

## Licensing Sub Committee Hearing Panel

### Minutes of the meeting held on Monday, 9 January 2023

**Present:** Councillor Hughes – in the Chair

**Councillors:** Hewitson and T Judge

**LACHP/23/2. Application for a New Premises Licence - Yakoyo, 55 Kenyon Lane, Manchester, M40 9JG**

The Hearing Panel considered a report from the Director of Planning, Building Control and Licensing. The Hearing Panel also considered the written papers of the parties and the oral representations of the parties in attendance as well as the relevant legislation.

The Hearing Panel were informed that the applicant had amended their conditions and now proposed opening hours of:

Monday to Sunday 12:00 to 23:00

With sale by retail of alcohol (no off sales) of:

Monday to Sunday 12:00 to 22:00

Consequently, GMP and a Local Ward Councillor had withdrawn their representations, leaving only resident's objections, none of whom attended the hearing.

The applicant's agent addressed the Hearing Panel and stated that he was an investor in the restaurant. He stated that the mother of the applicant previously ran the restaurant for 6/7 years but had now sadly passed away. There had been no previous issues with the running of the premises. The premises had been refurbished and the applicant now wanted to improve the offering to the public by adding drinks and cocktails to the menu. The agent expressed that they had made an error in the timings requested on the initial application, adding that this had mis-led nearby residents in believing that it was a different kind of premises.

The Legal Advisor to the Hearing Panel asked if the newly requested alcohol trading hours had been clarified as ceasing at 22:00 and if alcohol would only be served with a sit down meal.

The applicant's agent confirmed both to be correct.

In summing up, the applicant's agent stated that they had a shop in Ancoats and that they had experience of researching areas prior to application, which he had done for the area around Ya Koyo. He expressed that he respected areas and procedures and added that staff would be properly trained and door security would be hired, if necessary, but felt that this was unlikely.

In their deliberations, the Hearing Panel noted that GMP and a Local Ward Councillor had both withdrawn their objections in response to the new proposals from the premises and felt that the applicant and their agent had accommodated objectors'

concerns. The Hearing Panel felt that these new proposals and conditions would guarantee that the premises would uphold the licensing objectives.

## **Decision**

To grant the licence, subject to amended conditions and proposed hours, as agreed with the Licensing compliance team, as follows:

Opening hours to the public Monday to Sunday 12:00 to 23:00

Sale by retail of alcohol (no off sales) Monday to Sunday 12:00 to 22:00

Recorded music Monday to Sunday 12:00 to 23:00

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 will 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 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 standard DVD player.

No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises that gives rise to a nuisance.

Patrons permitted to temporarily leave and then re-enter the premises, e.g., to smoke, shall not be permitted to take drinks or glass containers with them.

The premises shall only operate as a restaurant where intoxicating liquor shall not be sold, supplied or consumed on the premises otherwise than to person who are diners taking substantial table meals and provided always that the consumption of intoxicating liquor by such persons is ancillary to taking such meals.

And as conditions agreed with Trading Standards as follows:

The Challenge 25 scheme must be operated to ensure that any person who appears to be under the age of 25 shall provide documented proof that he/she is over 18 years of age. Proof of age shall only comprise a passport, photo card driving licence, an HM Forces warrant card, or a card bearing the PASS hologram.

All staff engaged in the sale of alcohol will be trained with regards to the Challenge 25 policy and sales by proxy. This training will be documented, and training should be refreshed at no greater than 6

monthly intervals.

The Premises Licence Holder will ensure that signage demonstrating the Challenge 25 policy as well as selling alcohol to children by proxy are placed at the entrance to the premises as well as being displayed in all areas serving alcohol.

A log shall be kept and record all instances when alcohol has been refused for the reasons that the person(s) is, or appear to be, under 18 years of age. The log shall record the date and time of the refusal and the name of the member of staff who refused the sale. The log will be available on request by the police or an authorised officer of Manchester City Council. The log shall be checked on a regular basis by the Designated Premises Supervisor to ensure that it is being used by staff and each check shall be recorded in the log.

The Premise Licence Holder will also ensure regular checks are made around the inside and outside of the premises for underage persons encouraging adults to buy alcohol for them.