



Licensing Sub Committee Hearing **Panel**

Date: Monday, 22 June 2020

Time: 10.00 am

Venue: Dial: 033 3113 3058 Room number: 36955346 #
PIN: 8489 #

Everyone is welcome to attend this committee meeting.

The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020

Under the provisions of these regulations the location where a meeting is held can include reference to more than one place including electronic, digital or virtual locations such as internet locations, web addresses or conference call telephone numbers. This meeting is by way of a telephone conference. You can listen to the call as it takes place, the number of people able to listen to the live call is limited to 90.

Membership of the Licensing Sub Committee Hearing Panel

Councillors - Grimshaw (Chair), Lynch and Lyons

Agenda

1. Urgent Business

To consider any items which the Chair has agreed to have submitted as urgent.

2. Appeals

To consider any appeals from the public against refusal to allow inspection of background documents and/or the inclusion of items in the confidential part of the agenda.

3. Interests

To allow Members an opportunity to [a] declare any personal, prejudicial or disclosable pecuniary interests they might have in any items which appear on this agenda; and [b] record any items from which they are precluded from voting as a result of Council Tax/Council rent arrears; [c] the existence and nature of party whipping arrangements in respect of any item to be considered at this meeting. Members with a personal interest should declare that at the start of the item under consideration. If Members also have a prejudicial or disclosable pecuniary interest they must withdraw from the meeting during the consideration of the item.

4. New Premises Licence - Waffle Run, Unit 36, Longsight Business Park, Hamilton Road, Manchester, M13 0PD - determination 5 - 6

The determination papers are enclosed.

5. New Premises Licence - Hampton By Hilton Manchester North Quarter Hotel, 41 Rochdale Road, Manchester, M4 4HT - determination 7 - 10

The determination papers are enclosed.

6. New Premises Licence - Topkapi Palace Restaurant, 205 Deansgate, Manchester, M3 3NW - determination 11 - 16

The determination papers are enclosed.

7. Review of a Premises Licence - European Mini Market, 762 Stockport Road, Manchester, M12 4GD 17 - 62

The report of the Director of Planning, Building Control and Licensing is enclosed.

Information about the Committee

The Licensing Sub-Committee Hearing Panel fulfills the functions of the Licensing Authority in relation to the licensing of premises.

A procedure has been agreed which governs how the Panel will consider such applications.

Decisions made by the Panel will be under delegated authority and will not require to be referred to the Council for approval. Meetings are controlled by the Chair, who is responsible for seeing that the business on the agenda is dealt with properly.

Copies of the agenda are published on the Council's website. Some additional copies are available at the meeting from the Governance Support Officer.

The Council is concerned to ensure that its meetings are as open as possible and confidential business is kept to the strict minimum. When confidential items are involved these are considered at the end of the meeting at which point members of the public are asked to leave.

Smoking is not allowed in Council buildings.

Joanne Roney OBE
Chief Executive
Level 3, Town Hall Extension,
Albert Square,
Manchester, M60 2LA

Further Information

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

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This agenda was issued on **Thursday, 11 June 2020** by the Governance and Scrutiny Support Unit, Manchester City Council, Level 3, Town Hall Extension (Lloyd Street Elevation), Manchester M60 2LA

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Licensing Act 2003 (Hearings) Regulations 2005

Reference: 239306
Name: Waffle Run
Address: Unit 36, Longsight Business Park, Hamilton Road,
 Manchester, M13 0PD
Ward: Longsight
Application Type: Premises Licence (new)
Name of Applicant: Waffle Run Ltd
Date of application: 08 May 2020

Agreement has been reached between the applicant and all parties that submitted relevant representations.

The Sub-Committee is asked to grant the application subject to the modifications agreed between the parties without the need for a hearing.

If the Sub-Committee is not minded to grant the application as above, it is requested to adjourn the matter for a full hearing to be held to determine the application.

Proposed licensable activities and opening hours to be granted

Provision of late night refreshment:
 Mon to Sun 11pm to 4am

Opening hours:
 Mon to Sun 6pm to 4am

Representations received

Licensing & Out of Hours
 Compliance

Concerns regarding the prevention of a public nuisance licensing objective and, in particular, noise from vehicles of customers collecting orders.

Agreements between parties

Licensing & Out of Hours Compliance:

- 1) Collections may only take place between the opening times 18:00 – 20:00.
 Only deliveries will take place from 20:00 – Closing at 04:30
- 2) Deliveries to the premises shall be conducted in a manner that will not cause a

nuisance to the occupiers of any residential properties surrounding the delivery address and deliveries shall be made at a time which will not lead to any public nuisance.

- 3) A log shall be kept at the premises to record any issues of anti-social behaviour. The log shall record the date and time, issue and the name of the member of staff. The log will be available on request by the police or an authorised officer of Manchester City Council.
- 4) Signage requesting customers respect their neighbours by turning engines off and music down whilst waiting for collection. This should also be included on the email order confirmation.

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
- Original application form
- Representations made against application and respective agreements



Licensing Act 2003 (Hearings) Regulations 2005

Reference: 246409
Name: Hampton by Hilton Manchester Northern Quarter
Address: 41 Rochdale Road, Manchester, M4 4HT
Ward: Piccadilly
Application Type: Premises Licence (new)
Name of Applicant: Create Developments (Manchester) Ltd
Date of application: 06 May 2020

Agreement has been reached between the applicant and all parties that submitted relevant representations.

The Sub-Committee is asked to grant the application subject to the modifications agreed between the parties without the need for a hearing.

If the Sub-Committee is not minded to grant the application as above, it is requested to adjourn the matter for a full hearing to be held to determine the application.

Proposed licensable activities and opening hours to be granted

Provision of regulated entertainment (plays, live music, recorded music, performances of dance and anything of a similar description to live music, recorded music or performances of dance):

Mon to Sun 8am to 2am

From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

Provision of regulated entertainment (films):

Mon to Sun 24 hours

Provision of late night refreshment:

Mon to Sun 11pm to 2am

From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

Hotel residents and bona fide guests unrestricted.

The supply of alcohol for consumption both on and off the premises:

Mon to Sun 8am to 2am

From the end of permitted hours on New Year's Eve to the start of permitted hours on

New Year's Day.
Hotel residents and bona fide guests unrestricted.

Opening hours:
Mon to Sun 24 hours

Representations received

Licensing & Out of Hours
Compliance

Concerns regarding the Prevention of Public Nuisance Licensing Condition in that the conditions offered are not sufficient to mitigate noise nuisance from patrons visiting the proposed establishment and its effect on several residential blocks within close proximity.

Agreements between parties

Licensing & Out of Hours Compliance:

1. All Food and Beverage Staff to undergo training on induction as to the requirements under the Licensing Act 2003 including underage sales and the hotel's proof of age policy and to receive refresher training at least annually.
2. A challenge 25 proof of age scheme shall operate at the premises. Signage shall be displayed advising customers that the scheme is in place.
3. The premises shall maintain a CCTV system which shall cover all public areas where licensable activities may be provided and the main entrance to the hotel and which will be operated 24 hours a day, seven days a week. Images will be retained for a minimum of 28 days.
4. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a police or authorised council officer copies of recent CCTV images or data with the minimum of delay when requested.
5. An incident log and a refusals log will be maintained by the premises that shall, as a minimum, detail: incidents of note that occur in the premises; refused sales; disorder; and ejections. The logs shall be kept on the premises and be available for inspection at all times the premises is open, and management shall regularly check to ensure the logs are being used by all relevant staff.
6. The premises licence holder will risk assess the need for door supervisors at the premises and/or deploy such supervisors at such time and in such numbers as deemed necessary by the risk assessment and/or at other times at the request of the police
7. Where SIA registered door supervisors are used at the premises, a record must be kept of their SIA registration number and the dates and times when they are on duty.
8. Risk assessments to be carried out and maintained for fire, health and safety

and emergency evacuation; any maximum numbers advised by the Fire Service or other responsible authority prior to or upon completion of the works will be complied with.

9. Notices will be placed around the premises requesting that patrons leave the premises in a quiet and orderly manner, so not to disturb local residents.

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
- Original application form
- Representations made against application and respective agreements

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Licensing Act 2003 (Hearings) Regulations 2005

Reference: 243452
Name: Topkapi Palace Restaurant
Address: 205 Deansgate, Manchester, M3 3NW
Ward: Deansgate
Application Type: Premises Licence (new)
Name of Applicant: Mr Mete Dursun
Date of application: 06 May 2020

Agreement has been reached between the applicant and all parties that submitted relevant representations.

The Sub-Committee is asked to grant the application subject to the modifications agreed between the parties without the need for a hearing.

If the Sub-Committee is not minded to grant the application as above, it is requested to adjourn the matter for a full hearing to be held to determine the application.

Proposed licensable activities and opening hours to be granted

Provision of late night refreshment:
Mon to Sun 11.00pm to 5.00am

The supply of alcohol for consumption on the premises only:
Mon to Sun 10.00am to 11.00pm

Opening hours:
Mon to Sun 10.00am to 5.00am

Representations received

Licensing & Out of Hours
Compliance

Due to the central location of the premises (within a very busy area of the city centre where substantial night-time economy activities take place and where numerous existing licensed premises are present/operating) LOOH Compliance have expressed concern that the granting of the application, in its original form, could lead to an adverse impact upon all of the Four Licensing Objectives, particularly in regard to potential noise outbreak from the premises occurring.

Agreements between parties

Licensing & Out of Hours Compliance:

- All members of Staff shall be trained in the requirements of the Licensing Act 2003 with regard to the four licensing objectives.
- All members of staff shall be trained on the premises policies relevant to the operation of the day-to-day business.
- A record shall be kept of the date and name of person trained or advised and be made available for inspection by the police or licensing authority.
- The Premises shall undertake regular risk assessments in order to ensure the safety of its customers, as far as practicable.
- Firefighting equipment shall be maintained and serviced according to the manufacturer's instructions on an annual basis.
- The premises shall have a first aid box on site, at all material times, and staff shall be first-aid trained.
- An alarm shall be installed at the premises to protect it when closed.
- Any staff or private areas and cellars shall be kept locked and secured whilst the premise is open to the public.
- We shall ensure that suitably qualified door supervisors shall be employed from 2330 to 0530.
- We shall only allow individuals licensed by the Security Industry Authority to be used at the premises to undertake security activities. Our Door supervisors shall be required to deal with:
 - unauthorised access or occupation (e.g. through door supervision);
 - outbreaks of disorder by customers, and/or;
 - damage.
- All of our door supervisors shall be wearing clothing that makes them clearly identifiable in their role.
- Any person performing the role of a door supervisor shall be clearly displaying SIA badges whilst working.
- Door staff shall sign into a register detailing their full SIA licence number, their name, contact details and the time and date their duty commenced and concluded. That register shall be made available upon request of a Police Officer and/or an Authorised Officer of the Licensing Authority.
- We shall have installed CCTV that shall be operating at any time an individual is on the premises/trading.

- We shall ensure that our CCTV images shall have sufficient clarity, quality and definition to enable facial recognition.
- We shall ensure the cameras cover all internal areas accessible to the public and areas immediately outside the premises. Moreover, we shall ensure the date and time settings on the system is correct at all times.
- We shall ensure that our CCTV images shall be retained, in an unedited form, for a minimum of 31 days and shall be produced on the request of the police or the local authority.
- We shall ensure that our CCTV system shall be maintained on a regular basis and kept in good working order. However, if the system is faulty or not working, we shall notify the police and local authority immediately. Moreover, details of any malfunction shall be recorded in the premise's incident book.
- We shall maintain an up to date incident book, which shall be maintained and full details of all occurrences of disorder at the premises shall be recorded. The incident book shall be kept on the premises at all times and shall be made available for inspection by the Local Authority and the police.
- CCTV maintenance records shall be kept, including details of the contractor(s) used and work completed.
- A4 sized warning notices shall be displayed in public areas of the premises and at all entrances advising that CCTV is in operation.
- Senior staff shall be trained in the maintenance and operation of the CCTV systems with a record kept of the date and name of person trained. Records shall be made available for inspection by the police or licensing authority.
- We shall ensure that a full risk assessment is undertaken by a professional body that will ensure the safety of the public, our staff and customers. Moreover, our risk assessment shall highlight any potential hazards and set out practical precautions to manage hazards. We shall review our risk assessment every 12 months.
- All of our staff shall be made aware of the risk assessment and precautionary measures therein.
- A copy of our risk assessment shall be kept at the premises and made available for inspection at all times.
- At our premises a fully maintained first aid box shall be available at all times.
- Our staff shall be aware of their responsibilities regarding smoke-free legislation and for monitoring compliance. Our staff shall actively ensure that customers do not smoke in the premises or directly outside the door.
- Our staff shall ensure that spillages and/or broken glass is cleaned up immediately to prevent floors from becoming slippery and unsafe.

- Moreover, bins shall be secure at all times and kept away from public areas.
- We shall adopt a written policy to deal with all types of accidents & emergency incidents. Our policy shall include guidance on how to deal with matters such as emergency situations, contingency planning and evacuation procedures in the event of fire, bomb threats or suspect packages and when to contact emergency services.
- Our Staff shall be trained in their role and responsibilities for fire safety. Training shall include how to use fire extinguishers and blankets amongst preventative measures.
- Our Staff shall be trained in their role and responsibilities for emergency evacuations.
- Our emergency routes and fire exits shall be clearly defined, and evacuation plans exercised regularly. Our staff shall ensure that all fire exits, and pathways are free from obstruction at all times.
- A copy of our fire risk assessment shall be kept at the premises at all times. This shall be made available for inspection by the fire authority and licensing authority.
- We shall have a fire detection system installed by an accredited body. Our fire system shall be tailored to the needs and design of our premises. We shall ensure that our fire detection system is fully functional at all times. The system shall be tested regularly with records kept and made available for inspection.
- All equipment shall be checked and maintained regularly with a record kept of the date and findings of the checks.
- An accident book shall be kept in order to record all accidents or incidents and made available for inspection.
- We shall operate a zero-tolerance policy to the use of drugs in the premises.
- Our staff shall refuse entry to anyone who appears to be showing signs of drug use and contact the emergency services in appropriate circumstances.
- All customers shall be asked to leave quietly, in addition to clear and legible notices that shall be prominently displayed to remind customers to leave quietly and have regard to our neighbours.
- We shall endeavour to keep windows and doors closed, as far as practicable, during regulated entertainment. We shall remind staff to keep windows closed and customers to close doors when entering and leaving the premises during the regulated times.
- We shall ensure that any speakers are away from walls adjacent to residential properties.

- Our staff shall use their best endeavours to ensure that customers do not congregate outside the premises when operating as a takeaway from 00:00hours to 05:00hours.
- A defined queuing system shall be implemented and operational at the premises when operating as a takeaway from 00:00hours to 05:00hours.
- Our staff shall not allow rowdy behaviour from people queuing/using our premises. Staff shall refuse entry/service to anyone behaving in an anti-social way.
- We shall ensure that commercial deliveries, collections and storage/ disposal of waste, including refuse collections and storage / disposal of waste and recyclables in external areas shall be restricted to normal working hours between 8am and 6pm Monday to Friday.
- External lighting for the premises shall be turned off after the premises are closed to the public.
- A contact telephone number shall be made available to local residents and businesses which they can use to report noise disturbances to a responsible person at the venue as and when they occur. The phone line shall be available at all times the licence is in use.
- We shall ensure that all rubbish bins and glass refuse are kept at the rear of the premises, away from public access.
- We shall place a bin outside the entrance/in the exit of the premises to minimise the risk of customers throwing litter.
- We shall not empty bottles, bins and rubbish between 11.00pm and 7.00am.
- We shall advise customers of nearest car park, on request.
- We shall ask customers, whom we see parking either illegally, to find suitable parking before being served by our staff.
- We shall have a written policy setting out measures to protect children from harm at our premises. The policy shall consider all activities associated with our premises and when children should be allowed on or restricted from the premises.
- We shall ensure that all staff will be trained on the policy.
- We shall allow children to enter our premises unaccompanied between the hours of 11:00 to 21:00.
- We shall only allow admittance of children if they are accompanied by an adult after 21:00.
- We shall operate a Challenge 25 strategy for all individuals consuming/purchasing alcohol.

- Staff shall check the outside area hourly and at close of business, removing any litter while the premises is operating as a takeaway.

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
- Original application form
- Representations made against application and respective agreements

**Manchester City Council
Report for Resolution**

Report to: Licensing Sub-Committee Hearing Panel – 22 June 2020

Subject: European Mini Market, 762 Stockport Road, Manchester, M12 4GD
(Review of Premises Licence, application reference 246305)

Report of: Head of Planning, Building Control & Licensing

Summary

Review of the premises licence under s51 of the Licensing Act 2003

Recommendations

That the Panel, having regard to the application and any relevant representations, take what steps are appropriate for the promotion of the licensing objectives.

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
Telephone: 0161 234 1176
E-mail: f.swift@manchester.gov.uk

Name: Helen Howden
Position: Technical Licensing Officer
Telephone: 0161 234 4294
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 2018
- Licensing Act 2003 (Hearings) Regulations 2005
- Any further documentary submissions by any party to the hearing

1. Introduction

- 1.1 On 04 May 2020 an application was made by the Licensing and Out of Hours Enforcement Team under s51 of the Licensing Act 2003 for a review of the premises licence for European Mini Market, 762 Stockport Road, Manchester, M12 4GD in the Longsight ward of Manchester. A location map and photograph of the premises is attached at **Appendix 1**.
- 1.2 A 28 day public consultation exercise has been undertaken in accordance with Licensing Act 2003 regulations; requiring the application to be advertised by the displaying of a blue notice at or on the premises and details of the application to be published on the Council's website.
- 1.3 The licensing authority must hold a hearing to consider an application to review a premises licence and any relevant representations.

2. The Application

- 2.1 A copy of the application is attached at **Appendix 2**.
- 2.2 The applicant is the Licensing and Out of Hours Enforcement Team. The application was submitted by Devon Bennett, compliance officer from that team.
- 2.3 The application for a review was submitted on the grounds that the licence holder has failed to uphold the licensing objective of the prevention of public nuisance.
- 2.4 Further details of the grounds for the review are as follows:
- Illicit tobacco being held for sale at the premises
 - Premises operating whilst the Designated Premises Supervisor is not in control of day-to-day running of the business
 - Obstructive nature of being able to make contact with the licence holder

3. Current Premises Licence

- 3.1 A copy of the current licence is attached at **Appendix 3**.
- 3.2 The premises licence holder is Mr Ali Yelmaz Azadin who has held the licence since 20/12/2019.
- 3.3 The designated premises supervisor is Mr Ali Yelmaz Azadin who has held this position since 20/12/2019.
- 3.4 The licensable activities permitted by the licence are:

Sale by retail of alcohol for consumption off the premises:
Monday to Sunday 8am to midnight (same as the opening hours)

4. **Background and additional information**

- 4.1 In the weeks leading up to this review application being submitted, two applications to transfer the premises licence, and to vary the designated premises supervisor (DPS) were received. The first transfer and DPS variation applications were received 14 April 2020, the second two applications were received 23 April 2020. All four applications were objected to by GMP and were subsequently withdrawn
- 4.2 Regarding serving the review application on the licence holder: the applicant has provided information which indicates that the copy that was posted to the licence holder was received. The application was also sent to the licence holder by email. **(Appendix 4)**

5. **Relevant Representations**

- 5.1 Representations may be made for or against a review application during the consultation period. To be 'relevant' and, therefore, able to be taken into account in determining the application, they must relate to one or more of the licensing objectives. Representations may be made by the holder of the premises licence, a responsible authority or any other person. Where representations are made by persons who are not a responsible authority, they must not be frivolous or vexatious.
- 5.2 One relevant representation has been received in respect of this application **(Appendix 5)**. The personal details of all members of the public have been redacted. Original copies of the representation will be available to the Panel at the hearing. The representation was received from the following persons / bodies:

Responsible Authorities:

- MCC Trading Standards

Summary of the representation:

Party	Grounds of representation	Recommends
Trading Standards	<p>Visits were made to the premises by Trading Standards on 04/12/19, and with the Police on 28/04/2020. Quantities of tobacco were found on both visits, concealed beneath the counter (first visit) and hidden around the shop (second visit). The tobacco was later confirmed to be counterfeit</p> <p>At the time of the first visit, a man who said he was looking</p>	Revoke licence

	<p>after the shop gave his name but became obstructive. Mr Azadin arrived during the visit and confirmed he was the owner. Four letters were sent or delivered to the licence holder between 30 December and 28 January, both to the shop and his home address, inviting him to attend an interview. No response was received, and Trading Standards state that “Mr Azadin has made no attempt to return contact illustrating his lack of responsibility towards his obligations to promote and uphold the Licensing Objectives”</p> <p>The representation concludes: “This continuing illegal activity shows complete disdain for the Licensing Objectives but most importantly the public safety of the residents of Manchester”. Trading Standards’ position is that the licence should be revoked.</p>	
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6. **Key Policies and Considerations**

6.1 **Legal Considerations**

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

6.2 **New Information**

6.2.1 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.

6.3 **Hearsay Evidence**

6.3.1 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.

6.4 **The Secretary of State’s Guidance to the Licensing Act 2003**

- 6.4.1 The Secretary of State's Guidance to the Licensing Act 2003 is provided to licensing authorities in relation to the carrying out of their functions under the 2003 Act. It also provides information to magistrates' courts hearing appeals against licensing decisions and has been made widely available for the benefit of those who run licensed premises, their legal advisers and the general public. 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.
- 6.4.2 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.
- 6.4.3 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.

6.5 **Manchester Statement of Licensing Policy**

- 6.5.1 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.
- 6.5.2 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.
- 6.5.3 There are a number of references in the Policy to the licensing authority's expectations of applicants. The licensing authority will not apply the Policy rigidly, but will always have regard to the merits of the case with a view to promoting the licensing objectives.
- 6.5.4 Relevant to this application, the Panel are recommended to have regard to the following sections of the Policy:

Section 6: What we aim to encourage

This section identifies certain types of venues and initiatives the licensing authority aims to encourage in order to promote an inclusive evening and night-time economy not simply focused on the consumption of alcohol. We aim to encourage:

- Premises that will extend the diversity of entertainment and attract a wider range of participants

- Live music, especially original material, which will provide a range of live performances and styles of music, provided that such entertainment does not undermine the licensing objectives
- National cultural institutions, global sports events and cultural festivals
- Non-drink-led premises, including restaurants, cafes, theatres and cinemas
- Communication and integration with local residents and businesses through licensees consulting with those in the local area prior to an application
- Participation in Pubwatches, off licence forums and other crime-reduction partnerships
- Engagement with the NITENET radio scheme and DISC secure information sharing platform by city centre venues through the Cityco Manchester Business Crime Reduction Partnership
- Designing out crime in the layout of the premises

Section 8: Manchester’s standards to promote the licensing objectives

This section identifies the standards that the licensing authority expects of licensed premises in Manchester. It is recognised that not all standards will be appropriate to apply in every situation to every premises. The degree to which standards would be appropriate is expected to be proportionate to the risk posed against the promotion of the licensing objectives having regard to the individual circumstances of the premises. The standards are not exhaustive and the licensing authority will have regard to any relevant issues raised in any representation that may fall outside them.

MS2 Effective general management of the premises

7. Conclusion

7.1 A licensing authority must carry out its functions under this Act (“licensing functions”) with a view to promoting the licensing objectives:

- a) the prevention of crime and disorder
- b) public safety;
- c) the prevention of public nuisance; and
- d) the protection of children from harm.

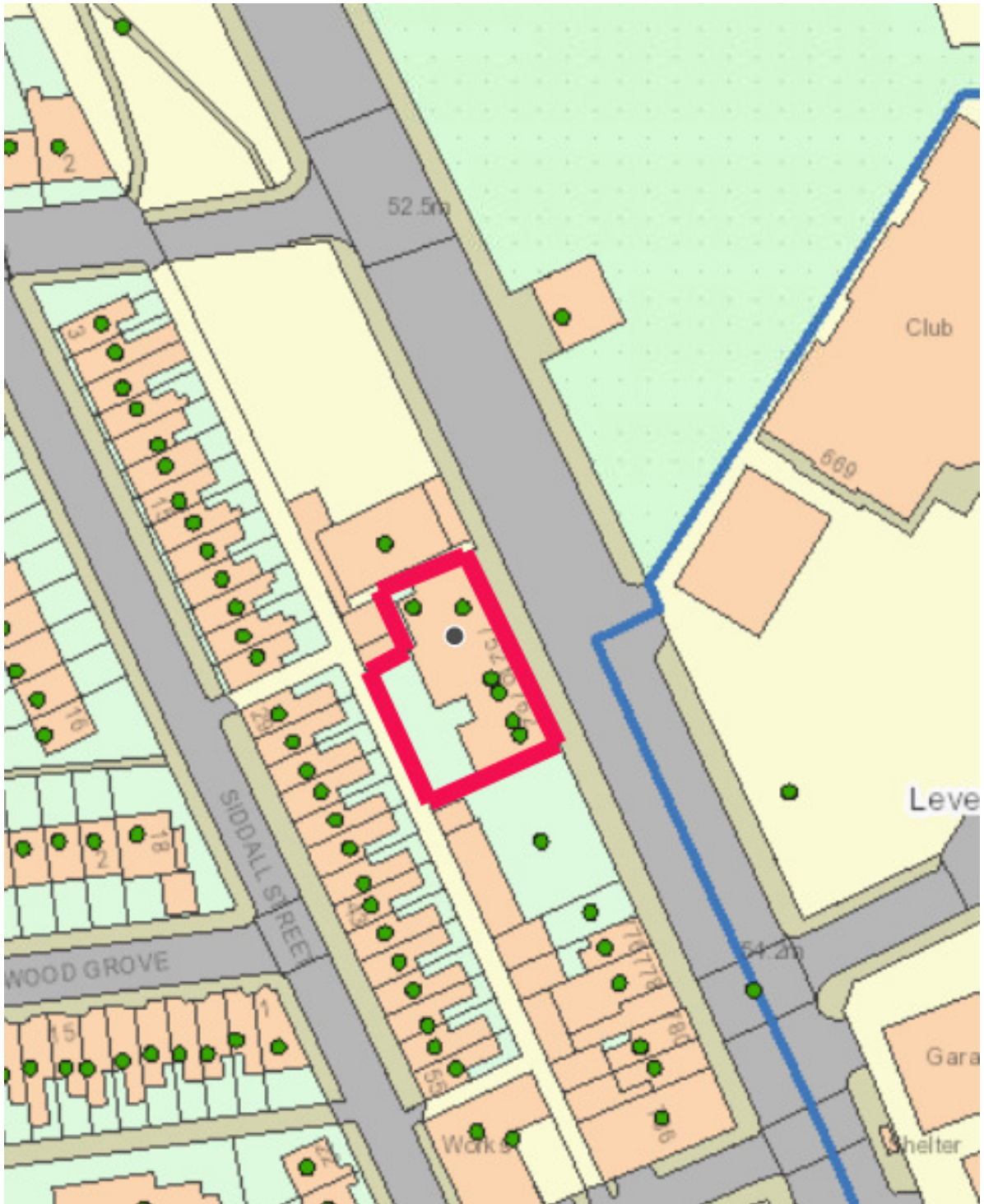
7.2 In considering the matter, the Panel should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the licence holder. In reaching the decision, regard must also be had to relevant provisions of the national guidance and the Council’s licensing policy statement.

7.3 The authority must take such of the steps below as it considers appropriate for the promotion of the licensing objectives. The steps are –

- a) to modify the conditions of the licence;
- b) to exclude a licensable activity from the scope of the licence;
- c) to remove the designated premises supervisor;

- d) to suspend the licence for a period not exceeding three months;
- e) to revoke the licence.

- 7.4 The conditions of the licence are modified if any of them is altered or omitted or any new condition is added.
- 7.5 All licensing determinations should be considered on the individual merits of the application.
- 7.6 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.
- 7.7 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.
- 7.8 **The Panel is asked to take such steps, as set out in 7.3 above, as it considers appropriate for the promotion of the licensing objectives.**



European Mini Market
762 Stockport Road, Manchester, M12 4GD

Premises Licensing
Manchester City Council

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Ordnance Survey100019568.



Image capture: Jul 2019 © 2020 Google

PREMISE NAME:	European Mini Market
PREMISE ADDRESS:	762 Stockport Road, Manchester, M12 4GD
WARD:	Longsight
HEARING DATE:	22/06/2020

Send completed application form to:

Premises Licensing
 Manchester City Council
 Level 1 Town Hall Extension
 Albert Square
 PO Box 532, M60 2LA

**Application for the review of a premises licence or club premises certificate under the
 Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.

If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I Devon Bennett on behalf of Licensing Out of Hours Compliance Team, Manchester City
 Council

.....
**apply for the review of a premises licence under section 51 / apply for the review of a club
 premises certificate under section 87 of the Licensing Act 2003 for the premises described
 in Part 1 below (delete as applicable)**

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description

European Mini Mart
 762 Stockport Road

Post town Manchester

Postcode M12 4DG

Name of premises licence holder or club holding club premises certificate (if known)

Ali Yelmaz Azadin

Number of premises licence or club premises certificate (if known)

220607

Part 2 - Applicant details

I am Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr Mrs Miss Ms Other title (for example, Rev)

Surname **First names**

I am 18 years old or over Please tick ✓ yes

Current postal address if different from premises address

Post town **Post Code**

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address
Telephone number (if any)
E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Devon Bennett Licensing Out of Hours Officer Manchester City Council PO BOX 532 Town Hall Manchester M60 2LA
Telephone number (if any) 0161 234 1220
E-mail address (optional) devon.bennett@manchester.gov.uk

This application to review relates to the following licensing objective(s)

- | | |
|---|-------------------------------------|
| | Please tick one or more boxes ✓ |
| 1) the prevention of crime and disorder | <input type="checkbox"/> |
| 2) public safety | <input checked="" type="checkbox"/> |
| 3) the prevention of public nuisance | <input checked="" type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/> |

Please state the ground(s) for review (please read guidance note 2)

The undermining of the prevention of public nuisance objectives arising from:

- Illicit tobacco being held for sale at the premises
- Premises operating whilst the Designated Premises Supervisor is not in control of day-to-day running of the business
- Obstructive nature of being able to make contact with the licence holder

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

The Licensing Out of Hours Team wish to submit evidence that the premises is undermining multiple licence objectives. European Mini Mart is located at 762 Stockport Road, Manchester. The surrounding area is heavily residential, whilst also being located on a main arterial route between Stockport and Manchester City Centre. The premises is operating under new owners and the existing licence holder/ designated premises supervisor is no longer financially involved or shares a business interest in the premises. Trading Standards officers have also attended the premises on multiple occasions. The first was whilst the licence holder was responsible for the premises and found illicit tobacco. The second occasion the premises was under the control of the new operators during the consultation period for the licence to be transferred. Again illicit tobacco was found on the premises. Both Trading Standards and I have attempted to contact the licence holder on numerous occasions. Mr Ali Yelmaz Azadin is the licence holder and Designated Premises Supervisor (DPS) and has made no attempt to respond to our communications, choosing to ignore us. We believe the licence holder to have complete disregard for the Licensing Act 2003, Manchester City Council, as the Licensing Authority, the management of the premises for which he holds a licence for, but most importantly the safety and welfare of residents of Manchester.

On the 4th December 2019, Manchester City Council Trading Standards officers attended European Mini-Mart. During the visit illicit tobacco was found on the premises. At the time of arrival a male was behind the counter who stated the responsible person was currently at ASDA. Mr Ali Azadin (Licence holder and DPS) then attended the premises. Mr Azadin denied knowledge of the tobacco stating he had only owned the shop for three days and had not been through it yet, despite the shop being open to the public. The investigating Trading Standards officer wrote to Mr Azadin on a number of occasions, including invitations for Police And Criminal Evidence interviews. However, he failed to respond or attend, raising serious concerns as to how Mr Azadin was fulfilling his obligations as the DPS.

The Licensing and Out of Hours Team (LOOH) have conducted an inspection at the premises, whilst this was in the control of Mr Azadin and found that the premises was in breach of multiple conditions on the licence. Further visits were scheduled to be conducted to check these breaches had been addressed. However, the visits were cancelled by Mr Azadin and LOOH officers met a male who identified himself as [REDACTED] who was working in the premises and believed to be the new proprietor. Officers attended on a later date to see if [REDACTED] had rectified the licence breaches, including holding a valid waste contract. On arrival it transpired that [REDACTED] real name was discovered as [REDACTED]. Officers asked why he gave a false name to which the male flippantly shrugged his shoulders and gave no answer. When officers requested to check the CCTV system it was found that the system had been deleted of all recordings with no explanation given.

Having been made aware that the premises was now being operated by a new owner I checked to ensure the licence reflected this but found that the licence was still listing Mr Azadin as licence holder and not [REDACTED]. On the 10th April 2020 at 17:45 I visited the premises and spoke with [REDACTED], he explained he was now the business operator. He explained that he and [REDACTED] were now in control of the premises and that Mr Azadin was no longer employed or had a financial interest in the business. I advised [REDACTED] that operating without a DPS was a Section 136 offence but I would allow him seven days to transfer the licence. I wrote to both [REDACTED] and [REDACTED] outlining the offences of operating without a DPS at the premises, which I witnessed during my visit.

On the 14th April 2020 a transfer application was received by the Premises Licensing unit for the transfer of the licence and the DPS. The transfer was for [REDACTED]. On the 20th April

2020 the Premises Licensing Team received an objection for the transfer of the licence and DPS from Greater Manchester Police. This was on the grounds of, [REDACTED] having previously been the licence holder and designated premises supervisor for a premises where Bolton Trading Standards found illicit tobacco at the premises. As a result a licence review was heard and the licence was revoked. [REDACTED] withdrew the application on receipt of the objection.

On the 23rd April 2020 the Premises Licensing team received a second transfer application. The application was to transfer both licence and DPS to [REDACTED]. [REDACTED] listed his address as [REDACTED]. Salford City Council has the premises listed to a [REDACTED] for both licence holder and DPS. We were highly concerned at this point as, given the number of months we had been liaising with the premises and its operators, we had never met or heard [REDACTED] name mentioned with regards to the operation of the business

On 28th April 2020 a proactive visit was conducted by LOOH, Trading Standards of Manchester City Council and a Licensing Police Constable from Greater Manchester Police to meet with [REDACTED]. [REDACTED] was not present during the visit, only [REDACTED] and [REDACTED]. [REDACTED] explained that he and [REDACTED] would be running the business day to day and that [REDACTED] was involved due to a financial agreement. During the visit Trading Standards found a large quantity of illicit tobacco in non-standard packaging in a box by the till. More illicit tobacco was found, hidden, above one of the fridges. When [REDACTED] was questioned as to why the illicit tobacco was present he acknowledged he knew it was there but showed no remorse for the illegal activity being undertaken.

Following the visit Greater Manchester Police submitted an objection to the transfer on the grounds that the proposed licence holder / designated premises supervisor was either aware of the illicit tobacco or he had not conducted his due diligence on the premises. On receipt of the objection the transfer application was withdrawn.

It currently stands that Mr Ali Yelmaz Azadin was (and is) still the Licence Holder and Designed Premises Supervisor after two failed attempts to transfer and evidence involving illicit tobacco has been secured on two occasions. The Licensing and Out of Hours team have established that Mr Ali Yelmaz Azadin is no longer involved in the premises and that the premises was now being operated by [REDACTED] and [REDACTED]. LOOH are satisfied the premises were and are currently not operating otherwise in accordance with Section 136 of the Licensing Act 2003.

On the 29th April 2020 I delivered letters again to the premises explaining that as the Licence Holder and Designated Premises Supervisor was no longer at the premises. Licensable activity continuing would constitute an offence under Section 136 of the Licensing Act 2003. This was explained to [REDACTED] as, yet again, he was in control of the premises.

Even despite the two failed transfers for the Licence Holder and Designated Premises Supervisor it is clear, through the history of the operators and the visits where illicit tobacco was found, that the Licensing Objectives have been undermined and continue to be undermined at this premises. The fact that the licence holder absolutely refuses to engage with us despite our best attempts is extremely concerning and really underpins the lack of responsibility for anything that is occurring. On two separate occasions the Licence Holder has been invited in for an interview by Trading Standards and this has been ignored. Given the premises is operating without a proper and fit Licence Holder and Designated Premises Supervisor their complete refusal to engage with Manchester City Council and their obvious disdain for the Licensing Act 2003, laws and public safety relating to illicit tobacco we have no faith in those running the premises and their ability to uphold the licence objectives. Licensing Out of Hours request that the premises licence is revoked.

Please tick ✓ yes	
Have you made an application for review relating to the premises before?	<input type="checkbox"/>
If yes please state the date of that application	Da <input type="checkbox"/>

If you have made representations before relating to the premises please state what they were and when you made them

Please tick ✓ yes

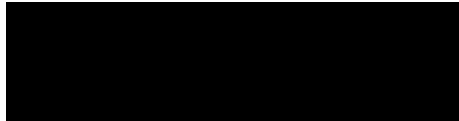
- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate X
- I understand that if I do not comply with the above requirements my application will be rejected X

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant’s solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature



Date **01/05/2020**

Capacity Licensing Out of Hours Officer

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your email address (optional)

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

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

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MANCHESTER CITY COUNCIL

LICENSING ACT 2003 PREMISES LICENCE

Premises licence number	220607
Granted	20/11/2018
Latest version	Transfer 241557 and DPS Variation 241559 Granted 20/12/2019

Part 1 - Premises details

Name and address of premises
European Mini Market 762 Stockport Road, Manchester, M12 4GD

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	08:00	08:00	08:00	08:00	08:00	08:00	08:00
Finish	00:00	00:00	00:00	00:00	00:00	00:00	00:00
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	08:00	08:00	08:00	08:00	08:00	08:00	08:00
Finish	00:00	00:00	00:00	00:00	00:00	00:00	00:00
Seasonal variations and Non standard Timings: None							

Part 2

Details of premises licence holder	
Name:	Mr Ali Yelmez Azadin
Address:	[REDACTED]
Registered number:	N/A

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

Name: Mr Ali Yelmaz Azadin
Address: [REDACTED]
Personal Licence number: PRPA22934
Issuing Authority: Preston City Council

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) "valued 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

1. A tamper-proof digital colour CCTV system must be installed and maintained at the premises to the satisfaction of Manchester City Council. The system must run and record continuously for 24 hours a day, 7 days per week and recorded footage must be stored for a minimum of 28 days.
2. The system must provide a clear head and shoulders view to an evidential quality on every entry/exit route and within any other vulnerable areas as identified by Manchester City Council.
3. Recorded footage shall be provided to a representative of any responsible authority on request. Such footage shall be provided in an immediately viewable format and must include any software etc. which is required to view the footage. Any discs, portable drives or other storage media onto which footage is transferred must be provided by the premises and sufficient stock of such storage media must be kept on the premises at all times.
4. The Designated Premises Supervisor shall ensure that the CCTV system is checked at least once every week by a suitably trained member of staff. This check must include the operation of the cameras, the recording facilities, the facilities for providing footage and the accuracy of the time & date. A written record of these checks must be kept, including a signature of the person carrying out the check. This written record must be kept on the premises at all times and made available to a representative of any responsible authority on request.
5. All purchases of alcohol and tobacco products shall be made from reputable wholesalers and all purchases shall be recorded. These records must be made available on request to the police or authorised officer
6. Spirits of high Alcohol By Volume will be placed behind the counter.
7. When the DPS is not on duty a contact telephone number will be available at all times.
8. An incident book (with the pages numbered sequentially) shall be kept on the premises and be made available for inspection by responsible authorities. The incident book must record the following:
 - a) Any incident of violence or disorder on or immediately outside the premises
 - b) Any other crime or criminal activity on the premises
 - c) Any refusal to serve alcohol to persons who are drunk (On sale and off sale premises only)
 - d) Any refusal to serve alcohol to under 18's or anyone who appears to be under 18
 - e) Any call for police assistance to the premises

- f) Any ejection from the premises
 - g) Any first aid/other care given to a customer
9. A refusals book shall be kept at the premises and shall be used to record all refusals to sell alcohol for any reason. Where other age restricted products are sold at the premise, any refusals to sell such items to underage persons or persons who appear underage must be recorded. The details to be recorded shall be as follows:
- a) Time, day & date of refusal
 - b) Item refused
 - c) Name & address of customer (if given)
 - d) Description of customer
 - e) Details of ID offered (if shown)
10. The refusals book shall be made available for inspection by responsible authorities on request
11. The Management will monitor the exterior of the premises with the CCTV and use their best endeavours to disperse any persons who appear to be congregating outside the premises.
12. A "Challenge 25" policy shall be operated at the premises at all times.
13. The only forms of ID that shall be accepted (at the discretion of the Management) as proof of age are a valid passport, a valid photographic driving licence, a PASS approved proof of age card, HM Services Warrant Card or other reliable photo I.D. that is approved for acceptance by the Police or other Authorised Officers. Signage for "Challenge 25" scheme shall be displayed at the premises. A documented training programme shall be introduced for all staff in a position to sell, serve alcohol. The programme shall be made available for inspection at the request of Trading Standards, Licensing Authority Officers and Police. A written record shall be kept of the content of training.

Annex 3 – Conditions attached after hearing by the licensing authority

1. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the premises quietly.
2. The premises and immediate surrounding area shall be kept clean and free from litter at all times the premises are open to the public.
3. The premises shall display prominent signage indicating that it is an offence to buy, or attempt to buy alcohol for a person under the age of 18'.

Annex 4 – Plans

See attached

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

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From: Devon Bennett <devon.bennett@manchester.gov.uk>
Date: Mon, 11 May 2020 at 10:10
Subject: Re: European Minimart - Review
To: Premises Licensing <premises.licensing@manchester.gov.uk>

Hello,

I have just done this now. Not sure if I updated you, but it would appear Azadin signed for the review application by post last week.

Regards

Devon Bennett
Licensing & Out of Hours Compliance Officer
The Neighbourhoods Service
Growth and Neighbourhoods Directorate
Town Hall Extension

On Wed, 6 May 2020 at 19:10, Premises Licensing
<premises.licensing@manchester.gov.uk> wrote:

Thanks very much for letting me know Devon, I'll check at this end whether we need to amend anything. Could I ask whether you also sent a copy to him by email? Thanks again for putting up the notice. Kind regards, (REDACTED)

On Wed, 6 May 2020 at 17:54, Devon Bennett
<devon.bennett@manchester.gov.uk> wrote:

Hi (REDACTED),

Just so you are aware. AZADIN signed for the review paperwork today at 09:25am. Apparently first class doesn't guarantee next day at the moment.

Regards

Devon Bennett
Licensing & Out of Hours Compliance Officer
The Neighbourhoods Service
Growth and Neighbourhoods Directorate
Town Hall Extension

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of the Local Government Act 1972.

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PLEASE NOTE: ALL REPRESENTATIONS AND SUPPORTING EVIDENCE MUST BE SUBMITTED TO MANCHESTER CITY COUNCIL WITHIN 28 DAYS, STARTING THE DAY AFTER THE PREMISES IN QUESTION MAKES AN APPLICATION (TO FIND OUT THE CLOSING DATE CALL THE LICENSING UNIT ON 0161 234 4512)

ABOUT YOU		PLEASE NOTE: LICENSING OFFICERS, LICENSING COMMITTEE MEMBERS AND THE APPLICANT CAN VIEW THE INFORMATION PROVIDED ON THIS FORM
Your first name (required)	Your last name (required)	
Holly	Raw	
Your address including postcode (required)		
Trading Standards Service 1 Hammerstone Road Manchester M18 8EQ		
Contact email address	Contact phone no	
h.raw@manchester.gov.uk	0161 234 1564	
Your signature (I hereby declare the information I have provided on and with this form is correct to the best of my knowledge and belief)		
H.Raw		

ABOUT THE PREMISES
Application Ref No. (if known):
LPA 220607
Name of the Premises about which you would like to make a representation:
European Mini Market
Address of the Premises (including postcode if known):
762 Stockport Road Manchester M12 4GD

YOUR REPRESENTATION
Please outline your representation below and continue overleaf. This should be the likely effect of the grant of the licence / certificate on the licensing objectives on and in the vicinity of the premises in question. (Please continue on a separate sheet of paper if necessary)
<p>The prevention of crime and disorder- European Mini Market have breached this licensing objective for the following reasons:</p> <p>Following a complaint received by Trading Standards alleging the sale of illicit tobacco, a visit was carried out to European Mini Market on 4th December 2019. On entering the shop, I met with a male who said he was looking after the shop whilst his friend was out. He gave his name as [REDACTED] but became obstructive and refused to give his address or any further details. The tobacco detection dog, accompanying</p>

our visit, identified tobacco concealed, out of sight, underneath the counter. The tobacco was in non-standardised packaging, therefore does not comply with The Tobacco & Related Products Regulations 2015 and the Standardised Packaging of Tobacco Regulations 2016.

A total of 199 cigarettes were seized. A short while later, Mr Ali Azadin attended the shop and told me he was the owner. I explained why I had seized the tobacco and left all relevant documentation. He gave his home address details is [REDACTED]. I informed I would write to him at a later date.

During my visit Mr Azadin made it clear that he was the person responsible for the premises and within days of my visit an application to transfer the licence in to his name was received by Premises Licensing.

Samples of the tobacco were sent to the relevant trade mark representatives and the Richmond tobacco was confirmed as being counterfeit. The other brand did not carry any health warnings.

On 30th December a letter inviting the owner to attend an interview was sent to the shop premises.

On 14th January, a further interview letter was sent, recorded delivery, to the owner at the shop premises, which was signed for by [REDACTED].

On 21st January, a letter inviting the owner to attend an interview was sent to the home address, recorded delivery which was signed for by [REDACTED].

On 29th January 2020, an interview letter was hand delivered by an Officer to a male working in the shop called [REDACTED], who informed me he would pass it to the owner.

At the time of the seizure, the Premises Licence holder and the Designated Premise Supervisor was Mr Ali Azadin.

At the date of writing the representation, despite my best endeavours, Mr Azadin has made no attempt to return contact illustrating his lack of responsibility towards his obligations to promote and uphold the Licensing Objectives.

A second visit to the premises was made on 28th April by Louise Carter from Manchester Trading Standards and colleagues from Greater Manchester Police and Licensing Out of Hours. During this visit the license was in a consultation period to be transferred to new owners. However, during the visit yet more illicit tobacco was found, hidden around the shop which was subsequently seized. A total of 5,944 cigarettes/tobacco suspected as being counterfeit and not compliant with The Tobacco & Related Products Regulations 2015 and the Standardised Packaging of Tobacco Regulations 2016. Investigations are ongoing in relation to this seizure.

This continuing illegal activity shows complete disdain for the Licensing Objectives but most importantly the public safety of the residents of Manchester that frequent the premises.

We would like to make our position clear in support of the application lodged by Licensing Out of Hours that the premises has its licence revoked.

Supporting Evidence: In addition to your own written / oral testimony to the Licensing Sub-Committee, you may wish to provide evidence to support your representation. You will need to show how this evidence relates to the premises in question. Examples of supporting evidence include oral testimony, written testimony, noise records, video or photographic material, crime and disorder data, other statistical data, reports etc.)

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

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