

Tear, Jayne

Subject: FW: New Premises Application Shogun Sakes Ltd, 125 Station Passage Queens Road London SE15 2JR: Reference 884072

From: Forrest, Yemisi <Yemisi.Forrest@Southwark.gov.uk>

Sent: Friday, September 20, 2024 4:00 PM

To: Regen, Licensing <Licensing.Regen@southwark.gov.uk>

Subject: FW: New Premises Application Shogun Sakes Ltd, 125 Station Passage Queens Road London SE15 2JR: Reference 884072

Hi Please see below a copy of a representation sent this morning, apologies for forgetting to copy you in

Kind regards

Yemisi Forrest

Pronouns: She/Her

Principal Enforcement Officer

Southwark Council | Environment, Sustainability & Leisure (ES&L) | Regulatory Services

T: 020 7525 5739

Postal Address:

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From: Forrest, Yemisi

Sent: Friday, September 20, 2024 8:57 AM

To: [REDACTED]

Cc: McArthur, Wesley <Wesley.McArthur@southwark.gov.uk>; mark.A.Lynch@met.police.uk; Jerrom, Charlie <Charlie.Jerrom@southwark.gov.uk>

Subject: FW: New Premises Application Shogun Sakes Ltd, 125 Station Passage Queens Road London SE15 2JR: Reference 884072

Trading Standards as a responsible authority are in receipt of a new premises license application in respect of a premises from Shogun Sakes Ltd at 125 Station Passage, Queens Road, London SE15 2JR. Trading Standards as a responsible authority are making representations in respect of this application under all the licensing objectives, but primarily the protection of children from harm.

In the general description this is :- Railway Arch

The opening hours are to be :-

Monday to Wednesday 08:00 – 18:00

Thursday to Friday 08:00 – 23:00

Saturday 11:00 – 23:00

The hours for alcohol sales (off and on sales)

Monday to Wednesday 08:00 – 18:00

Thursday to Friday 08:00 – 23:00

Saturday 11:00 – 23:00

It is noted in relation to part M (a) General all four licensing objectives....

1. The CCTV system installed at the premises shall be maintained in effective working order, and shall be in operation at all times the premises is open. All recordings made by the CCTV system shall be retained and stored in a suitable and secure manner for a minimum of 31 days, and shall be made available on request to the Metropolitan Police, the Licensing Authority or other Responsible Authorities. At all times the premises is open a minimum of one member of staff on duty will be able to operate the CCTV system.

2. Alcohol deliveries shall only to be made to business and/or private residences and not to any public/open spaces.

3. The licence holder shall ensure that anyone utilised by the licence holder for the role of delivering alcohol orders ensures that the alcohol is delivered to the client who ordered the alcohol, or ensures that any 'safe place' as designated by the client where the delivery can be left must be in an area not visible to the general public and not where any minor can access the delivery. Evidence of age in the form of photo identification shall be requested before the alcohol is handed over, from any recipient of a delivery of alcohol appearing to those undertaking that delivery, to be under the age of 25. Examples of appropriate photo identification include a passport, driving licence, and the Proof of Age Standards Scheme (PASS) approved age card.

4. A record of refusals shall be maintained which documents every instance that a sale or supply of alcohol is refused, indicating the date and time the refusal was made, and the member of staff making the refusal.

5. The record of refusals shall be available for inspection by authorised officers of the licensing authority, officers of the trading standards service, and officers of the Police. 6. All staff that undertake the sale or supply of alcohol shall receive appropriate training in relation to undertaking appropriate age checks on such, before being allowed to sell or supply any alcohol. Refresher training will be carried out at least every three months. 7. Records of all staff training, relating to

the sale or supply of alcohol, along with any training material used, will be kept and maintained by the Designated Premises Supervisor or the Premises Licence Holder.

8. Staff training records shall be available for inspection by authorised officers of the licensing authority, officers of the trading standards service, and officers of the Police.

It is noted that in relation to the protection of children from harm, part M (e)

1. The licence holder shall ensure that anyone utilised by the licence holder for the role of delivering alcohol orders ensures that the alcohol is delivered to the client who ordered the alcohol, or ensures that any 'safe place' as designated by the client where the delivery can be left must be in an area not visible to the general public and not where any minor can access the delivery. Evidence of age in the form of photo identification shall be requested before the alcohol is handed over, from any recipient of a delivery of alcohol appearing to those undertaking that delivery, to be under the age of 25. Examples of appropriate photo identification include a passport, driving licence, and the Proof of Age Standards Scheme (PASS) approved age card.

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6. Staff training records shall be available for inspection by authorised officers of the licensing authority, officers of the trading standards service, and officers of the Police.

However, trading standards have concerns with regard to orders of alcohol purchased from the company's website at <https://shogunsakes.com/>

Currently it is possible to make purchases of alcohol from the website without a licence, alcohol sales should not be made until such time as a premise licence has been granted.

Also it states that online orders may be left in a "safe place' as designated by the client where the delivery can be left must be in an area not visible to the general public and not where any minor can access the delivery...."

As there are no details provided as to how you will ensure that these orders will be collected by someone over the age of 18. On entry to your website it requires purchasers to tick a box that they are over 18, which is not sufficient, as it allows alcohol to be purchased, it appears, without making any verification checks prior to completing the purchase.

This does not address the mechanisms for ensuring these things do not happen. These have been reproduced in this representation to illustrate the lack of adequate proposed conditions in

order to deal with these matters. It maybe that the applicant has some form of contract with the courier / dispatcher that deals with these matters but this is not made clear in the application.

If the license were to be granted then Trading Standards as a responsible authority would ask that the applicant suggest some form of conditions to ensure that alcohol is not delivered to minors and what online age verification scheme is to be used. As deliveries appear to be made by courier there need to be robust systems in place that age checks will be made on the doorstep.

Trading Standards would welcome a dialogue on these matters to discuss what conditions could be put in place to ensure that the licensing objective “the protection of children from harm” is met. An initial suggestion might be as follows:-

- That all online sales of alcohol are subject to a real time age verification check via an external third party.

That drivers (whether employed directly, as self-employed or via third parties) have to undertake training on age restricted policies to ensure that the following checks are conducted at the point of delivery when the person appears to be under the age of 25

- All online age verification checks should only be made by a company which is a member of the following organisation <https://avpassociation.com/>

It will really depend upon how the business operates as to the exact wording of such conditions. In a face to face business the following kinds of conditions might be appropriate but clearly this would not work in these circumstances..

4AA - The premises shall operate an age check 'Challenge 25' policy whereby customers purchasing alcohol who look or appear to be under 25 years of age will be asked for an approved form of proof of age to verify their age. Approved forms shall include a driving licence, passport or a PASS approved proof of age card such as the Southwark Proof of Age (SPA) card.

4AB - All staff involved in the sale of alcohol shall be trained in the age check 'Challenge 25' policy. A record of their training, including the dates that each member of staff is trained, shall be available for inspection at the premises on request by the Council's authorised officers or the Police.

4AC - Age check or 'Challenge 25' signage shall be displayed at entrances to the premises, areas where alcohol is displayed for sale and at points of sale to inform customers that an age check 'Challenge 25' policy applies and proof of age may be required.

4AI - A register of refused sales of alcohol shall be maintained in order to demonstrate effective operation of the policy. The register shall be available for inspection at the premises on request by Council authorised officers or the Police.

Draft guidance published by the Government on these matters for primary authority relationships with businesses suggest the following:-

“Online Age Assessment for Remote Sales”

Online transactions present a challenge that the customer is not directly visible to the company to assess their age. Broadly, online transactions should verify age by securing that:

- The customer is a real person
- The customer is able to demonstrate that they are over the relevant age restriction
- That this is anchored in a process that can be relied upon
- That the process is tested, independently certified and monitored

Primary authorities should seek evidence from partner businesses or their systems suppliers that the approach to age verification meets the above criteria and any other relevant criteria to the specific circumstances of the transactions.

Primary authorities should consider whether systems are resilient to presentation attack (this is more commonly known as 'spoofing'). There should be means in place to test for both liveness presentation attack (is it a real living person) and documentary presentation attack (is it a genuine ID document).

Systems should be clear, through their age check practice statement, of the methodologies utilized to provide age assurance and the authoritativeness category of originating identity documentation. Primary authorities may want to consider the application of relevant standards (such as the Governments Good Practice Guide (GPG45) on identity proofing, the PASS 2:2020 – Proof of Age Standards Scheme – Requirements for e-ID Validation Technology or BS 8626:2020 – Design and operation of online user identification systems – Code of practice.

Typically, authoritativeness categories of identity documents should secure that they are from:

- A governmental or public authority
- The Proof of Age Standards Scheme (PASS) or international equivalent
- An authorized or regulated industry (such as finance or utility)

It is worth noting that identity is a construct of an asserted status noted and recorded by the individual citizen and their home state. A person's identity attributes can evolve over time, although their date of birth remains a constant (name, address, gender, financial footprint and other identify attributes can change through the lifetime of an individual). Processes based on gaining age assurance associated with identity are, therefore, prone to error. Primary authorities should consider whether or not the validity of an age assurance check based on identity verification should diminish over time, perhaps associated with the risk assessment of the age restricted item concerned. Generally, primary authorities should not accept age assurance that are perpetual indefinitely.

There are numerous methods of age assurance, which are growing and developing in accuracy and efficacy all of the time. At present the following are some of the methods that businesses may be seeking to implement:

- e-IDVT (ID verification technology) – scanning a passport/Driving Licence/PASS Card – with or without NFC capabilities (near field communication).
- Apps and Attribute Identity and Verification Services

- Age Estimation and Artificial Intelligence Systems
- Database look up – links to primary data sources (like credit reference agencies). Government records, records from sources regulated by government agencies (such as FCA, OFCOM, etc), PASS Card Issuers
- Age Exchanges – distributed ledgers

Primary authorities should consider how businesses and age assurance systems deal with contra indicators, that is information or behaviours that cast doubt on the age assurance gained.”

AS CAN BE SEEN FROM THE ABOVE THERE ARE AS YET NO AGREED PROTOCOLS FOR MOVING FORWARD ON THESE MATTERS AND THE TECHNOLOGY IS RAPIDLY EVOLVING.

Trading Standards as a responsible authority would welcome a dialogue with the company to try and agree a way forward that is appropriate for your business.

Kind regards

Yemisi Forrest

Pronouns: She/Her

Principal Enforcement Officer

Southwark Council | Environment, Sustainability & Leisure (ES&L) | Regulatory Services

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LIVES TOGETHER**

LICENSING REPRESENTATION

To: Licensing Unit	From: Wesley McArthur wesley.mcarthur@southwark.gov.uk 020 7525 5779 (on behalf of the Licensing Unit in its role as a responsible authority)	Date: 11 October 2024
Subject:	Representation	
Act:	The Licensing Act 2003 (the Act)	
Premises:	Shogun Sakes, 125 Station Passage, Peckham, London, SE15 2JR	
Application number:	884072	
Location ID:	202016	Ward: Nunhead & Queens Road

We object to the grant of an application for a premises licence, submitted by Shogun Sakes Ltd under The Licensing Act 2003 (the Act), in respect of the premises known as Shogun Sakes, 125 Station Passage, Peckham, London, SE15 2JR.

1. The application

The application is to allow for the provision of the following licensable activities and opening hours:

The sale of alcohol to be consumed on and off the premises –

- **Monday – Wednesday: 08:00 – 18:00**
- **Thursday & Friday: 08:00 – 23:00**
- **Saturday: 11:00 – 23:00**

Opening times:

- **Monday – Wednesday: 08:00 – 18:00**
- **Thursday & Friday: 08:00 – 23:00**
- **Saturday: 11:00 – 23:00**

The premises, and its intended operation, are described in the application as follows (verbatim):

- “*Railway Arch.*”

2. Our objection

Our objection relates to the promotion of the prevention of crime and disorder, public safety and prevention of public nuisance licensing objectives.

We do not object to the application *in principal* however, in part ‘M’ of the application, the applicant has proposed various measures to address the licensing objectives and whilst we welcome these measures, we say that they need to be amended to sufficiently address the licensing objectives, and we also say that further conditions are required.

Any conditions proposed must be practicable, enforceable and unambiguous.

Paragraph 1.16 (Licence conditions – general principles) of the Guidance to the Licensing Act 2003 issued by the Secretary of State under section 182 of the Licensing Act 2003 states that conditions –

- “*must be precise and enforceable;*”
- “*must be unambiguous and clear in what they intend to achieve;*”

We therefore recommend that the following conditions be included in any premises licence issued subsequent to this application, and replace the measures proposed in part ‘M’ of the application ***in their entirety***.

A. General – all four licensing objectives:

1. That all relevant staff shall be trained in their responsibilities under the Licensing Act 2003, the promotion of the licensing objectives and the terms and conditions of this licence. Records pertaining to such training (‘the staff training logs’) shall be kept at the premises, shall be updated every 6 months and shall be made immediately available to responsible authority officers on request. The training logs shall include the trainee’s name (in block capitals), the trainer’s name (in block capitals), the date(s) of training and a declaration that the training has been received and understood by the trainee. If the staff training logs are a paper hardcopy then the signature of the trainee, the signature of the trainer shall be included.
2. That any ‘off sales’ of alcohol shall be provided in sealed containers to be taken away from the premises.
3. That, to discourage ‘street drinking’ in the locale by customers of the premises, clearly legible signage shall be prominently displayed where it can easily be seen and read by customers at all exits requesting to the effect that customers do not consume alcoholic drinks bought at the premises, in the vicinity of the premises. Such signage shall be kept free from obstructions at all times.

B. The prevention of crime and disorder:

4. That a digital CCTV system shall be installed at the premises, shall be maintained in full working order and shall be continually recording at all times that the premises are in use. The CCTV system must be capable of capturing a clear facial image of every person who enters the premises. The CCTV system shall be correctly time and date stamped. The CCTV system shall cover all interior and exterior areas of the premises, including the frontage of the premises, and shall collect clearly defined / focused footage.
5. That all CCTV footage shall be kept for a period of thirty one (31) days and shall be made immediately available to authorised officers on request.
6. That a member of staff who is trained in the use of the CCTV system and who is able to view, and download to a removable storage device, CCTV footage at the immediate request of authorised officers shall be on duty at all times that the premises are in use.
7. That clearly legible signage shall be prominently displayed where it can easily be seen and read by customers advising to the effect that CCTV is in operation at the premises. The signage shall be kept free from obstructions at all times.
8. That an incident log shall be kept at the premises to record details of any of the following occurrences at the premises:
 - a) Instances of anti-social or disorderly behaviour
 - b) Calls to the police or other emergency services

- c) Any complaints received
- d) Ejections of people from the premises
- e) Visits to the premises by the local authority or emergency services
- f) Any malfunction in respect of the CCTV system
- g) All crimes reported by customers, or observed by staff
- h) Any seizures of drugs or weapons
- i) Any other relevant incidents

The incident log shall record the time, date, location in the premises and description of each incident, details of any action taken in respect of the incident and the printed name of the person reporting the incident. Details of incidents shall be recorded contemporaneously. The incident log shall be available / be accessible at the premises at all times that the premises are in use, and shall be made immediately available to responsible authority officers on request. Details of incidents shall be recorded contemporaneously. If the incident log is a paper hardcopy then the signature of the person reporting the incident in the log shall also be included. All relevant staff employed at the premises shall be trained in the use of the incident log. Details of such training, including the printed name(s) of the trainee(s) and the date(s) that the training was given, shall be recorded in the staff training logs at the premises.

9. That any 3rd parties / members of the public using the premises for a promoted or private event must complete a venue hire agreement as written and supplied by the premises licence holder. The venue hire agreement shall include the full name and address of the hirer, copy of valid photo identification of the hirer (kept on file in accordance with data protection requirements), the hirer's signature and the date that the venue hire agreement has been signed. The venue hire agreement shall include all of the licensee's terms of hire. Such agreements shall be kept on file for 6 months from the date of the event and be made immediately available to responsible authority officers on request.

C. Public Safety

10. That the maximum number of people permitted on the premises at any one time (the 'accommodation limit') is X people (excluding staff). The accommodation limit shall be known by all staff and shall not be exceeded at any time.

<<The applicant is to provide the accommodation limit>>

14. That clearly legible signage shall be displayed where it can easily be seen and read by customers and staff identifying all emergency escape routes and emergency exits at the premises. Such signage shall be kept free from obstructions at all times.
15. That all emergency exits, emergency escape routes and entry / exit doors at the premises shall be kept free from obstructions at all times that the premises are in use.
16. That no identified emergency exits shall be kept locked / bolted shut at any time that the premises are in use.
17. That appropriate first aid equipment / materials shall be kept at the premises in a dedicated first aid box / boxes. The first aid box(es) shall be kept easily accessible and unobstructed at all times. All staff shall be made aware of where the first aid boxes are located.
18. That an accident book / recording system shall be maintained at the premises and be available and in use at all times that the premises are in operation. The accident book / recording system shall meet all current legislative requirements. Details of any

accidents will be recorded in the accident book / recording system contemporaneously. The accident book / recording system shall be made immediately available to responsible authority officers on request. Relevant staff shall be trained in this, and details of such training including the printed name(s) of the trainee(s), and the date(s) that the training was given, shall be recorded in the staff training logs at the premises.

19. That 'Ask for Angela' posters (or posters relating to whatever similar scheme may be recommended at any time) shall be displayed in the female toilet facilities and kept free from obstructions at all times. All staff shall be trained in the 'Ask for Angela' scheme (or similar scheme) and shall perform the appropriate course of action in the event of a customer requesting assistance. Details of such training, including the printed name(s) of the trainee(s), and the date(s) that the training was given, shall be recorded in the staff training logs at the premises.

D. The prevention of public nuisance

22. That a dispersal policy to assist with patrons leaving the premises in an orderly and safe manner shall be devised and maintained regarding the premises. A copy of the dispersal policy shall be accessible at the premises at all times that the premises are in operation. The policy should include (but not necessarily be limited to) the following:
- a) Details as to how customer / staff egress at the premises shall be managed to minimise causing nuisance.
 - b) Details of public transport in the vicinity and how customers will be advised in respect of it.
 - c) Details of the management of taxis to and from the premises.
 - d) Details of the management of any 'winding down' period at the premises.
 - e) Details of road safety in respect of customers leaving the premises.
 - f) Details of the management of ejections from the premises.
 - g) Details as to how any physical altercations at the premises are to be managed.
- All relevant staff employed at the premises shall be trained in the latest version of the dispersal policy. Details of such training, including the printed name(s) of the trainee(s) and the date(s) that the training was given, shall be recorded in the staff training logs at the premises. If the dispersal policy is a paper document then the signature of the trainees shall also be included. The dispersal policy shall be made immediately available to responsible authority officers on request.
23. That any advertising, marketing or media relating to the premises (including websites) will advise customers that there is no readily available parking in the vicinity of the premises, shall list public transport options available in the vicinity and shall advise customers to refrain from driving to the premises.
24. That the management shall assign a designated pick-up spot / 'pick up pin' with all current online taxi hailing services (e.g. Uber, Bolt etc.).
25. That clearly legible signage shall be prominently displayed where it can easily be seen and read by customers, at all exits from the premises and in any external areas, requesting to the effect that customers leave the premises and locale in a quiet and orderly manner with respect to local residents. Such signage shall be kept free from obstructions at all times.
26. That any litter caused by the operation of the premises shall be cleared away from the immediate vicinity of the premises periodically throughout operating hours, and at the end of trade, on each day that the premises are in operation. Relevant staff shall be trained in this, and details of such training including the printed name(s) of the

trainee(s), and the date(s) that the training was given, shall be recorded in the staff training logs at the premises.

27. That suitable external containers for customer's cigarette butts shall be provided at all times that the premises are in use. Such containers shall be emptied regularly to ensure that they can be used at all times that the premises are in use, and so that they do not overflow and cause cigarette butt litter in the vicinity.
28. That external waste handling (including recyclable materials and glass / bottles), collections of goods from the premises, deliveries of goods to the premises and the cleaning of external areas shall only occur between the 07:00 hours and 20:00 hours.
29. That any external areas of the premises will be closed to customers between 22:00 hours and 08:00 hours the following day except for up to a maximum of 10 people at any one time using the external areas after 22:00 hours to smoke only. Any outdoor furniture to the premises' frontage must be packed away, or rendered unusable, by 22:00 hours each day.
30. That, if and when required, staff shall interact with customers to ensure that customers behave at the premises in a quiet and orderly manner and also leave the premises and locale in a quiet and orderly manner. Customers deemed by staff to be engaging in anti-social behaviour shall be asked to leave the premises. All relevant staff shall be trained in this, and details of such training including the printed name(s) of the trainee(s), and the date(s) that the training was given, shall be recorded in the staff training logs at the premises.

E. The prevention of children from harm

We are aware that the applicant has agreed conditions pertaining to the protection of children from harm with this council's trading standards service, and we propose no further conditions in this regard.

Should the applicant wish to discuss the above, we advise them to contact us as soon as possible.

If the applicant agrees to all the above conditions then we will withdraw this representation.

Yours sincerely,

Wesley McArthur
Principal Enforcement Officer