

**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 yes

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

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

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

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

Please tick yes

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

**Surname**

**First names**

I am 18 years old or over

Please tick yes

**Current postal address if different from premises address**

**Post town**

**Post Code**

**Daytime contact telephone number**

**E-mail address (optional)**

**(B) DETAILS OF OTHER APPLICANT**

Name and address

Telephone number (if any)

E-mail address (optional)

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name and address

Devon Bennett  
Citywide Support Team - Trading Standards  
The Neighbourhoods Service  
Neighbourhoods Directorate  
Manchester City Council  
1 Hammerstone Road  
Gorton  
Manchester  
M18 8EQ

Telephone number (if any)

**0161 227 3187**

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.

**Please tick yes**

Have you made an application for review relating to the premises before?

If yes please state the date of that application

De

**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.