



Licensing Sub Committee Hearing Panel

Date: Tuesday, 2 March 2021

Time: 10.00 am

Venue: Dial: 033 3113 3058 Room number: 37978770 #
PIN: 2991 #

Everyone is welcome to attend this Sub-Committee meeting.

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

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

Membership of the Licensing Sub Committee Hearing Panel

Councillors - Grimshaw (Chair), Andrews and Hewitson

Agenda

- | | | |
|-----------|--|---------|
| 1a | Urgent Business - New Premises Licence - 7th Floor Amenity Level, 1 Rochdale Road, Manchester, M4 4GE - determination
The determination papers are enclosed. | 5 - 6 |
| 1b | Urgent Business - New Premises Licence - Wolf Distribution, Ground Floor Unit 4, 37-45 Devonshire Street North, Manchester, M12 6JR - determination
The determination papers are enclosed. | 7 - 10 |
| 1c | Urgent Business - Closure Order - Kate & Luc Café/Restaurant, 213 Burnage Lane, Manchester, M19 1FN
The report of the Head of Planning, Building Control and Licensing is enclosed. | 11 - 32 |

Information about the Committee

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

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

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

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

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

Smoking is not allowed in Council buildings.

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

Further Information

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

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

This agenda was issued on **Thursday, 25 February 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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Licensing Act 2003 (Hearings) Regulations 2005

Reference: 255077
Name: 7th Floor Amenity Level
Address: 7th Floor Amenity Level, 1 Rochdale Road,
 Manchester, M4 4GE
Ward: Piccadilly
Application Type: Premises Licence (new)
Name of Applicant: Moda Life Management Limited
Date of application: 20 January 2021

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

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

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

Proposed licensable activities and opening hours to be granted

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

Indoors

Mon to Sun 12noon to 11pm

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

Mon to Sun 12noon to 11pm

Opening hours:

Mon to Sun 24 hours a day for residents and bona fide guests. Not open to the general public.

Representations received

Licensing & Out of Hours
Compliance

The nature of the area in which the premises is located and any potential risk the granting of this licence could lead to undermining the four licensing objectives

Agreements between parties

Licensing & Out of Hours Compliance:

1. The premises shall install and maintain a digital colour CCTV system which shall cover all public areas where licensable activities may be provided and all public entry and exit points. CCTV shall record whilst the premises are open to residents and their bona fide guests. All recordings shall be kept available and unedited for a minimum of 28 days with the date and time stamping.
2. 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.
3. Staff shall be provided with comprehensive training in preventing drunkenness; drug policy; managing and resolving conflict; emergency procedures; complying with the licence conditions; and obligations and offences under the Licensing Act that apply to the sale of alcohol.
4. The premises shall display prominent signage indicating at any point of sale that the Challenge 25 scheme is in operation
5. Documented records of training completed shall be kept for each member of staff. Training shall be regularly refreshed and at no greater than 12 monthly intervals. Training records shall be made available for inspection upon request by a police officer or an authorised officer of Manchester City Council
6. Risk assessments are to be carried out and maintained for fire, health and safety and emergency evacuation; any maximum numbers advised by the Fire Service or other responsible authority prior to or upon completion of the works will be complied with.

Background documents (available for public inspection):

- Manchester City Council Statement of Licensing Policy 2016 - 2021
- Guidance issued under section 182 of the Licensing Act 2003, April 2017
- Original application form
- Representations made against application and respective agreements



Licensing Act 2003 (Hearings) Regulations 2005

Reference: 254555
Name: Wolf Distribution
Address: Ground Floor Unit 4, 37-45 Devonshire Street North,
 Manchester, M12 6JR
Ward: Ardwick
Application Type: Premises Licence (new)
Name of Applicant: Wolf Distribution Limited
Date of application: 15 January 2021

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

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

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

Proposed licensable activities and opening hours to be granted

The supply of alcohol for consumption off the premises only:
 Mon to Sun 24 hours per day

Opening hours:
 None – the premises is not open to the public

Representations received

Licensing & Out of Hours Compliance	The Licensing and Out of Hours team recommend conditions to be added to the licence if granted. These conditions relate to issues that could potentially arise, which would undermine the licensing objective of the prevention of public nuisance
Trading Standards Service	The Trading Standards team recommend conditions to be added to the licence if granted. These conditions relate to issues that could potentially arise, which would undermine the licensing objectives, specifically the protection of children from harm.

Agreements between parties

Licensing & Out of Hours Compliance:

- Delivery drivers shall conduct the delivery in a manner that will not cause a noise disturbance to the occupiers of any residential properties surrounding the delivery address. For the avoidance of doubt, this includes the avoidance of slamming doors, playing loud music, shouting, over-revving the engine and sounding their horn to signal their arrival. The driver shall turn the engine off immediately upon arrival at the delivery address and will park considerately without causing an obstruction on the highway.
- Customers must be instructed when placing the order that they will not be able to collect the order from the vehicle. All deliveries will only be made directly to the property address and customers will not be permitted to take orders from the vehicle.
- No unauthorised advertisement of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) shall be inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree, or any other property, or distributed to the public, that advertises or promotes the establishment, its premises, goods or services.
- All staff trained in:
 - I. Recognising signs of drunkenness
 - II. The premises' duty of care
 - III. The conditions in force under this licence
- 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.

Trading Standards:

1. The Challenge 25 scheme must be operated to ensure that any person who appears to be under the age of 25 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 HM Forces warrant card, or a card bearing the PASS hologram.
2. A message will be displayed on the website notifying customers of the Challenge 25 policy in place and that orders will not be left with any person under 18 years of age upon delivery and that the courier may request the recipient to produce satisfactory identification evidence to prove that they are at least 18 years of age.
3. All sales will be made through online sales only, there shall be no other means to place an order.
4. All staff engaged in the delivery of alcohol will be trained with regards to the Challenge 25 policy and proxy sales to persons under 18. This training will be documented, and training should be refreshed at no greater than 12 monthly intervals.
5. At the point of delivery, the Challenge 25 policy should be operated. The only ID that should be accepted is a passport, photo driving licence, PASS

accredited proof of age card or military identification card.

6. The Premises Licence Holder will ensure that a sticker is applied to all consignments of alcohol. It shall read "Note to delivery service, this package contains age restricted products. Ensure recipient is over 18".
7. A log shall be kept and record all instances when a consignment of alcohol has not been delivered for the reasons that the person(s) is, or appear to be, under 18 years of age. The log shall record the date and time of the refusal and the name of the member of staff who refused the sale. The log will be available on request by the police or an authorised officer of Manchester City Council. The log shall be checked on a regular basis by the Designated Premises Supervisor to ensure that it is being used by staff and each check shall be recorded in the log.
8. The Premises Licence Holder shall provide the following information in writing to the Licensing Authority before any sale of alcohol is carried out:
 - a) The trading name of any company that will operate under the licence
 - b) All telephone numbers that will used to accept orders
 - c) The URL/website address that will be used to accept ordersWithin 7 days
9. Any promotional material and/or any website homepage used as part of the business operating under this licence will clearly state the premises licence number. For the avoidance of doubt, this includes Flyers/leaflets/business cards promoting the business.

Background documents (available for public inspection):

- Manchester City Council Statement of Licensing Policy 2016 - 2021
- Guidance issued under section 182 of the Licensing Act 2003, April 2017
- Original application form
- Representations made against application and respective agreements

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**Manchester City Council
Report for Resolution**

Report to: Licensing Sub-Committee Hearing Panel – 2 March 2021

Subject: Kate & Luc Cafe/Restaurant, 213 Burnage Lane, Manchester, M19 1FN
(Review of premises licence following a closure order, App ref - 255869)

Report of: Head of Planning, Building Control & Licensing

Summary

Review of the premises licence following a closure order under s167 of the Licensing Act 2003

Recommendations

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

Wards Affected: Burnage

Manchester Strategy Outcomes	Summary of the contribution to the strategy
A thriving and sustainable City: supporting a diverse and distinctive economy that creates jobs and opportunities	Licensed premises provide a key role as an employer, in regeneration, and in attracting people to the city. The efficient processing of applications as well as effective decision making in respect of them, plays an essential role in enabling businesses to thrive and maximise contribution to the economy of the region and sub-region.
A highly skilled city: world class and home grown talent sustaining the city's economic success	An effective Licensing regime will enable growth in our City by supporting businesses who promote the Licensing Objectives.
A progressive and equitable city: making a positive contribution by unlocking the potential of our communities	The Licensing process provides for local residents and other interested parties to make representations in relation to licensing applications. Representations have to be directly related to the licensing objectives.
A liveable and low carbon city: a destination of choice to live, visit and work.	An effective licensing system supports and enables growth and employment in our City with neighbourhoods that provide amenities suitable to the surrounding communities.
A connected city: world class	

infrastructure and connectivity to drive growth	
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Full details are in the body of the report, along with any implications for:

Equal Opportunities Policy
Risk Management
Legal Considerations

Financial Consequences – Revenue

None

Financial Consequences – Capital

None

Contact Officers:

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

Name: Chloe Tomlinson
Position: Technical Licensing Officer
Telephone: 0161 234 4521
E-mail: Premises.licensing@manchester.gov.uk

Background documents (available for public inspection):

- Manchester City Council Statement of Licensing Policy 2016 - 2021
- Guidance issued under section 182 of the Licensing Act 2003, April 2018
- Licensing Act 2003 (Hearings) Regulations 2005
- Any further documentary submissions by any party to the hearing

1. **Introduction**

- 1.1 On 10 February 2021 a closure order under section 80 of the Anti-social Behaviour, Crime and Policing Act 2014 was made by Manchester Magistrates Court in relation to Kate & Luc Cafe/Restaurant, 213 Burnage Lane, Manchester, M19 1FN in the Burnage ward of Manchester.
- 1.2 The Court gave notice of the closure order to the licensing authority, under s167(1)(b) of the Licensing Act 2003, on 18/02/2021. In accordance with s167(2) the licensing authority must review the premises licence.
- 1.3 A location map and photograph of the premises is attached at **Appendix 1**.
- 1.4 The closure order and the associated notice are attached at **Appendix 2**.
- 1.5 A 7-day public consultation exercise has been undertaken in accordance with Licensing Act 2003 regulations, requiring notice of the review to be advertised by the displaying of a blue notice at or on the premises and details of the review to be published on the Council's website.

2. **Current Premises Licence**

- 2.1 A copy of the current licence is attached at **Appendix 3**.
- 2.2 The premises licence holder is Kate and Luc Café Ltd who has held the licence since 18/09/2014.
- 2.3 The designated premises supervisor is Lucjan Domanski who has held this position since 18/09/2014.
- 2.4 The licensable activities permitted by the licence are:

Licensable activities authorised by the licence

1. The sale by retail of alcohol*.

* All references in this licence to "sale of alcohol" are to sale by retail.

The times the licence authorises the carrying out of licensable activities

Sale by retail of alcohol

Standard timings

<u>Day</u>	<u>Mon</u>	<u>Tue</u>	<u>Wed</u>	<u>Thu</u>	<u>Fri</u>	<u>Sat</u>	<u>Sun</u>
<u>Start</u>	<u>1700</u>	<u>1700</u>	<u>1700</u>	<u>1700</u>	<u>1700</u>	<u>1700</u>	<u>1700</u>
<u>Finish</u>	<u>2200</u>	<u>2200</u>	<u>2200</u>	<u>2200</u>	<u>2200</u>	<u>2200</u>	<u>2200</u>

The sale of alcohol is licensed for consumption on the premises only.

Seasonal variations and Non standard Timings:

None

Hours premises are open to the public

Standard timings							
<u>Day</u>	<u>Mon</u>	<u>Tue</u>	<u>Wed</u>	<u>Thu</u>	<u>Fri</u>	<u>Sat</u>	<u>Sun</u>
<u>Start</u>	<u>0800</u>	<u>0800</u>	<u>0800</u>	<u>0800</u>	<u>0800</u>	<u>0800</u>	<u>0800</u>
<u>Finish</u>	<u>2300</u>	<u>2300</u>	<u>2300</u>	<u>2300</u>	<u>2300</u>	<u>2300</u>	<u>2300</u>
<u>Seasonal variations and Non standard Timings:</u>							
None							

3. **Relevant Representations**

- 3.1 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.
- 3.2 A total of 1 relevant representation has been received in respect of this review (**Appendix 5**). 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

Summary of the representation(s):

Party	Grounds of representation
Greater Manchester Police	GMP is firmly of the opinion that these premises are undermining the Licensing Objectives of the Prevention of Crime and Disorder, the Prevention of Public Nuisance and Public Safety. GMP has been receiving reports from members of the public regarding the premises allowing customers to eat and drink inside the premises since the middle of January this year. The DPS has also not been at all cooperative with officers and has behaved in a defiant manner with regard to lockdown rules.

4. **Additional information**

- 4.1 No additional information has been received from any party to the review.

5. **Key Policies and Considerations**

5.1 **Legal Considerations**

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

5.2 **New Information**

- 5.2.1 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.

5.3 **Hearsay Evidence**

- 5.3.1 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.

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

- 5.4.1 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.
- 5.4.2 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.
- 5.4.3 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.

5.5 **Manchester Statement of Licensing Policy**

- 5.5.1 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.
- 5.5.2 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.
- 5.5.3 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.

5.5.4 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.

- | | |
|-----|---|
| MS1 | Implement effective security measures at the premises |
| MS2 | Effective general management of the premises |
| MS3 | Responsible promotion and sale of alcohol |
| MS4 | Prevent the use of illegal drugs, new psychoactive substances (NPS) and the spiking of drinks at the premises |
| MS5 | Prevent on-street consumption of alcohol |
| 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
- MS12 Prevent underage sales of alcohol, including proxy sales

6. **Conclusion**

- 6.1 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.
- 6.2 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.
- 6.3 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.
- 6.4 The conditions of the licence are modified if any of them is altered or omitted or any new condition is added.
- 6.5 All licensing determinations should be considered on the individual merits of the case.
- 6.6 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.
- 6.7 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.
- 6.8 **The Panel is asked to take such steps, as set out in 6.3 above, as it considers appropriate for the promotion of the licensing objectives.**

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PREMISE NAME:	Kate & Luc Cafe/Restaurant
PREMISE ADDRESS:	213 Burnage Lane, Manchester, M19 1FN
WARD:	Burnage
HEARING DATE:	02/03/2021

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CLOSURE ORDER
(Anti-Social Behaviour Crime and Policing Act 2014 S.80)

Manchester & Salford Magistrates' Court

Date:

Premises: 213 Burnage Lane, Burnage, M19 1FN (currently trading as "Kate and Luc Café")

On the Application of Aleem Mahmood (Solicitor) for and on behalf of the City Solicitor, Town Hall, Albert Square, Manchester on behalf of The Council of the City of Manchester

It is adjudged (**delete as appropriate*)

*a) that a person has engaged, or (if the order is not made) is likely to engage, in disorderly, offensive or criminal behaviour on the Premises, or

*b) the use of the premises has resulted, and (if the notice is not issued) is likely soon to result, in nuisance to members of the public, or

*c) there has been, and (if the notice is not issued) is likely soon to be, disorder near those premises associated with the use of those premises

And it is further adjudged that this Order is necessary to prevent the behaviour, nuisance or disorder from continuing, recurring or occurring

THIS ORDER REMAINS IN FORCE UNTIL 23:59hrs 9/5/2021

IT IS ORDERED THAT:

The Premises at 213 Burnage Lane, Burnage, M19 1FN and currently trading as "Kate and Luc Café" is to be closed save to the following persons and only where necessary for the purposes of entry to remove perishable goods, shutting down equipment, collecting post and other documents or items stored on the premises and thereafter for emergency access:

- Lucjan Domanski and Katarzyan Korzewnikow Domanska
- A representative of 'The Marco SSAS and others'
- Mark Doyle
- Any of the 3 Emergency Services - Police, Fire and Rescue or NHS
- Any employee or contractor acting on behalf of Manchester City Council
- Mohammad Anwar
- Mohammed Azhar
- Shahnaz Azhar
- Jonathan Howard Roberts
- Janet Ann Thain

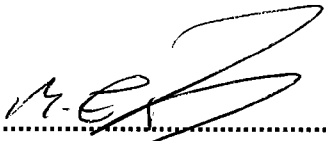
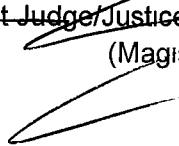
IMPORTANT NOTE:

A breach of a Closure Order is committed when a person, without reasonable excuse, remains on or enters premises in contravention of a Closure Order.

Breaching a Closure Order is a criminal offence carrying a penalty of either imprisonment for a period of up to six months or an unlimited fine, or both.

Obstruction: It is a criminal offence to obstruct a police officer or council employee who is serving a closure notice, cancellation notice or variation notice, entering the premises; or securing the property. This offence carries a penalty of either imprisonment for a period of up to three months or an unlimited fine, or both.

Dated this 10th day of February 2021


.....
District Judge/Justice of the Peace
(Magistrates' Court)




KATE AND LUC CAFE
213 Burnage Lane
Burnage
M19 1FN

Case number: **062100084656**

Orders

The court has heard the matters shown below and made the orders listed.

Keith Townend Head of Legal Operations (North West)

Date: 10 February 2021

Justices' Clerk

Matters and orders

062100084656/1

Application for a closure order following service of a notice on 08/02/2021 in respect of Kate and Luc Café, 213 Burnage Lane, Burnage, M19 1FN.

Pursuant to section 80 of the Anti-social Behaviour, Crime and Policing Act 2014.

Closure order made for Kate and Luc Café

213 Burnage Lane

Burnage

M19 1FN for 3 months. Access is prohibited to all persons except Lucjan Domanski & Katarzyan Domanska, A representative of 'The Marco SSAS and Others', Mark Doyle, Any of the 3 Emergency Services - Police, Fire and Rescue or NHS, Any employee or contractor acting on behalf of Manchester City Council, in all circumstances except for removal of perishable goods, shutting down equipment, collecting post and other documents or items on the premises and thereafter for emergency access. This order applies to the whole of the premises. Further provisions as to access: permitted persons continued: Mohammed Anwar, Mohammed Azhar, Shahnaz Azhar, Jonathan Howard Roberts, Janet Ann Thain.

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MANCHESTER CITY COUNCIL

LICENSING ACT 2003 PREMISES LICENCE

Premises licence number	164908
Granted	18/09/2014 (Reissue 04/03/2015)

Part 1 - Premises details

Name and address of premises		
Kate & Luc Cafe/Restaurant 213 Burnage Lane		
Post town	Post code	Telephone number
Manchester	M19 1FN	

Licensable activities authorised by the licence

1. The sale by retail of alcohol*.

* All references in this licence to "sale of alcohol" are to sale by retail.

The times the licence authorises the carrying out of licensable activities

Sale by retail of alcohol

Standard timings

Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	1700	1700	1700	1700	1700	1700	1700
Finish	2200	2200	2200	2200	2200	2200	2200

The sale of alcohol is licensed for consumption on the premises only.

Seasonal variations and Non standard Timings:

None

Hours premises are open to the public

Standard timings

Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	0800	0800	0800	0800	0800	0800	0800
Finish	2300	2300	2300	2300	2300	2300	2300

Seasonal variations and Non standard Timings:

None

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Kate & Luc Café Ltd
70 Chapel Street, Levenshulme, Manchester, M19 3GH

Registered number of holder, for example company number, charity number (where applicable)

9089213

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

Lucjan Domanski, [REDACTED]

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Personal Licence number: [REDACTED]

Issuing Authority: [REDACTED]

Annex 1 – Mandatory conditions**Door Supervisors**

1. Only individuals licensed by the Security Industry Authority shall be used at the premises to undertake security activities, which include guarding against: -
 - (a) Unauthorised access or occupation (e.g. through door supervision),
 - (b) Outbreaks of disorder, or
 - (c) Damage,
 unless otherwise entitled by virtue of section 4 of the Private Security Industry Act 2001 to carry out such activities.

Supply of alcohol

2. No supply of alcohol may be made under this premises licence:
 - (a) At a time when there is no designated premises supervisor in respect of the premises licence or,
 - (b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
3. Every retail sale or supply of alcohol made under this licence must be made or authorised by a person who holds a personal licence.
4.
 - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either –
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.
5.
 - (1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price, which is less than the permitted price.
 - (2) For the purposes of the condition set out in (1) above–
 - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979
 - (b) “permitted price” is the price found by applying the formula–

$$P = D + (D \times V)$$

where –

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
 - (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence –
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) “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.
6. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises –
- (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to –
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
7. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
8. The responsible person must ensure that –
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or

supply in a securely closed container) it is available to customers in the following measures –

- (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold the customer is made aware that these measures are available.

For the purposes of conditions 6, 7 and 8 above, a responsible person in relation to a licensed premises means the holder of the premise licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor. For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

Annex 2 – Conditions consistent with the operating schedule

1. All staff shall be fully trained in their responsibilities with regard to the terms of the sale of alcohol and shall be retrained every six months, with recorded training records kept for inspection.
2. CCTV shall be in operation at the premises. All recorded images shall be stored for a period of 31 days after which they can be erased or saved at the request of the police. Staff shall be fully trained in the operation of the CCTV system. Images shall be made available to the police or authorised licensing officer from the council on request.
3. Staff shall be trained to be alert to any potential danger to customers and react accordingly. If they are unable to quickly defuse the situation without risk to customer or staff, then they are instructed to call the police.
4. All relevant fire procedures shall be in place.
5. Anyone leaving the premises in the evenings shall be requested to leave in a quiet and orderly manner.
6. A Challenge 25 policy shall be in operation at the premises. Only photographic ID is accepted (passport, driving licence, proof of age card with PASS hologram). If the customer is unable to provide identification then no sale of alcohol is made.
7. If it is know that a customer intends to purchase alcohol to provide to minors then that sale of alcohol shall be refused.
8. All refused sales shall be recorded in a refusals book, which shall be made available for inspection by Police or Licensing Officer of the council on request.

Annex 3 – Conditions attached after a hearing by the licensing authority

1. The sale of alcohol shall only be made with a table meal, or for customers waiting for a table, to eat in the restaurant.
2. The maximum number of covers in the restaurant shall be 40, which includes 8 covers outside the front of the restaurant.
3. Anyone leaving the premises in the evenings shall be requested to leave in a quiet and orderly manner.
4. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
5. All tables and chairs shall be removed from the outside area by 2200 hours each day.
6. Alcohol consumed outside the premises shall only be consumed by patrons seated at tables.

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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