



## **Licensing Sub Committee Hearing Panel**

Date: Monday, 6 December 2021

Time: 10.00 am

Venue: Council Chamber, Level 2, Town Hall Extension

Everyone is welcome to attend this Sub-Committee meeting.

### **Access to the Council Chamber**

Public access to the Council Chamber 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.**

### **Face Masks/Track and Trace**

Anyone attending the meeting is encouraged to wear a face mask for the duration of your time in the building and to provide contact details for track and trace purposes.

## **Membership of the Licensing Sub Committee Hearing Panel**

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**Councillors** - Andrews, Chambers and Jeavons

## Agenda

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**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. Review of a Premises Licence - Euro Market , 402 Cheetham Hill Road, Manchester M8 9LE**

5 - 94

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

**5. Application for a New Premises Licence - Frurt, Unit 2, 63 Peter Street, Manchester, M2 5PB**

95 - 120

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

**6. Exclusion of the Public**

The officers consider that the following item or items contains exempt information as provided for in the Local Government Access to Information Act and that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. The Executive is recommended to agree the necessary resolutions excluding the public from the meeting during consideration of these items. At the time this agenda is published no representations have been that this part of the meeting should be open to the public.

**7. Review of a Personal Licence following notice of relevant conviction - D.B.**

121 - 148

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

## Information about the Committee

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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

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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](mailto:ian.hinton-smith@manchester.gov.uk)

This agenda was issued on **Friday, 26 November 2021** 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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**Manchester City Council  
Report for Resolution**

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

**Subject:** Euro Market, 402 Cheetham Hill Road, Manchester, M8 9LE (Review of Premises Licence, App ref - 263545)

**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

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**Financial Consequences – Revenue**

None

**Financial Consequences – Capital**

None

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**Contact Officers:**

Name: Fraser Swift  
Position: Principal Licensing Officer  
Telephone: 0161 234 1176  
E-mail: fraser.swift@manchester.gov.uk

Name: Patrick Ware  
Position: Technical Licensing Officer  
Telephone: 0161 234 4858  
E-mail: Premises.licensing@manchester.gov.uk

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**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 09/09/2021 an application was made by Devon Bennett, MCC Trading Standards under s51 of the Licensing Act 2003 for a Review of the Premises Licence for Euro Market, 402 Cheetham Hill Road, Manchester, M8 9LE in the Cheetham 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 Devon Bennett on behalf of the Trading Standards Service, Manchester City Council.
- 2.3 The application for a review was submitted on the grounds that the licence holder has failed to uphold the licensing objective(s) of the prevention of crime and disorder.
- 2.4 Further details of the grounds for the review are as follows:
- Tobacco products being held for supply at the premises in contravention of labelling and packaging laws.
  - Tobacco products being supplied at the premises in contravention of labelling and packaging laws.
  - Non-duty paid and smuggled products being kept at the premises in contravention of Section 144 of the Licensing Act 2003.
  - Counterfeit Tobacco products being held for supply at the premises.
  - Counterfeit Face Masks being held for supply at the premises.
  - Breaches of conditions attached to premises licence no 174860

## 3. Current Premises Licence

- 3.1 A copy of the current licence following the transfer of the licence on 26/10/2021 from Local Euro Market Ltd to Euro Market AT 402 Ltd is attached at **Appendix 5**. The previously issued licence is attached at **Appendix 3**.
- 3.2 The premises licence holder is Euro Market AT 402 Ltd who has held the licence since 26/10/2021. The previous licence holder was Local Euro Market Ltd who held the licence from 12/08/2021 to 26/10/2021.
- 3.3 The designated premises supervisor is Hassan Darvishi who has held this position since 21/07/2020.

3.4 The licensable activities permitted by the licence are:

The sale of alcohol for consumption off the premises only between the hours of 9am and 10pm daily.

#### 4. **Relevant Representations**

4.1 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.

4.2 A total of two relevant representations have been received in respect of this application (**Appendix 4**). The personal details of all members of the public have been redacted. Original copies of the representations will be available to the Panel at the hearing. Representations were received from the following persons / bodies:

##### Responsible Authorities:

- Greater Manchester Police

##### Other Persons:

- Ilyas Siddique, Yasmin Khan Solicitors on behalf of the Premises Licence Holder.

Summary of the representation(s):

<b>Party</b>	<b>Grounds of representation</b>	<b>Recommends</b>
<b>Greater Manchester Police</b>	During an inspection of the premises on 25/08/2021 by GMP and Licensing Out of Hours the premises were found to be in breach of the conditions on the Premises Licence in that no member of staff could operate the CCTV; there was no incident log at the premises; there was no written authority to sell alcohol and; there were no records of staff training. The DPS seemed indifferent to these omissions.	Revocation
<b>Ilyas Siddique on behalf of the Premises Licence Holder</b>	That the DPS, Hassan Darvishi was not a director of Local Euro Market Ltd or DPS at the time of the alleged offences; that he had	None



<b>and DPS</b>	no knowledge of the majority of the illegal cigarettes on sale and; that he has no connection with the flat above the premises. Mr Darvishi admits two of the licensing breaches regarding an incident log and training records but denies the breaches regarding CCTV and the authority to sell alcohol.	
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## 5. **Additional information**

5.1 No additional information has been received from any party to the application.

## 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.**

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Euro Market  
402 Cheetham Hill Road, Manchester, M8 9LE

Premises Licensing  
Manchester City Council

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Survey100019568.



**PREMISE NAME:** Euro Market

**PREMISE ADDRESS:** 402 Cheetham Hill Road, Manchester, M8 9LE

**WARD:** Cheetham

**HEARING DATE:** 02/11/2021

**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 of the Trading Standards Service, 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**  
 402 Cheetham Hill Road

**Post town** Manchester

**Postcode** M8 9LE

**Name of premises licence holder or club holding club premises certificate (if known)**  
 LOCAL EURO MARKET LTD

**Number of premises licence or club premises certificate (if known)**  
 174860

**Part 2 - Applicant details**I am Please tick yes1) 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
Citywide Support Team - Trading Standards
The Neighbourhoods Service
Neighbourhoods Directorate
Manchester City Council
1 Hammerstone Road
Gorton
Manchester
M18 8EQ
Telephone number (if any)
<b>0161 227 3187</b>
E-mail address (optional)
Devon.bennett@manchester.gov.uk

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

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please tick one or more boxes

X

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

The undermining of the prevention of crime and disorder objectives arising from:

- Tobacco products being held for supply at the premises in contravention of labelling and packaging laws.
- Tobacco products being supplied at the premises in contravention of labelling and packaging laws.
- Non-duty paid and smuggled products being kept at the premises in contravention of Section 144 of the Licensing Act 2003.
- Counterfeit Tobacco products being held for supply at the premises.
- Counterfeit Face Masks being held for supply at the premises.
- Breaches of conditions attached to premises licence no 174860

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

Euro Market is an Off Licence and Convenience store at 402 Cheetham Hill Road, Manchester, M8 9LE. The Premises Licence was granted in August 2015. The Premises Licence Holder (PLH) is Local Euro Market Limited who's sole Director, Mr Hassan Darvishi is the Designated Premises Supervisor (DPS).

The Trading Standards Service received a complaint from a member of the public who complained that the premises was supplying illicit tobacco. The premises has previously received complaints for illicit tobacco regarding different limited companies, of which Hassan Darvishi, the current DPS, has been a director of when he took over the premises in June 2020. The first complaint was received on the 3<sup>rd</sup> July 2019, a visit was conducted in the September where no illicit items were found. A further three complaints were received in November and December 2019, a visit was then conducted in January 2020, which resulted in the finding of a concealment inside of a door frame, which contained 4600 cigarettes and 0.7kg of hand rolling tobacco.

Following the receipt of the complaint a test purchase was made on the 13<sup>th</sup> March 2021, the independent test purchaser, instructed by Manchester City Council Trading Standards was sold a packet of non-compliant cigarettes for £5. The packet failed to meet labelling and packaging laws, the packet was also a smuggled product with no duty being paid.

A visit was then made to the premises on the 13<sup>th</sup> June 2021. During the visit no non-compliant tobacco products were found in the premises. There was however, a suspicion that products were being stored in the above flat and sent to the shop through a chute system.

Following on from the visit, further intelligence was received supporting the suspicion that there was a chute at the premises and that tobacco products were being stored in the flat above. A further test purchase was then conducted on the 1<sup>st</sup> August 2021, which resulted in the supply of a pack of Richmond Cigarettes which failed to meet packaging and labelling laws.

A warrant was therefore applied for at Manchester and Salford Magistrates Court. The warrant was issued and signed by a magistrate.

On the 11<sup>th</sup> August 2021, the warrant was executed on the flat above the premises. The search warrant found 17,000 non-compliant cigarettes and 2.75kg of non-compliant hand rolling tobacco. Officers also found a communication system in the flat which was switched on and live. The system was connected to devices found in the shop premises. The chute which was believed to be the link between both premises was also found. Next to the chute were cushions and food where it is believed a person will sit and listen to which product is asked for before passing the product down the chute to the shop. Paperwork has also been seized from the flat which is believed to be the paperwork belonging to the shop and Mr Hassan Darvishi.

An inspection was also carried out of the off-licence, present at the time was Mr Hassan Darvishi. The inspection resulted in a further 80 non-compliant cigarettes, which were in the possession of the DPS, Hassan Darvishi. Face masks were also discovered in the shop which displayed registered trademarks from different premier league football clubs.

During the visit conditions attached to the premises licence were checked for compliance. It was established that:

- The DPS, Mr Hassan Darvishi, the only member of staff present at the premises, could not operate the CCTV, a breach of condition 1 Annex 3
- There was no incident log being kept at the premises, a breach of Condition 2, Annex 3
- There was no written notice of authority to sell alcohol being kept at the premises, a breach of Condition 3, Annex 3

- There were no records of staff training being kept at the premises, a breach of Condition 6, Annex 3

Mr Darvishi was informed that a visit would be made at a later day with regards to his premises licence, the conditions were also explained to Mr Hassan.

In total 17100 cigarettes and 2.75kg of hand rolling tobacco failed to comply with packaging and health warning legislation resulting in offences under the Tobacco and Related Product Regulations 2016 and the Standardised Packaging of Tobacco Products Regulations 2015.

Samples of cigarettes and hand rolling tobacco have been sent to trademark holders for analysis of authenticity.

At present it has been confirmed that all 2.75kg of hand rolling tobacco, 56 face masks and 2180 cigarettes are counterfeit and so offences under the Trade Marks Act 1994 are being investigated.

On the 25<sup>th</sup> August 2021, a visit was made by The Trading Standards Service, Licensing and Out of Hours and Greater Manchester Police City of Manchester Licensing. The visit established that the conditions in breach on the 11<sup>th</sup> August 2021 were still in breach.

A search after the visit showed an application had been received on the 28<sup>th</sup> July 2021, to transfer the Premises Licence Holder from M Euro Market Ltd to Local Euro Market Ltd, of which Mr Hassan Darvishi is a director of both. This shows that Mr Darvishi had contact details for Manchester City Councils Licensing Team and had an opportunity to enquire or query any conditions attached to the licence, at any time. Yet no contact has been made and the conditions attached to the premise licence continue to be breached and the licensing objectives continue to be undermined.

The requirement to supply tobacco products in plain packaging was introduced by The Standardised Packaging of Tobacco Products Regulations 2015. The Regulations make it a legal requirement that the only permitted colour for the external packaging of tobacco products is drab dark brown (Pantone 448C) with a matt finish. The legislation came into force on 20<sup>th</sup> May 2016 for new stock with a transitional provision that existing tobacco products already in the supply chain could be supplied for 12 months. From 20 May 2017 it has been a criminal offence to supply any tobacco products in packaging other than plain packaging. The maximum penalty for breaching the regulations on indictment is a fine and 2 years imprisonment. Note that the definition of supply includes possession for supply.

The Tobacco and Related Products Regulations 2016 require the presence of warning statements on tobacco products and requires the warnings to be in English. The regulations came into force on 20 May 2016 however the requirements for warnings to be in English were not new and had been required by the preceding legislation. The maximum penalty for breaching the regulations on indictment is a fine and 2 years imprisonment and again the definition of supply includes possession for supply.

HM Revenue and Customs (HMRC) estimate that in 2017 to 2018 3 billion illicit cigarettes and 3.1 million kg of illicit hand-rolling tobacco were consumed in the UK. Illicit cigarettes and hand rolling tobacco can be counterfeit or smuggled/non-duty paid. The fraud is dominated globally by organised criminals and the illicit trade damages legitimate business, undermines public health and facilitates the supply of tobacco to young people.

Illicit tobacco is sold at a low price which encourages people to keep smoking while children and young people are often targeted by unscrupulous traders. The low selling price undermines the Government's campaign to reduce smoking prevalence through the use of taxation. HMRC estimate that the trade in illicit tobacco products cost the UK economy £2.5 billion in lost revenue lost in 2016-17 (£1.9 billion in tobacco duties and £0.6 billion in VAT).

The Trade Marks Act 1994 makes it a criminal offence for a person who with a view to gain for himself or another, or with intent to cause loss to another, and without the consent of the proprietor— applies to goods or their packaging a sign identical to, or likely to be mistaken for, a registered trade mark. If found guilty the offence carries a sentence of six months on summary conviction or a fine, or on conviction on indictment a sentence of up to ten years imprisonment, or a fine or both.

In the Section 182 guidance point 11.27 states there is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the Licensed Premises for the sale or storage of smuggled tobacco and alcohol.

Section 144 of the Licensing Act 2003 makes it an offence for a Premises Licence Holder and Designated Premises Supervisor to knowingly keep or allow to keep any products which have been imported without payment of duty or which have otherwise been unlawfully imported. Investigations are ongoing into this offence, all products which have been seized on the 11<sup>th</sup> August and the products supplied on the 13<sup>th</sup> March and the 1<sup>st</sup> August are products which are believed to be unlawfully imported with no duty payment.

At this stage, Mr Hassan Darvishi would have been aware of our visit on the 13<sup>th</sup> June 2021, as paperwork was issued in relation to the visit. Mr Darvishi is clearly also aware of the laws regarding tobacco due to the level of concealment of the seizure on the 11<sup>th</sup> August 2021. Yet a further test purchase proved the premises was still supplying illicit tobacco, and the seizure on the 11<sup>th</sup> August 2021, exposed the high level of supply he is involved in and profiting from.

It is our opinion that Mr Hassan Darvishi in the position of Director of Local Euro Market Ltd, the Premises Licence Holder and as the Designated Premises Supervisor has no intention of complying with the law, and will continue, as evidence has shown, to break the law. He has displayed a clear lack of responsibility to uphold the licensing objectives, specifically the prevention of crime and disorder and to uphold the conditions attached to his premises licence. He has showed a flagrant disregard for the Licensing Act 2003, Tobacco related laws and Trademarks laws.

Therefore, the Trading Standards Service ask the Premises Licence is Revoked.

<b>Please tick yes</b>	
Have you made an application for review relating to the premises before?	<input type="checkbox"/>
If yes please state the date of that application	De <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 9<sup>th</sup> August 2021

.....

Capacity Trading Standards Technical Officer

.....

<b>Contact name (where not previously given) and postal address for correspondence associated with this application</b> (please read guidance note 6)
<b>Post town</b>
<b>Post Code</b>
<b>Telephone number (if any)</b>
<b>If you would prefer us to correspond with you using an e-mail address your email address (optional)</b>

### 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.

Document is Restricted

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# MANCHESTER CITY COUNCIL

## LICENSING ACT 2003 PREMISES LICENCE

<b>Premises licence number</b>	174860
<b>Granted</b>	11/08/2015
<b>Latest version</b>	Transfer 261844 granted 12/08/2021.

### Part 1 - Premises details

<b>Name and address of premises</b>
<b>Euro Market</b> 402 Cheetham Hill Road, Manchester, M8 9LE
<b>Telephone number</b> To be confirmed

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

<b>The times the licence authorises the carrying out of licensable activities</b>
---

<b>Sale by retail of alcohol</b>							
<b>Standard timings</b>							
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.							
<b>Seasonal variations and Non standard Timings:</b> None							

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

### Part 2

<b>Details of premises licence holder</b>	
<b>Name:</b>	LOCAL EURO MARKET LTD
<b>Address:</b>	402 Cheetham Hill Road, Manchester, M8 9LE
<b>Registered number:</b>	12677568

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

**Name:** Mr Hassan Darvishi  
**Address:** [REDACTED]  
**Personal Licence number:** 245446  
**Issuing Authority:** Manchester 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**

None

#### **Annex 3 – Conditions attached after hearing by the licensing authority**

1. The premises shall install and maintain a comprehensive digital colour 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:
  - i. all crimes reported to the venue, or by the venue to the Police
  - ii. all ejections of patrons
  - iii. any incidents of disorder
  - iv. any faults in the CCTV system or searching equipment or scanning equipment
  - v. any refusal of the sale of alcohol
  - vi. 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 must 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 all staff are trained 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

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

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# GREATER MANCHESTER POLICE - REPRESENTATION

## About You

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

## About the Premises

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

## Your Representation

Please accept this representation as formal notification of Greater Manchester Police's support for the above Premises Licence Review.

The grounds for this representation are the undermining of all 4 of the Licensing Objectives.

On Wednesday 25<sup>th</sup> August 2021 I attended at Euro Market, 402 Cheetham Hill Road, Manchester in company with Mr Devon Bennett from Manchester City Council Trading Standards and Ms Claire Cunningham from Manchester City Council Licensing and Out of Hours Team to conduct a licensing inspection.

I spoke to the DPS Hassan Darvishi and went through the conditions of his premises licence with him and it was found that he was in breach of the following conditions:

The DPS was the only member of staff present at the premises and he could not operate the CCTV, a breach of condition 1 Annex 3.

There was no incident log at the premises, a breach of Condition 2, Annex 3

There was no written notice of authority to sell alcohol being at the premises, a breach of Condition 3, Annex 3

There were no records of any staff training on the premises which is breach of Condition 6, Annex 3

During my conversation with the DPS I pointed out that as DPS he was responsible for ensuring that all the conditions on his licence were being adhered to but he seemed indifferent, and when I told him that if a review was brought against the premises I would be supporting it he said " So What ". I found this to be a concerning attitude to the complete lack of compliance that had been discovered.

Therefore GMP are in agreement with the Manchester City Council Trading Standards officers that action needs to be taken against the premises by way of a Premises Licence Review and we would ask for the Premises Licence to be revoked.



**REPRESENTATIONS FOR LOCAL EURO MARKET LTD AS A RESPONSE TO THE APPLICATION BY DEVON BENNETT OF THE TRADING STANDARD SERVICE, MANCHESTER CITY COUNCIL RELATING TO THE REVIEW OF PREMISES LICENCE UNDER S51 / APPLY FOR THE REVIEW OF A CLUB PREMISES CERTIFICATE UNDER S87 OF THE LICENSING ACT 2003 FOR THE PREMISES 404 CHEETHAM HILL ROAD, MANCHESTER M8 9LE.**

Mr Hassan Darvishi, addressed as the Designated Premises Supervisor by Manchester City Council, was appointed as a Director as he took over Local Euro Market LTD in June 2020. He resigned 2 weeks later as a Director due to personal reasons. In December 2020, he reappointed himself as a Director of Local Euro Market LTD. In October 2021, he resigned as a Director due to personal reasons. At present he is not a Director and was not a Designated Premises Supervisor.

**The Application by Devon Bennett addresses the following factors, which Local Euro**

**Market LTD will respond as follows:**

1. **JANUARY 2020** – The illegal 4,600 cigarettes and 0.7kg of hand rolling tobacco. Mr Darvishi was not a Director of at the time. He was not involved or linked with the

business or the premises. The premises was trading as M.Euro Market LTD as Ranj Latify was the Director. Companies House can verify the same;

2. **13<sup>th</sup> MARCH 2021** – Mr Darvishi has no knowledge or information relating to such illegal cigarettes sold at Local Euro Market LTD. He was not present at the premises. At the time, there was a female Eastern European staff member employed on a casual basis who sold such cigarettes. This can be verified by The Test Purchase Officer;
  
3. **13 JUNE 2021** – It is alleged that there was illegal cigarettes and hand rolling tobacco stored at the above flat premises which was transferred through a chute system to the below shop premises. Mr Darvishi has no knowledge or information relating to the same. The terms of the business lease agreement prevent him from using the above flat premises accordingly. He denies such a chute system in the shop premises or storing such illegal cigarettes and hand rolling tobacco in the above flat premises;
  
4. **1<sup>st</sup> AUGUST 2021** - Mr Darvishi has no knowledge of the illegal Richmond Cigarettes as alleged.

5. **11<sup>th</sup> AUGUST 2021** – The illegal 17,000 cigarettes and 2.75kg of hand rolling tobacco.

Mr Darvishi denies with no knowledge at all of such illegal cigarettes and hand rolling tobacco at the above flat premises. As explained above, Mr Darvishi does not have any access to the above flat premises. He denies any chute or communication system at the flat to the shop premises. The only communication system installed at the shop premises is the bell system which operates at the time when a customer enters the shop premises to alert the staff of the entrance of a customer;

The above flat premises has no link or affiliation with Mr Darvishi or Euro Local Market LTD. The illegal cigarettes or hand rolling tobacco stored at the flat premises are not sold or distributed by Euro Local Market LTD or Mr Darvishi. The above flat premises is accessed by the Landlord of the premises, prohibiting any storage of stock items by Euro Local Market LTD. The terms of the business lease agreement stipulate the same terms. Euro Local Market LTD pays a rental premium of £1,700.00 p.c.m. for the shop premises to the managing agents located on Cheetham Hill Road, Manchester. Further details of the managing agents can be documented if required;

6. **11<sup>TH</sup> AUGUST 2021** – Mr Darvishi fully accepts possession of the 80 illegal cigarettes.

He states that an Eastern European customer visited the shop premises and asked for Mr Darvishi to sell the illegal 80 cigarettes to which the profit would be divided between them. The illegal cigarettes were purchased in a rush to sell the illegal cigarettes urgently.

Mr Darvishi had no knowledge or understanding that the cigarettes he was handling were illegal. He has very limited understanding or pronunciation of the English language, thus requiring a Farsi/Kurdish interpreter. He simply could not read the fact that the labelling or packaging of the cigarettes were not of a legal standing. He apologises with immense remorse for purchasing and handling such illegal cigarettes.

7. **FACE MASKS** – This was supplied by a customer who asked for the face masks to be sold by Euro Local Market LTD. They were purchased by a staff member at the time. It was agreed to divide the profits with the customer and Euro Local Market LTD. Mr Darvishi did not purchase, handle or supply such face masks. He had very little

understanding or information of the trademark requirement, due to his limitation  
and knowledge of the English language.

## **PREMISES LICENCE COMPLIANCE**

- 1. CCTV** – Mr Darvishi denies any breach of Condition 1 Annex 3. The CCTV system is linked to his mobile phone. There is a TV, box and the CCTV camera installed that is functional. Mr Darvishi denies that he was unable to show the CCTV;
  
- 2. INCIDENT LOG BOOK AT THE PREMISES** – Mr Darvishi accepts breach of Condition 2 Annex 3. He explains that he was unaware of such requirements of the licensing terms as he had taken over the business with some obstacles and traded for the very first time. He is apologetic and remorseful;
  
- 3. NOTICE OF AUTHORITY TO SELL ALCOHOL AT THE PREMISES** – Mr Darvashi denies any breach of Condition 3 Annex 3. He explains that there is a visible notice displayed in the shop front window and the alcohol shelving;
  
- 4. RECORD OF STAFF TRAINING HELD AT THE PREMISES** -- Mr Darvishi accepts breach of Condition 6 Annex 3. He explains that he was unaware of such requirements of



the licensing terms as he had taken over the business with some obstacles and traded for the very first time. He is apologetic and remorseful;

In light of the above representations, Mr Darvashi, whilst a Director of Euro Local Market LTD had limited involvement of the business operation. He employed 1-2 casual staff members who would undertake the running of the business. He was unaware that such illegal cigarettes were purchased and sold at the shop premises.

He accepts possession and purchase from a customer of the 80 illegal cigarettes in the shop premises, to which he denies any knowledge of the authenticity of the cigarettes due to the sensitive matters as discussed above.

He is fully unaware of the illegal cigarettes and hand rolling tobacco stock that was stored at the above flat premises. He denies and involvement, storage, management, sale or purchase of the same.

He further denies any chute connection system from the above flat premises to the shop premises for the sale of the illegal stock stored at the above flat premises.

**It is a respectful submission for Devon Bennett to constructively consider the above representations by Local Euro Market LTD whilst reviewing the S51 Licence.**

**LOCAL EURO MARKET LTD**

**5<sup>TH</sup> October 2021**

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# MANCHESTER CITY COUNCIL

## LICENSING ACT 2003 PREMISES LICENCE

<b>Premises licence number</b>	174860
<b>Granted</b>	11/08/2015
<b>Latest version</b>	Transfer 264993 (Granted: 26/10/2021)

### Part 1 - Premises details

<b>Name and address of premises</b>
<b>Euro Market</b> 402 Cheetham Hill Road, Manchester, M8 9LE
<b>Telephone number</b>
To be confirmed

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

### The times the licence authorises the carrying out of licensable activities

<b>Sale by retail of alcohol</b>							
<b>Standard timings</b>							
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.							
<b>Seasonal variations and Non-standard Timings:</b>							
None							

<b>Hours premises are open to the public</b>							
<b>Standard timings</b>							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	0900	0900	0900	0900	0900	0900	0900
Finish	2200	2200	2200	2200	2200	2200	2200
<b>Seasonal variations and Non-standard Timings:</b>							
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 Hassan Darvishi  
**Address:** [REDACTED]  
**Personal Licence number:** 245446  
**Issuing Authority:** Manchester 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) “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.

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**Additional Information**

**Review**

**Licensing Act 2003**

**Euro Market**

**402 Cheetham Hill Road, Manchester, M8 9LE**

**Devon Bennett**  
**Trading Standards Technical Officer**  
**Trading Standards Service**  
**04/11/2021**

Following the interview under caution of Local Euro Market Ltd and Mr Hassan Darvishi the Trading Standards Service now wishes to submit additional information to be used in the hearing of premises licence number 174860 Euro Market, 402 Cheetham Hill Road, Manchester, M8 9LE.

Exhibit DBR1 – Companies House Check

Exhibit DBR2 – Description of Seller – 13<sup>th</sup> March 2021

Exhibit DBR3 – Description of Seller on the 1<sup>st</sup> August 2021

Exhibit DBR4 - Photographs Taken on the 11th August 2021

Exhibit DBR5 – Information on Documents Seized on the 11<sup>th</sup> August 2021

Exhibit DBR6 – Section 182 Guidance Paragraph Section 4.32, 10.27, and 10.28

Exhibit DBR7 - East Lindsey District Council v Abu Hanif (t/a Zara's Restaurant)

2016

## Exhibit DBR1 – Companies House Check

**LOCAL EURO MARKET LTD**

Company number 12677568

[Follow this company](#)[File for this company](#)[Overview](#)[Filing history](#)[People](#)[More](#)

Registered office address

**402 Cheetham Hill Road, Manchester, England, M8 9LE**

Company status

**Active**

Company type

**Private limited Company**

Incorporated on

**17 June 2020****Accounts**Next accounts made up to **31 May 2022**  
due by **28 February 2023**Last accounts made up to **31 May 2021****Confirmation statement**Next statement date **16 June 2022**  
due by **30 June 2022**Last statement dated **16 June 2021****Nature of business (SIC)****LOCAL EURO MARKET LTD**

Company number 12677568

[Follow this company](#)[File for this company](#)[Overview](#)[Filing history](#)[People](#)[More](#)[Officers](#)[Persons with significant control](#)**Filter officers** Current officers**2 officers / 1 resignation****[DARVISHI, Hassan](#)**

Correspondence address

**402 Cheetham Hill Road, Manchester, England, M8 9LE**Role **ACTIVE****Director**

Date of birth

**July 1978**

Appointed on

**17 December 2020**

Nationality

**Iranian**

Country of residence

**England**

Occupation

**Company Director****[GHADERE, Wrya](#)**

Correspondence address

**402 Cheetham Hill Road, Manchester, England, M8 9LE**Role **RESIGNED****Director**

Date of birth

**June 1981**

Appointed on

**17 June 2020**

Resigned on

**17 December 2020**

Nationality

**Iranian**

Country of residence

**United Kingdom**

Occupation

**Director**

Exhibit DBR2 – Description of Seller – 13<sup>th</sup> March 2021

Extract from Statement by the Independent Test Purchaser

At around 14:59 hours that day, I entered a shop from the list called Euro Market, 402 Cheetham Hill Road, Manchester, M8 9LE. I noted that there was a male behind the counter. The male was of eastern European appearance, in their mid 30's, of slim build, around 5 feet 9 inches tall, black hair, clean shaven, wearing a mask, blue jeans, a top and body warmer. I asked the male for Richmond cigarettes, the male responded, "OK Brother", a second male who I could not see then appeared from the back room to pass the first male the pack of cigarettes. The male charged me £5 for the cigarettes. I then left the premises.



Exhibit DBR3 – Description of Seller on the 1<sup>st</sup> August 2021

Extract from Statement by the Independent Test Purchaser

At around 14:46 hours that day, I entered a shop from the list called Euro Market, 402 Cheetham Hill Road, Manchester, M8 9LE. I noted that there was a Kurdish male, slim build around 5 foot 9 inches tall, fair skin tone, in his 30's, with black balding hair, clean shaven, wearing a white polo shirt and blue jeans. I asked the male can I have one packet of Richmond, the male said OK, the male then produced a packet of Richmond cigarettes from underneath the desk next to the till. I gave the male a £10 note and he gave £5 change. I then left the premises.

Exhibit DBR4 - Photographs Taken on the 11th August 2021



Exhibit DBR5 – Information on Documents Seized on the 11<sup>th</sup> August 2021

Documents were seized from the Flat above 402 Cheetham Hill Road, Manchester, M8 9LE. The documents were invoices and receipts with the majority relating Local Euro Market Ltd. One of the receipts was dated 10<sup>th</sup> August 2021, just one day prior to the execution of the warrant. Other documents also relating to the business were dated within a few months prior to the warrant.

## Exhibit DBR6 – Section 182 Guidance Paragraph Section 4.32, 10.27, and 10.28

## Section 182 Guidance Paragraph Section 4.32 States:

The Government considers it essential that police officers, fire officers or officers of the licensing authority can identify immediately the DPS so that any problems can be dealt with swiftly. For this reason, the name of the DPS and contact details must be specified on the premises licence and this must be held at the premises and displayed in summary form. The DPS' personal address should not be included in the summary form in order to protect their privacy.

## Section 182 Guidance Paragraph Section 10.27 States:

The main purpose of the 'designated premises supervisor' as defined in the 2003 Act is to ensure that there is always one specified individual among these personal licence holders who can be readily identified for the premises where a premises licence is in force. That person will normally have been given day to day responsibility for running the premises by the premises licence holder. The requirements set out in relation to the designated premises supervisor and authorisation of alcohol sales by a personal licence holder do not apply to community premises in respect of which a successful application has been made to disapply the usual mandatory conditions in sections 19(2) and 19(3) of the 2003 Act (see Chapter 4 of this Guidance)

## Section 182 Guidance Paragraph Section 10.28 States:

The 2003 Act does not require a designated premises supervisor or any other personal licence holder to be present on the premises at all times when alcohol is sold. However, the designated premises supervisor and the premises licence holder remain responsible for the premises at all times including compliance with the terms of the 2003 Act and conditions attached to the premises licence to promote the licensing objectives

Exhibit DBR7 - East Lindsey District Council v Abu Hanif (t/a Zara's Restaurant)

2016

In the case of East Lindsey District Council v Abu Hanif (t/a Zara's Restaurant)(2016)  
Mr Justice Jay said:

“[T]he prevention of crime and disorder requires a prospective consideration of what is warranted in the public interest, having regard to the twin considerations of prevention and deterrence.”

The full case law is listed below.

Neutral Citation Number: [2016] EWHC 1265 (Admin)

CO/345/2016

**IN THE HIGH COURT OF JUSTICE**  
**QUEEN'S BENCH DIVISION**  
**THE ADMINISTRATIVE COURT**

Royal Courts of Justice Strand London WC2A 2LL

Thursday, 14 April 2016

**B e f o r e:**

**MR JUSTICE JAY**

**Between:**

**EAST LINDSEY DISTRICT COUNCIL**

**Appellant**

v

**ABU HANIF**

**(TRADING AS ZARA'S RESTAURANT AND TAKEAWAY)**

**Respondent**

Computer-Aided Transcript of the Stenograph Notes of  
WordWave International Limited trading as DTI  
165 Fleet Street London EC4A 2DY  
Tel No: 020 7404 1400 Fax No: 020 7404 1424  
(Official Shorthand Writers to the Court)

**Mr P Kolvin QC & Mr D Dadds** (instructed by David Dadds LLP) appeared on behalf of  
the **Appellant**

The **Respondent** did not appear and was not represented

**J U D G M E N T**  
(Approved)

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1. MR JUSTICE JAY: This is an appeal by way of case stated from the decision of the Lincoln Magistrates' Court, District Judge Veits, given on 23 June 2015, whereby he allowed an appeal from the revocation of a premises licence by the licensing authority.
2. The appellant, the East Lindsey District Council, is the licensing authority. The Magistrates' Court in the usual way is not a party to these proceedings. The respondent, Mr Abu Hanif, trading as Zara's Restaurant and Takeaway, is the licence holder. He through a licensing consultant has submitted correspondence making various limited points, but indicating that he would not be taking any part in these proceedings.
3. The premises in question are Zara's Restaurant and Takeaway situated in North Summercoates on the Lincolnshire coast. They are licensed to sell alcohol ancillary to the supply of food. The restaurant is owned and managed by the licensee, Mr Hanif. On 29 April 2014, the premises were the subject of a joint visit by the police and immigration officers, and it was discovered that Mr Miah was working in the kitchen as a chef. It was common ground that Mr Miah had no current entitlement to remain in the UK, let alone to work. I was told that he arrived here illegally some years ago. Furthermore, it was also accepted by the respondent that he (i) employed Mr Miah without paperwork showing a right to work in the United Kingdom; (ii) paid Mr Miah cash in hand; (iii) paid Mr Miah less than the minimum wage; (iv) did not keep or maintain PAYE records; (v) purported to deduct tax from Mr Miah's salary; and (vi) did not account to HMRC for the tax deducted.
4. The police then applied for a review of the respondent's licence under section 51 of the Licensing Act 2003 and the matter came before the appellant's subcommittee on 30 June 2014. The subcommittee decided to revoke the respondent's licence. Its reasons were as follows:
5. "The subcommittee were satisfied that Mr Hanif did not take the appropriate checks of staff members having knowledge that there were problems previously at the other premises with overstayers, and that he continued to allow staff to work at Zara's restaurant without making appropriate checks.
6. The subcommittee were satisfied that Mr Hanif had not undertaken the relevant checks to ensure the employee concerned was eligible to work in the United Kingdom. Instead of not allowing employees to work if they had not provided the correct documentation he allowed them to work and paid cash in hand. With all this in mind the subcommittee were satisfied that Mr Hanif had knowingly employed person/s unlawfully in the United Kingdom.

7. The subcommittee considered the evidence by Mr Kheng on behalf of Mr Hanif and the Home Office section 182 Guidance to Licensing Authorities. The subcommittee were of the view that the premises licence should be revoked and that revocation was an appropriate step with a view to promoting the crime prevention licensing objective."
8. The respondent then appealed to the Magistrates' Court. There was a hearing on 27 March 2015, and on 23 June the district judge decided to allow the respondent's appeal. On 1 September 2015, the district judge determined the issue of costs and on 7 January 2016 he stated the case. The appeal to the district judge was de novo, but he accepted that he could only allow the appeal if the subcommittee's decision was "wrong", the burden being on the appellant before him to establish that.
9. Looking now at the stated case, the district judge noted that the respondent had received a civil penalty for employing an illegal worker under section 15 of the Immigration, Asylum and Nationality Act 2006. An immigration officer gave evidence to the effect that although by virtue of section 21 a criminal offence was committed, such proceedings were rarely brought. The district judge also noted that the police and the Council's licensing officer were no longer saying that the respondent was a serial offender, but a redacted report which was placed before the subcommittee still gave the impression that he "was in a much worse position than he actually was". As for the failure to pay the minimum wage, the district judge said this:
  - A. "In his evidence before me Mr Hanif accepted that he had not paid the minimum wage and this in itself can be a criminal offence. I found that this was not the main basis of the subcommittee's decision however and again there was no evidence that he had been reported for that alleged offence. It would appear from their reasons that the subcommittee used the evidence of paying cash in hand as justification for the finding that he knowingly employed Mr Miah. The prosecuting authority however appear to have taken a different view in offering the civil penalty."
10. The district judge's core reasoning was that no crime had been committed. As he put it:
  - A. "It appeared to me that no crime had been committed as a result of the visit to the premises in April of last year. A civil penalty had been imposed rather than prosecution for the section 21 offence and no other crime had been reported in relation to not paying the minimum wage."



11. In the district judge's view, the crime prevention objective was not engaged.
12. The district judge also criticised the subcommittee for adopting an inconsistent approach because in other similar cases only warnings were issued. Finally, he considered that the subcommittee may have been influenced by comments in the police report, leading them to believe that they were dealing with a serial offender.
13. At the conclusion of the stated case, the district judge posed two questions for my determination. I will address these at the end of my judgment.
14. I was taken by Mr Philip Kolvin QC to various provisions of the Licensing Act 2003 as amended. Under section 4(1)and(2) a licensing authority must carry out its licensing functions with a view to promoting the licensing objectives, which include "the prevention of crime and disorder". The provisions dealing with the review application brought by the police are contained in sections 51 and 52. Under section 52(3), the licensing authority (and on appeal the Magistrates' Court):
  - A. "... must, having regard to the application and any relevant representations, take such of the steps mentioned in subsection (4) (if any) as it considers appropriate for the promotion of the licensing objectives."
15. The epithet "appropriate" was introduced by amendment in 2011. Previously the test had been stricter. In my judgment, it imports by necessary implication the concepts of proportionality and relevance.
16. Mr Kolvin submitted that the district judge erred in a number of respects. First, he wrongly held that, given that criminal proceedings were never brought, the crime prevention objective (see section 4(2)) was not engaged. The statute is concerned with the prevention rather than the fact of crime. Secondly, and in any event, the interested party had committed criminal offences in relation to tax evasion, the employment of an illegal worker, and employing an individual at remuneration below the minimum wage. As for the employment of an illegal worker, Mr Kolvin accepted that this requires knowledge on the part of the employer, and he also accepted that it is not altogether clear whether the district judge found as a fact that the respondent possessed the requisite knowledge. However, the core question is the promotion of the licensing objectives, not  
  
the fact of anterior criminal activity, and in this regard a deterrence approach is appropriate.
17. Thirdly, Mr Kolvin submitted that there was no evidence of an inconsistent approach by the subcommittee in giving warnings in some cases because all cases turn on their own facts. Finally, Mr Kolvin submitted that there was no basis for the district

judge's conclusion that the subcommittee may have been influenced by a suggestion that the respondent was a serial offender.

18. I accept Mr Kolvin's submissions. In my view the district judge clearly erred. The question was not whether the respondent had been found guilty of criminal offences before a relevant tribunal, but whether revocation of his licence was appropriate and proportionate in the light of the salient licensing objectives, namely the prevention of crime and disorder. This requires a much broader approach to the issue than the mere identification of criminal convictions. It is in part retrospective, in as much as antecedent facts will usually impact on the statutory question, but importantly the prevention of crime and disorder requires a prospective consideration of what is warranted in the public interest, having regard to the twin considerations of prevention and deterrence. The district judge's erroneous analysis of the law precluded any proper consideration of that issue. In any event, I agree with Mr Kolvin that criminal convictions are not required.
19. To the extent that the analysis must be retrospective, the issue is whether, in the opinion of the relevant court seized of the appeal, criminal offences have been committed. In the instant case they clearly had been: in relation to tax evasion (see the common law offence of cheating the Revenue and the offence of fraudulent evasion of tax contrary to section 106A of the Taxes and Management Act 1970); and the employment of Mr Miah at remuneration below the minimum wage (see section 31 of the National Minimum Wage Act 1998). Moreover, given the evidence that Mr Miah never provided the relevant paperwork, notwithstanding apparent requests, the obvious inference to be drawn is that the respondent well knew that he could not, and that no tax code and National Insurance number had been issued. The corollary inference in my judgment is that the respondent well knew that Mr Miah could not provide the relevant paperwork because he was here illegally.
20. I also accept Mr Kolvin's submission that each case must turn on its own facts. As a matter of law, unless it could be said that some sort of estoppel or related abuse of process arose in the light of warnings given in other cases, the alleged inconsistent approach led nowhere. In my judgment, it could not be so said.
21. Finally, I agree with Mr Kolvin that there is nothing in the point that the subcommittee could have been misled about the interested party being a serial offender. The point that the subcommittee was making was the fact that the respondent had worked at premises where illegal workers were also employed meant that he should have been vigilant to the issue.
22. Thus the answer to the district judge's two questions are as follows:

A. Q. "Was I correct to conclude that the crime prevention objective was not engaged as no crimes had been proceeded with, the appellant only receiving a civil penalty?" B. No.

C. Q. "Was I correct in concluding that the respondent had been inconsistent in similar decisions in not revoking the licence [sic]?"

D. No.

23. Having identified errors of law in the district judge's decision, the next issue which arises is whether I should remit this case for determination in the light of my ruling or whether I have sufficient material to decide the issue for myself. I should only adopt the latter course if satisfied that the issue is so obvious that no useful purpose would be served by remission. I am so satisfied. Having regard in particular to the twin requirements of prevention and deterrence, there was in my judgment only one answer to this case. The respondent exploited a vulnerable individual from his community by acting in plain, albeit covert, breach of the criminal law. In my view his licence should be revoked. Another way of putting the matter is that the district judge had no proper basis for overturning the subcommittee's assessment of the merits.

24. It follows in my judgment that the only conclusion open to the district judge in the present case was to uphold the revocation of the respondent's licence. This appeal must be allowed and the respondent's licence must be revoked.

25. MR KOLVIN: My Lord, I'm very grateful. Can I deal with the question of costs, both here and below.

26. MR JUSTICE JAY: Yes.

27. MR KOLVIN: Should I start with here.

28. MR JUSTICE JAY: Yes.

29. MR KOLVIN: My Lord, we would ask for the costs before this court. I just want to pray in aid four very brief points. The first is the result. The second is that the district judge's approach was expressly urged on him by the respondent's legal team. Thirdly, that the respondent was expressly urged to concede this appeal to stop costs running, he was given that opportunity at pages 42 and 43 of the bundle. Fourthly, perhaps a

little bit tugging at the heart strings, but there's no reason why the Council Tax payers of East Lindsey should bear the cost of establishing what has been established in this court. So we would ask for the costs up here.

30. There is a schedule and the schedule has been served upon Mr Hanif by letter dated 16 March of 2016. I don't know whether the schedule has found its way to my Lord, if not I can hand up a copy.
31. MR JUSTICE JAY: It has.
32. MR KOLVIN: It has. My Lord, I can see that VAT has been added on. It doesn't need to be because of course the Council can retrieve the VAT, so my application is for £16,185. I know there's not a lot of explanation around my fee, but it was taken on a single fee for all work involved in relation to the case stated; advice, the skeleton argument and attendance today, so it's one single -33. MR JUSTICE JAY: What about your junior's fees?
34. MR KOLVIN: My learned junior is also my instructing solicitor, he wears two hats.
35. MR JUSTICE JAY: I see.
36. MR KOLVIN: He has his own firm which is Dadds LLP, and he is also a member of the bar, so although he has appeared as my junior, his fee is wrapped up in the solicitors' fees set out in the schedule.
37. MR JUSTICE JAY: Okay. What about the costs below?
38. MR KOLVIN: My Lord, I'm just trying to ascertain what the position is.
39. MR JUSTICE JAY: I thought there was no order for costs below.
40. MR KOLVIN: There was no order for costs below, that was on the basis that the appeal had been allowed. The situation in relation to costs of licensing appeals are set out in section 181 of the Act, which enables the court to make such order as it thinks fit. Normally when appeals are dismissed there is no real question about it, costs follow the event. When appeals are allowed, some further considerations come into play, which are expressed by the Master of the Rolls in a case which you may have come across called City of Bradford v Booth, which is the case where the Master of the Rolls said that local authorities shouldn't be put off from trying to make honest and reasonable decisions in the public interest. And so one has to take account additionally of the means of the parties and their conduct in relation to the dispute, but in this case of course the appeal has now been dismissed, and so we would say that the ordinary rule is that the costs should follow the event, the appeal having failed.

I'm just trying to ascertain whether schedules were ever served below, in the light of the way the case came out. **(Pause)**

41. My Lord, I'm really sorry that we don't actually have the schedule here, apparently it was £15,000. If you were minded to order costs below the options are either I suppose to wait and we will have the thing emailed up, or to say, "Look, it was below, it's a little bit more complex, they should be assessed if not agreed."
42. MR JUSTICE JAY: This is going to wipe him out, isn't it?
43. MR KOLVIN: Well he has already said, I have to say, I'm just telling you frankly what I've been told this morning, that when the bundles and the schedules were served on him, he had clearly read them, but he said, "If you win in the High Court and get costs against me, then I'm just going to declare myself bankrupt." So there may well be a bit of football(?) about this, but nonetheless it was his appeal, his team raised a point which in retrospect was very surprising, and caused an awful lot of costs to be incurred.
44. MR JUSTICE JAY: Yes. Well I am going to assess the costs here in the round figure of £15,000.
45. MR KOLVIN: Thank you.
46. MR JUSTICE JAY: If there was a schedule, which you tell me there was, below, it is proportionate that I assess those costs rather than put you to the trouble of a detailed assessment, so if you could have that emailed to my clerk in due course, I will assess the costs below.
47. MR KOLVIN: Thank you, my Lord.
48. MR JUSTICE JAY: On the basis of that schedule.
49. MR KOLVIN: We're not trying to be too ambitious, but we would like to see what we can --
50. MR JUSTICE JAY: I'll take a broad brush approach to that.
51. MR KOLVIN: Thank you.
52. My Lord, the only other thing to mention is that this isn't the only case which is kicking around the east of England where licensing subcommittees are being urged to take no action because there has been no prosecution in these immigration cases. Although I appreciate that this is hardly stellar law making, it's an application of pretty well established legal principles to the facts, I'm asking whether my Lord would be minded to certify this so that we can adduce the authority in other cases, because it's a clear statement of the law that there doesn't need to have been a prosecution. So

with the practice direction in mind, would my Lord be minded to -53. MR JUSTICE JAY: Just remind me of the practice direction.

54. MR KOLVIN: Yes, can I hand it up?

55. MR JUSTICE JAY: Yes. **(Handed)**

56. MR KOLVIN: If Mr Hanif had come I wouldn't need to make the application. It's paragraph 6.1. The judgment has to clearly indicate that it purports to establish a new principle or extends the present law and that has to take the form of an express statement to that effect, and then 6.2 says what categories of judgment we're dealing with, which include applications attended by one party only.

57. So that's the situation we're in. In reality these judgments get around anyway, because we're dealing with administrative tribunals and not courts, but sometimes the point is taken, "Ah yes, but the court didn't certify".

58. MR JUSTICE JAY: But where's the new principle I've established?

59. MR KOLVIN: My Lord, what you have said clearly, which hasn't been said before, by dint of the fact that not many licensing cases reach the lofty heights of this building, is that there does not need to have been a prosecution in order for the crime to have --

60. MR JUSTICE JAY: Oh, I see. Well that's so obvious it almost goes without saying, that's why it hasn't been said before.

61. MR KOLVIN: My Lord, it was obvious to everyone except the district judge, the appellant and other licensees in the east of England.

62. MR JUSTICE JAY: Okay.

63. In terms of the logistics, if you want a copy of the judgment, don't you have to pay for it?

64. MR KOLVIN: We may have to, and we would be obviously very pleased to do so.

65. MR JUSTICE JAY: Because I'm not sure that all judgments are, in the Administrative Court, they're not all transcribed and published.

66. MR KOLVIN: That is correct, and I have no doubt that my client would be -- this isn't a matter about the costs of the judgment.

67. MR JUSTICE JAY: No, fortunately it doesn't cost that much. But I will give the certification. I have never been asked to do so before, I must confess.

68. MR KOLVIN: Yes.
69. MR JUSTICE JAY: Because these cases are referred to almost willy nilly, if they're available on Lawtel or wherever.
70. MR KOLVIN: Yes, they are.
71. MR JUSTICE JAY: Then they're just provided.
72. MR KOLVIN: They get into the textbooks and they --
73. MR JUSTICE JAY: No-one objects.
74. MR KOLVIN: Yes. It has happened once before, in relation to the meaning of the Court of Appeal judgment in Hope and Glory, and Lindblom J, as he then was, was asked repeatedly would he certify in relation to the meaning of Hope and Glory, which is an important test, and he was pretty engaged in the practice direction. But since then that judgment, there's always an argument in court about whether it can be cited or not. The difference between licensing and some other fields of law is that very few cases reach here, so when they do, the judgments of High Court judges are gold dust.
75. MR JUSTICE JAY: Yes, well I'm happy to make the certification.
76. MR KOLVIN: Thank you very much indeed.
77. MR JUSTICE JAY: We wouldn't want this point to be taken again successfully.
78. MR KOLVIN: No.
79. MR JUSTICE JAY: Now as a matter of courtesy, is the judgment, once available, sent to the district judge, or is it something that I should do informally?
80. MR KOLVIN: I don't know, my Lord, what the normal practice is. I don't think that I have previously been on a legal team which has sent judgments, but we're very happy to undertake to do so.
81. MR JUSTICE JAY: Yes, I think if you're going to get a copy, obviously you're going to send it to the respondent --
82. MR KOLVIN: Indeed.
83. MR JUSTICE JAY: -- so he can ingest it. I think you should send it to the district judge, just saying that the judge directed that out of courtesy he should see it.
84. MR KOLVIN: We're very happy to do that. Thank you very much indeed.

85. MR JUSTICE JAY: Thank you very much.



**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 4<sup>th</sup> November 2021. A further visit was made to the premises on the 5<sup>th</sup> 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 Hassan Darvishi, 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
* 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 - Hassan Darvishi states no longer works at premises

Officer: D. Bennett      Signature: [REDACTED]      Date: 5/11/20

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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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**Manchester City Council  
Report for Resolution**

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

**Subject:** Frurt, Unit 2, 63 Peter Street, Manchester, M2 5PB - App ref: Premises Licence (new) 265058

**Report of:** Director of Planning, Building Control & Licensing

**Summary**

Application for the grant of a premises licence which has attracted objections.

**Recommendations**

That the Panel determine the application.

**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

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**Financial Consequences – Revenue**

None

**Financial Consequences – Capital**

None

---

**Contact Officers:**

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Name: Lauren Wade  
Position: Technical Licensing Officer  
Telephone: 0161 234 1460  
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**Background documents (available for public inspection):**

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



## 1. **Introduction**

- 1.1 On 14/10/2021, an application for the grant of a Premises Licence under s17 of the Licensing Act 2003 was made in respect of Frurt, Unit 2, 63 Peter Street, Manchester, M2 5PB in the Deansgate ward of Manchester. A location map and photograph of the premises is attached at **Appendix 1**.
- 1.2 A 28-day public consultation exercise was 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, a notice published in a newspaper or similar circulating in the local area, and details of the application published on the Council's website.
- 1.3 Representations may be made for or against an application during the consultation period. To be 'relevant' and, therefore, able to be taken into account in determining the application, they must be about the likely effect of the grant of the premises licence on the promotion of the licensing objectives. Where representations are made by persons who are not a responsible authority, they must not be frivolous or vexatious.
- 1.4 Relevant representations have been received in respect of this application and so it must be determined by a Licensing Hearing Panel in accordance with the Council's Constitution.

## 2. **The Application**

- 2.1 A copy of the application is attached at **Appendix 2**.
- 2.2 The applicant is FFY Manchester Limited.
- 2.3 The description of the premises given by the applicant is Frozen yogurt shop selling soft serve frozen yogurt, ice cream, sorbet. 700 sqft site with around 30 seats. Counter area at front with back kitchen.
- 2.4 **The licensable activities applied for:**  
Provision of late night refreshment (consumption on and off premises)  
Mon to Sun 11pm to midnight
- Opening hours:  
Mon to Sun 10am to midnight
- 2.4.1 Any further details provided relating to any of the individual licensable activities are specified on the application form at **Appendix 2**.
- 2.5 **Activities unsuitable for children**
- 2.5.1 The applicant has not highlighted any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.
- 2.6 **Steps to promote the licensing objectives**

- 2.6.1 The applicant proposes to promote the licensing objectives by taking the steps identified in the operating schedule.
- 2.6.2 These steps must be translated into conditions by the licensing authority to be included in any granted premises licence, unless the conditions are modified by the Panel following consideration of relevant representations. These conditions are set out in the Schedule of Conditions at **Appendix 4**.

3. **Relevant Representations**

3.1 A total of 2 relevant representations were received in respect of the application (**Appendix 3**). The personal details of all members of the public have been redacted. Original copies of these representations will be available to the Panel at the hearing.

Responsible Authorities:

- Greater Manchester Police;
- MCC Licensing and Out of Hours Compliance Team;

3.2 Summary of the representations:

Party	Grounds of representation	Recommends
<b>GMP</b>	The conditions need to be worded more robustly to prevent Crime and Disorder, Public Nuisance and Public Safety.	Grant with conditions
<b>Licensing and Out of Hours Compliance</b>	The applicant does not sufficiently describe how they will uphold the public nuisance licence objective.	Grant with conditions

- 3.3 Any conditions proposed by objectors are set out in the Schedule of Conditions at **Appendix 4**.
- 3.4 Agreements on conditions have been reached with Licensing and Out of Hours Compliance.

4. **Key Policies and Considerations**

4.1 **Legal Considerations**

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

4.2 **New Information**

4.2.1 In accordance with Regulation 18 of the Licensing Act 2003 (Hearings) Regulations 2005, the authority may take into account documentary or other information produced by a party in support of their application, representations

or notice either before the hearing or, with the consent of all parties, at the hearing.

#### 4.3 **Hearsay Evidence**

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

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

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

4.4.2 Section 4 of the 2003 Act provides that, in carrying out its functions, a licensing authority must 'have regard to' guidance issued by the Secretary of State under section 182. The Guidance is therefore binding on all licensing authorities to that extent. However, the Guidance cannot anticipate every possible scenario or set of circumstances that may arise and, as long as licensing authorities have properly understood this Guidance, they may depart from it if they have good reason to do so and can provide full reasons.

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

#### 4.5 **Manchester Statement of Licensing Policy**

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

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

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

4.5.4 Relevant to this application and the grounds of the representations made, 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 7: Local factors***

This section sets out key issues that applicants are expected to take into account relevant to the individual characteristics of the premises when preparing their operating schedule and address any local factors relevant to their premises.

Having regard to the grounds of the representations made, the Panel are recommended to have regard to the following Factors:

- Identified risk factors specific to the licensed premises
- Proximity of takeaways and off-licences to nightlife entertainment areas
- Consistency with relevant Council strategies
- The proximity of the premises to local residents and other local businesses, particularly in relation to the potential for nuisance
- Ability to clean and maintain the street scene

### ***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, and applicants are not obliged to include all standards in their operating schedule. 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.

- MS1 Implement effective security measures at the premises
- MS2 Effective general management of the premises
- MS6 Provide a Duty of Care for intoxicated or vulnerable customers and medical emergencies

- MS7 Maintain a safe capacity
- MS8 Prevent noise nuisance from the premises
- MS9 Effectively manage exterior spaces (e.g. beer gardens, smoking areas, table and chair areas on the highway)
- MS10 Operate effective cleansing arrangements, including ensuring the premises and surrounding area are kept clean and free of litter, and adequate arrangements for the secure and responsible storage of refuse
- MS11 Ensure the wellbeing of children on the premises

***Section 11: The use of tables and chairs on the public highway***

This section provides that the operation of any areas on the public highway licensed for tables and chairs should be considered with regard to all relevant Standards set out in Section 8 of the Policy.

**Conclusion**

- 4.6 A licensing authority must carry out its functions under this Act (“licensing functions”) with a view to promoting the licensing objectives:
- the prevention of crime and disorder
  - public safety;
  - the prevention of public nuisance; and
  - the protection of children from harm.
- 4.7 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 applicant or premises user as the case may be. In reaching the decision, regard must also be had to relevant provisions of the national guidance and the Council’s licensing policy statement.
- 4.8 Having regard to the representations, the Panel must take such of the steps set out below that it considers appropriate for the promotion of the licensing objectives:
- a) To grant the licence subject to:
    - i. the conditions consistent with the operating schedule accompanying the application, which the Panel may modify to such extent as they consider appropriate, and
    - ii. any mandatory conditions that must be included in the licence;
  - b) To exclude from the scope of the licence any of the licensable activities to which the application relates;
  - c) To refuse to specify the person proposed in the application as the designated premises supervisor;
  - d) To reject the application.
- 4.9 The conditions consistent with the operating schedule may be modified to alter or omit any of them or to add any new condition, including restricting the times at which licensable activities authorised by the licence can take place.

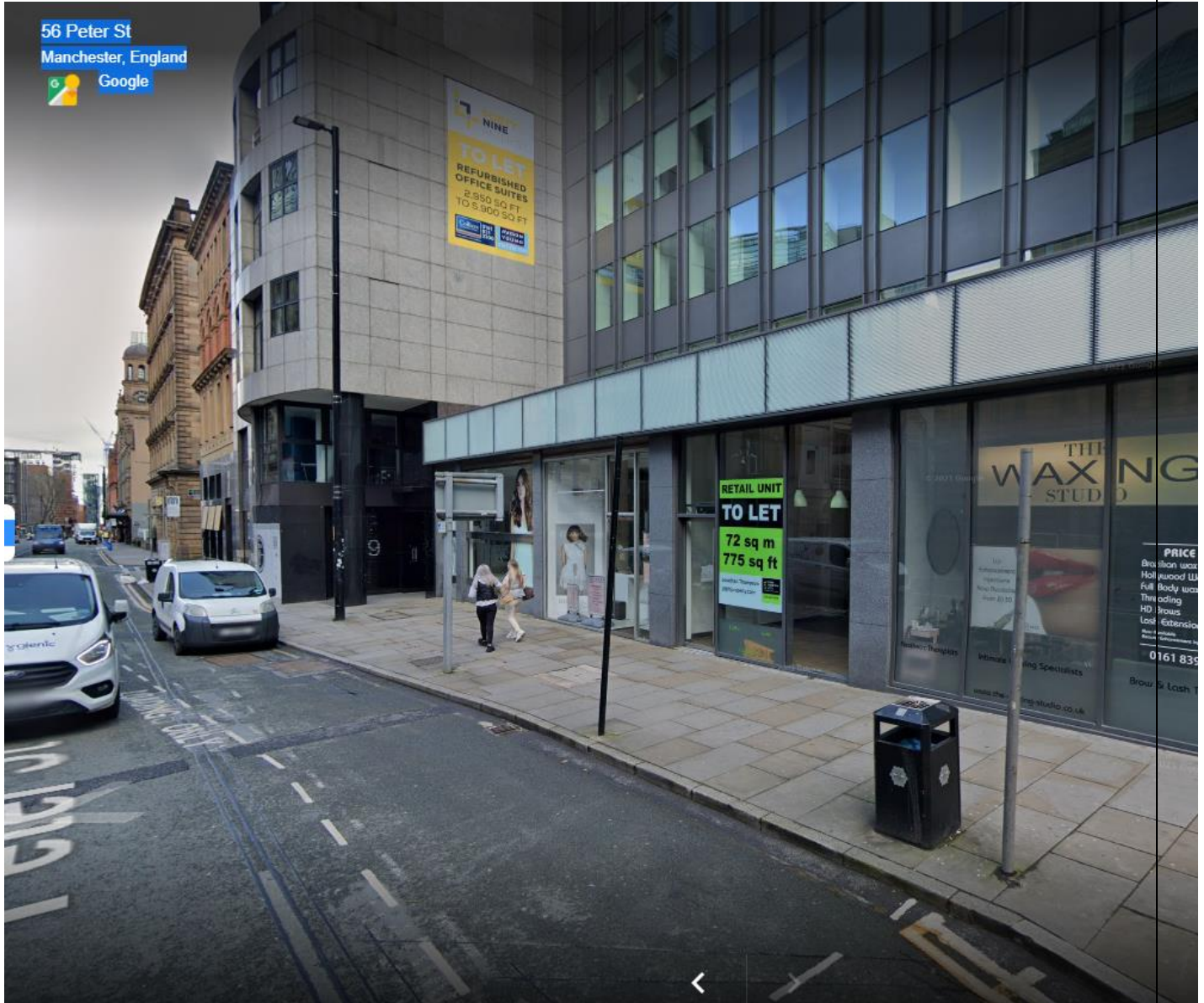
- 4.10 All licensing determinations should be considered on the individual merits of the application.
- 4.11 The Panel's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve. Findings on any issues of fact should be on the balance of probability.
- 4.12 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.
- 4.13 **The Panel is asked to determine the application.**



Fruft  
Unit 2, 63 Peter Street, Manchester, M2 5PB

Premises Licensing  
Manchester City Council

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<b>PREMISE NAME:</b>	Fruyt
<b>PREMISE ADDRESS:</b>	Unit 2, 63 Peter Street, Manchester, M2 5PB
<b>WARD:</b>	Deansgate
<b>HEARING DATE:</b>	06/12/2021



Premises name : Frurt  
 Building name or number: 63  
 Street: Peter Street  
 Area: Manchester  
 Postcode: M2 5PB  
 Premises phone number: [REDACTED]  
 Non-domestic rateable value of premises: 24250  
 First name: Syed

Second name: Ul Hassan  
 House or flat number: [REDACTED]

Street: [REDACTED]

Area: [REDACTED]

Postcode: [REDACTED]

Phone number: [REDACTED]

Email address: [REDACTED]

What is your relationship to the business and applicant?: Managing Director

Please confirm you have the consent of all the applicants named in this form to share their details.: I confirm

Please select the one that applies to your business: As a limited company/limited liability partnership

Applicants full name: FFY Manchester Limited

Applicant address: 63 Peter Street

Manchester

Applicant postcode: M2 5PB

Applicant phone number: [REDACTED]

Applicant email address: [REDACTED]

Description of applicant: Company

Registered number: 13249671

Are you the only applicant?: Yes

Please confirm which of the following apply: I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities

When do you want the premises licence to start?: 13/10/2021

If you wish the licence to be valid only for a limited period, when do you want it to end?:

Please give a general description of the premises (e.g. the type of premises, its general situation and layout): Frozen yogurt shop

Selling soft serve frozen yogurt, ice cream, sorbet

700 sqft site with around 30 seats. Counter are at front with back kitchen

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

Please explain generally how you will meet all four licensing objectives (the prevention of crime and disorder, public safety, the prevention of public nuisance, the protection of children from harm): We do not sell alcohol and have no intention to open till 5am. We keep a family friendly environment..

Please explain how you will meet the prevention of crime and disorder objective: We have CCTV full colour cameras covering the stores entrance and corners.

Please explain how you will meet the public safety objective: We have the appropriate fire extinguishers and fire blankets on site

Please explain how you will meet the prevention of public nuisance objective: All customers will be asked to leave quietly.

If clear and legible notices are required they will be prominently displayed to remind customers to leave quietly and have regard to our neighbours.

Please explain how you will meet the protection of children from harm objective: Although we understand ID such as driving licence/ passport is needed to verify the person age. We do not sell anything that requires ID.

Please complete the standard days the premises will be open to the public in 24 hour time: Monday 10am-midnight

Tuesday 10am-midnight

Wednesday 10am-midnight

Thursday 10am-midnight

Friday 10am-midnight

Saturday 10am-midnight

Sunday 10am-midnight

Please provide any other details:

State any seasonal variations: Summer time we may open a couple hours later. We are still deciding..

Please tell us where you intend to open to the public at different times to those listed previously:

Will the performance of plays take place indoors, outdoors or both?:

Please complete the standard days start and finishing times in 24 hour time : Monday

Tuesday

Wednesday

Thursday

Friday

Saturday

Sunday

Please provide any other details:

State any seasonal variations for performing plays:

Please tell us where you intend to use the premises for the performance of plays at different times to those listed previously: We do not intend to have any plays. We are not that type of venue.

Will the exhibition of films take place indoors, outdoors or both?:

Please complete the standard days start and finishing times in 24 hour time : Monday

Tuesday

Wednesday

Thursday

Friday

Saturday

Sunday

Please provide any other detail:

State any seasonal variations for exhibition of films:

Please tell us where you intend to use the premises for the exhibition of films at different times to those listed previously:

We do not intend to have any films. We are not that type of venue.

Please complete the standard days start and finishing times in 24 hour time : Monday

Tuesday

Wednesday

Thursday

Friday

Saturday

Sunday

Please provide any other details: We do not intend to have any Sporting events. We are not that type of venue

State any seasonal variations for indoor sporting events:

Please tell us where you intend to use the premises for indoor sporting events at different times to those listed previously:

Will the boxing or wrestling entertainment take place indoors, outdoors or both?:

Please complete the standard days start and finishing times in 24 hour time : Monday

Tuesday

Wednesday

Thursday

Friday

Saturday

Sunday

Please provide any other details: We do not intend to have any boxing or wrestling. We are not that type of venue

State any seasonal variations for boxing or wrestling entertainment:

Please tell us where you intend to use the premises for the boxing or wrestling entertainment at different times to those

listed previously:

Will the performance of live music take place indoors, outdoors or both?:

Please complete the standard days start and finishing times in 24 hour time : Monday

Tuesday

Wednesday

Thursday

Friday

Saturday

Sunday

Please provide any other details: We do not intend to have any live music . We are not that type of venue

State any seasonal variations for performing live music:

Please tell us where you intend to use the premises for the performance of live music at different times to those listed previously:

Will the playing of recorded music take place indoors, outdoors or both?:

Please complete the standard days start and finishing times in 24 hour time : Monday

Tuesday

Wednesday

Thursday

Friday

Saturday

Sunday

Please provide any other details: We do not intend to have any recorded Music. We are not that type of venue

State any seasonal variations for playing recorded music:

Please tell us where you intend to use the premises for the playing recorded music at different times to those listed previously:

Will the performance of dance take place indoors, outdoors or both?:

Please complete the standard days start and finishing times in 24 hour time : Monday

Tuesday

Wednesday

Thursday

Friday

Saturday

Sunday

Please provide any other details: We do not intend to have any dance performances. We are not that type of venue

State any seasonal variations for performance of dance:

Please tell us where you intend to use the premises for the performance of dance at different times to those listed previously:

Please give a description of the type of entertainment you will be providing: We are not providing any entertainment to the customers.

We are a simple dessert shop predominantly selling frozen yogurt, ice cream.

The reason of applying was we had a visit from a licensing officer stating we need to apply for the licence for the last 45mins of trade in case we served hot drinks to the customers between 11pm-11.45pm.

Will the entertainment take place indoors, outdoors or both?:

Please complete the standard days start and finishing times in 24 hour time : Monday

Tuesday

Wednesday

Thursday

Friday

Saturday

Sunday

Please provide any other details:

State any seasonal variations for this entertainment:

Please tell us where you intend to use the premises for the entertainment at different times to those listed previously:

Will you be providing late night refreshment?: Yes

Will the provision of late night refreshment take place indoors, outdoors or both?: Both

Please complete the standard days start and finishing times in 24 hour time : Monday 23-12

Tuesday 23-12

Wednesday 23-12

Thursday 23-12

Friday 23-12

Saturday 23-12

Sunday 23-12

Please provide any other details:

State any seasonal variations for provision of late night refreshment: Summer times may open couple hours later. We are still deciding.

Please tell us where you intend to use the premises for the provision of late night refreshment at different times to those listed previously:

Will you supply alcohol?: No

Please provide the details of any adult entertainment, services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children: N/A

Please upload a plan of the premises : 63\_Peter\_Street\_PLNEXT\_A3L1.pdf

Please upload evidence of right to work (Individual applicants only):

Please upload your DPS Consent Form (if applicable):

Please upload policies (e.g. smoking or dispersal policy) or any other information you feel is relevant:

Please confirm you have read and agree to these conditions: I agree

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

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**Agreement with LOOH**

Fruyt - 721467

Sandra Dawson

Thu 25/11/2021 13:50

Hi Lauren

I received an email from Syed, the owner of Fruyt on 05/11/2021, confirming that he has agreed the conditions I proposed. The email is copied onto Flare.

Thanks

Sandra

Sandra Dawson

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**LOOH**

 <b>MANCHESTER CITY COUNCIL</b>	
<b>Licensing &amp; Out of Hours Compliance Team - Representation</b>	
Name	Sandra Dawson
Job Title	Neighbourhood Compliance Officer
Department	Licensing and Out of Hours Compliance Team
Address	Level 1, Town Hall Extension, Manchester, M60 2LA
Email Address	sandra.dawson@manchester.gov.uk
Telephone Number	0161 234 1220

<b>Premise Details</b>	
Application Ref No	REF 265058
Name of Premises	Fruyt
Address	Unit 2, 63 Peter Street, Manchester, M2 5PB

<b>Representation</b>
Outline your representation regarding the above application below. This representation should describe the likely effect of the grant of the licence/certificate on the licensing objectives and on the vicinity of the premises.
The Licensing and Out of Hours Team (LOOH) have assessed the likely impact of the granting of this application taking into account a number of

factors, including the nature of the business, the location of the premises, the Council's Statement of Licensing Policy 2021-2026 (with particular reference to MS9 and MS10) and any potential risk that the granting of this licence will undermine the Council Licensing Policy including the four licensing objectives of public nuisance, crime and disorder, protection of children from harm and public safety.

The premises sell frozen yoghurt, hot and cold non-alcoholic drinks and a small selection of hot food. The premises is located on Peter Street near to Mount Street, and the nearest residential accommodation is the Midland Hotel. There are offices above the premises. The applicant has requested they can supply late night refreshments until midnight Monday-Sunday.

The applicant does not sufficiently describe how they will uphold the public nuisance licence objective other than displaying notices asking that customers leave quietly. LOOH have met with the applicant and discussed the application.

The Licensing and Out of Hours team have concerns that the granting of this licence, in its current form, could lead to issues of public nuisance and public safety due to a lack of robust conditions proposed by the applicant.

The Licensing and Out of Hours team propose the following conditions:

1. At close of business, outside the premises must be swept and/or washed, and litter and sweepings collected and stored using the applicants waste contractors bags/bins.
2. All takeaway packaging and wrappers shall clearly identify the premises, i.e. by way of company logo or name.
3. Where the premises provide late night refreshments for consumption off the premises sufficient waste bins must be provided at or near the exits, to enable the disposal of waste.
4. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
5. Between the hours of 11pm and 7am no waste/glass bottles will be moved or deposited outside.
6. The premises should encourage the dispersal of customers directly outside their premises so as not to cause an obstruction on the highway.

We consider these conditions to be proportionate and appropriate to prevent public nuisance from occurring at the premises.

Recommendation: Approve with Conditions (Outlined Above)



**GMP**

## GREATER MANCHESTER POLICE - REPRESENTATION

About You	
Name	<b>PC Alan Isherwood</b>
Address including postcode	1 <sup>st</sup> Floor Manchester Town Hall Extension Lloyd Street Manchester
Contact Email Address	alan.isherwood@gmp.police.uk
Contact Telephone Number	0161 856 6017

About the Premises	
Application Reference No.	<b>LPA 265058</b>
Name of the Premises	<b>Fruyt</b>
Address of the premises including postcode	<b>Unit 2, 63 Peter Street, Manchester M2 5PB</b>

Your Representation
<p>Please outline your representation below and continue overleaf. This should describe the likely effect of the grant of the licence on the licensing objectives on and in the vicinity of the premises in question.</p>
<p>Please accept this as formal notification of the Greater Manchester Police objection to the premises licence application in relation to the above premises on the grounds of Prevention of Crime and Disorder, the Prevention of Public Nuisance and Public Safety.</p> <p>The applicant has offered numerous conditions in the operating schedule but some of these need to be worded more robustly and be more specific, to ensure that the 4 Licensing Objectives are upheld.</p> <p>Therefore if this licence is granted GMP would ask that the following conditions are attached to the premises licence:</p> <p><b>The premises shall install and maintain a comprehensive digital colour 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.</b></p> <p><b>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:</b></p>

- (a) all crimes reported to the venue, or by the venue to the Police**
- (b) all ejections of patrons**
- (c) any incidents of disorder**

**Staff shall be trained to deal with challenging customers and customers who are under the influence of intoxicants. This training shall be repeated at no greater than 6 monthly intervals.**

## Schedule of Licence Conditions

<b>Conditions consistent with the operating schedule</b>	<b>Agreed</b>	<b>Proposed by</b>
<ol style="list-style-type: none"> <li>1. The Premises shall install CCTV full colour cameras covering the stores entrance and corners.</li> <li>2. The Premises shall have the appropriate fire extinguishers and fire blankets on site.</li> <li>3. Customers shall be encouraged to leave quietly.</li> <li>4. Clear and legible notices shall be prominently displayed to remind customers to leave quietly and have regard to our neighbours.</li> </ol>	N/A	Applicant
<b>Conditions proposed by objectors</b>	<b>Agreed</b>	<b>Proposed by</b>
<ol style="list-style-type: none"> <li>5. At close of business, outside the premises must be swept and/or washed, and litter and sweepings collected and stored using the applicants waste contractors bags/bins.</li> <li>6. All takeaway packaging and wrappers shall clearly identify the premises, i.e. by way of company logo or name.</li> <li>7. Where the premises provide late night refreshments for consumption off the premises sufficient waste bins must be provided at or near the exits, to enable the disposal of waste.</li> <li>8. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.</li> <li>9. Between the hours of 11pm and 7am no waste/glass bottles will be moved or deposited outside.</li> <li>10. The premises should encourage the dispersal of customers directly outside their premises so as not to cause an obstruction on the highway.</li> </ol>	Yes (all)	Licensing and Out of Hours
<ol style="list-style-type: none"> <li>11. The premises shall install and maintain a comprehensive digital colour 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</li> </ol>	No	GMP

## Schedule of Licence Conditions

<p>removable medium (i.e. compact disc, flash card etc.), a secure storage system to store those recording mediums shall be provided.</p> <p>12. 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:</p> <ul style="list-style-type: none"> <li>(a) all crimes reported to the venue, or by the venue to the Police</li> <li>(b) all ejections of patrons</li> <li>(c) any incidents of disorder</li> </ul> <p>13. Staff shall be trained to deal with challenging customers and customers who are under the influence of intoxicants. This training shall be repeated at no greater than 6 monthly intervals.</p>		
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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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