of alcohol.

Do not sell alcohol unless you are sure that you have been authorised to do so.

Do not accept Authorisation if you are unclear on the law and/or your responsibilities involved in these sales.

Under 18s

It is a criminal offence for any person to sell or supply alcohol to a person under the age of 18.

THERE ARE **NO** EXCEPTIONS TO THIS

You must also know that:

- It is an offence to sell alcohol to someone under 18 years of age
- It is an offence to deliver alcohol to someone under 18 years of age
- It is an offence for anyone under 18 to purchase or attempt to purchase alcohol
- It is an offence to obtain alcohol for someone under 18 years of age
- It is an offence to sell alcohol if you are under 18 unless you are authorised to do so and the individual sale is supervised by somebody over 18 who is also authorised
- You must not sell alcohol to someone you believe to be buying for a person under 18 – a proxy sale
- It is an offence to allow another person to sell alcohol to somebody under 18 where you could have prevented that sale

Those who commit such offences could be fined up to £5000.

There is also a range of fixed penalty notices ranging from £30 to £90 that may be applied to the person selling the alcohol **AND** the holder of the relevant premises licence may also have their licence reviewed which could result in the alcohol sales at the premises being suspended for 3 months or in serious cases removed permanently.

Our rules for the sale of alcohol

In order to avoid under age sales and committing an offence, we have 12 basic rules which must be obeyed at all times. These basic rules for the sale of alcohol are simple and straight forward and once a member of staff has been properly trained there can be no excuse for not obeying them at all times:

12 Basic rules for selling alcohol:

1. I can only be authorised to sell alcohol for the hours stated on our licence summary and once authorised will not do so outside of these hours.
2. Alcohol sales are only for consumption off the premises and I must be aware of customers actions at all times and not allow consumption on the premises
3. I confirm that I will not sell alcohol to anybody under the age of 18
4. I confirm that I will challenge anybody attempting to purchase alcohol who appears to be under the age of 25 to prove that they are over 18 by producing acceptable proof of age – **CHALLENGE 25**
5. I will only accept a passport, a photo driving licence.
6. I will not sell alcohol to anybody who I believe is purchasing to supply somebody under the age of 18
7. I will not sell alcohol to anybody who I believe is, or appears to be drunk
8. I will not sell alcohol to anybody who I believe is purchasing for somebody who is, or appears to be drunk
9. If I am in any doubt at all regarding the above then I will refuse the sale
10. I will record all incidents of refusals in the refusals book noting the date and time, plus a description of and name of the person if known, together with a note of the product refused

11. I will advise my supervisor of the refusal as soon as possible and certainly no later than the end of my shift

12. I acknowledge that I am not authorised to sell alcohol unless I comply with all of the above at all times

Test purchasing

Police and Weights & Measures officers may send under 18s in to your premises to attempt to buy alcohol or cigarettes and tobacco to check compliance with the law. Under some circumstances the test purchaser may not tell the truth when asked if they are over 18 or if they have ID – you **MUST** ask for approved proof of age and check it for all customers who look under 25 years of age.

You must **CHALLENGE 25** and ask for proof of age if **ANY** customer looks under 25 and is attempting to purchase alcohol or cigarettes to avoid committing a criminal offence by serving under age. If you have any doubt about someone's age even if they have produced proof of age, then refuse the sale and note it in the refusals book – remember to tell your supervisor as soon as possible before the end of your shift

Duty to refuse service

It is your duty to refuse to server under 18s and also you must refuse to serve a person if they are or appear to be drunk.

Remember, **you commit an offence** if:

- **You sell alcohol to a person who is under 18**
- **You allow alcohol to be sold to someone who is under 18 when you could have prevented the sale**
- **You sell alcohol to a person who is drunk**
- **You sell alcohol to a companion of a person who is drunk for the drunken person's consumption**
- **You allow alcohol to be sold to someone who is drunk when you could have prevented the sale**

On the spot fixed penalty notices can be issued for serving alcohol to someone who is drunk or under age with prosecution also being a possibility.

If someone is drunk or disorderly they can be ejected from the premises and the police must assist if requested to do so – If you think a customer should be ejected, please ensure that you seek assistance from a colleague and follow your company's procedures in order to deal with the incident properly and safely.

**UNDER
25?**

ACCEPTABLE FORMS OF ID:
 → CARDS BEARING THE PASS HOLDGRAM
 → PHOTOGRAPHIC DRIVING LICENCE
 → PASSPORT

IF YOU ARE LUCKY ENOUGH TO LOOK UNDER 25 YOU WILL BE ASKED TO PROVE THAT YOU ARE AGED 18 OR OVER WHEN YOU BUY ALCOHOL

IF YOU ARE UNDER 18 YOU ARE COMMITTING AN OFFENCE IF YOU ATTEMPT TO BUY ALCOHOL

BEER & PUB
 drinkaware.co.uk
 for the facts about alcohol
 WWW.CHALLENGE25.ORG

25

If a customer is not happy that you have asked them to prove he or she is over 18 because you believe they are under 25 then refer them to one of these posters.

Remember – It is your job to ask for ID !

Additional Information

You must not sell Liqueur confectionary (chocolates containing alcohol) to a person under the age of 16.

You may have other age-restricted products that you must also be aware of, such as:

Product Group	Minimum Age to Purchase
Petroleum Spirit & Derv	16
Liqueur Confectionary	16
Lottery Tickets	16
Cigarettes, Tobacco and Tobacco Products	18
Knives and Blades	18
Lighter Fluids, Butane, Refills and Solvents	18
Alcohol Products	18
Adult Magazines	18
Fireworks	18
DVDs & Videos	* Dependent on Classification *

Please speak to your supervisor about the products you have on sale at your premises and the age restrictions that relate to them.

**Remember, you commit an offence if you
sell age-related products to somebody
who is under age!**

CHALLENGE 25 protects you when used correctly.

TRAINING STATEMENT

Site Name: EURO MARKET

Address: CHEETHAM HILL, MANCHESTER

I am over 18 years of age and confirm that I have been trained in the sale of alcohol and alcohol products. I am fully conversant with my obligations in the sale of these products and the penalties that will apply should I serve a customer illegally. These range from a fixed penalty notice of £90 to a criminal conviction with an unlimited fine and/or 6 months' imprisonment.

I warrant that:

1. Once authorised I can only sell alcohol during the hours specified on our Licence Summary as displayed on the premises
2. Alcohol sales are only allowed for consumption off the premises and I will not allow consumption on the premises
3. I confirm that I will not sell alcohol to anybody under the age of 18
4. I confirm that I will challenge anybody attempting to purchase alcohol who appears to be under the age of 25 to prove that they are over 18 by producing acceptable proof of age
5. I will only accept a Passport, a Photo Driving Licence or a PASS accredited card as proof of age
6. I will not sell alcohol to anybody who I believe is purchasing to supply somebody under the age of 18
7. I will not sell alcohol to anybody who is, or appears to be drunk
8. I will not sell alcohol to anybody who I believe is purchasing for somebody who is, or appears to be drunk
9. If I am in any doubt on the above, I will refuse to make the sale

10. I will record all incidents of refusals in the refusals book noting the date and time, plus a description of and name of the person if known together with a note of the product refused
11. I will advise my supervisor of the refusal as soon as possible and certainly no later than at the end of my shift
12. I acknowledge that I am not authorised to sell alcohol unless I comply with all of the above at all times

Staff Name (print):

Staff Signature:

Date:

DPS Name (print):

DPS Signature:

Date:

Two copies to be signed – One must be given to the staff member and one to be filed in the training file.

TRAINING STATEMENT

Site Name: EURO MARKET

Address: CHEETHAM HILL, MANCHESTER

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12. I acknowledge that I am not authorised to sell alcohol unless I comply with all of the above at all times

Staff Name (print): [REDACTED]

Staff Signature: [REDACTED]

Date: 06/12/2021

DPS Name (print): [REDACTED]

DPS Signature: [REDACTED]

Date: 06/12/2021

Two copies to be signed – One must be given to the staff member and one to be filed in the training file.

TRAINING STATEMENT

Site Name: EURO MARKET

Address: CHEETHAM HILL, MANCHESTER

I am over 18 years of age and confirm that I have been trained in the sale of alcohol and alcohol products. I am fully conversant with my obligations in the sale of these products and the penalties that will apply should I serve a customer illegally. These range from a fixed penalty notice of £90 to a criminal conviction with an unlimited fine and/or 6 months' imprisonment.

I warrant that:

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6. I will not sell alcohol to anybody who I believe is purchasing to supply somebody under the age of 18
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- 10. I will record all incidents of refusals in the refusals book noting the date and time, plus a description of and name of the person if known together with a note of the product refused
- 11. I will advise my supervisor of the refusal as soon as possible and certainly no later than at the end of my shift
- 12. I acknowledge that I am not authorised to sell alcohol unless I comply with all of the above at all times

Staff Name (print): [REDACTED]

Staff Signature: [REDACTED]

Date: 06/12/2021

DPS Name (print): [REDACTED]

DPS Signature [REDACTED]

Date: 06/12/2021

Two copies to be signed – One must be given to the staff member and one to be filed in the training file.

CCTV OPERATOR TRAINING

I confirm that I have been trained to operate the CCTV system (including downloading footage)
at the following location:

Site Name: EURO MARKET

Address: CHEETHAM HILL, MANCHESTER

Staff Name (print)	Staff Signature	Date
██████████	██████████	06/12/2021

DISCLAIMER – TOBACCO POLICY

As a trained member of staff I confirm that I have been issued with a copy of the companies

'Tobacco Policy'

Staff Name (print)	Staff Signature	Date Issued
██████████	██████████	06/12/2021
██████████	██████████	06/12/2021

Site Name: EURO MARKET

Address: CHEETHAM HILL, MANCHESTER

STAFF TOBACCO POLICY

STAFF OR VISITORS ARE NOT PERMITTED TO BRING ONTO THE PREMISES ILLICIT OR NON-DUTY PAID CIGARETTES/TOBACCO AND AGREE TO BE SUBJECT TO A PROPERTY SEARCH IN THE EVENT OF SUSPECETED NON COMPLIANCE.

ANY MEMBER OF STAFF FOUND TO BE IN BREACH OF THIS POLICY WILL BE SUBJECT TO DISCLIPLINARY ACTION

CHECKING PROOF OF AGE

CHALLENGE 25

When you ask somebody to produce proof of age in order to complete a purchase you must ensure that only an approved form of identification is accepted and that it is checked correctly.

Only Accept:

- A valid Passport
- A European style driving licence

Always ask for the identification to be handed to you for authentication purposes

Check that

1. Passport
 - The passport date is valid
 - The photograph belongs to the person presenting the ID
 - The date of birth verifies the customers age and that they are old enough to complete the purchase
2. European style driving licence
 - The licence date is valid
 - The photograph belongs to the person presenting the ID
 - The date of birth verifies the customers age and that they are old enough to complete the purchase
3. The customer
 - Matches the photograph on the ID being presented
 - Is not acting suspiciously
 - Has not altered the ID being offered in any way

If you are in any doubt about the validity of the identification that is being presented or the age of the customer even with the identification, then

**YOU MUST REFUSE THE SALE AND RECORD
THE DETAILS IN THE REFUSALS BOOK AND
INFORM YOUR SUPERVISOR THAT YOU HAVE
DONE SO BEFORE YOU FINISH YOUR SHIFT.**



**MANCHESTER
CITY COUNCIL**

Trading Standards Service

The Neighbourhoods Directorate

1 Hammerstone Road
Gorton
Manchester M18 8EQ

Telephone: +44 (0)161 234 1589

Email: trading_standards@manchester.gov.uk

Website: www.tradingstandards.gov.uk/manchester

Our Ref: E/041709

Date: 27th May 2022

Euro Market AT 402 Ltd
402 Cheetham Hill Road
Manchester
M8 9LE

Dear Sir/ Madam,

RE: Licensing Act 2003 – Breach of Premises Licence No. 174860

I write to you following the recent visit to your premises on the 23rd May 2022 and the 27th May 2022. Following the execution of a warrant at your premises at Euro Market, 402 Cheetham Hill Road, Manchester, M8 9LE, I requested that CCTV footage of your premises was produced and burnt to a DVD as per condition 1 annex 2 of premises licence no. 174860. The request was made to Mr Barham Bakir Mohammad, the sole director of your company as Premises Licence Holder and Designated Premises Supervisor. Mr Mohammed wrote down the request in front of me and it was agreed he would produce the CCTV and inform me it is ready to collect on Wednesday 25th May 2022.

Prior to the request, during the same visit it was established that CCTV covering the counter and the aisle next to the counter, which is a public area was on a separate CCTV system which was controlled on Mr Mohammeds mobile phone. I asked Mr Mohammed to show me the 1st May 2022 at 14:00. Mr Mohammed responded stating that he could not do this. Premises Licence No. 174860 Annex 2 Condition 1 states:

“A staff member who is conversant with the operation of the CCTV system shall be present on the premises at all times when they are open to the public and must be able to produce / download / burn CCTV images upon request by a police officer or an authorised officer of the licensing authority”

Therefore, by not being conversant with the operation of the CCTV system it appears that there has now been a breach of your premises licence and a breach of Section 136(1) of the Licensing Act 2003.

On Thursday 26th May 2022, I received an email from Mr Mohammed stating that the CCTV was ‘linked’ to the email. There were no links or attachments to the email. I then telephoned Mr Mohammed where I spoke with a male who was assisting in producing the CCTV. The male stated that he was going to burn the CCTV to a disc and also send the footage via whatsapp. Soon after the call, I received a whatsapp message from Mr Mohammed, in the message was a piece of footage. The footage was a mobile phone filming the TV screen in which the CCTV was displayed. The footage lasted approximately

47 seconds and did not show all three cameras which were requested and did not show the full amount of time requested. I then emailed Mr Mohammed shortly after and stated to him:

I have just received a whatsapp message from you. As per what we discussed you are requested to provide:

CCTV from the 01/05/2022 start time 14:00 - 14:30

Camera: Till camera on the Verisure System, Back Room Camera, Aisle Next to Till Camera and Camera 3.

Can you please ensure this is completed at your earliest convenience.

It was again made clear to Mr Mohammed that the business must provide the requested CCTV.

On the 27th May 2022, Mr Mohammed contacted me via email and stated the CCTV was now ready. I visited Mr Mohammed at the premises the same day and collected the CCTV which was on a USB stick. Upon returning to the office the CCTV was viewed. Mr Mohammed had produced three videos. One which showed 47 seconds of camera 3 at 13:47, video 2 showed 1 minute 43 seconds of camera 3 at 14:11 and video three showed 1 minute 6 seconds of camera three at 14:59 on the 1st May 2022. As you will be aware from the request made on the 23rd May 2022 and the email requesting the footage on the 26th May 2022 sent to Mr Mohammed. The videos which have been produced on the 27th May 2022 are incorrect and not the full time or cameras which have been requested.

Again, Premises Licence Premises Licence No. 174860 Annex 2 Condition 1 states:

“A staff member who is conversant with the operation of the CCTV system shall be present on the premises at all times when they are open to the public and must be able to produce / download / burn CCTV images upon request by a police officer or an authorised officer of the licensing authority.”

As you have not provided the requested time and cameras it appears there has been a further breach of your premises licence and a breach of Section 136(1) of the Licensing Act 2003.

I remind you that under Section 136 of the Licensing Act 2003 it is an offence to carry on or attempt to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation, or knowingly allow a licensable activity to be so carried on. A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months or to a fine, or to both.

Finally, you are again requested to produce the CCTV from the request from my latest email. You must provide the CCTV footage and not film the screen the footage is being played on which has been done on the previous files to sent to me as this does not show the full image being displayed. You can contact me by email when the footage is ready to be collected. This should be completed by Tuesday 31st May 2022.

Yours Sincerely



Devon Bennett
Trading Standards Technical Officer


Trading Standards Service
The Neighbourhoods Directorate

 1 Hammerstone Road
 Gorton
 Manchester M18 8EQ

 Telephone: +44 (0)161 234 1589
 Email: trading_standards@manchester.gov.uk
 Website: www.tradingstandards.gov.uk/manchester

Our Ref: E/041709

 Date: 27th May 2022

 Barham Bakir Mohammed
 402 Cheetham Hill Road
 Manchester
 M8 9LE

Dear Mr Mohammed,

RE: Licensing Act 2003 – Breach of Premises Licence No. 174860

I write to you following the recent visit to your premises on the 23rd May 2022 and the 27th May 2022. Following the execution of a warrant at your premises at Euro Market, 402 Cheetham Hill Road, Manchester, M8 9LE, I requested that CCTV footage of your premises was produced and burnt to a DVD as per condition 1 annex 2 of premises licence no. 174860. The request was made to you, the sole director of your company as Premises Licence Holder and Designated Premises Supervisor. You wrote down the request in front of me and it was agreed he would produce the CCTV and inform me it is ready to collect on Wednesday 25th May 2022.

Prior to the request, during the same visit it was established that CCTV covering the counter and the aisle next to the counter, which is a public area was on a separate CCTV system which was controlled on your mobile phone. I asked you to show me the 1st May 2022 at 14:00. You responded stating that he could not do this. Premises Licence No. 174860 Annex 2 Condition 1 states:

“A staff member who is conversant with the operation of the CCTV system shall be present on the premises at all times when they are open to the public and must be able to produce / download / burn CCTV images upon request by a police officer or an authorised officer of the licensing authority”

Therefore, by not being conversant with the operation of the CCTV system it appears that there has now been a breach of the premises licence and a breach of Section 136(1) of the Licensing Act 2003.

On Thursday 26th May 2022, I received an email from you stating that the CCTV was 'linked' to the email. There were no links or attachments to the email. I then telephoned you where I spoke with a male who was assisting in producing the CCTV. The male stated that he was going to burn the CCTV to a disc and also send the footage via whatsapp. Soon after the call, I received a whatsapp message from you, in the message was a piece of footage. The footage was a mobile phone filming the TV screen in which the CCTV was displayed. The footage lasted approximately 47 seconds and did not show all three cameras which were requested and did not show the full amount of time requested. I then emailed you shortly after and stated:

I have just received a whatsapp message from you. As per what we discussed you are requested to provide:

CCTV from the 01/05/2022 start time 14:00 - 14:30

Camera: Till camera on the Verisure System, Back Room Camera, Aisle Next to Till Camera and Camera 3.

Can you please ensure this is completed at your earliest convenience.

It was again made clear to you that the business must provide the requested CCTV.

On the 27th May 2022, you contacted me via email and stated the CCTV was now ready. I visited you at the premises the same day and collected the CCTV which was on a USB stick. Upon returning to the office the CCTV was viewed. You had produced three videos. One which showed 47 seconds of camera 3 at 13:47, video 2 showed 1 minute 43 seconds of camera 3 at 14:11 and video three showed 1 minute 6 seconds of camera three at 14:59 on the 1st May 2022. As you will be aware from the request made on the 23rd May 2022 and the email requesting the footage on the 26th May 2022. The videos which have been produced on the 27th May 2022 are incorrect and not the full time or cameras which have been requested.

Again, Premises Licence Premises Licence No. 174860 Annex 2 Condition 1 states:

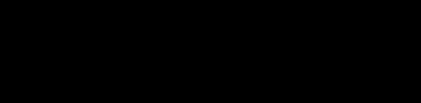
“A staff member who is conversant with the operation of the CCTV system shall be present on the premises at all times when they are open to the public and must be able to produce / download / burn CCTV images upon request by a police officer or an authorised officer of the licensing authority.”

As you have not provided the requested time and cameras it appears there has been a further breach of the premises licence and a breach of Section 136(1) of the Licensing Act 2003.

I remind you that under Section 136 of the Licensing Act 2003 it is an offence to carry on or attempt to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation, or knowingly allow a licensable activity to be so carried on. A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months or to a fine, or to both.

Finally, you are again requested to produce the CCTV from the request from my latest email. You must provide the CCTV footage and not film the screen the footage is being played on which has been done on the previous files to sent to me as this does not show the full image being displayed. You can contact me by email when the footage is ready to be collected. This should be completed by Tuesday 31st May 2022.

Yours Sincerely



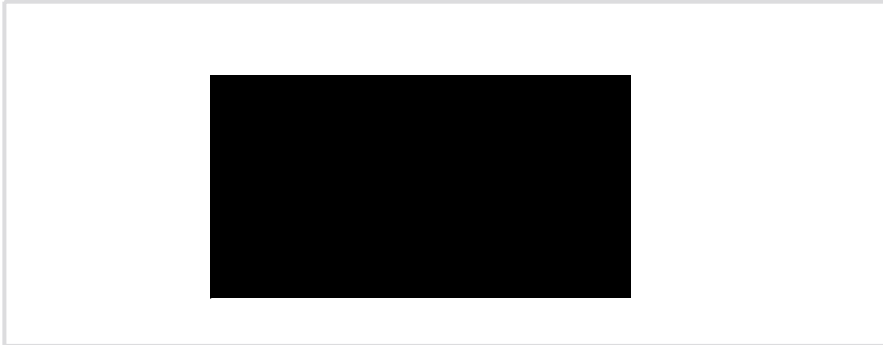
Devon Bennett
Trading Standards Technical Officer




Track your Item

Proof of delivery

Tracking number: AE964376686GB



Your item was delivered on **31-05-2022**.

Signed for by: 

Service used: Royal Mail Special Delivery Guaranteed 1pm™

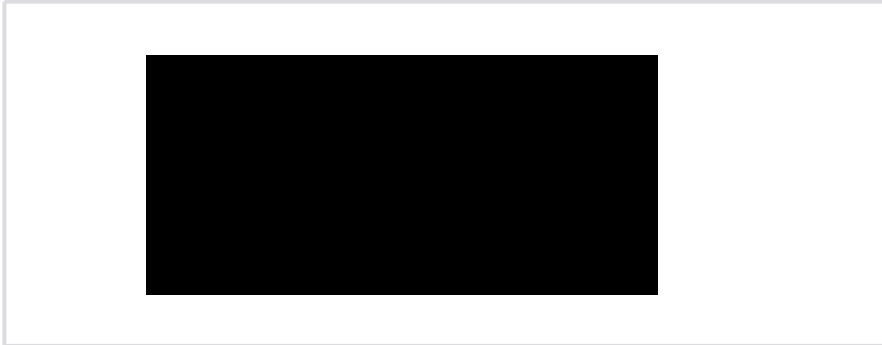
Delivered at: 10:56, Tuesday 31 May 2022




Track your Item

Proof of delivery

Tracking number: AE964376672GB



Your item was delivered on **31-05-2022**.

Signed for by: 

Service used: Royal Mail Special Delivery Guaranteed 1pm™

Delivered at: 10:56, Tuesday 31 May 2022



**MANCHESTER
CITY COUNCIL**

Premises Licensing Team

Telephone: +44 (0)161 234 5004
premises.licensing@manchester.gov.uk
Level 1 Town Hall Extension, Albert
Square
PO Box 532, M60 2LA

[Redacted]

[Redacted]

10 December 2021

Ref: LBJ263545

Dear Sir / Madam

Subject Line: Notification of hearing decision 263545/PW5: Review of Premises Licence: Euro Market, 402 Cheetham Hill Road, Manchester, M8 9LE - 06/12/2021

The Licensing Act 2003 (Hearings) Regulations 2005

Notice of hearing decision: Review of Premises Licence

Following the Licensing Sub-committee hearing on 06/12/2021, I write to formally advise you of the sub-committee's decision regarding:

Euro Market
402 Cheetham Hill Road
Manchester
M8 9LE

Decision:

Revoke the Premises licence

Summary of Evidence and Reasons:

The Committee heard from trading standards that the premises has been subject to a now 10 month investigation with a number of incidents of possession and sales of illegal tobacco from the premises between March 2021 and December 2021. This was under both the former Premise Licence Holder (PLH) and the new PLH whom the licence was transferred to in October 2021, after the application for review was submitted. The trading standards officer stated whilst they are aware an application to transfer the DPS was put in at the end of November this was rejected, and [Redacted] currently remains as the DPS. .

The Committee were given an outline of the possession and sales of illegal tobacco at the premises between March 2021 and December 2021 included visits to the premises and flat above in August 2021. During this inspection trading standards found a large quantity of cigarettes and hand rolling tobacco that was being supplied in breach of various pieces of legislation including being counterfeit and failing to have the correct labelling and warnings on the packaging as required in the UK. The Committee were also informed of a chute between the flat and the shop allowing supply from the flat above to conceal the number of illegal cigarettes in the premise's possession. Documents found in the flat above the premises related to Euro Markets and the DPS, [REDACTED].

The Committee were informed that in a visit in November 2021, after the transfer of the licence, both the former PLH and DPS and the new proposed DPS, Barham Bakir Mohammed, were on site when further illegal tobacco was found and seized. There was then a further visit on 1 December 2021 when the proposed new DPS, Barham Bakir Mohammed, was on site. During this visit officers saw customers in the premises including a female customer looking up the aisle to the rear of the store. They then saw the proposed DPS approach the counter with a packet of cigarettes in his hand. The male put these in a bag which the officer requested and found there to be 3 packs of illegal cigarettes inside the plastic bag. The committee were informed this male was also repeatedly shouting a word to the rear of the shop. This word was in another language, so the officer was not sure what it was.

The Committee were also informed of several breaches of the premise licence conditions on the visits in August which remained despite return visits in both October and November. There was also a concern by trading standards of the attitude of the managers to the concerns of GMP which fell way below what you would expect of a DPS.

The Committee were also referred to the guidance including Para 10.8.

The trading standards officer further stated that under both the former and new PLH at the premises there has been the continued sale of illegal tobacco and there has also not been enough effort made to comply with the conditions on the licence

despite the number of visits and time that has passed. He requested the Committee revoke the licence.

GMP informed Committee that they supported the representations of trading standards and had been present on a visit in August 2021 when a number of conditions of the licence were not being complied with. These breaches remained in follow up visits with the attitude of the management being so what. GMP were also present on the visit on 1 December when further illicit cigarettes were found and there remained two conditions still not being complied with on the licence.

GMP also supported the trading standards officer's version of events on 1 December 2021 as to the illegal cigarettes being in a bag, with a customer waiting at the front of the shop and the male worker (and proposed DPS) shouting something to the rear of the shop.

GMP stated there had been issues on every visit and they were also requesting revocation of the licence.

The Committee heard from the PLHs representative that this was a different PLH to the previous one where a number of illegal cigarettes were found in the premises and flat and there was no link to this former PLH. An application to vary the DPS to Barham Bakir Mohammed was submitted last week however due to a technical error this was rejected and will be resubmitted again today.

It was accepted by the PLH that during the officer's visits there had been some issues with the conditions however the matters that remained including the training log were now being addressed. The representative gave details on her background and the full training that would be delivered by herself to the premises straight after the hearing today, whatever the outcome. This had already been delivered over the phone to the proposed new DPS over the previous week, due to ill health, however comprehensive training suited to the particular premises would be provided and these training records can then be signed off and emailed as completed.

The PLHs representative stated the possession of the illicit tobacco related to the previous PLH and anything found on the visit in November 2021 had been left by the former PLH. In relation to the visit of the 1 December the three packets of cigarettes found were for the personal use of the proposed DPS. They have however now introduced a tobacco policy and all staff including the manger / DPS are not allowed to smoke foreign cigarettes or have them in their possession at the store even for personal use.

The committee were informed that there are no sales of illegal cigarettes by the new PLH and CCTV can be viewed to support this. If the CCTV was viewed by trading standards then they would be able to see this fully however this had not been done.

Further details were given of the training staff will receive and that if it is found that any staff are not able to promote the licensing objectives they will need to find alternative employment. The representative stated the manager and proposed DPS is fully aware of what is required of them and how to uphold the licensing objectives. They have previously worked at the premises between 2014 and 2018 and want to run it as a family business. The business will support their family and they are not someone who is not responsible and does not care.

The Committee then heard from the proposed DPS as to his knowledge of licensing and that he does not sell illegal tobacco.

The Committee asked if they were going hear from the new PLH as well as just the proposed DPS. Mohsen Haydari was present and confirmed he was the director of the PLH company, Euro Market At 402 Ltd, and this was his first time owning a shop.

Questions were then asked of the PLH including to try and establish who was actually running the premises as the proposed DPS had formally stated to the trading standards officer he was just a worker. It was confirmed that it was a joint venture between the PLH and the proposed DPS and it was the proposed DPS that was running the store and the director of the PLH had a full time job and visited the shop once or twice a week. It was also confirmed that since the PLH had taken over in October no training had been delivered to staff.

It was also confirmed that there was currently no active DPS at the premises as the listed DPS and former PLH was no longer involved. The application to transfer DPS was however going to be resubmitted today with immediate effect.

The proposed DPS was also questioned in relation to the visit on the 1 December 2021 where it was stated he came from the rear of the store with a packet of cigarettes and a plastic bag containing more packs of cigarettes. He denied having the plastic bag with cigarettes in and denied it was a customer waiting for them. He stated the person waiting by the counter was a driving instructor. He also denied shouting anything to the rear of the premises. He stated the member of staff he was working with was out at lunch at the time. He also said there were no footsteps or banging in the flat upstairs at this point.

On considering all the written and oral representations the Committee concluded they had no confidence in either the new PLH or the proposed DPS to uphold the licensing objectives, in particular the crime prevention objective.

There had been some confusion as to who was involved in the running of the premises and it took a number of questions just to establish this. The PLH company and director seems to have very limited involvement and had agreed that they had had no training and provided no training to staff since taking over the premises in October. The proposed DPS had previously just stated he was a worker when challenged in the shop by trading standards when illegal cigarettes were found. The proposed DPS did then state he was in charge however the Committee had serious concerns about his ability to manage the premises and uphold the licensing objectives.

The Committee did not accept that when the current and proposed new DPS were in the premises on the visit in November 2021 that the illegal cigarettes seized were just left over from the previous inspection in August. They also accepted both Trading Standards and GMPs version of the visit on 1 December 2021 in that the proposed DPS did have cigarettes in a plastic bag and was shouting something to the rear of the premises.

It was very concerning to the Committee that the premises had been operating since the new PLH took over in October 2021 for a number of weeks without a DPS and therefore selling alcohol without authority. They accepted that an application to vary DPS had been put in, and rejected on technicality, however this was over a month after the new PLH had taken over and there was still no DPS some 6 weeks after the premises licence transfer. This emphasised to the Committee the lack of understanding of how to operate the premises correctly to uphold the licensing objectives and comply with licensing legislation.

Whilst there had been a change of PLH during trading standards investigation into the premises, the possession of illegal cigarettes had continued after this change. The Committee considered Para 11.27 of the Section 182 guidance, referred to in the written papers, which states there is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These include the use of the licensed premises for the sale or storage of smuggled tobacco and alcohol.

The Committee were also concerned with the breaches of the premises licence that had continued despite discussions with various officers and that even now several weeks after the change of PLH some breaches remained. The previous attitude of the proposed DPS to these breaches was also not what would be expected of a responsible operator.

The Committee considered the options open to them under the provisions of s52 of the Licensing Act 2003 and were of the opinion that no modification, exclusion or suspension would address the issues that formed the basis of the review and the continued likelihood of the Licensing Objectives being undermined.

The Committee had no confidence in the PLH or the manager / proposed DPS to uphold the licensing objectives in particularly the prevention of crime and disorder.

The Committee therefore revoked the premises licence.

You have a right of appeal against the decision. Any appeal must be made to Manchester City Magistrates' Court, Crown Square, Manchester, M60 1PR (tel 0161 830 4200) and must be commenced within the period of 21 days beginning with the day on which you were notified by the licensing authority of the decision, as provided for in Section 181 of the Licensing Act 2003.

The decision of the Licensing Sub-committee will not have effect until the end of the period allowed for appeal, or until any appeal is disposed of, however, **any interim steps taken will remain in force over these periods.**

Should you require any further information, please contact the undersigned.

Yours faithfully


Premises Licensing Team



MANCHESTER CITY COUNCIL

LICENSING ACT 2003 PREMISES LICENCE

Premises licence number	174860
Granted	11/08/2015
Latest version	DPS Variation 270404 granted 24/02/2022

Part 1 - Premises details

Name and address of premises
Euro Market 402 Cheetham Hill Road, Manchester, M8 9LE

Licensable activities authorised by the licence
1. The sale by retail of alcohol*.
* All references in this licence to "sale of alcohol" are to sale by retail.

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	0900	0900	0900	0900	0900	0900	0900
Finish	2200	2200	2200	2200	2200	2200	2200
The sale of alcohol is licensed for consumption off the premises only.							
Seasonal variations and Non-standard Timings: None							

Hours premises are open to the public							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	0900	0900	0900	0900	0900	0900	0900
Finish	2200	2200	2200	2200	2200	2200	2200
Seasonal variations and Non-standard Timings: None							

Part 2

Details of premises licence holder	
Name:	Euro Market AT 402 Ltd
Address:	402 Cheetham Hill Road, Manchester, M8 9LE
Registered number:	13646221

Details of designated premises supervisor where the premises licence authorises for the supply of alcohol

Name: Mr Barham Bakir Mohammad
 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.

Annex 2 – Conditions consistent with the operating schedule

None

Annex 3 – Conditions attached after hearing by the licensing authority

1. The premises shall install and maintain a comprehensive colour digital CCTV system. All public areas of the licensed premises, including all public entry and exit points and the street environment will be covered, enabling facial identification of every person entering in any light condition. The CCTV cameras shall continually record whilst the premises are open to the public and recording shall be kept available and unedited for a minimum of 28 days with the date and time stamping. A staff member who is conversant with the operation of the CCTV system shall be present on the premises at all times when they are open to the public and must be able to produce / download / burn CCTV images upon request by a police officer or an authorised officer of the licensing authority. Any footage must be in a format so it can be played back on a standard personal computer or standard DVD player. Where the recording is on a removable medium (i.e. compact disc, flash card etc.), a secure storage system to store those recording mediums shall be provided.
2. An incident log (which may be electronically recorded) shall be kept at the premises for at least six months, and made available on request to the Police or an authorised officer of the licensing authority, which will record the following incidents including pertinent details:
 - a. all crimes reported to the venue, or by the venue, to the police;
 - b. all ejections of patrons;
 - c. any incidents of disorder;
 - d. any faults in the CCTV system or searching equipment or scanning equipment;
 - e. any refusal of the sale of alcohol;
 - f. any visit by a relevant authority or emergency service.
3. The Designated Premises Supervisor shall ensure that a written notice of authority is kept at the premises for all staff who sell alcohol. The notice shall be made available for inspection upon request of the police or an authorised officer of the licensing authority and all staff selling alcohol must be in possession of formal identification to enable to verify their identity against the notice.
4. The premises shall display prominent signage indicating at any point of sale, the entrance to the premises and in all areas where alcohol is located that it is an offence to buy, or attempt to buy, alcohol for a person under the age of 18.
5. The 'Challenge 21' Scheme shall be operated to ensure that any person who appears to be under the age of 21 shall provide documented proof that he/she is over 18 years of age. Proof of age shall only comprise a passport, photo card driving licence, an EU/EEA national ID card or similar document, an HM Forces warrant card, or a card bearing the PASS hologram.
6. In addition to any other training, the Premises Licence Holder shall ensure that to prevent underage sales, to be aware of and prevent proxy 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. Documented records of training completed shall be kept for each member of staff. Training shall be regularly refreshed and at no greater than 6 monthly intervals.

Annex 4 – Plans

See attached

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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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