

Statement of Fact

Claire Cunningham – Licensing and Out of Hours Officer

On Sunday 8th November 2020 I carried out proactive work on premises in North Manchester due to the country being in a full lockdown. Checks were to be made on premises to ensure they were closed and takeaways/restaurants were operating delivery only.

I attended Lansdowne Road, Crumpsall, Manchester along with my colleague and team lead Timothy Ansell. At 20:19 we arrived by vehicle outside Ryans Eat in or Takeaway, 14 Lansdowne Road, Crumpsall, Manchester. M8 5SA. The lights inside the premise were switched on and 3 males were seated at a table eating. One male was stood up smoking what appeared to be a cigarette. There was a male stood behind the counter with a face mask pulled down around his neck/chin.

We parked up went inside the premise, immediately upon entering there was a smokey atmosphere and the distinct smell of cigarettes. The male we witnessed smoking quickly went out of a door at the rear of the premise.

I introduced myself to the male behind the counter and asked to speak to the manager. The male who had gone out of the back door then came back in and he went to get the manager. I recognised the male smoking as the same person I had spoken to on a previous visit on 4th October 2020 whereby he stated he was in charge whilst the owner Mr Ridvan Jacai was away in Italy.

A male came from upstairs and introduced himself as the owner Mr Ridvan Jacai he provided his driving licence as identification. I requested to speak to him outside.

I explained I had witnessed offences under the Health Act 2006 and witnessed a male smoking inside the premise, his response I would describe as blasé, he shrugged his shoulders, said 'sorry' and stated he had been resting upstairs. I advised he was committing an offence under the Health Act 2006 by permitting smoking in a smoke free place.

I advised a warning letter would be sent and monitoring of the premise would now take place, further action would also be taken if evidence found to be continuing to allow smoking indoors.

I further advised him of offences committed under the Coronavirus Act 2020. I advised of the following breaches:

- People sat inside and eating.
- Staff not wearing face coverings correctly.
- No social distancing markers in place
- No QR code on display
- No risk assessment in place

Mr Jacai stated he did not know what he needed to do in respect of covid compliance and he did not know what a covid risk assessment was. It was pointed out to him that guidance has been online on the government website since March 2020 and as a business owner it was his responsibility to put everything in place.

Mr Jacai displayed a very blasé attitude and he also stated said the males eating inside the premise were delivery drivers.

I advised he needs to put all the covid requirements in place immediately and will need to seek guidance on the government website. I further advised failure to do so will result in enforcement

action being taken and warned him a follow up visit will now take place to ensure the premise is covid compliant.

Mr Jacai displayed a complete disregard for public safety and though the observations made on the 8th November 2020 and I now have concerns the licensing objectives would not be upheld in particular 'Public Safety' should the application for a premises licence be granted.

Furthermore, I have concerns under the licensing objective 'Crime and Disorder' as offences were being committed on the premise.

A warning letter has been sent to Mr Jacai dated 08/11/2020 in respect of covid breaches.
Exhibit CC1

A warning letter has been issued to Mr Jacai dated 12/11/2020 in respect of breaches under the Health Act 2006.
Exhibit CC2

Dated: 12/11/2020

Signed:

Claire Cunningham

Licensing and Out of Hours Officer



**Community Safety, Compliance
and Enforcement
Neighbourhoods Directorate
Manchester City Council**

Mr Ridvan Jacai
Ryan's Eat in or Takeaway
14 Lansdowne Road
Manchester
M8 5SH

To reply please contact:
Claire Cunningham

[Tel:0161 227 3147](tel:01612273147)

Email:
c.cunningham@manchester.gov.uk

Dear Mr Jacai

WARNING – POTENTIAL ENFORCEMENT ACTION

**The Health Protection (Coronavirus, Restrictions)(England)(No.3) Regulations 2020
The Health and Safety at Work Act 1974
The Management of Health and Safety at Work Regulations 1999**

Following a visit to your premises on 08/11/2020 I am concerned that you and your staff and visitors to your premises are not adhering to the current covid restrictions.

As explained to you, it is vital the restrictions in place in Greater Manchester are complied with as they are necessary to protect the public from the further spread of coronavirus and the impact that this will have on communities and businesses.

There is also a legal duty on all businesses under The Health and Safety at Work act 1974 and the Management of Health and Safety at Work Regulations 1999 to ensure that, so far as is reasonably practicable, the health, safety and welfare of their employees whilst at work is protected. In order to do this during the current pandemic, it is vitally important to reduce the risk of viral transmission to employees and customers by carrying out a suitable and sufficient assessment of COVID-19 risks to the health and safety of anyone working or visiting your premises.

If covid secure controls are not documented and put into place for employees and customers safety, you will be required to co-operate by a more formal approach and failure to comply could lead to prosecution.

You should also be aware that where any premises poses a serious and imminent risk to public health, action may be taken to require that premises to close.

The Council is of the view that adequate controls and measures can be put in place to make the above premises covid secure. You should ensure that the following matters are addressed:

- A Covid-19 Risk Assessment must be completed
- Controls must be implemented to ensure social distancing
- Adequate Track and Trace information must be collected
- Customers and staff must wear face coverings
- People must not be seated and eating/drinking inside the premise.

In the event that it is necessary to issue a Direction to close your premises we will be required to publish it on our website and communicate it as widely as possible to residents of the City.

Failure to comply with the actions set out in this letter will result in action being taken should further breaches be observed.

Yours sincerely,
Claire Cunningham
Licensing and Out of Hours Officer



MANCHESTER
CITY COUNCIL

Mr R Jacai,
Ryan's Eat in or Takeaway
14 Lansdowne Road
Manchester
M8 5SH

**Licensing & Out of Hours Compliance
Neighbourhood Services**

PO Box 532, Town Hall
Manchester
M60 2LA

To reply please contact:

Tel: 0161 234 1220

Email: Claire.cunningham@manchester.gov.uk

Ref: 253476

Date: 12/11/2020

Dear Mr Jacai,

Health Act 2006 – A smoke free place

We have recently visited your premises on 8th November 2020 and found you to be in breach of the Health Act because you allow customers/staff to smoke. Therefore, you must cease allowing customers/staff to smoke inside your premises with immediate effect.

We will continue to monitor your premises and if you are found to be in breach of this legislation, we will take further enforcement action. **This action may include issuing any person found smoking on the premises a Fixed Penalty Notice of £50 under section 7 of the Health Act.**

Furthermore, under Section 8 of the Health Act, any person who controls or is concerned in the management of the premises and fails to prevent smoking in a smoke free place can be fined, upon conviction, up to £2500.

Please feel free to contact me if you wish to discuss the matter further on 0161 227 3147

Yours faithfully,

Claire Cunningham
Licensing & Out of Hours Officer