



Licensing Sub Committee Hearing **Panel**

Date: Monday, 15 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 Reid

Agenda

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. New Premises Licence - Biskits Shakes Desserts Gelato, 478 Wilmslow Road, Manchester, M20 3BG - determination** 5 - 6
The determination papers are enclosed.

- 5. New Premises Licence (Gambling) - TBC, 33-35 Piccadilly Manchester M1 1LQ** 7 - 46
The report of the Director of Planning, Building Control and Licensing is enclosed.

- 6. Closure Order - Kate & Luc Café/Restaurant, 213 Burnage Lane, Manchester, M19 1FN** 47 - 110
The report of the Head of Planning, Building Control and Licensing is enclosed.

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 **Wednesday, 3 March 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: 255252
Name: Biskits Shakes Desserts Gelato
Address: 478 Wilmslow Road, Manchester, M20 3BG
Ward: Old Moat
Application Type: Premises Licence (new)
Name of Applicant: Biskits Shakes Desserts Gelato Ltd
Date of application: 27 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 late-night refreshment:

Sun to Thu 11pm to 1am

Fri – Sat 11pm to 2am

Our doors close at 23:00 (i.e. not allowing members of the public in after 23:00), and after this time, we only offer a delivery service. In store music is turned off at 23:00.

Opening hours:

Sun to Thu 5pm to 1am

Fri – Sat 5pm to 2am

Representations received

Licensing & Out of Hours
Compliance

Public nuisance (due to location of premises)

2 x residents

Reps withdrawn due to acceptance of below
LOOH agreement

Agreements between parties

Licensing & Out of Hours Compliance:

1) The premises shall install and maintain a comprehensive digital CCTV system. All public areas of the licensed premises including all public entry and exit points and the street environment shall be covered, enabling facial identification of every person entering in any light condition. The CCTV cameras shall continually record while 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 that can be played back on a standard personal computer or a 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) The premises and immediate surrounding area shall be kept clean and free from litter at all times the premises are open to the public.

3) Litter bins shall be provided at the premises in sufficient capacity to ensure that customers can adequately dispose of any litter.

4.) There shall be no admittance or re admittance to the premises after 23:00 hours. Only for delivery drivers.

5.) Notices shall be prominently displayed at all exits requesting patrons/staff to respect the needs of local residents and leave the area quietly.

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



The Gambling Act 2005 (Proceedings of Licensing Committees and Sub-committees) (Premises Licences and Provisional Statements) (England and Wales) Regulations 2007

Report to: Licensing Sub-Committee Hearing Panel – 15 March 2021

Subject: Name TBC, 33-35 Piccadilly, Manchester, M1 1LQ, App Ref:255244

Report of: Director of Planning, Building Control and Licensing

Summary

Application for the grant of a new premises licence made under the Gambling Act 2005, which has attracted objections.

Recommendations

That the Panel determine the application.

Wards Affected: Piccadilly

Contact Officers:

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

Name: Ashia Maqsood
Position: Technical Licensing Officer
Telephone: 0161 234 4139
E-mail: premises.licensing@manchester.gov.uk

Background documents (available for public inspection):

Manchester City Council statement of Gambling Policy 2019 – 2021
The Gambling Act 2005

1. **Introduction**

- 1.1. On 26 January 2021, an application for the grant of a Premises Licence under the Gambling Act 2005 was made in respect of, 33-35 Piccadilly, Manchester, M1 1LQ in the Piccadilly ward of Manchester.
- 1.2. A 28-day public consultation exercise was undertaken in accordance with Gambling act 2005 regulations; requiring the application to be advertised by the displaying of a notice at or on the premises and a notice published in a newspaper or similar circulating in the local area
- 1.3. Where an application is made to a licensing authority for a premises licence, an interested party or responsible authority in relation to the premises may make representations in writing to the licensing authority.
- 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 1**
- 2.2. The applicant is Trafalgar Leisure Ltd
- 2.3. The activity applied for is Bingo
- 2.4. The applicant has provided a statement of compliance with the licensing objectives, along with a risk assessment, which is attached at **Appendix 2**
- 2.5. A location map of the premises is attached at **Appendix 3**

3. **Relevant Representations**

- 3.1. A total of 2 relevant representations were received in respect of the application (**Appendix 4**).
- 3.2. Representation were received from the following:
 - MCC Licensing and Out of Hours Compliance Team
 - The Licensing Authority
- 3.3. Summary of the representations

Below is a summary of representations received only. Copies of the representations are included for members and other interested parties, to refer to as necessary, at Appendix 4.

| Party | Grounds of representation | Recommends |
|-------|---------------------------|------------|
|-------|---------------------------|------------|

| | | |
|---|---|---------------------------|
| Licensing and Out of Hours Compliance (LOOH) | LOOH objected to the application based on the grounds that the proposed conditions, as provided by the applicant, will not uphold the licensing objectives. LOOH have put forward conditions which they state will be enforceable. | Grant with conditions |
| Licensing Authority (LA) | The LA has objected to the application based on the grounds that the application has a lack of detail in relation to how the premises will specifically operate. The LA further states that the application does not provide the LA with the ability to accurately assess the risks posed by the proposed operation, and so licensing the premises would be inconsistent with the requirements of s153 of the Gambling Act. | recommendation not stated |

3.4. Agreements have not been reached between the parties

4. **Key Policies and Considerations**

4.1. In exercising their functions under the Gambling Act 2005, licensing authorities must have regard to the licensing objectives in relation to premises licences, temporary use notices and certain permits.

4.2. Those objectives are:

- a) preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
- b) ensuring that gambling is conducted in a fair and open way
- c) protecting children and other vulnerable persons from being harmed or exploited by gambling

4.3 Section 153 of the Act provides that in exercising its functions under Part 8 of the Act (premises licensing and provisional statements), the Licensing Authority shall aim to permit the use of premises for gambling in so far as it thinks that to do so is:

- a) in accordance with relevant codes of practice issued by the Gambling Commission
- b) in accordance with guidance issued by the Commission
- c) reasonably consistent with the licensing objectives (subject to (a) and (b) above),and
- d) in accordance with the Licensing Authority Statement of Policy published by the authority (subject to (a) to (c) above).

4.4 Section 153 applies to a licensing authority's relevant functions under Part 8 of the Act (ie applications for the grant, variation, transfer, reinstatement or review of premises licences and provisional

statements). Its effect is that, whilst in such circumstances there is a presumption in favour of permitting the relevant premises to be used for gambling, the licensing authority may not do so unless satisfied that such use would be in accordance with the guidance issued by the Gambling Commission, any relevant Commission code of practice and its own statement of licensing policy as well as reasonably consistent with the licensing objectives.

- 4.5 In reaching a view that the grant of a licence is in accordance with such guidance, code of practice or policy statement, a licensing authority is, in common with all such public authority decision makers, under a duty to act fairly and rationally.
- 4.6 In cases where an authority is concerned whether a grant would be in accordance with, for example, the Guidance issued by the Gambling Commission, this can be resolved by the imposition of appropriate licence conditions.
- 4.7 In the unlikely event that a licensing authority perceives a conflict between a provision of a Commission code of practice or the Guidance issued by the Gambling Commission and its own policy statement or view as to the application of the licensing objectives the structure of section 153 makes it plain that the Commission's codes and Guidance take precedence.
- 4.8 Section 153 also makes it clear that in deciding whether to grant a licence, a licensing authority must not have regard to the expected demand for gambling premises that are the subject of the application.
- 4.9 All licensing determinations should be considered on the individual merits of the application.
- 4.10 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.
- 4.11 It is important that a licensing authority should give comprehensive reasons for their decision in anticipation of any appeals.
- 4.12 Failure to give adequate reasons could itself give rise to grounds for an appeal.
- 4.13 **Manchester Statement of Gambling Policy**
- 4.14 The Licensing Authority is required to take into account the following when taking decisions in respect of premises licences:
 - a) Relevant Gambling Commission Codes of Practice
 - b) Relevant Gambling Commission Guidance
 - c) Reasonable consistency with the Licensing Objectives (subject to a and b)
 - d) Our gambling policy (subject to a – c)

It is important for us to have clear guidelines as to how we will make

decisions about premises licence applications. In this way we can be consistent and ensure the committee have clear reasons for decisions taken. Each application for a premises licence will be considered on its merits; applicants are expected to show how they will address the licensing objectives, in order to be granted a licence. Where applicants fail to demonstrate this, licence conditions can be imposed or the application rejected.

- 4.15 The location of gambling premises The location of gambling premises will be considered when determining whether the location of proposed gambling premises is acceptable (with or without conditions) in light of the licensing objectives. Relevant considerations to the location of the premises will be set out in the local area profile but applicants are not restricted to those matters and it is proper that they address all matters they consider appropriate for the licensing objectives. They may also wish to liaise with the responsible authorities, local residents, councillors and businesses in considering whether any additional matters may be relevant. The Licensing Authority will not have regard to demand in assessing the suitability of location for gambling premises.
- 4.16 We will expect operators to take account of the risk factors identified in the local area profile but also to undertake their own assessment into the local area as circumstances can change over time. Operators should identify the relevant risks and put in place appropriate safeguards relative to them. Equally, risk assessments for existing premises should take into account previous experience of operating and react accordingly. In any case, the local risk assessment should demonstrate how vulnerable people shall be protected. We will expect risk assessments to also consider local levels of:
- Deprivation
 - Crime and disorder
 - Demographics in relation to vulnerable groups
 - The location of services for children such as schools, leisure centres, entertainment venues, and other areas where children will gather and any regular/seasonal variations e.g weekends, school holidays.

Operators are encouraged to have regard to the local area risks identified in conjunction with the general considerations set out at 4.6 and specific considerations for individual premises types below to put in place appropriate safeguards for the promotion of the licensing objectives. For example, in areas of elevated risk or areas experiencing issues of crime or antisocial behaviour, a high ratio of staffing or increased security measures may be appropriate.

- 4.17 **The Panel is asked to determine the application.**

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20 JAN 2021

PREMISES TEAM

**Application for a premises licence
under the Gambling Act 2005 (standard form)**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

If you are completing this form by hand, please write legibly in block capitals using ink. Use additional sheets if necessary (marked with the number of the relevant question). You may wish to keep a copy of the completed form for your records.

Where the application is—

- In respect of a vessel, or
- To convert an authorisation granted under the Betting, Gaming and Lotteries Act 1963 or the Gaming Act 1968,

the application should be made on the relevant form for that type of premises or application.

Part 1 – Type of premises licence applied for

Regional Casino

Large Casino

Small Casino

Bingo

Adult Gaming Centre

Family Entertainment Centre

Betting (Track)

Betting (Other)

Do you hold a provisional statement in respect of the premises? Yes No

If the answer is "yes", please give the unique reference number for the provisional statement (as set out at the top of the first page of the statement):

Part 2 – Applicant Details

If you are an individual, please fill in Section A. If the application is being made on behalf of an organisation (such as a company or partnership), please fill in Section B.

Section A

Individual applicant

1. Title: Mr Mrs Miss Ms Dr Other (please specify)

2. Surname: _____ Other name(s): _____

[Use the names given in the applicant's operating licence or, if the applicant does not hold an operating licence, as given in any application for an operating licence]

3. Applicant's address (home or business – *[delete as appropriate]*):

Postcode:

4(a) The number of the applicant's operating licence (as set out in the operating licence):

4(b) If the applicant does not hold an operating licence but is in the process of applying for one, give the date on which the application was made

5 Tick the box if the application is being made by more than one person.

[Where there are further applicants, the information required in questions 1 to 4 should be included on additional sheets attached to this form, and those sheets should be clearly marked "Details of further applicants"]

Section B

Application on behalf of an organisation

6 Name of applicant business or organisation: TRAFALGAR LEISURE LTD

[Use the names given in the applicant's operating licence or, if the applicant does not hold an operating licence, as given in any application for an operating licence.]

7 The applicant's registered or principal address:

373 - 375 Station Road

Harrow

Middlesex

Postcode HA1 2AW

8(a) The number of the applicant's operating licence (as given in the operating licence):

000-001285-N-103315-001

8(b) If the applicant does not hold an operating licence but is in the process of applying for one, give the date on which the application was made

9. Tick the box if the application is being made by more than one organisation.

[Where there are further applicants, the information required in questions 6 to 8 should be included on additional sheets attached to this form, and those sheets should be clearly marked "Details of further applicants".]

Part 3 – Premises Details

10. Proposed trading name to be used at the premises (if known)

11 Address of the premises (or, if none, give a description of the premises and their location):

33-35 Piccadilly

Manchester

Postcode M1 1LQ

12 Telephone number at premises (if known):

13. If the premises are in only a part of a building, please describe the nature of the building (for example, a shopping centre or office block) The description should include the number of floors within the building and the floor(s) on which the premises are located.

Ground & Mezzanine Floor Only. The premises are situated within a terraced building on Piccadilly comprising Basement, Ground & Mezzanine, 01st, 02nd, 03rd, 04th, 05th Floors

14(a) Are the premises situated in more than one licensing authority area?

/No [delete as appropriate]

14(b) If the answer to question 14(a) is yes, please give the names of all the licensing authorities within whose area the premises are partly located, **other than the licensing authority to which this application is made:**

Part 4 – Times of operation

15(a) Do you want the licensing authority to exclude a default condition so that the premises may be used for longer periods than would otherwise be the case? No [delete as appropriate] [Where the relevant kind of premises licence is not subject to any default conditions, the answer to this question will be no.]

15(b) If the answer to question 15(a) is yes, please complete the table below to indicate the times when you want the premises to be available for use under the premises licence.

| | <i>Start</i> | <i>Finish</i> | <i>Details of any seasonal variation</i> |
|-------|--------------|---------------|--|
| Mon | <i>hh mm</i> | <i>hh:mm</i> | |
| Tue | | | |
| Wed | | | |
| Thurs | | | |
| Fri | | | |
| Sat | | | |
| Sun | | | |

16 If you wish to apply for a premises licence with a condition restricting gambling to specific periods in a year, please state the periods below using calendar dates

Part 5 – Miscellaneous

17. Proposed commencement date for licence (leave blank if you want the licence to commence as soon as it is issued): (dd/mm/yyyy)

18(a) Does the application relate to premises which are part of a track or other sporting venue which already has a premises licence? No *[delete as appropriate]*

18(b) If the answer to question 18(a) is yes, please confirm by ticking the box that an application to vary the main track premises licence has been submitted with this application.

19(a) Do you hold any other premises licences that have been issued by this licensing authority? No *[delete as appropriate]*

19(b). If the answer to question 19(a) is yes, please provide full details

20. Please set out any other matters which you consider to be relevant to your application:

Part 6 – Declarations and Checklist (Please tick)

I/ We confirm that, to the best of my/ our knowledge, the information contained in this application is true. I/ We understand that it is an offence under section 342 of the Gambling Act 2005 to give information which is false or misleading in, or in relation to, this application

I/ We confirm that the applicant(s) have the right to occupy the premises

Checklist:

- Payment of the appropriate fee has been made/is enclosed
- A plan of the premises is enclosed
- I/ we understand that if the above requirements are not complied with the application may be rejected
- I/ we understand that it is now necessary to advertise the application and give the appropriate notice to the responsible authorities

Part 7 – Signatures

21. Signature of applicant or applicant's solicitor or other duly authorised agent. If signing on behalf of the applicant, please state in what capacity

Signature:

Print Name: S. Hamadi

Date: 26/01/2021 (dd/mm/yyyy) Capacity Director

22 For joint applications, signature of 2nd applicant, or 2nd applicant's solicitor or other authorised agent. If signing on behalf of the applicant, please state in what capacity

Signature: 

Print Name. _____

Date: _____ (dd/mm/yyyy) Capacity: _____

[Where there are more than two applicants, please use an additional sheet clearly marked "Signature(s) of further applicant(s)". The sheet should include all the information requested in paragraphs 21 and 22.]

[Where the application is to be submitted in an electronic form, the signature should be generated electronically and should be a copy of the person's written signature.]

Part 8 – Contact Details

23(a) Please give the name of a person who can be contacted about the application:

Sam Hamadi

23(b) Please give one or more telephone numbers at which the person identified in question 23(a) can be contacted:



24. Postal address for correspondence associated with this application

Trafalgar Leisure Ltd

12 Clayton Street

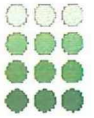
Newcastle Upon Tyne

Postcode NE1 5PU

25. If you are happy for correspondence in relation to your application to be sent via e-mail, please give the e-mail address to which you would like correspondence to be sent



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Trafalgar Leisure

Bingo Premises Licence Application: 33-35 Piccadilly, Manchester, M1 1LQ

Statement of Compliance with the Licensing Objectives

Trafalgar Leisure are committed to ensuring compliance with the licensing objectives and operate a risk based approach to ensure this is achieved.

In developing our policy's and procedures for this site we have had particular regard to:

- The Three Licensing Objectives
- Guidance and Codes of Practice issued by the Gambling Commission
- Gambling Policy Statement 2019-22 issued by Manchester Licensing Authority

1st Licensing Objective - Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime

CCTV – will be installed throughout the site including all entrances and exits.

██████████ Intruder Alarm System - monitored 24 hours a day by alarm control centre.

Personal Attack – customer service assistants carry portable PA alarms connected to the alarm monitoring centre who can summon police assistance on activation.

Automated Cashier System – this facility reduces cash handling by staff and reduces the risk of robbery / holdup.

Cash in Transit – banking and change orders are collected and delivered by a third party security company such as G4S reducing the risk of robbery in transit to bank.

Fraud & Theft - staff undertake training to identify suspicious customer behaviour and a set procedure is in place to deal with this and mitigate the risk.

Open / Close Procedure – staff are trained to adopt a specific open and close procedure which is tailored to mitigate the risk of hold up or robbery when opening or closing the premises

Trafalgar Leisure Limited
373-375 Station Road
Harrow
Middlesex
HA1 2AW



Trafalgar Leisure

1st Licensing Objective continued:

Admission 21 years – we operate a policy that generally requires customers to be over 21 years of age. Signage is displayed at all entrances stating you must be over 21 to enter these premises. This discourages groups of young persons and mitigates the risk of disorder.

Antisocial Behaviour – all entrances are monitored by staff or security personnel adopting a risk based approach, in addition to this all toilets in the premises are fitted with access codes mitigating the risk of antisocial behaviour.

2nd Licensing Objective - Ensuring that gambling is conducted in a fair and open way

House Rules – are displayed prominently in the venue so that customers can understand our rules and procedure associated with gambling in our venues.

Bingo Games & Machine Rules – are displayed physically and / or electronically to ensure customers can make an informed decision when gambling.

Staff Gambling – staff and their families are prohibited from gambling in our venues.

Tipping Off – staff are prohibited from tipping off customers regarding machine performance.

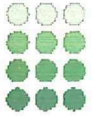
Staff Tips – staff are prohibited from accepting any tips from customers

Customer Complaints - a transparent dispute resolution procedure with access to third party dispute resolution

3rd Licensing Objective - Protecting Children and other vulnerable persons from being harmed or exploited by gambling

- Children are defined as persons under 16 years of age and young persons are classed as persons aged 16 or 17 years of age.

We operate an admission policy of 21 years in most cases and whilst persons under 18 years of age are allowed to enter a bingo premises (subject to restrictions) we have adopted a policy of strictly refusing entry to any persons under 18 years of age whether accompanied by an adult or not.



Trafalgar Leisure

3rd Licensing Objective continued:

Entrances will be monitored by staff or security personnel adopting a risk based approach to ensure no persons under 18 years of age enters the premises.

A challenge 25 policy will be adopted for any customer entering the premises with official photo ID required to ascertain proof of age.

All staff are fully trained in the challenge 25 policy and the regulatory requirement to ensure that a child or young person is not permitted to gamble.

The Gambling Act states the following classes of persons are to be considered vulnerable:

- People who gamble beyond their means

Self Exclusion Policy - this will allow customers to exclude themselves from the premises for an agreed period of time. All customer facing staff are trained to be able to assist customers with any request to self exclude.

Gam Care - Information will be displayed and readily available to customers physically and electronically promoting the Gam Care charity. The information will be situated around the premises including such places as entrance / exits and toilets.

Staff Interaction – staff are trained to be able to interact with customers who request assistance with or appear to have a gambling problem. This will include ensuring the customer is aware of the self exclusion scheme and support services available via Gam Care.

It can also include other methods of intervention such as encouraging customers to take a break from gambling and leaving the premises for a short break as well as more serious interventions such as mandatory exclusion.



Trafalgar Leisure

3rd Licensing Objective continued:

- People who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs

Alcohol – entry will be refused to any person who is intoxicated.

Drugs – entry will be refused to any person who appears to be under the influence of drugs.

Mental Impairment – any customer who appears to have a mental impairment will prompt a staff intervention, this may result in advice consistent with the principles of the staff intervention policy described above or alerting the police to assist in ensuring the person is taken to a place of safety.

In addition to this and in the locality of the proposed premises the following people are also considered to be vulnerable:

- Those with an inclination to gamble more than they want or beyond their means

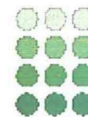
Policy and procedures applicable to – People who gamble beyond their means - The policy of encouraging customers to take a break from gambling is particularly relevant to this group of persons and they should also be encouraged to set time and spend limits.

- Those who are dependent for a source of income on somebody who gambles more than they want to or beyond their means.

Policy and procedures applicable to – People who gamble beyond their means - The policy of staff interaction is crucial in mitigating this risk. The bingo environment can allow staff to “Know Your Customer” and this can be invaluable in spotting a person who has dependents that may become vulnerable because of the customers gambling.

- Those who are employed by gambling operators and have regular contact with gambling.

We recognise this and all staff are prohibited from gambling within our premises and are made aware support services such as Gam Care in case they are adversely effected by the environment they work in.



Trafalgar Leisure

3rd Licensing Objective continued:

- Those aged 16-24

Policy and procedures applicable to – Children and young persons – The policy of discouraging 18-21 year olds and prohibiting any person under 18 assists in mitigating the risk of harm to this group of persons.

Policy and procedures applicable to – People who gamble beyond their means – Increased vigilance and consideration of staff interaction.

- Habitual Players of gaming machines

Policy and procedures applicable to – People who gamble beyond their means - The policy of encouraging customers to take a break from gambling is particularly relevant to this group of persons and they should also be encouraged to set time and spend limits.

General – in support of all three of the licensing objectives

Data gathering and sharing – our policy and procedures include a regulatory incident log and self exclusion log to record:

- Staff interventions with customers concerning potential problem gambling
- A self excluded person entering or attempting to enter the premises
- A self excluded person gambling or attempting to gamble
- Requests for police assistance
- Persons underage attempting to enter or entering the premises
- Persons underage gambling or attempting to gamble
- An adult attempting to enter or entering with an underage person
- Suspicious financial behaviour

The log will record the time and date as well as containing a description which will allow further analysis and grouping of the data. This allows the operator to fulfil its annual regulatory reporting obligations as well as be able to share data on a local basis with the relevant licensing authority.

Date: 25th January 2021

LOCAL RISK ASSESSMENT

Date : 22nd January 2021

Premises Type: Bingo

Premises Location: 33-35 Piccadilly, Manchester, M1 1LQ

The purpose of this risk assessment is to assess the local risks to the licensing objectives associated with the location of the premises.

In this assessment we will assess the local risks and identify existing policies, procedures and control measures in place to mitigate these risks. We will adopt a risk based approach in deciding if further measures are required and these measures will be identified in the assessment where applicable.

The assessment will use a table to identify

1. Local risk
2. Specific licensing objective associated with the risk (this can be more than one)
3. Existing measures in place to mitigate the risk
4. Further measures required to mitigate the risk

The Licensing objectives will be referred to as A, B and C in the table as follows:

- A. Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime*
- B. Ensuring that gambling is conducted in a fair and open way*
- C. Protecting Children and other vulnerable persons from being harmed or exploited by gambling*

| Identified Local Risk | Licensing Objective | Existing Measures | Further Measures |
|--|---------------------|---|--|
| Piccadilly Gardens is known to be frequented by homeless person and rough sleepers | C | Entrances monitored by staff adopting a risk based approach Staff Interaction / Intervention | This is a vulnerable group and staff will be trained to be extra vigilant to spot persons trying to enter. Entry will be refused and staff will offer a pack of advice literature advising of local support services. |
| Piccadilly Gardens is known to be frequented by drug users | A - C | Entrances monitored by staff adopting a risk based approach CCTV Toilets require access code from staff | This is a vulnerable group and staff will be trained to be extra vigilant to spot persons trying to enter. Entry will be refused and staff will offer a pack of advice literature advising of local support services. Adopting a risk based approach consideration will be given to installation of UV lighting in the customer toilets. |
| | | | |
| | | | |

| Identified Local Risk | Licensing Objective | Existing Measures / Risk | Further Measures |
|--|---------------------|---|--|
| Street Drinkers – Piccadilly Gardens | A - C | Staff trained to refuse entry to any person that is intoxicated | Adopting a risk based approach consideration will be given to dedicated security if adopting late night opening |
| <p>Street Robberies – Piccadilly Gardens</p> <p>Current data shows the demographic of persons who are the victim of this type of crime to be young persons involving robberies of mobile phones etc</p> <p>The demographic of customer at the premises will be much older and it is considered that the risk to customers becoming victim to such crimes is low.</p> <p>GMP - not aware of any data suggesting customers of nearby AGC have become victims of such crimes.</p> | A | CCTV | <p>External CCTV</p> <p>Internal ATM to mitigate any risk of customers becoming a victim of crime when using such facilities outside</p> <p>Freephone taxi service within the premises</p> |

| Identified Local Risk | Licensing Objective | Existing Measures | Further Measures |
|--|---------------------|--|--|
| Christmas Market – Increase in the number of children and young persons in the vicinity of the premises | C | 21 Years admission policy Challenge 25 Entrances monitored by staff adopting a risk based approach | Increased staff vigilance and training refresher course on the importance of challenge 25 and appropriate ID to be carried out. |
| Counselling & Services dealing with addiction in the vicinity of the premises. None in the immediate vicinity. The closest locations are: 42 nd Street Great Ancoats Street, M4 5AG Adult & Young People’s Drug & Alcohol Service 43a Carnavon Street, M3 1EZ Start Addiction Recovery 243 Chapel Street, M3 5EP | C | Entrances monitored by staff adopting a risk based approach Staff trained to refuse entry to any person that is intoxicated Staff Interaction / Intervention Self Exclusion Policy Gam Care Literature displayed and available at the premises | Entry will be refused to any person who appears to be intoxicated or under the influence of drugs and staff will offer a pack of advice literature advising of local support services. |
| | | | |
| | | | |

| Identified Local Risk | Licensing Objective | Existing Measures | Further Measures |
|---|---------------------|---|--|
| <p>Pawnbrokers / Payday Loan services within the immediate vicinity of the premises.</p> <p>Immediate Vicinity:</p> <p>Albermarle & Bond 3 Central Buildings, Oldham Street, M1 1JQ</p> <p>Mays Pawnbrokers 3 Royal Exchange Arcade, M2 7EA</p> <p>Further services within 1 mile of the premises:</p> <p>The Money Shop 1 King Street, M2 6AW</p> <p>The Gold Emporium 1A Stockport Road, Longsight, M12 4NE</p> | <p>C</p> | <p>Staff Interaction / Intervention</p> <p>Self Exclusion Policy</p> <p>Gam Care Literature displayed and available at the premises</p> | <p>Staff vigilance adopting a KYC approach to decide on intervention and advice.</p> |
| | | | |

| Identified Local Risk | Licensing Objective | Existing Measures | Further Measures |
|---|---------------------|--|--|
| <p>Schools, Collages & Universities within the immediate vicinity of the premises:</p> <p>None in the immediate vicinity.</p> <p>It is recognised that a number of colleges and universities exist in the wider city and young persons from these establishments will generally frequent the city centre.</p> | <p>C</p> | <p>21 Years admission policy</p> <p>Challenge 25</p> <p>Entrances monitored by staff adopting a risk based approach</p> <p>This demographic is not the target market of the premises</p> | <p>Whilst the premises is legally allowed to permit entry to persons under 18 years of age (so long as those persons are in a dedicated machine category area) it has adopted a strict policy of no entry to any person under 18 years of age whether accompanied by an adult or not</p> <p>The premises has adopted a policy of encouraging over 21 years of age entry.</p> |
| | | | |
| | | | |

LOCAL RISK ASSESMENT

Date : 22nd January 2021

Premises Type: Bingo

Premises Location: 33-35 Piccadilly, Manchester, M1 1LQ

Completed By: Mr S. Hamadi

Reviews to this assessment will be carried on the following basis:

1. To take account of significant changes in local circumstances
2. To take account of significant changes at the licensed premises
3. On each date the licensing authority publishes a revised gambling policy statement



Trafalgar Leisure

Bingo Premises Licence Application: 33-35 Piccadilly, Manchester, M1 1LQ

Statement of Engagement - Police and Local Crime Prevention Partnership Schemes

1. We have submitted a secure by design application to GMP Design for Security and are committed to achieving a Secure by Design accreditation for the premises.
2. We have held a remote meeting with the GMP local crime prevention officer to discuss the proposal and seek his views on the impact of the premises on any existing crime & disorder issues in the vicinity.

The meeting was productive and no concerns were raised that the premises would be likely to add to any crime and disorder in the vicinity of the premises.

We are committed to staying in regular contact with the officers that have responsibility for the local area in order that any future risks or concerns can be addressed proactively in partnership with the relevant authority.

3. We are fully committed to participation in the local business partnership schemes that would support the licensing objectives. This was discussed with the local crime prevention officer, who will be forwarding details of the schemes relevant to the premises.

Date: 25th January 2021

Trafalgar Leisure Limited
373-375 Station Road
Harrow
Middlesex
HA1 2AW

Company Reg. No. 3705826

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PREMISE NAME: TBC

PREMISE ADDRESS: 33-35 Piccadilly, Manchester, M1 1LQ

WARD: Piccadilly

HEARING DATE: 15/03/2021

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Licensing & Out of Hours Compliance Team - Representation

| | |
|------------------|---|
| Name | Jonathon Mathers |
| Job Title | Licensing Out of Hours Officer |
| Department | Licensing and Out of Hours Compliance Team |
| Address | Level 1, Town Hall Extension, Manchester, M60 2LA |
| Email Address | [REDACTED] |
| Telephone Number | [REDACTED] |

| | |
|--------------------|--|
| Premise Details | |
| Application Ref No | M/255244 |
| Name of Premises | TBC (application by TRAFALGAR LEISURE) |
| Address | 33-35 Piccadilly , M1 1LQ |

| |
|---|
| Representation |
| <p>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.</p> <p>The Licensing and Out of Hours (LOOH) team have assessed the likely impact of the grant of this application taking into account a number of factors, including 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 licensing objectives.</p> <p>Officers are not satisfied that the conditions offered are sufficient to uphold the licensing objectives. LOOH therefore recommend the following conditions should be attached to the Premises licence (this includes rewritten offered conditions to make them clear and enforceable)</p> <ol style="list-style-type: none"> 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 the public. 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. The premises shall display prominent signage indicating that the Challenge 25 scheme is in operation. Notices advising what forms of ID are acceptable must be displayed.
4. Staff shall be provided with comprehensive training in interactions/interventions with customers who appear to have a gambling problem and in refusing entry to any person that is intoxicated or under the influence of drugs. Staff will also receive training and guidance on policy and procedures that are applicable to customers who may gamble beyond their means.
5. Staff shall be provided with comprehensive training around the Self Exclusion Policy; Challenge 25 policy and its operation; Emergency procedures, Specific issues relating to the local area; Compliance with the licence conditions and obligations and offences under the Gambling Act.
6. 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
7. SIA registered door staff shall be employed at the premises in accordance with a risk assessment. When employed, door staff will wear high visibility armbands and a register of those door staff employed shall be maintained at the premises and shall include:
 - i. the name, date of birth and residential address of that person.
 - ii. the time at which he / she commenced that period of duty with a signed acknowledgement by that person.
 - iii. the time at which he / she finished the period of duty with a signed acknowledgement by that person.
 - iv. any times during the period of duty when he / she was not on duty.
 - v. If that person is not an employee of the Licensee or his / her employer, the name of the person by whom that security person is employed

8. 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. No. of interventions in a calendar month along with a short description of the cause and effect
 - b. No. of cases in a calendar month where persons who have decided to voluntarily exclude themselves from the premises have tried to gain entry
 - c. No. of mandatory exclusions needing enforcement in a calendar month along with a short description of the cause and effect.
 - d. Attempts to enter by those underage in a calendar month along with short description of incident and action
 - e. Attempts to enter by those underage in the company of adults in a calendar month along with short description of incident and action
 - f. Attempts to enter by those underage with complicit adults in a calendar month along with short description of incident and action
 - g. Staff interventions with customers concerning potential problem gambling in a calendar month along with short description of incident and action
 - h. Refusals of entry to the premises along with a short description of incident and action.
 - i. Incidents of behaviour requiring immediate police assistance along with short description of incident and action.
 - j. Suspicious financial behaviour
 - k. Any faults in the CCTV system

Any incidents recorded in this log must also record the date and time the incident occurred.

LOOH believe these conditions are proportionate and necessary to uphold the licensing objectives.

Recommendation: **Approve with Conditions (Outlined Above)**

From: Fraser Swift [REDACTED] >
Sent: 22 February 2021 17:29
To: Premises Licensing <Premises.Licensing@manchester.gov.uk>
Subject: Re: Premises Licence - New, Bingo: 7PA255244, TBC, 33-35 Piccadilly, Manchester, M1 1LQ (Piccadilly)

Please find attached representation

I am submitting this representation in my capacity as the Licensing Authority Responsible Authority.

A local Licensing Authority is required to carry out its function – including considering applications for Premises Licences – to have regard to any code of practice under Section 24 and any guidance document under section 25 issued by the Gambling Commission (GLA), including the provisions of that code and the principles contained in that guidance.

In exercising its functions under the Act, s.153 states that the licensing authority shall aim to permit the use of premises for gambling in so far as it thinks it:

- a) in accordance with any relevant code of practice under s.24
- b) in accordance with any relevant guidance issued by the Commission under s.25
- c) reasonably consistent with the licensing objectives (subject to a and b above)
- d) in accordance with the licensing authority's statement of licensing policy (policy statement) (subject to a to c above).

Re (b) above, the Commission has the power to issue two types of code of practice. The first is a social responsibility (SR) code. A SR code must be followed and has the force of a licence condition. The Commission may also issue ordinary codes (OC) which are intended to set out best industry practice. They are not mandatory but operators are expected to follow them unless they have alternative arrangements in place that they can demonstrate are equally effective.

In considering this application, I have regard to the Codes of practice, in particular

Social responsibility code provision

9.1.2 Gaming machines in gambling premises – bingo

All non-remote bingo operating licences

1 Gaming machines may be made available for use in licensed bingo premises only where there are also substantive facilities for non-remote bingo, provided in reliance on this licence, available in the premises.

2 Facilities for gambling must only be offered in a manner which provides for appropriate supervision of those facilities by staff at all times.

3 Licensees must ensure that the function along with the internal and/or external presentation of the premises are such that a customer can reasonably be expected to recognise that it is a premises licensed for the purposes of providing bingo facilities.

Taking the Guidance, LCCP, the Council's Policy and the information provided in the application into account, it is submitted that given the lack of detail provided in relation to how the premises will specifically operate does not provide the authority with the **ability to accurately assess the risks posed by the proposed operation, and so licensing the premises would be inconsistent with the requirements of s153 of the Gambling Act**. The reasons for these concerns are set out below:

Lack of details about the business including method and style of operation, appearance and layout, management and staffing

The Gambling Commission's Guidance to Licensing Authorities advises that:

In carrying out their functions under the Act licensing authorities should satisfy themselves that a premises applying for or licensed for bingo is operating or will operate in a manner which a customer would reasonably be expected to recognise as a premises licensed for the purposes of providing facilities for bingo.

18.28 Licensing authorities are not being asked to impose a 'one size fits all' view of how a bingo premises should look and function. Rather they are ensuring that a premises licensed for the purposes of providing facilities for bingo is operating as such and is not merely a vehicle to offer higher stake and prize gaming machines. (GLA 18.28)

18.29 In exercising its functions under the Act a licensing authority should take account of the relevant code of practice on 'controlling where gaming machines may be played'. It is specifically obliged to do so when exercising functions under section 153 of the Act. (GLA 18.29)

Within bingo premises, gaming machines are only to be made available in combination with bingo activity. 'In combination with' does not mean at all times but it is important to understand the actual likely provision of gambling facilities at the premises both in relation to how bingo will be provided e.g. style of play, frequency of games; and gaming machines.

Category B gaming machines are restricted to an environment and 'atmosphere' (to use the word in the First-Tier Tribunal in *Luxuyr Leisure v Gambling Commission*) deemed appropriate for that form of gambling both signals and controls the risks to the licensing objectives associated with gaming machines.

Maintaining distinctions between different gambling venues allows individuals to make a deliberate choice whether to enter that particular gambling environment (GLA 18.27)

There is no information provided on how this premises will operate and so it is submitted that we cannot be satisfied that the **"premises applying for or licensed for bingo is operating or will operate in a manner which a customer would reasonably be expected to recognise as a**

premises licensed for the purposes of providing facilities for bingo” and the premises licensed in accordance with the Guidance and SR code 9.1.2 referenced above.

Gaming machines

s172(7), as amended, of the Gambling Act 2005 provides that the holder of a bingo premises licence may make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines on the premises, and no restriction on the number of category C or D machines. Regulations state that category B machines at bingo premises are restricted to sub-category B3 (SI 2007/2158: Categories of Gaming Machine Regulations 2007) (but not B3A) and B4 machines.

Category ‘B’ gaming machines can be categorised as ‘harder’ forms of gambling due to the combination of higher staking and event frequency. This is why they are confined to venues for which consumers attend for the purpose of gambling or for whom the prospect of such gambling facilities being available can reasonably be expected.

Equipment operated by a bingo operating licence for the purpose of playing bingo, for example what are currently known as mechanised cash bingo, electronic bingo terminal (EBTs) and video bingo terminals (VBTs), will be exempt from controls on gaming machines provided they comply with any conditions set by the Commission and, in the case of EBTs, do not hold gaming machine content. (GLA 18.10)

An EBT that offers gaming machine content in addition to bingo content is considered to be a gaming machine and would count towards the total number of gaming machines or towards the offering of bingo. Any EBTs that do not offer gaming machine content would not count towards the number of gaming machines. GLA (18.11)

Therefore, it is essential to know the degree of gaming machine provision, as this has a direct correlation with the number of ‘harder’ gaming machines that can be provided in this premises, which in turn, has an impact on the risks posed to the licensing objectives.

Supervision

For operators to effectively minimise the risk to the licensing objectives their gambling premises pose, appropriate supervision of the gambling facilities is central.

Without appropriate supervision, operators would be unable, for instance, to prevent underage access, identify and act upon indicators of harm or prevent their facilities being used for or in connection with crime.

To contain the unavoidable risk to the licensing objectives associated with gaming machines, premises which offer machines must be appropriately supervised. (GLA 18.26)

The use of the word ‘appropriately’ recognises that the arrangements for supervision will differ depending on factors including, but not limited to, the size, layout and profile of premises,

business levels and the manner in which facilities are offered; for instance anonymously or through membership/account-based play, as well as the location on gambling facilities provided.

The risk assessment provided does not provide any detail in relation to how these matters will be specifically addressed at the premises. There is a suggestion that they will take a “risk-based’ approach, for example, in relation to monitoring entrances by staff or security to ensure no persons under 18 years of age enters the premises (Page 3 – Statement of Compliance with the Licensing Objectives) However, there is no evidence of what risk assessment will be undertaken and so it is not possible to be satisfied that this approach would be sufficient.

There is an exemption from the PSIA licensing requirement for in-house employees working as door supervisors at casino and bingo premises. S.178 defines door supervision as requiring someone to be responsible for ‘guarding the premises against unauthorised access or occupation, against outbreaks of disorder or against damage’. However, it is not clear from the risk assessment, the extent to which security personnel will be provided and whether these will be SIA licensed persons.

Section 4.4. of the Council’s Gambling Policy/Statement of Principles states:

Staff to customer ratio

All premises will be expected to demonstrate that they will have in place a suitable staff to customer ratio as appropriate to the premises.

To ensure the safety of both customers and staff, sufficient staffing numbers should be in place at all times the premises is open. A suitable ratio should take into account the protection of staff and customers with respect to the crime and disorder objective as well as the objective of protecting children and other vulnerable persons from being harmed or exploited by gambling.

Location and vulnerable persons

The third licensing objective seeks to protect children from being harmed or exploited by gambling and premises should be configured so that children are prohibited from participating in gambling, such that they are not invited to participate in, have accidental access to, or closely observe gambling. Therefore, the outward appearance and setup will be an important consideration, particularly given the location and high number of young people who pass and frequent Piccadilly.

There are a number of existing gambling premises in close proximity to the proposed premises, notably Admiral Casino – an adult gaming centre’ situated next door but one. This matter is not addressed in the application’s risk assessment. Again, depending on the nature of gambling facilities to be provided, it will be appropriate to consider the interplay between the businesses in this location and potential impact on the licensing objectives.

Relevant to these concerns, I would request the following information to be submitted:

1. Vulnerable Groups

What assessment there has been in respect of 'vulnerable persons and groups' locally.

The risk assessment references Piccadilly Gardens to be frequented by drug users. However, there is no reference to drug dealing which, unfortunately, has been experienced in the area. There is the potential to impact the first licensing objective and so I would submit that this should be addressed in the risk assessment.

2. Please set out what facilities will be provided for non-remote bingo and machine-based gambling

3. Appearance and ability to observe gaming from outside

Please could you provide more information on how the premises will function along with the internal and/or external presentation of the premises, including how they are such that a customer can reasonably be expected to recognise that it is a premises licensed for the purposes of providing bingo facilities. Please also provide details of what branding and external advertisements and promotions that it is intended to have in place at this site.

4. Re-admittance following self-exclusion

Please could you provide information on the procedure for how customers will be re-admitted following any exclusion.

5. Staffing levels

Could you provide more details in respect of this i.e. what periods, and also with respect to the number of machines, particularly with respect to staff's ability to effectively monitor gaming activity. Also, how will staff be deployed within the venue, including security staff.

6. Gaming provision on site

Please could you provide some more information of what gaming facilities will be available on site and how these will be managed.

Regulatory background

1.19 (GLA) The Act places a legal duty on both the Commission and licensing authorities to aim to permit gambling, in so far as it is considered to be reasonably consistent with the pursuit of the licensing objectives. The effect of this duty is that both the Commission and licensing authorities must approach their functions in a way that seeks to regulate gambling by using their powers, for example, powers to attach conditions to licences, to moderate its impact on the licensing objectives rather than by starting out to prevent it altogether.

The three licensing objectives (s.1 of the Act) which guide the way that the Commission and licensing authorities perform their functions and the way that gambling businesses carry on their activities, are:

- preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime
- ensuring that gambling is conducted in a fair and open way
- protecting children and other vulnerable persons from being harmed or exploited by gambling

The Commission and licensing authorities have a duty to pursue the licensing objectives, and we expect gambling business to deliver them. (1.21 GLA)

Aim to permit principle and ability to request further details

1.26 The 'aim to permit' framework provides wide scope for licensing authorities to impose conditions on a premises licence, reject, review or revoke premises licences where there is an inherent conflict with the relevant codes of practice, relevant guidance issued by the Commission, the licensing objectives or the licensing authorities own policy statement.

1.29 To reflect the breadth of licensing authority discretion, they are entitled to request such information from operators as they may require to make effective licensing decisions. The Act requires that an application must be accompanied by a minimum level of information (detailed in [Part 7](#) of this guidance). In the Commission's view, however, this does not preclude reasonable requests from licensing authorities for additional information to satisfy themselves that their licensing decision is reasonably consistent with the licensing objectives and the Commission's codes. That information may include, for example, a suitable business plan or the operator's own assessment of risk to the licensing objectives locally.

5.31 Licensing authorities should not turn down applications for premises licences where relevant objections can be dealt with through the use of conditions. In determining applications for premises licences and permits, a licensing authority may request as much information as it requires to satisfy itself that all the requirements set out at s.153 of the Act are met.

Policy

The policy statement is the primary vehicle for setting out the licensing authority's approach to regulation having taken into account local circumstances. It ensures that operators have

sufficient awareness and understanding of the relevant licensing authority's requirements and approach, including its' view on local risks, to help them comply with local gambling regulation.

Licence conditions (General)

- s.169(4) prohibits a licensing authority from imposing a condition on a premises licence which makes it impossible to comply with an operating licence condition
- s.172(10) provides that conditions may not relate to gaming machine categories, numbers, or method of operation
- s.170 provides that membership of a club or body cannot be required by attaching a condition to a premises licence (the Act specifically removed the membership requirement for casino and bingo clubs and this provision prevents it being reinstated)
- s.171 prevents a licensing authority imposing conditions in relation to stakes, fees, winnings or prizes.

Bingo premises licence conditions

Mandatory conditions

18.18 A notice stating that no person under the age of 18 years is permitted to play bingo on the premises shall be displayed in a prominent place at every entrance to the premises.

18.19 No customer shall be able to enter bingo premises directly from a casino, an adult gaming centre or betting premises (other than a track).

18.20 Over 18 areas, within bingo halls that admit under-18s, must be separated by a barrier with prominently displayed notices stating that under-18s are not allowed in that area and with adequate supervision in place to ensure that children and young people are not able to access these areas or the category B or C machines. Supervision may be done either by placing the terminals within the line of sight of an official of the operator or via monitored CCTV.

18.21 Any admission charges, the charges for playing bingo games and the rules of bingo must be displayed in a prominent position on the premises. Rules can be displayed on a sign, by making available leaflets or other written material containing the rules, or running an audio-visual guide to the rules prior to any bingo game being commenced.

18.22 Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to cease gambling in order to do so.

Default conditions

18.23 Bingo facilities in bingo premises may not be offered between the hours of midnight and 9am. However, there are no restrictions on access to gaming machines in bingo premises.

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

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**Manchester City Council
Report for Resolution**

Report to: Licensing Sub-Committee Hearing Panel – 15 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 | |
|---|--|

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

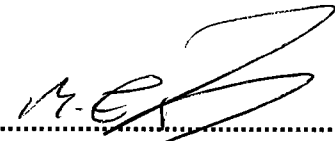
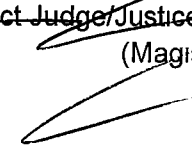
IMPORTANT NOTE:

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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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 [REDACTED] [REDACTED] |

| |
|---|
| 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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