

**Decisions taken by the Licensing Committee on Tuesday, 26 November 2024**

Agenda Item No	Topic	Decision
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**Part A – Items considered in public**

<b>A1</b>	Minutes	Agreed.
<b>A2</b>	Declarations of Interests	None.
<b>A3</b>	China Ark Market, Unit K Gothenburg Court, Bailey Street, SE8 5EY	<p>1. Asian Food CW Limited (“the Applicant”) applied for the grant of a new Premises Licence on 8<sup>th</sup> October 2024. for China Ark Market, Unit K Gothenburg Court, Bailey Street, SE8 5EY (“the Premises”).</p> <p>2. The application was for the grant of a premises licence to allow for the retail sale of alcohol for consumption off the Premises for: 10.00am to 22.00 hours Monday to Sunday.</p> <p>3. The Applicant offered conditions as part of their application, under Section ‘M’ of the form. Following representations from the Police, additional conditions on the premises were agreed by the applicant and the representation from the Police was withdrawn.</p> <p>The additional conditions agreed on the premises licence were as follows:</p> <p><b>General</b></p> <ol style="list-style-type: none"> <li>1. All sales of alcohol for consumption off the premises shall be in sealed containers, and shall not be consumed on the premises.</li> <li>2. There shall be a personal license holder on duty on the premises at all times when the premises are authorised to sell alcohol.</li> <li>3. An incident log shall be kept at the premises, and made available on request to an authorized Local Authority or Police Officer, which will record the following: <ul style="list-style-type: none"> <li>All crimes reported to the venue.</li> <li>All ejections of patrons.</li> <li>Any complaints received.</li> </ul> </li> </ol>

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		<p>Any incidents of disorder.                      All seizure of drugs or offensive weapons.                      Any faults in the CCTV system.                      Any refusal of the sale of alcohol.                      Any visit by a relevant authority or emergency service.</p> <p>4. The premises shall prominently display signage at all entrances informing customers: - CCTV is in operation throughout this premises and is made available to the police.</p> <p>5. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.</p> <p>6. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.</p> <p><b>CCTV</b></p> <p>7. The premises shall install and maintain a comprehensive CCTV system. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorized officer throughout the preceding 31 day period. The CCTV system should be updated and maintained according to police recommendations.</p>

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		<p>8. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member must be able to show a Police or authorized council officer recent data or footage with the absolute minimum of delay when requested.</p> <p><b>Age Verification and Protection of Children from Harm</b></p> <p>9. A proof of age scheme, such as Challenge 25, must be operated at the premises where the only acceptable forms of identification are (recognized photographic identification cards, such as a driving license or passport / Holographical marked PASS scheme identification cards) appropriate signage must be displayed.</p> <p>10. The DPS shall ensure that all employed staff shall receive regular training, a minimum of once a year on the prevention of underage sales and on Challenge 25 scheme. The DPS shall also ensure that all delivery agents that are used have also been trained and seek assurance from the company`s management.</p> <p>11. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the Council at all times whilst the premises is open.</p> <p><b>Supply of Alcohol OFF sales</b></p> <p>12. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.</p>

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		<p>13. No super-strength beer, lagers, ciders or spirit mixtures of 6.5% ABV (alcohol by volume) or above shall be sold at the premises.</p> <p>14. No more than 15% of the sales area shall be used at any one time for the sale, exposure for sale or display of alcohol.</p> <p style="text-align: center;"><b>Training</b></p> <p>15. The premises Licence Holder and/or Designated Premises Supervisor shall keep up to date policies and staff training records in relation to the following: Requirements of the challenge 25 scheme, drugs, identification &amp; recognition of drunks, identification recognition and responsibilities of dealing with vulnerable persons and the correct procedures to be followed when refusing service regular training must be provided to all staff at least every six months, a record of the training will be maintained for at least twelve months</p> <p>5. There were no representations received from any other Responsible Authority. Two written representations were received from local residents on the grounds of the prevention of public nuisance, Public Safety and the Protection of children from harm.</p> <p>6. The Licensing Committee held a hearing on 26<sup>th</sup> November 2024 to consider the Application. An agent attended and spoke on behalf of the Applicant company. The Committee also heard from one of the local residents in support of their written representations opposing the grant of the new premises licence.</p> <p>7. In making its decision the Committee has considered all the papers contained in the report pack together with the oral submissions and evidence presented on behalf of the Applicant and the Resident at the hearing. The committee has also considered the Council's own Statement of Licensing Policy 2020-25 and the latest Home Office Statutory Guidance, revised in</p>

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		<p>December 2023.</p> <p><b>8.</b> The Committee’s decision is to grant the application in the terms submitted subject to the additional agreed conditions. Its reasons for granting the application are as follows:</p> <p>a. The Committee noted that the Applicant had agreed extensive conditions with the Licensing Authority and Police. The Committee has determined that the additional conditions agreed by the Application support the promotion of the licensing objectives.</p> <p>b. The Committee took very careful consideration of the concerns raised by the residents. However, the Committee considered that these related to possible or potential issues for which there was not sufficient evidence from the way the business was currently conducted or the circumstances of the building and surrounding area that would justify not granting the Licence or imposing further conditions. It considered that the conditions offered in the application, along with the additional conditions agreed with the Licensing Authority and Police, addressed the concerns raised by residents and demonstrated that the Applicant would promote each of the four licensing objectives.</p> <p>c. In particular, the Committee noted that the issue of ‘electronic noise’ from machinery at the premises would be addressed by the additional condition ‘5.’ That reads:</p> <p style="text-align: center;"><i>&lt;&lt;No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance. &gt;&gt;</i></p> <p>d. The Committee noted that if the applicant business failed to comply with any of the conditions of the Licence or other matter arose in connection with one of the four licensing objectives, it would be open to the residents who had raised objections, or other persons, to ask the Licensing Authority to review the licence.</p>

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		<p>9. There is a right of appeal against this decision. Any appeal should be made to the Magistrates' court within 21 days beginning with the day on which the appellant was notified of the decision.</p> <p>3 December 2024</p>