



## **Licensing Sub Committee Hearing** **Panel**

Date: Tuesday, 2 March 2021

Time: 10.00 am

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

This is a **second supplementary agenda** containing additional information about the business of the meeting that was not available when the agenda was published

**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**

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**Councillors** - Grimshaw (Chair), Andrews and Hewitson

## Supplementary Agenda

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- 1c **Urgent Business - Closure Order - Kate & Luc** 3 - 44  
**Café/Restaurant, 213 Burnage Lane, Manchester, M19 1FN**  
Now contains representations from Responsible Authorities,  
LOOH.

## Further Information

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

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This supplementary agenda was issued on **Monday, 1 March 2021** by the Governance and Scrutiny Support Unit, Manchester City Council, Level 3, Town Hall Extension (Lloyd Street Elevation), Manchester M60 2LA



# MANCHESTER CITY COUNCIL

## LICENSING ACT 2003 PREMISES LICENCE

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

### Part 1 - Premises details

<b>Name and address of premises</b>		
Kate & Luc Cafe/Restaurant 213 Burnage Lane		
<b>Post town</b>	<b>Post code</b>	<b>Telephone number</b>
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

#### 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 known 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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