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All correspondence should be sent to our Leeds office

Councillor Joan Davies

Our ref LE/SG/LEV001-1-4/5426

**By email only to
cldr.joan.davies@manchester.gov.uk**

Your ref

20 April 2021

Dear Councillor Davies,

**Our Client: Level202 Ltd
Premises: 202 Kitchen, Units B5 & B6, Left Bank, Manchester M3 3AN
Application for a Premises Licence**

My name is Luke Elford. I am the solicitor representing Level202 Ltd in relation to their application for a Premises Licence at Units B5 & B6 Left Bank.

I was responsible for drafting the application in accordance with my client's instructions. This was done having reviewed Manchester's statement of licensing policy.

I am contacting you because you have made an objection to my client's application. That application is currently due to be heard by Manchester City Council's Licensing Sub-Committee on Wednesday 5 May 2021 at 10am.

I thought that it might be helpful to contact you in advance of the hearing to tell you a bit more about what 202 Kitchen will be and to offer some observations on the matters you have raised within your objection. I know that you have seen the conditions we offered with the application, but I am enclosing a copy for ease of reference. I am also enclosing a copy of the plans submitted with the application.

You are quite right to point out that these premises were previously a Zizzi and a Gourmet Burger Kitchen. I was not involved in obtaining either of those licences, but I have seen both and my client's application was drafted with the terms of those licences in mind. The premises (as proposed) is a restaurant, but it is not a traditional restaurant in the sense of white tablecloths, porcelain and silver cutlery. It is far more modern and will have a buzz and an ambience to it. The hours are, in our view, quite modest particularly in the context of other premises nearby and we have deliberately chosen those hours because we are acutely aware of the problems that can be caused when lots of premises exit their customers at the same time.

You make the point that a restaurant will be less of a disturbance to residents than a stand up bar. This is not a stand up bar by any stretch of the imagination, but my experience is that well run premises, be they restaurants, pubs, bars or anything else, cause comparatively few issues when compared with badly run premises. That is the key difference.

You then make a number of observations about the conditions that we have offered and perhaps it will help if I explain why these particular conditions have been offered.

Last entry - You make the point that this is a condition more commonly associated with bars and to a certain extent you are correct, but in this case the offering of a last entry condition is about ensuring orderly and phased dispersal from the premises in order to promote the licensing objectives. By having a last entry time the premises can ensure that the number of customers accommodated gets fewer and fewer as the evening wears on so that the premises are not allowing large numbers of customers to leave come closing time. In our view, this type of phased dispersal far more sensible than having an artificially early “hard stop.”

Waiter/waitress service - The purpose of this condition was to make it clear that although alcohol will be available to customers throughout opening hours it will primarily be served to customers seated at tables by waiter or waitress.

Off-sales - Off-sales aren't going to be a key feature of my client's offering, but given what everyone has just experienced it is necessary and vital that they have that option should they need it. This condition is just one measure that controls how off-sales are provided.

Queues - We don't anticipate that there will be a queue to enter this premises, but surely the fact that my client has thought about the possibility is a good thing? We would rather the licence said what we should/should not do than leave things open to interpretation, which is where most problems occur.

Capacity - 200 is our estimated capacity and represents an upper limit. Capacities are actually fixed with reference to Fire Risk Assessments and if my client's assessment comes in lower than this number then that is what they shall have to work to.

Customer welfare - We cannot see that it is a bad thing to have a member of staff who is tasked with looking after the wellbeing of customers.

You suggest that a requirement that alcohol only be provided with food be added to the licence. That is not acceptable to my client. Our expectation is that the vast majority of customers who come to 202 Kitchen will eat, but we do not wish to force it upon them. Anecdotally, most premises with outright restaurant conditions breach them in some way and it is easy to see why. If a group of six come for dinner, five wishing to eat and one not, do you truly believe that restaurants turn the entire group away? No, they bring five meals and the one is permitted to drink or worse, is provided with a bowl of breadsticks or olives that they don't touch in an attempt to circumvent the condition. We don't want to be in the position of having to circumvent conditions and we don't want to be in the position of having to turn away business. We hope that is clear.

We take on board your concerns about music in external areas and we are happy to agree that there will be none.

You mention other premises external hours being curtailed at 10pm. We have done some research and this does not seem to be the case.

Smoking is always a difficult subject and customers have to be able to smoke throughout trading hours for they cannot smoke inside. We will have a smoking area and it will be located as sensitively as it can be whilst taking into account the needs of local residents and our need to be able to control it. We are happy to work with local residents on this.

Generally speaking, we think that the conditions we have offered are a good thing and show that 202 Kitchen have turned their mind to how they will operate and Manchester's policy.

202 Kitchen want to be a success, but they absolutely don't want that to come at a cost to local residents. To that end, we are more than happy to commit to regular meetings between the venue management and any local residents that would like to be involved. Some of the other objectors have pointed out issues around things like when deliveries to/collections from 202 Kitchen will take place and we are looking to ensure that

what we do is consistent with what other venues like The Dockyard and The Refinery have agreed. We don't want to upset the applecart so if something has been agreed with those venues then we will look to, if we can, agree it too. I have to say that having reviewed the Premises Licences enjoyed by The Dockyard and The Refinery, and even the Premises Licences that existed at Units B5 & B6 previously, that the conditions we are proposing are above and beyond what exists currently or what went before.

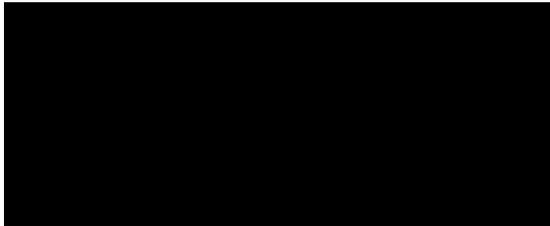
I know that there is some concern about this application and that fine and understandable. To that end, I am going to make myself available on the evening of 28 April 2021 between 6:30 and 8:30pm for anybody who wants to discuss the application to meet with me via Zoom. I appreciate people's diaries vary so I'm going to run the evening as a "drop-in" session rather than a formal meeting with minutes and what have you. I do hope that you will join me.

If you would like to discuss the application further or if there is anything I can help with then you are most welcome to email me at luke.elford@mancc.gov.uk.

If having read this letter and seen the additional documentations you feel comfortable withdrawing your representation (and you are under no pressure or obligation to do that) then I would be grateful if you would contact Mr Patrick Ware at Manchester City Council. He is the officer dealing with this application and can be reached by emailing premises.licensing@manchester.gov.uk.

With my best wishes.

Yours sincerely,



Luke Elford
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