



Licensing Act 2003 (Hearings) Regulations 2005

Reference: 262212
Name: Kyotoya
Address: 28 Copson Street, Manchester, M20 3HB
Ward: Old Moat
Application Type: Premises Licence (new)
Name of Applicant: Jing Du Wu Ltd
Date of application: 16/08/2021

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

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

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

Proposed licensable activities and opening hours to be granted

Provision of regulated entertainment (recorded music):

Sun 5.30pm to 9.30pm
Tue to Thu 5.30pm to 9.30pm
Fri to Sat 5.30pm to 10.30pm

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

Sun 5.30pm to 9.30pm
Tue to Thu 5.30pm to 9.30pm
Fri to Sat 5.30pm to 10.30pm

Opening hours:

Sun 5.30pm to 10pm
Tue to Thu 5.30pm to 10pm
Fri to Sat 5.30pm to 11pm

Representations received

Greater Manchester Police	GMP objected to the application as the operating schedule did not uphold the licensing objectives. GMP have requested further conditions are added to the licence to uphold the objectives.
Licensing & Out of Hours Compliance	LOOH objected to the application on the grounds that the premises is located within a row of commercial premises, and further conditions are required to uphold the licensing objectives.
Trading standards	Trading standards objected to the application based on the grounds that the applicant has offered inadequate conditions to support the licensing objective for protecting children from harm. Trading standards have proposed further conditions to uphold this objective.

Agreements between parties

Greater Manchester Police:

1. The premises shall install and maintain a comprehensive digital colour 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 whilst 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 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.
2. The Designated Premises Supervisor shall ensure that a written notice of authority is kept at the premises for all staff who sell alcohol. The notice shall be made available for inspection upon request of the police or an authorised officer of the licensing authority and all staff selling alcohol must be in possession of formal identification to enable to verify their identity against the notice.
3. The premises shall display prominent signage indicating at any point of sale, at the entrance to the premises and in all areas where alcohol is located that it is an offence to buy, or attempt to buy, alcohol for a person under the age of 18.
4. In addition to any other training, the premises licence holder shall ensure all staff are trained to prevent underage sales, to be aware of and prevent proxy sales, to maintain the refusals log, enter sales correctly on the tills so the

prompts show as appropriate and monitor staff to ensure their training is put into practice. Documented records of training completed shall be kept for each member of staff. Training shall be regularly refreshed at no greater than 6 monthly intervals.

Licensing & Out of Hours Compliance:

1. A CCTV system shall be maintained and operated at the premises with cameras positioned both internally and externally.
2. Recorded CCTV images shall be maintained and stored for a period of twenty-eight days and shall be produced to the Police or Licensing Authority upon request.
3. Any person left in charge of the premises must be trained in the use of any such CCTV equipment, and be able to produce CCTV images to an officer from a responsible authority upon request.

(Conditions 1-3 are similar to GMP Condition 1)

4. Sales of Alcohol for consumption on the premises shall only be supplied with, and ancillary to a main meal
5. The premises licence holder shall ensure that at all times when the public is present there is at least one competent person able to administer first aid, that an adequate and appropriate supply of first aid equipment and materials is available on the premises, and that adequate records are maintained in relation to the supply of any first aid treatment
6. Signs to be displayed requesting customers to be quiet when leaving the premises
7. No bottles, glasses or similar items may be disposed of in outside receptacles between 22:00 and 08:00 hours

Trading Standards

1. The Challenge 25 scheme must be operated including at the point of delivery to ensure that any person who appears to be under the age of 25 shall provide documented proof that he/she is over 18 years of age. Proof of age shall only comprise a passport, photo card driving licence, an HM Forces warrant card, or a card bearing the PASS hologram.
2. The premises shall display prominent signage indicating at any point of sale, at the entrance to the premises and in all areas where alcohol is located that the Challenge 25 scheme is in operation.
3. The premises shall display prominent signage indicating at any point of sale that it is an offence to buy or attempt to buy alcohol for a person who is under 18 and for a person under the age of 18 to buy or attempt to buy alcohol.
(Duplicate of GMP Condition 3)
4. In addition to any other training, the premises licence holder shall ensure that all staff are trained to prevent underage sales, are aware of and prevent proxy sales, maintain the refusals log, enter sales correctly on the tills so the prompts show as appropriate, and that they monitor staff to ensure their training is put into practice.

5. Documented records of training completed shall be kept for each member of staff. Training shall be regularly refreshed and at no greater than 6 monthly intervals. Training records shall be made available for inspection upon request by a police officer or an authorised officer of Manchester City Council.
(Similar to Condition 4 proposed by GMP)
6. A log shall be kept at the premises to record all refused sales of alcohol for the reasons that the person(s) is/are, or appear(s) 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.

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