



City of Westminster

Committee Agenda

Title: **Licensing Sub-Committee (5)**

Meeting Date: **Thursday 18th February, 2016**

Time: **10.00 am**

Venue: **Rooms 5, 6 & 7 - 17th Floor, City Hall, 64 Victoria Street, London SW1E 6QP**

Members: **Councillors:**

Angela Harvey (Chairman)
Jan Prendergast
Rita Begum

Members of the public are welcome to attend the meeting and listen to the discussion Part 1 of the Agenda

Admission to the public gallery is by ticket, issued from the ground floor reception at City Hall from 9.00am. If you have a disability and require any special assistance please contact the Committee Officer (details listed below) in advance of the meeting.



An Induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, please contact the Committee Officer, Jonathan Deacon.

**Email: jdeacon@westminster.gov.uk Tel: 020 7641 2783
Corporate Website: www.westminster.gov.uk**

Note for Members: Members are reminded that Officer contacts are shown at the end of each report and Members are welcome to raise questions in advance of the meeting. With regard to item 2, guidance on declarations of interests is included in the Code of Governance; if Members and Officers have any particular questions they should contact the Head of Legal & Democratic Services in advance of the meeting please.

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

To report any changes to the membership.

2. DECLARATIONS OF INTEREST

To receive declarations by Members and Officers of any personal or prejudicial interests in matters on this agenda.

Licensing Applications for Determination

1. THE PHOENIX, 51 MOSCOW ROAD W2

(Pages 1 - 60)

App No	Ward/ Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
1.	Lancaster Gate Ward / not in cumulative impact area	The Phoenix, 51 Moscow Road W2	Variation	15/09852/LIPV

2. WEWORK SOHO, 2 SHERATON STREET W1

(Pages 61 - 82)

App No	Ward/ Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
2.	West End Ward / West End Cumulative Area	WeWork Soho, 2 Sheraton Street W1	New	15/12010/LIPN

3. HONEST BURGERS, GROUND FLOOR AND FIRST FLOOR, 33 SOUTHAMPTON STREET WC2

(Pages 83 - 116)

App No	Ward/ Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
3.	St James's Ward / West End Cumulative Area	Honest Burgers, Ground Floor and First Floor, 33 Southampt on Street WC2	New	15/12104/LIPN

4. UNIT A2, MOORE HOUSE, INNER BASIN, GATLIFF ROAD SW1

(Pages 117 - 138)

App No	Ward/ Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
4.	Churchill Ward / not in cumulative impact area	Unit A2, Moore House, Inner Basin, Gatliff Road SW1	Variation	15/11867/LIPV

5. BURGER KING, PLATFORMS 7 AND 8, UNIT 18, PADDINGTON STATION, PRAED STREET W2

(Pages 139 - 170)

App No	Ward/ Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
5.	Hyde Park	Burger King,	New	15/12117/LIPN

	Ward / not in cumulative impact area	Platforms 7 and 8, Unit 18, Paddington Station, Praed Street W2		
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6. BURGER KING, UNIT 9, MAIN CONCOURSE, VICTORIA STATION, TERMINUS PLACE

(Pages 171 - 188)

App No	Ward/ Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
6.	Warwick Ward / not in cumulative impact area	Burger King, Unit 9, Main Concourse Victoria Station, Terminus Place	New	15/12090/LIPN

7. BURGER KING, UNIT 21, MAIN CONCOURSE, VICTORIA STATION, TERMINUS PLACE

(Pages 189 - 204)

App No	Ward/ Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
7.	Warwick Ward / not in cumulative impact area	Burger King, Unit 21, Main Concourse Victoria Station, Terminus Place	New	15/12095/LIPN

8. STATEMENT FROM THE APPLICANT COMPANY IN RESPECT OF BURGER KING APPLICATIONS AT PADDINGTON STATION, PRAED STREET W2 AND VICTORIA STATION, TERMINUS PLACE

(Pages 205 - 252)

The statement from the Applicant Company in respect of Burger King, Platforms 7 and 8, Unit 18, Paddington Station, Praed Street W2 (item 5 on the agenda), Burger King, Unit 9, Main Concourse, Victoria Station, Terminus Place (item 6) and Burger King, Unit 21 Main Course, Victoria Station, Terminus Place (item 7) is attached.

**Charlie Parker
Chief Executive
12 February 2016**

In considering applications for premises licences under the Licensing Act 2003, the sub-committee is advised of the following:

POLICY CONSIDERATIONS

The City of Westminster statement of licensing policy applies to all applications where relevant representations have been made. The Licensing Sub-Committee is required to have regard to the City of Westminster statement of Licensing Policy and the guidance issued by the Secretary of state under Section 182 of the Licensing Act 2003.

GUIDANCE CONSIDERATIONS

The Licensing Authority is required to have regard to any guidance issued by the Secretary of State under the Licensing Act 2003.

LIVE MUSIC ACT 2012

The Live Music Act amends the Licensing Act 2003 by:

- removing the licensing requirement for amplified live music taking place between 8am and 11pm before audiences of no more than 200 persons on premises authorised by a premises licence or club premises certificate to supply alcohol for consumption on the premises (at a time when those premises are open for the purposes of being used for the supply of alcohol for consumption on the premises), subject to the right of a licensing authority to impose conditions about live music following a review of a premises licence or club premises certificate
- removing the licensing requirement for amplified live music taking place between 8am and 11pm before audiences of no more than 200 persons in workplaces not otherwise licensed under the 2003 Act (or licensed only for the provision of late night refreshment)
- removing the licensing requirement for unamplified live music taking place between 8am and 11pm in any place, subject to the right of a licensing authority to impose conditions about live music following a review of a premises licence or club premises certificate relating to premises authorised to supply alcohol for consumption on the premises
- removing the licensing requirement for the provision of entertainment facilities
- widens the licensing exemption for live music that is integral to a performance of Morris dancing or dancing of a similar type, so that the exemption applies to both live or recorded music instead of just unamplified live music in that instance.

CORE HOURS WHEN CUSTOMERS ARE PERMITTED TO BE ON THE PREMISES

(As set out in the Council's Statement of Licensing Policy 2011)

- For premises for the supply of alcohol for consumption on the premises:

Friday and Saturday: 10:00 to midnight

Sundays immediately prior to Bank Holidays: Midday to midnight

Other Sundays: Midday to 22:30

Monday to Thursday: 10:00 to 23:30.

- For premises for the supply of alcohol for consumption off the premises:

Monday to Saturday: 08:00 to 23:00

Sundays: 10:00 to 22:30.

- For premises for the provision of other licensable activities:

Friday and Saturday: 09.00 to midnight

Sundays immediately prior to Bank Holidays: 09.00 to midnight

Other Sundays: 09.00 to 22.30

Monday to Thursday: 09.00 to 23.30.

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City of Westminster

Agenda Item 1 Licensing Sub-Committee Report

Item No:	
Date:	18 January 2016
Licensing Ref No:	15/09852/LIPV - Premises Licence Variation
Title of Report:	The Phoenix 51 Moscow Road London W2 4AL
Report of:	Director of Public Protection and Licensing
Wards involved:	Lancaster Gate
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Miss Heidi Lawrance Senior Licensing Officer
Contact details	Telephone: 020 7641 2751 Email: hlawrance@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	Variation of a Premises Licence, Licensing Act 2003		
Application received date:	3 November 2015		
Applicant:	Spirit Pub Company (Services) Limited		
Premises:	The Phoenix		
Premises address:	51 Moscow Road London W2 4AL	Ward:	Lancaster Gate
		Cumulative Impact Area	No
Premises description:	The Premises is a Public House		
Variation description:	<p>This is an application to extend the permission for the sale of alcohol Monday to Saturday from 10:00 until 00:00 (current permission 10:00 until 23:00). For the above to maintain thirty minutes drinking up time following the last permitted sale of alcohol.</p> <p>To extend late night refreshment Monday to Thursday from 23:00 until 00:00 and Friday to Saturday 23:00 until 00:30 the following morning (current permission 23:00 until 23:30). To remove the restriction on trading hours for Good Friday under annex 1 condition 9 (c) so that the hours on that day reflect what is permitted on the licence for a Friday. All other hours, activities and conditions are to remain unchanged by this application.</p>		
Premises licence history:	The Premises has had a Premises Licence since October 2005.		
Applicant submissions:			

1-B Current and proposed licensable activities, areas and hours						
Late night refreshment						
Indoors, outdoors or both		Current :			Proposed:	
		Indoors			Indoors	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	23:00	23:30	23:00	00:00		
Tuesday	23:00	23:30	23:00	00:00		
Wednesday	23:00	23:30	23:00	00:00		

Thursday	23:00	23:30	23:00	00:00		
Friday	23:00	23:30	23:00	00:30		
Saturday	23:00	23:30	23:00	00:30		
Sunday						
Seasonal variations:	None					
Non-standard timings:						

Sale by Retail of Alcohol						
On or off sales			Current :		Proposed:	
			Both		Both	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:00	23:00	10:00	00:00		
Tuesday	10:00	23:00	10:00	00:00		
Wednesday	10:00	23:00	10:00	00:00		
Thursday	10:00	23:00	10:00	00:00		
Friday	10:00	23:00	10:00	00:00		
Saturday	10:00	23:00	10:00	00:00		
Sunday	12:00	22:30	12:00	22:30		
Seasonal variations:	None					
Non-standard timings:						

Hours premises are open to the public						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	07:00	23:30	07:00	00:30		
Tuesday	07:00	23:30	07:00	00:30		
Wednesday	07:00	23:30	07:00	00:30		
Thursday	07:00	23:30	07:00	00:30		
Friday	07:00	23:30	07:00	00:30		
Saturday	07:00	23:30	07:00	00:30		
Sunday	07:00	23:00	07:00	00:30		
Seasonal variations:	None					
Non-standard timings:						

1-C	Layout alteration
None proposed	

1-D Conditions being varied, added or removed	
Condition	Proposed variation
<p>9. Alcohol shall not be sold, supplied, consumed in or taken from the premises except during permitted hours.</p> <p>In this condition, permitted hours means:</p> <ul style="list-style-type: none"> (a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10:00 to 23:00; (b) On Sundays, other than Christmas Day or New Year's Eve, 12:00 to 22:30; (c) On Good Friday, 12:00 to 22:30; (d) On Christmas Day, 12:00 to 15:00 and 19:00 to 22:30; (e) On New Year's Eve, except on a Sunday, 10:00 to 23:00; (f) On New Year's Eve on a Sunday, 12:00 to 22:30; (g) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December). <p>NOTE – The above restrictions do not prohibit:</p> <ul style="list-style-type: none"> (a) during the first twenty minutes after the above hours the consumption of the alcohol on the premises; (b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel; (c) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking table meals there if the alcohol was supplied for consumption as ancillary to the meals; (d) the sale or supply of alcohol to or the 	<p>To remove the restrict on trading hours for Good Friday under Annex 1 9 (c) so that the hours on that day reflect what is permitted on the Licence for a Friday</p>

<p>consumption of alcohol by any person residing in the licensed premises;</p> <p>(e) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;</p> <p>(f) the sale of alcohol to a trader or registered club for the purposes of the trade or club;</p> <p>(g) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;</p> <p>(h) the taking of alcohol from the premises by a person residing there;</p> <p>(i) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied;</p> <p>(j) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.</p> <p>In this condition, any reference to a person residing in the premises shall be construed as including a person not residing there but carrying on or in charge of the business on the premises.</p>		
Adult entertainment:	Current position:	Proposed position:
	None	None

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Metropolitan Police
Representative:	Mr Toby Janes
Received:	30 th November 2015
<p>With reference to the above application, I am writing to inform you that the Metropolitan Police, as a Responsible Authority make a representation against application.</p> <p>It is our belief that if granted the application would undermine the Licensing Objectives in relation to the prevention of crime and disorder as there are insufficient conditions contained within the operating schedule.</p>	

The following conditions listed below are those that Police would like you to attach to your premises licence as I believe they will address Police concerns in relation to crime and disorder.

1. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. 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. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.

2. 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 is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

3. All customers to be off the premises by 00.30.

4. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:

(a) all crimes reported to the venue

(b) all ejections of patrons

€ any complaints received concerning crime and disorder

(d) any incidents of disorder

€ all seizures of drugs or offensive weapons

(f) any faults in the CCTV system, searching equipment or scanning equipment

(g) any refusal of the sale of alcohol

(h) any visit by a relevant authority or emergency service.

Following agreement of conditions this representation has now been withdrawn. The conditions are as follows:

1. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. 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. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.

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emergency service.

Responsible Authority:	Environmental Health
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Representative:	Anil Drayan
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Received:	30 th November 2015
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THE PHOENIX, 51 MOSCOW ROAD, LONDON, W2 4AL

I refer to the application for variation of the Premises Licence, 14/11306/LIPDPS, for the above premises.

The applicant is seeking the following:

1. To increase the hours for the provision of Late Night Refreshment 'indoors' so that they are 23:00 to 00:00 hours Monday to Thursday and 23:00 to 00:30 hours Friday and Saturday
2. To increase the hours for Supply of Alcohol for 'On' and 'Off' the premises so that they are from 10:00 to 00:00 hours Monday to Saturday. This request includes maintaining the thirty minutes drinking up time following the last permitted sale of alcohol.
3. To remove restrictions on trading hours for Good Friday under Annex 1, 9€.

I wish to make the following representations as numbered above:

1. The increase in hours requested for the provision of Late Night Refreshment may have the likely effect of causing an increase in Public Nuisance in the area
2. The increase in hours requested for the supply of alcohol and maintenance of 'drinking up time' may have the likely effect of causing an increase in Public Nuisance in the area
3. No representation made

The proposed increase in hours for alcohol are also beyond the 'core' hours as stated in Westminster's Statement of Licensing Policy.

The applicant has not offered any additional conditions as part of the proposal. However should the variation be granted Environmental Health considers additional conditions may be appropriate to allay its concerns.

The applicant is requested to contact the undersigned to arrange a site visit to discuss the issues raised by the application.

Additional information submitted by Environmental Health

Further to my memo dated 30 November and following a site visit and discussions with the

manager / DPS, Ireneusz Tomecki, the following further information was ascertained:

- The premises was closed for 10 days in July 2015 for an extensive refurbishment.
- The premises has a private forecourt fronting on Moscow Road on which are located 5 tables, each with 4 chairs. The manager explained that current operation is to render these external facilities unusable after 10.30pm. Patrons wishing to go outside after this time, eg to smoke, are only permitted to do so without any drinks.
- The fire risk assessment gives the premises has an internal capacity for 150 patrons. There are 3 WC's for females, 1 WC and 4 urinals for males. Based on the guidance *British Standard 6465 – Provision of Sanitary Accommodation* the premises complies with the recommended standard for facilities for males and is 1 female WC short to be fully compliant for female provision.
- For major events (defined by DPS as usually when DJ music or live band are hired) a SIA registered door supervisor is usually employed following a risk assessment carried out prior to the event. Music is played through the performers own sound systems as speakers at the premises are relatively of small power rating. Also it was ascertained there is no electronic noise limiter fitted to the sound system.
- An application has been submitted for the upper floors to be a licensed House in Multiple Occupation (HMO) consisting of 5 units.

A history check since 2012 of the Council's Noise Team and Licensing Inspector intervention records shows the following 2 nuisance complaint entries logged on the Council's Noise Team's premises database:

i. Date, day and time complaint received:

27 September 2015, Sunday 22:36 hours;

Reason for complaint:

Loud music from the pub since 9pm which has increased around 10 mins ago. No callback required.

Action by Noise Team:

Visit unable to be made.

ii. Date complaint received:

4.11.2015 – originally sent to police neighbourhood watch who passed it onto Licensing Inspectors for investigation.

Nature of complaint:

I am a Moscow Road resident and writing in respect of the Phoenix pub. I am going to request a review of their existing licence conditions as we have been experiencing anti-social behaviour and public safety concerns associated with the operation of the pub, both within and outside of the terms of their licence (loud music, out of hours drinking, drinkers spilling out onto the public highway. I don't believe the licence as it currently stands is suitable for the predominantly residential area.

Action by Licensing Inspectors:

Monitoring visit – at the time of visit (Friday 20 November 2015 – 11pm) the

premises were quiet with all main doors to venue closed. No issues found.

Visited premises (Monday 20 November 2015 – 2pm) and spoke with the area manager and the general manager with regards to noise complaint made by a local resident and what proactive measures were being taken or are in place to deal with prevention of noise nuisance specifically. Advice on appropriate measures also provided.

I understand that the applicant has amended the application to reduce the variation so that licensable activities are in line with 'core hours'.

However it is also my understanding that the applicant wishes to maintain the request for *'thirty minutes drinking up time following the last permitted sale of alcohol'*. Environmental Health considers this to be not consistent with 'core hour' policy but nevertheless would be content if any consumption was in accordance with Condition 9, Note € as stated on the existing licence conditions.

2-B Other Persons	
Name:	Mr Rexford Ladd
Address and/or Residents Association:	4 Windsor Court Moscow Road London W2 4SN
Received:	27 th November 2015

I write on behalf of Windsor Court Longleaseholders Association to make a representation in respect of the *above* application for a new premises licence. The representation is made on the basis that the likely impact of the application, if granted, would be to harm the licensing objective of prevention of public nuisance and prevention of crime and disorder. The application is also contrary to policies HRS1 and PB1 of the City Council's Statement of Licensing Policy.

I am a local resident in the vicinity of this premises. I write in my personal capacity as a resident who will be affected by problems connected with the licensing objectives should the application be granted, and in my capacity as Chairman of Windsor Court Longleaseholders Association.

Windsor Court is at a 45 degree angle from the premises and at a distance of no more than 20 metres.

This part of Moscow Road does already have a small parade of shops and another Public House which in the main DO NOT give us any cause for concern.

The application seeks to vary the current premises licence so as to significantly extend the hours for licensable activities. Sale of alcohol is currently permitted to 11pm Mon-Sat, 10.30pm Sun; it is proposed to amend this to midnight Man-Sat. Late night refreshment is currently permitted to 11.30pm Man-Sat; it is proposed to amend this to midnight Mon-Thurs,

12.30am Fri-Sat. Opening hours are currently 7am -11.30pm Man-Sat, 7am -11pm Sun; it is proposed that the terminal hour is amended to 12.30am Men-Sat.

Our concerns are as follows:

Prevention of public nuisance

The hours proposed are well in excess of the 'core hours' set out in the City Council's Statement of Licensing Policy ('SLP') Policy HRSI. Extending the hours beyond what is currently permitted would inevitably lead to an increase in the noise, anti-social behaviour and other public nuisance which residents experience in the local area, including from this premises. The nuisance is the noise made by persons when leaving the premises, which include very loud talking and swearing and general unruly licensabl.

Should the application be granted, patrons would of course be leaving later, having had the chance to consume more alcohol.

Opening later would lead to the premises becoming a destination venue, resulting in more customers arriving in the vicinity late at night, and departing from the vicinity late at night. Patrons from other licensed premises would migrate to the Phoenix from other nearby premises which close earlier. This is particularly important in the context of 'cumulative impact', see below. This could cause noise nuisance to residents both as customers arrive and as they leave, which would be later at night than presently allowed.

In terms of dispersal of customers, there is no information in the application to explain how this would be facilitated. It is concerning that the applicant has not considered the impact of the later hours on dispersal of customers. The current hours permit customers to go home via the tubes and buses (before night buses start). Thus, later hours can lead to difficulties in customer dispersing as quickly as possible from the area. Night buses are far less frequent than regular buses. Problems with dispersal are explicitly recognised in the Council's SLP. If customers cannot easily catch a tube or regular bus, this would increase the noise from taxis and people shouting loud goodbyes and discussing what to do next, in the quiet residential side streets in the vicinity.

There is no information about outside drinking/smoking. The pub is a popular venue to watch sport. Later hours for alcohol combined with sporting events can lead to customers being excessively loud outside the premises, and when they leave. If this happens at a later hour, it will disrupt our sleep.

Loud music can often be heard emanating from the premises. This is disturbing at present, and would only become more intrusive given the later hours proposed.

The Guidance issued under s182 Licensing Act 2003 makes it clear that there are certain expectations of applicants; namely, that an applicant is expected to have assessed any risk posed to the local area by the proposals, and to include positive proposals in their application on how they will manage any potential risks (Guidance 8.34 and 8.35). Without prejudice to our contention that there are no steps which would appropriately mitigate risk in this location to these hours, the applicant does not appear to have carried out enquiries in this regard.

Excess alcohol consumption leads to lower inhibitions. This can lead to low-level anti-social behaviour and crime. There is also the possibility that, having drunk more for longer, until later) they can become the perpetrators (or indeed) victims of crime, increasing pressure on police resources.

Cumulative impact

The premises is not located in a designated Cumulative Impact Area (CIA). However, the Queensway CIA is very close by. There is a real risk that people dispersing from this premises at 12.30am will disperse in to the CIA looking for transport or other late night venues, adding to the problems within the CIA. Similarly, there is a real risk that people will migrate from premises in the CIA to the Phoenix, thereby bringing with it the problems which are inherent in the CIA.

Statement of licensing Policy

The application is outside the Council's core hours Policy HRS for when customers can be on the premises. However, even if it were compliant with this Policy, it is not compliant with other policies, particularly the 'public nuisance' Policy PNI. We refer specifically to para 2.2.12:

'Residents are often subjected to nuisance from the noise of people on their way to and from premises, and loitering in the streets after they have left premises. This can affect residents even at some distance from the premises themselves, especially along routes to transport facilities, and to car parks and parking areas and on routes between late night premises of various types. The nuisance from noise depends on its nature and whether it is during the day, the evening or at night. Late night noise is often unsettling; particularly shouting and screaming. Some of this is associated with aggression and assaults but most of it is "high spirits". It is impossible to distinguish between the reasons for these noises and in any case, it is very disturbing late at night. The degree of nuisance caused by noise increases with the lateness of the hour; especially if it disturbs or prevents sleep.'

There is a great deal of residential accommodation in the vicinity and applicants in such areas should be held to a stricter standard.

There have been two previous applications to vary the premises licence to increase the hours for licensable activities (application ref: 12/04087/LIPV and application ref: 10/09802/LIPV).

Both applications were withdrawn following a significant number of objections from residents. We wonder what has changed since 2012. Residents can sometimes get 'worn down' by repeat applications, particularly where there is nothing which makes a repeat application stand out as different to previous applications.

Conclusion

The licensing authority is charged with determining the application with a view to promoting the licensing objectives in the overall interests of the local community (Guidance 9.37). An application may be refused on the grounds that this is appropriate for the promotion of the licensing objectives (Guidance 9.39).

For the reasons stated, we are therefore opposed to the application being granted. The current hours are at the limit of what is appropriate for this location, given the factors I have outlined above.

We look forward to being kept informed of any developments, and would like to attend or be represented at the hearing in due course.

Name:	Mr Joseph Ogden
Address and/or Residents Association:	27 Burnham Court Moscow Road London W2 4SW
Received:	30 th November 2015

I live in Burnham Court on the other side of the road from the Phoenix pub and urge the committee to refuse the application on the grounds that it will extend noisy late-night disruption in a predominantly residential area – the pub is surrounded by significant residential buildings, many of which are occupied by young families – and that it will make it difficult to reject similar applications from the two other pubs on the stretch, which would add up to exponentially increased disruption at a time when residents are due some peace and quiet.

It's relevant to mention that I only heard about this application today, the day before the deadline, and a quick check with neighbours suggests there is general ignorance about it, and had more been aware you would have received many more objections. The only notice I can locate is in the window of the pub itself. A similar application for the Shiori restaurant, virtually next door to the Phoenix pub was posted on lamp posts on both sides of the street. Can I suggest that this be taken into account in the committee's deliberations?

Name:	Baroness Gardner
Address and/or Residents Association:	25 Caroline Place London W2 4AN
Received:	10 th November 2015

Dear Sir,

Extension of Hours: Phoenix Pub corner of Bark Place and Moscow Road W2

Please register my objection to this application on a number of grounds:

1. Public nuisance. This is a residential area with a significant number of older residents and also of young families. Allowing longer hours would have a markedly adverse effect on both of these groups. In addition the working age residents in the immediate area also need quiet sleep time hours. Extending the present hours would change the character of the area and what is now a pleasant, peaceful and safe locality would be destroyed by the Phoenix staying open and after "drinking up time", patrons leaving after midnight.

2. As mentioned in 1 above, the safety of children would be at risk due to sleep disturbance at that late hour, damaging to their health and causing them to be fearful due to shouting or noisy behaviour of people leaving the premises.

27. Safety. Crime and disorder will be encouraged by the later licensing. In the vicinity of many licensed premises, vandalism of local property is common as also use of local gardens and basement areas for urinating. In some cases residents are frightened by people found "sleeping it off", in the area, such as a garage front or garden of their home. In these days of a worrying level of knife crime, residents may well be threatened and a change in the ethos of the area would definitely have a strong risk of an increase in crime and disorder.

27. Public Order. Would definitely be under threat from the items listed in numbers 1-3 above.

By long tradition, Good Friday is not treated as "any other Friday" and I support the continuance of the present recognition of the special traditional significance of Good Friday.

Baroness Gardner

Name:	Mr Tim Snell
Address and/or Residents Association:	Chenies House, 37 Moscow Road London W2 4AH
Received:	6 th November 2015

I am writing to object to the proposed variation to the premises licence for the Phoenix Public House.

As an immediate neighbour to the pub (I live in Chenies House, 37 Moscow Road W2 4AH), I am well placed to comment on the existing problems caused by the operation of the pub. The existing problems are in fact so bad that I will shortly be requesting a review of the existing licence against the licencing objectives, as I don't believe it is appropriate for its predominantly residential location, and its terms are not being complied with.

My concerns about the operation fall into two categories – public nuisance and public safety.

The existing operation causes frequent and significant noise disturbance late at night. Drinkers are allowed to remain inside and outside the premises after official closing hours and remain on the public highway after hours. The resulting shouting, chanting and screaming prevents us from sleeping, wakes us up. The management do not seem to encourage its clients to leave in a timely fashion, or behave in a manner that reflects the residential context. When the pub hosts live or recorded music nights, the volume of the music is significantly beyond what I consider to be normal or reasonable, and these special events only compound the wider

problems of noise I describe above.

The premises is on the corner of Bark Place and Moscow Road. The pavements in this location are very narrow and drinkers spill out onto the pavements and road which often prevents members of the public from passing safely. It is also a hazard for drivers with drinkers often spilling into the road. This is not controlled by the management.

I object to the proposed variation of the licence on the grounds that all of the problems identified above will get worse and will be experienced later at night. This would represent a gradual but significant erosion of the quality of life of residents. Any extension to, or relaxation of, the existing licence should be rejected. Similarly, any requests for temporary event notices which have the effect of extending or relaxing existing licence provisions should be rejected also and I would be grateful if you could consider this representation when any future requests of this nature are made.

Your team manager James Hayes has been in touch with me, and I will respond shortly to request a review of the existing premises licence. Many thanks for this.

If you require any further information please don't hesitate to contact me.

Name:	Mr John Yiannakis
Address and/or Residents Association:	28 Caroline Place London W2 4AN
Received:	1 st December 2015

I strongly object to the above application by the Phoenix Public House because of the harm it will cause to the neighbourhood.

It is already bad enough walking home at night from the Bayswater tube station being accosted by drunks and encountering people urinating outside the pub on Bark Place, people arguing in a drunken stupor, and people smoking strange smelling cigarettes.

There have been incidents when intoxicated patrons accosted residents returning from the theatre (my sister Athena Yiannaki was one of them).

This is predominantly a residential neighbourhood and, as such, we expect some protection from public nuisance and disorder and the consequences which the above will bring to the residents.

The area outside the pub is invariably littered with broken glass, a consequence from the inconsiderate behaviour of the customers of the Phoenix, so much so, that we are forced to walk in the road, not on the pavement, in order to avoid stepping onto the shards of glass. The danger and the harm this causes to the children is huge.

Consequently, I beg you to reject the application for the safeguard of the neighbourhood, its residents, especially the children.

Name:	Ms Fiona Mates
Address and/or Residents Association:	Bark Place London
Received:	14 th November 2015

As a resident of Bark Place where we are extremely close to the Phoenix pub and affected by both the noise of those drinking outside the pub and from those leaving the pub as they go home I would like to oppose strongly their application for later opening hours.

We get a large amount of disturbance from groups leaving the pub to walk up to the main road and 12.30 would be totally unacceptable for this residential street.

There are always empty glasses left around and cigarette butts strewn the street in the morning as children walk to school, we would not welcome any opportunity for more. I urge you not to accept this application.

Name:	Mrs Camilla Fritze
Address and/or Residents Association:	30 Bark Place London W2 4at
Received:	28 th November 2015

While the internal refurbishment is appreciated the fact that noisy clientele of the pub walk down a residential street at night singing songs and shouting has not. For this I do not blame the pub but the reality is people leaving a pub after a number of drinks is not compatible with people trying to sleep. Bark place is a quiet family street and I don't see why the opening hours should be extended especially when the clientele of the pub is not local residents. The extended hours would be disruptive to the residential living of the people living on bark place.

Finally the pub applied for the same extension a few years ago. What has changed? I get the sense that the large pub company that owns it must have a lawyer who just keeps putting applications in until they finally find a time when the neighbours who object either aren't aware or just give up. Is this right? If there was a way to stop future applications unless they can prove a change in circumstances it would save a lot of time and money.

Name:	Mr & Mrs Peter And Sophia Massey-Cook
Address and/or Residents Association:	38 Bark Place London W2 4AT
Received:	30 th November 2015

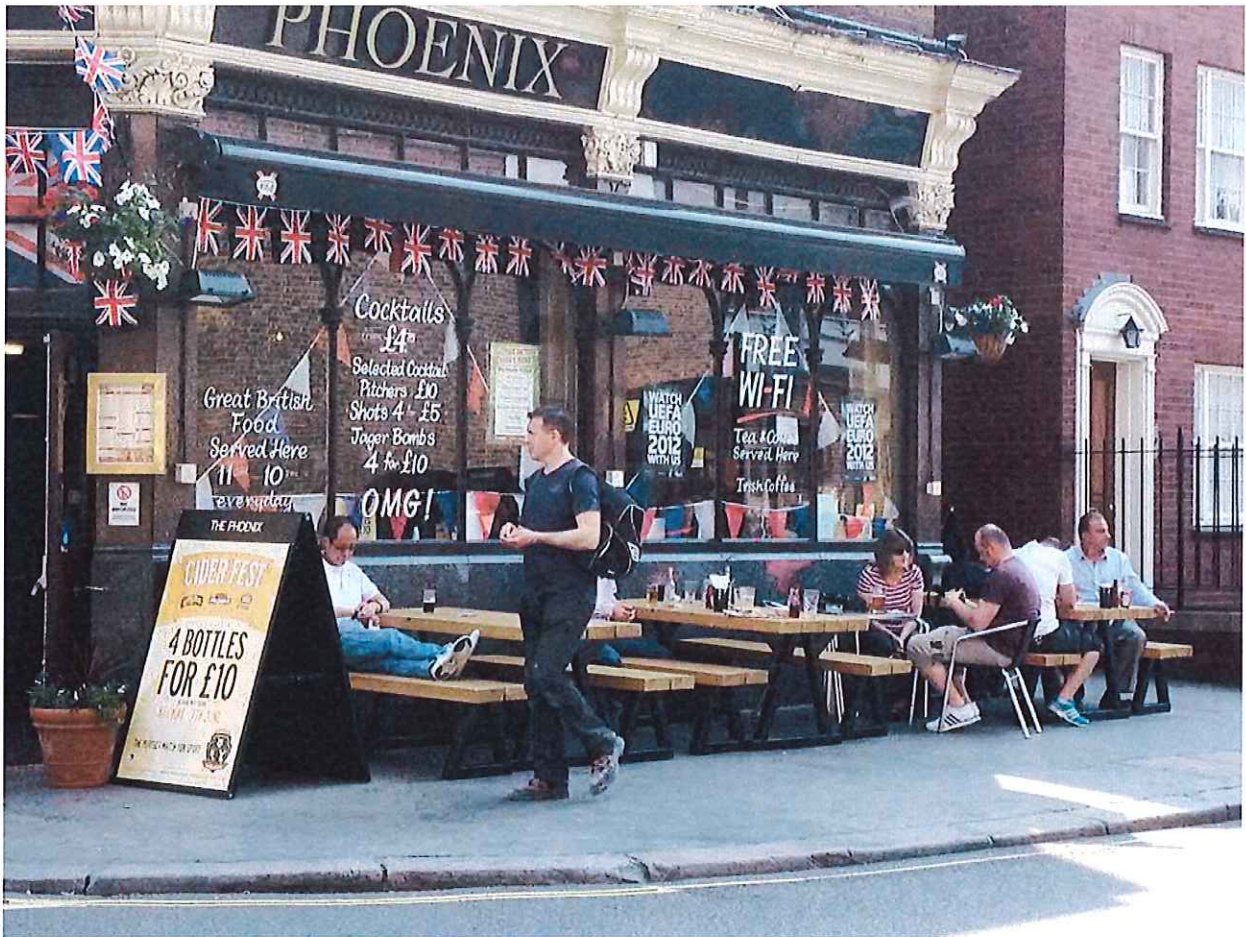
We wish to object to the above application on the basis that it will fail to promote the licensing objectives of prevention of Public Nuisance, Protection of Children from Harm, and Prevention of Crime and Disorder. Later closing hours would significantly increase the aggravation already caused to the residents of Bark Place by increasing the total alcohol consumption. Noise from outside drinkers and smokers would prevent residents from sleeping and the footfall and noisy conversations from patrons leaving would take place at even more unsociable hours. As the Neighbourhood Watch Coordinators for Bark Place we are concerned that increased drinking hours is likely to lead to more drunk and disorderly behaviour and associated crime in the locality.

The Phoenix is on the corner of Bark Place and Moscow Road. Moscow Road is a quiet street with three pubs, only a few shops and many residents in numerous mansion blocks. Bark Place is an entirely residential road, joining Moscow Road and Bayswater Road, via Orme Court, apart from a sixth form college which is closed in the evenings and weekends. The houses, which are all well-maintained are mostly owner-occupied, many of them by families with children. Our house is approximately 100 metres from The Phoenix Pub, yet we are disturbed by patrons using our street to get to and from the establishment. Bark Place is used as a pedestrian thoroughfare to Bayswater Road.

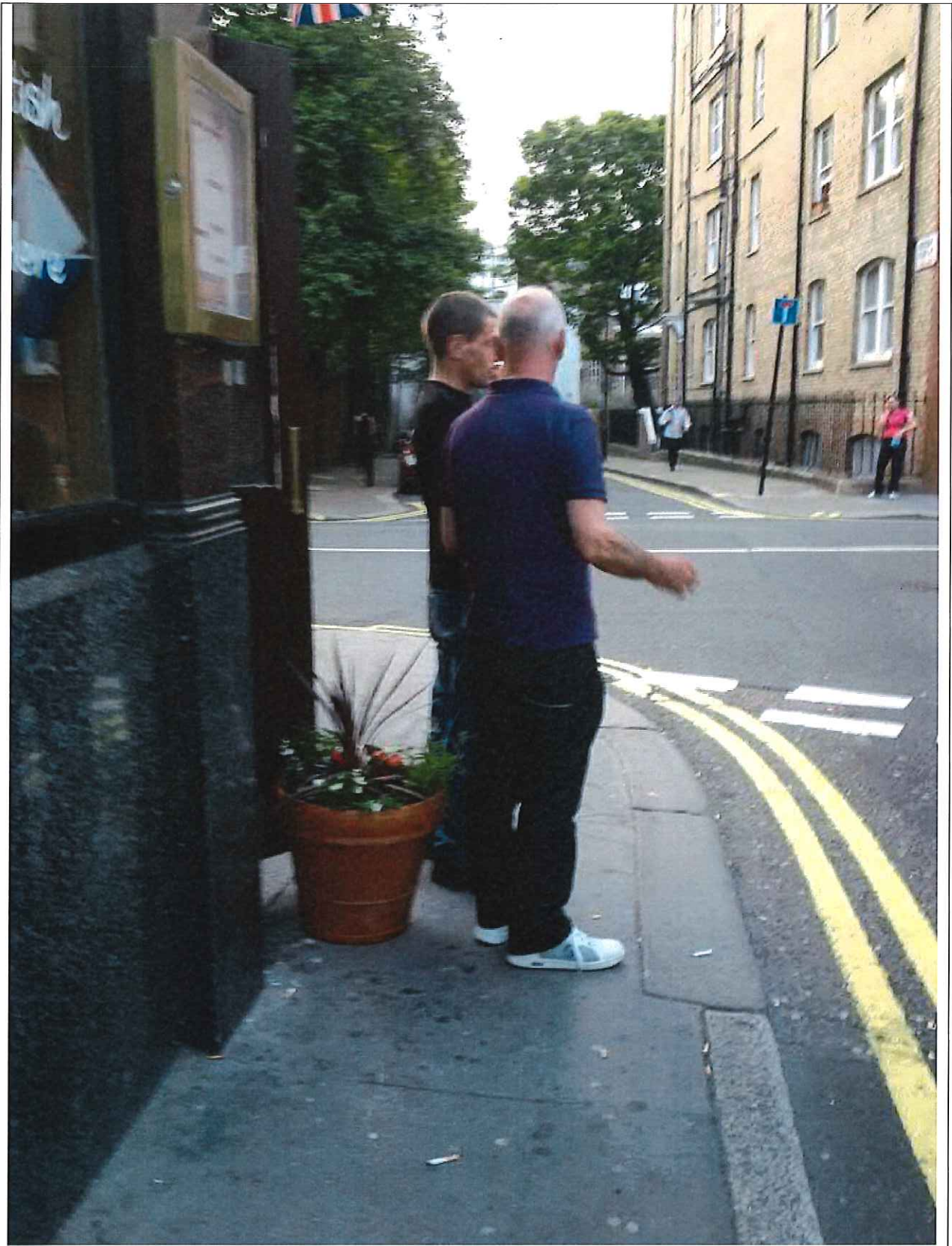
In recent years, The Phoenix has caused us the following problems:

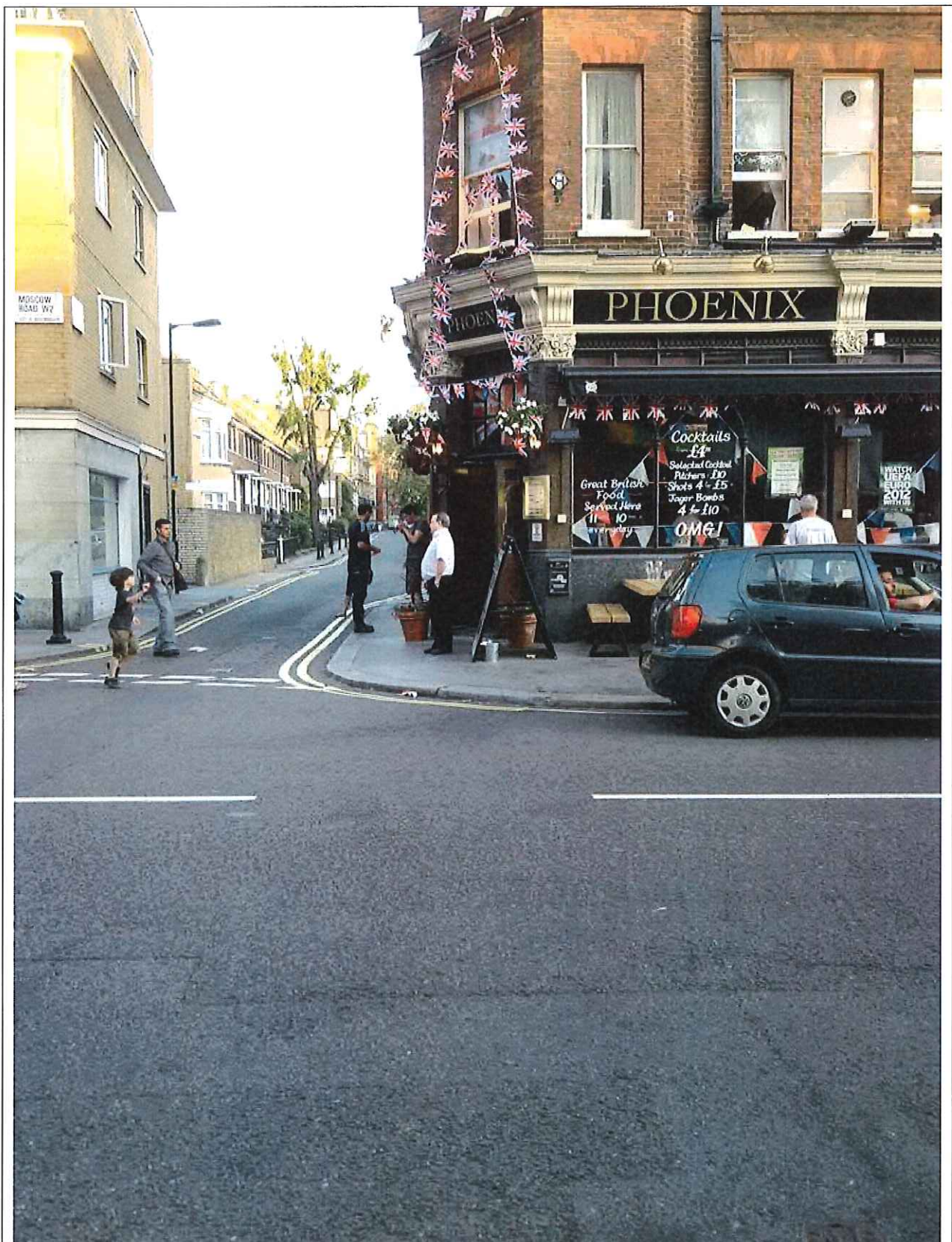
- People drinking and smoking on the narrow pavement on the Bark Place frontage preventing pedestrians from passing without going into the road.
- Men urinating openly on Bark Place, to the rear of The Phoenix and to the rear of Mulberry Pizza (47 Moscow Road)
- Pub glasses left on garden walls and planted in our hedges.
- Cigarette butts and vomit on the pavement.
- Noise from people drinking and eating at outside tables
- The noise of “merry” customers leaving The Phoenix at closing times, which disturbs the sleep and peace of mind of the residents even at current closing times

Such incidents would undoubtedly be magnified by the proposed increase of licensed hours and would take place when occupants of Bark Place and Moscow Road have every right to peaceful enjoyment of their property and undisturbed sleep.



The outside tables, which are beside the windows of residential houses.





Drinkers and smokers, even in small numbers, regularly force pedestrians to walk in the narrow road.



The rear doors to the Phoenix Pub, which open out onto the narrow pavement, cause danger to passing pedestrians.

The Phoenix Pub has put in applications for extended hours in both 2010 and 2012, both of which received considerable numbers of objection letters from neighbours and were either withdrawn or rejected on the basis of the disruption which would be caused to residents.

Bark Place, like the other surrounding residential roads, is an extremely quiet residential one-lane road which has almost no motor traffic at night. The houses are relatively high for the width of the road, which creates an echo effect, rather than absorbing the sound. You could virtually hear a pin drop. Consequently, the conversations held by groups of Phoenix customers as they leave the pub and make their way to Bayswater Road are loud enough to wake anyone sleeping at the front of the houses, even when their windows are closed. They often stop for some time to continue their conversations before they part company. This is frequently followed by the slamming of car doors and loud "goodbye"s. To reduce disturbance caused by the noise from the Phoenix patrons our windows must be kept shut on warm evenings. These houses do not have air conditioning, therefore closing windows is extremely unpleasant in the summer months.

Patrons of The Phoenix are not local residents of the Bark Place area. At closing time, customers almost always need to walk down Bark Place and then Orme Court to find transport: taxis on Bayswater Road, buses on Bayswater Road, and Queensway tube station. Bark Place and Orme Court have narrow, poorly lit openings at either end, which make late-night encounters with often drunken pub patrons all the more disquieting for residents returning home. Those entering this area at night are either residents, or patrons of The Phoenix.

We also ask that the application to remove trading restrictions on Good Friday be refused as this is a time of family holiday for the residents.

We ask you to reject this application for extended licensed hours.

Name:	Dr Rachel pope
Address and/or Residents Association:	11 Bark Place London W2 4AR
Received:	30 th November 2015

We used to live at 20 bark place even closer to the pub and now at 11 Bark Place this is a real community with young children and there has always been noise from the pub at closing time I feel this will be detrimental to the well being of local families with disturbance after midnight. There have been numerous occasions of vomiting on the pavement. There is a narrow pinch point in the road here and with customers spilling onto the road late at night risk of injury.

Name:	Miss Karin Amstad
Address and/or Residents Association:	26 Windsor Court Moscow Road London W2 4SN
Received:	14 th November 2015

We object on the basis that this pub is in the middle of a residential area surrounded by plenty of flats and houses nearby, where people typically go for a drink after work or to watch football, as most football matches are shown in this pub. For both groups the current opening hours cater for sufficiently.

The pub is not in an area where people would naturally go out late at night, say for a last drink after theatre or so. After 10pm the pub empties very quickly and it is difficult to see how extended opening hours would increase trading for the pub apart from the odd drunken reveller who would visit and later on leave very noisily, something that already happens regularly.

Furthermore the moving inside of tables and chairs causes nightly screeching noises and having this even later will cause further and later disruptions for residents. Whenever the doors are open, loud music spills into the streets which can easily be heard in the flats and houses nearby. Again, having this going on until even later will only affect residents adversely further.

Name:	Mr Anthony Rendell
Address and/or Residents Association:	9 Bark Place Bayswater London W2 4AR
Received:	29 th November 2015

I wish to object to the extension of hours at The Phoenix pub. It is on the corner of Moscow Rd and Bark Place, surrounded by residences.

There is inevitably noise from outside drinkers and smokers, whose happy conversations are loud. Many go home down Bark Place to Bayswater Road for busses, cabs, and the tube. This is disturbing to residents who include children and the elderly (some of whom are in poor health who need sleep. Quiet enjoyment of these residences is impossible, especially on warm nights,

when patrons like to pause to talk and shout and sing and smoke, and it's essential to close our front windows Local people don't use the pub much, and patrons are transients, including tourists, and they don't think about residents.

Extending the hours later would make things worse.

I also object to removing restrictions on Good Friday, as Easter is an important family time for residents and their visiting relatives.

Name:	Mrs M.J. Fraser
Address and/or Residents Association:	39 Bark Place London W2 4AT
Received:	30 th November 2015

As a resident of Bark Place for almost 30 years I stand firm in objecting to any licensing extension which may result in the disturbance of the neighbourhood outside of what should be considered reasonable and considerate social hours.

Bark Place is a through road to the main Bayswater Road and late hour noise and revelry, besides peeing/puking and litter dropping in the streets in a relatively peaceful evening/night period as a result of increased drinking time is not acceptable.

I therefore register my objections to this application for these reasons and on the grounds that any decisions would also set precedence for other applications from similar commercial venues in what is essentially a residential area including families with young children, elderly people and those in between.

Thank you for your attention and I hope my comments will be taken into due consideration.

Name:	Mr Guy Usher
Address and/or Residents Association:	25 Bark Place London W2 4AT
Received:	29 th November 2015

We are the owners and residents on a house in Bark Place which is the third house along that street from The Phoenix. Bark Place is a quiet residential street.

We object to the application due to the fact that there will be increased levels of noise and disruption caused by drunken individuals leaving the premises at a later hour. We frequently experience small crowds of people hanging around and speaking or shouting very loudly, often for some time after they leave the pub. Later opening hours will make this more disruptive to sleep as it will be later and there will be more time to get more drunk.

The pub is extremely busy when major sporting events are screened and the viewers often do not leave once the game has finished.

Although in this respect things have improved slightly in the last year, we still see evidence the next morning of people having urinated or being sick in the street and litter (including beer bottles) being dumped in our front garden).

Music in any form should not, in any event, be permitted, beyond the current hours.

Name:	Ms Eleni Antoniadis
Address and/or Residents Association:	Eleni Antoniadis Environmental Ltd 2 Chenies House 37 Moscow Road London W2 4AH
Received:	20 th November 2015

RE: Objection Licence Application Number: 15/09852/LIPV to extend the licensing hours to 24:00 at the Phoenix Pub on Moscow Road

In response to Licence Application Number: 15/09852/LIPV to extend the licensing hours to 24:00 at the Phoenix Pub on Moscow Road , I write to express my objection on the following environmental impact and social impact grounds:

Social Impacts-Lack of consideration of local residents leading to reduction in quality of life for local residents

27)The Phoenix Pub does not manage their current license until 23:00 with a drinking time of 23:30 appropriately and responsibly. It allows customers to linger in groups not only outside the pub where permitted but also on the public pavement around the pub and directly below the adjacent residential properties (including our building, which is adjacent to the pub) until at least one hour to one and half hours after closing time. I have photographic evidence of the pub filled with customers still drinking at midnight to support this.

There is no effort made on behalf of the pub to disperse customers by or after the 23:30 drinking time by the staff , or to keep volume down in respect of local residents after closing time. I have contacted the Westminster Noise Team on several occasions, after contacting the pub directly with no action taken by the pub staff and management. The most recent phone call to the Westminster Noise Team was made on the Saturday 31st October at 01:00 in the morning. On this occasion a DJ was used for a Halloween event and the pub operated until 01:00 with drunken customers creating noise until 02:00.

The pub clients also linger in our building backyard whilst at the pub or leaving the pub. Even though this is largely ignored by the residents on the occasions that we do ask pub clients to leave due to noise, we have been threatened with physical violence.

Environmental Impacts- Noise

2) The Phoenix pub has this year started to have live amplified music on Saturdays, in addition to the live screening of football matches, such as the World Cup. Noise levels are frequently so loud that they can be heard within our property, which has both double glazing and secondary glazing, with all the windows closed. We have recently installed double glazing in response to the increased noise levels generated by the pub. We have also raised phone calls with the Westminster Noise team on 3 occasions this year alone in relation to loud music with amplification which continues until beyond 22:00, which is considered to be within the controlled noise hours.

3) The noise from customers drinking, shouting, singing in groups both whilst at the pub and leaving the pub can be heard within our property with the acoustic insulation and is loudest between 10:00- 00:30 due to the lack of management of clients by the pub staff and drunken behaviour of clients. As I monitor noise on construction sites and operational highways and have access to a noise meter, I can confirm that the noise levels within our property frequently exceed the set guidelines set for construction sites/ operational highways and would stop a

construction project under Section 61 if these noise levels were detected at the closest residential receptor. As we work during the day and have a young child, our quality of life has been reduced due to the noise levels and associated lack of sleep. The nature of the loud noise outbursts also means there is no way to adapt to the noise levels. Night life venues can operate within residential areas, but within the acceptable noise levels during controlled hours.

There are at least 100 noise sensitive receptors within a 100m of the pub who could be affected by noise.

Cumulative Impact- Number of drinking venues on Moscow Road

4) Within a radius of 100m of our property there are already 7 venues where alcohol can be purchased and consumed either on or off the premises up until 23:00 or later in restaurants. This includes a total of 3 pubs, one off license, a supermarket, 3 restaurants. There are also existing restaurants, hotels, night clubs and bars which already operate until later hours on Queensway , Notting Hill Gate, Portobello and in the wider area. Extending the hours of operation of the pub will therefore not contribute positively to the environment or quality of life in the local area or provide a new social benefit-for those wishing to go out late- which does not exist already . The majority of establishments in our immediate area now manage to control the behaviour of clients, and do not generate social impacts on such as frequent basis. We are therefore willing to accept that there will be some level of noise and drinking associated behaviour in our area which cannot be easily managed or reduced such as public urination, drinking on our doorstep, etc.

However, taking into consideration the frequency and level of noise and social disturbance generated by the Phoenix pub, and their inability/ lack of will to take action to reduce noise impacts to acceptable levels and respect local residents, despite frequent visits from the Westminster noise team and phone calls from locals residents, I strongly object the planning application to operate until 24:00 with drinking time until 00:30.

Even with the most appropriate mitigation measures to manage clients, this is not an acceptable time for a drinking venue within densely populated residential area.

I am willing to take this matter to the highest authority and can provide environmental evidence of the issues identified above.

Name:	Carole Jackson
Address and/or Residents Association:	4 Lombardy Place London W2 4AU
Received:	10 th November 2015

Application Reference: 15/09852/LIPV

Notice is hereby given that Spirit Pub Company (Services) Limited (the applicant) has applied to the City of Westminster for a variation of their premises licence for:
The Phoenix, 51 Moscow Road, London, W2 4AL

I would like to object to the above application as there will be increased noise later at night which will disturb the local residents as this is a residential area and should be maintained as such.

Name:	Mrs Laura Marani
Address and/or Residents Association:	Windsor Court Moscow Road London W2 4SN
Received:	17 th November 2015
<p>The Phoenix (no.51) has applied many times for variation of the licence and many letters have been written, as well as personal representation and withdrawal of the application. Roughly 1 month ago a variation of licence was applied for by no 45 and many neighbours feared this would lead to a renewed effort from the Phoenix (as has happened)</p> <p>The conditions have not changed in all this time and the objections which have been raised in the past, and which I am sure you have on file, still stand. Please let me know if it all has to be spelled out again.</p> <p>I am sure the manager of the Phoenix does his best, but putting in all the effort possible will not make the customers take heed.</p> <p>Please, please consider the 'rights' (hate that word!) of the residents to enjoy living (and sleeping) in this area and consider that, if the licence changes, then all the other licensed premises in this street will all want more.</p> <p>Thank you for your consideration.</p>	
Name:	Mr William Relton
Address and/or Residents Association:	23 Bark Place London W2 4AT
Received:	30 th November 2015
<p>I understand that the Phoenix pub has applied to extend their licensing hours and vary the conditions concerning public holidays.</p> <p>May I oppose this application on the grounds that the proposed closing time is well after normal bed times for the residents near the pub ? We are the nearest dwelling and we still find our drive used as an ashtray and find empty, or half empty, glasses perched on our gateway.</p> <p>Why would people want to consume alcohol after the hour when only night buses operate? Surely they would not attempt to drive. The safest remedy is to close at 10.30 so that responsible drinkers can return home without endangering pedestrians or other, sober, drivers.</p> <p>Bark Place is a residential area, likewise St Petersburg Mews where our son and family live.</p> <p>There is quite enough noise without augmenting it late at night.</p> <p>If this application is granted, then you can expect a further one from the Kings Head and goodness knows what will happen to LAFitness under its new management.</p> <p>Please do not open the way for an avalanche of applications which, if approved, would completely transform this quiet area in which we have lived happily since 1981.</p>	

Name:	Anthony Brooke
Address and/or Residents Association:	20 Caroline Place London W2 4AN

Received:	7 th November 2015
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I am a resident of Caroline Place which is very close to The Phoenix in Moscow Road.

I strongly object to the proposal to extend The Phoenix's opening hours as set out in Application Reference 15/09852/LIPV. The area is quiet and residential. The customers of The Phoenix have on numerous occasions engaged in anti-social, criminal and noisy behaviour and this would only be exacerbated if the pub's opening hours were extended as is proposed.

I hope that these views will be taken into account when the application is considered.

Name:	Sarah Joiner
Address and/or Residents Association:	4 Caroline Place London W2 4AW

Received:	7 th November 2015
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I write as a local resident of Caroline Place to object to the extension of hours at the Phoenix pub. This is situated in a residential area with many young families living directly by the pub. We are blessed with near silence at night time and residents would be greatly concerned if the hours were extended in any way. The pub is not frequented by residents and attracts outsiders.

It is essential that the opening hours are NOT extended as it will lead to an increase in social nuisance, local petty crime and anti-social behaviour.

Name:	Jacqueline Wase-Bailey
Address and/or Residents Association:	Not supplied

Received:	9 th November 2015
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As a local resident I just wish to object to the above application.

For many reasons ie it is a quiet residential area and there are 3 other pubs very close by.

Name:	Cllr Andrew Smith
Address and/or Residents Association:	Ward Member For Lancaster Gate

Received:	29 th November 2015
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I wish to oppose the application for the variation in licensing hours for the Phoenix public House on 51 Moscow Road.

The pub is in a quite residential area with homes just behind it and in front. Whilst I and many residents are keen to support traditional public houses. 11pm is an appropriate closing time especially during the week.

Extending the hours for the service of alcohol to midnight and hot food and drink until 00:30 would in reality mean people leaving the premises and dispersing onto residential streets in the run up to 1am, which is totally unacceptable given the likelihood of this causing a disturbance given the closeness to residential buildings.

Name:	Maria Frangoulis
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Address and/or Residents Association:	5 Bark Place London W2 4AX
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Received:	1 st December 2015
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It would be preferable if the hours were not extended.

Already people come up the road shouting or singing at the top of their voices late into the night.

They have very long and loud chats outside their cars that they park opposite our houses on the single yellow.

My children have been woken so many times in the night just after the pub closes by their customers.

Their customers stand on the pavement opposite the pub smoking and drinking on Bark Place and often we have to walk into the road to avoid them.

Extending the hours would probably result in more of these incidents.

We are against it.

Thank you for our consideration.

Name:	John Zamit
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Address and/or Residents Association:	2 Claremont Court Queensway W2 5HX
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Received:	1 st December 2015
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We wish to object to the above application on the basis that it will fail to promote the licensing objectives of prevention of Public Nuisance, Protection of Children from Harm, and Prevention of Crime and Disorder. Later closing hours would significantly increase the aggravation already caused to the residents of Bark Place by increasing the total alcohol consumption. Noise from outside drinkers and smokers would prevent residents from sleeping and the footfall and noisy conversations from patrons leaving would take place at even more unsociable hours. As the Neighbourhood Watch Coordinators for Bark Place we are concerned that increased drinking hours is likely to lead to more drunk and disorderly behaviour and associated crime in the locality. The Phoenix is on the corner of Bark Place and Moscow Road. Moscow Road is a quiet street with three pubs, only a few shops and many residents in numerous mansion blocks. Bark Place is an entirely residential road, joining Moscow Road and Bayswater Road, via Orme Court, apart from a sixth form college which is closed in the evenings and weekends. The houses, which are all well-maintained are mostly owner-occupied, many of them by families with children. Our house is approximately 100 metres from The Phoenix Pub, yet we are disturbed by patrons using our street to get to and from the establishment. Bark Place is used as a

pedestrian thoroughfare to Bayswater Road.

In recent years, The Phoenix has caused us the following problems:

- People drinking and smoking on the narrow pavement on the Bark Place frontage preventing pedestrians from passing without going into the road.
- Men urinating openly on Bark Place, to the rear of The Phoenix and to the rear of Mulberry Pizza (47 Moscow Road)
- Pub glasses left on garden walls and planted in our hedges
- Cigarette butts and vomit on the pavement.
- Noise from people drinking and eating at outside tables
- The noise of "merry" customers leaving The Phoenix at closing time

Such incidents would undoubtedly be magnified by the proposed increase of licensed hours and would take place when occupants of Bark Place and Moscow Road have every right to peaceful enjoyment of their property and undisturbed sleep.

The rear doors to the Phoenix Pub, which open out onto the narrow pavement, cause danger to passing pedestrians. The Phoenix Pub has put in applications for extended hours in both 2010 and 2012, both of which received considerable numbers of objection letters from neighbours and were either withdrawn or rejected on the basis of the disruption which would be caused to residents.

Bark Place, like the other surrounding residential roads, is an extremely quiet residential one-lane road which has almost no motor traffic at night. The houses are relatively high for the width of the road, which creates an echo effect, rather than absorbing the sound. You could virtually hear a pin drop. Consequently, the conversations held by groups of Phoenix customers as they leave the pub and make their way to Bayswater Road are loud enough to wake anyone sleeping at the front of the houses, even when their windows are closed. They often stop for some time to continue their conversations before they part company. This is frequently followed by the slamming of car doors and loud "goodbye"s. To reduce disturbance caused by the noise from the Phoenix patrons our windows must be kept shut on warm evenings. These houses do not have air conditioning, therefore closing windows is extremely unpleasant in the summer months.

Patrons of The Phoenix are not local residents of the Bark Place area. At closing time, customers almost always need to walk down Bark Place and then Orme Court to find transport: taxis on Bayswater Road, buses on Bayswater Road, and Queensway tube station.

Bark Place and Orme Court have narrow, poorly lit openings at either end, which make late-night encounters with often drunken pub patrons all the more disquieting for residents returning home. Those entering this area at night are either residents, or patrons of The Phoenix.

We also ask that the application to remove trading restrictions on Good Friday be refused as this is a time of family holiday for the residents.

We ask you to reject this application for extended licensed hours.

Name:	William Kennedy - Chair Queensway Residents Association
Address and/or Residents Association:	C/o 142A Queensway, London
Received:	1 st December 2015

We have had the opportunity to view the objections to this 'variation' application and, after full consideration, concur fully with the comments therein. In our view such applications if granted can only add increased pressure on what is already a very fragile residential amenity within a recognised stress area.

We wish to object to the above application on the basis that it will fail to promote the licensing objectives of prevention of Public Nuisance, Protection of Children from Harm, and Prevention of Crime and Disorder. Later closing hours would significantly increase the aggravation already caused to the residents of Bark Place by increasing the total alcohol consumption. Noise from outside drinkers and smokers would prevent residents from sleeping and the footfall and noisy conversations from patrons leaving would take place at even more unsociable hours. As the Neighbourhood Watch Coordinators for Bark Place we are concerned that increased drinking hours is likely to lead to more drunk and disorderly behaviour and associated crime in the locality. The Phoenix is on the corner of Bark Place and Moscow Road. Moscow Road is a quiet street with three pubs, only a few shops and many residents in numerous mansion blocks. Bark Place is an entirely residential road, joining Moscow Road and Bayswater Road, via Orme Court, apart from a sixth form college which is closed in the evenings and weekends. The houses, which are all well-maintained are mostly owner-occupied, many of them by families with children. Our house is approximately 100 metres from The Phoenix Pub, yet we are disturbed by patrons using our street to get to and from the establishment. Bark Place is used as a pedestrian thoroughfare to Bayswater Road.

In recent years, The Phoenix has caused us the following problems:

- People drinking and smoking on the narrow pavement on the Bark Place frontage preventing pedestrians from passing without going into the road.
- Men urinating openly on Bark Place, to the rear of The Phoenix and to the rear of Mulberry Pizza (47 Moscow Road)
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- Cigarette butts and vomit on the pavement.
- Noise from people drinking and eating at outside tables
- The noise of "merry" customers leaving The Phoenix at closing times, which disturbs the sleep and peace of mind of the residents even at current closing times

Such incidents would undoubtedly be magnified by the proposed increase of licensed hours and would take place when occupants of Bark Place and Moscow Road have every right to peaceful enjoyment of their property and undisturbed sleep.

The Phoenix Pub has put in applications for extended hours in both 2010 and 2012, both of which received considerable numbers of objection letters from neighbours and were either withdrawn or rejected on the basis of the disruption which would be caused to residents.

Bark Place, like the other surrounding residential roads, is an extremely quiet residential one-lane road which has almost no motor traffic at night. The houses are relatively high for the width of the road, which creates an echo effect, rather than absorbing the sound. You could virtually hear a pin drop. Consequently, the conversations held by groups of Phoenix customers as they

leave the pub and make their way to Bayswater Road are loud enough to wake anyone sleeping at the front of the houses, even when their windows are closed.

They often stop for some time to continue their conversations before they part company. This is frequently followed by the slamming of car doors and loud "goodbye"s. To reduce disturbance caused by the noise from the Phoenix patrons our windows must be kept shut on warm evenings. These houses do not have air conditioning, therefore closing windows is extremely unpleasant in the summer months.

Patrons of The Phoenix are not local residents of the Bark Place area. At closing time, customers almost always need to walk down Bark Place and then Orme Court to find transport: taxis on Bayswater Road, buses on Bayswater Road, and Queensway tube station. Bark Place and Orme Court have narrow, poorly lit openings at either end, which make late-night encounters with often drunken pub patrons all the more disquieting for residents returning home. Those entering this area at night are either residents, or patrons of The Phoenix.

We also ask that the application to remove trading restrictions on Good Friday be refused as this is a time of family holiday for the residents.

We ask you to reject this application for extended licensed hours.

Name:	Duncan & Charlotte Boardman
Address and/or Residents Association:	6 Bark Place London W2 4AX
Received:	30 th November 2015

I wish to object to the above application.

We are residents of Bark Place with three young children.

The Phoenix is on the corner of Bark Place and Moscow Road a short distance from our front door and we are already regularly disturbed by patrons who use Bark Place as a shortcut to Bayswater Road.

- Often we are disturbed late at night by revellers and walking to Queensway station or Bayswater Road.
- Occasionally there are larger group of inebriated adults, often talking loudly or inconsiderately.
- On several occasions our children have also been woken up.
- In some cases I have been concerned about an escalation of violence outside the house and have feared for my children's and my own safety just inside.

I think that increasing the licensing hours would be tantamount to a negligent disregard of your duties to protect children and to prevent crime and disorder.

Name:	Lady Elizabeth Barbara Jane Roberts
Address and/or Residents Association:	3 Caroline Place W2 4AW
Received:	29 th November 2015

I am writing to strongly object to the planning application for the increase in license hours for the above pub, and the reference given.

I live locally (Caroline Place) and there is already a lot of noise and anti-social behaviour from users of the pub at closing time. If these hours were to be extended by a further hour, this would disturb the peace of this neighbourhood even more.

I also strongly object to the extension of hours on Good Friday. This is a day for quiet contemplation, and should not be disturbed by rowdy, late drinkers at the pub.

Name:	David Christie
Address and/or Residents Association:	5 Caroline Place London W2 4AW
Received:	30 th November 2015

15/09852/LIPV: The Phoenix, 51 Moscow Road, London, W2 4AL

We wish to object to the above application on the basis that it will fail to promote the licensing objectives of prevention of Public Nuisance, Protection of Children from Harm, and Prevention of Crime and Disorder.

Later closing hours would significantly increase the aggravation already caused to the residents of Bark Place by increasing the total alcohol consumption. Noise from outside drinkers and smokers would prevent residents from sleeping and the footfall and noisy conversations from patrons leaving would take place at even more unsociable hours.

The Phoenix is on the corner of Bark Place and Moscow Road. Moscow Road is a quiet street with three pubs, only a few shops and many residents in numerous mansion blocks. Caroline Place, which is a cul-de-sac adjoining Bark Place is an entirely residential road, joining Moscow Road and Bayswater Road, via Orme Court, apart from a sixth form college which is closed in the evenings and weekends.

The houses, which are all well-maintained are mostly owner-occupied, many of them by families with children. Our house is approximately 100 metres from The Phoenix Pub, yet we are disturbed by patrons often lost trying to cut through to get to the tube stations or simply used as a pedestrian thoroughfare to Bayswater Road.

In recent years, The Phoenix has caused us the following problems:

- People drinking and smoking on the narrow pavement on the Bark Place frontage preventing pedestrians from passing without going into the road.
- Men urinating openly on Bark Place, to the rear of The Phoenix and to the rear of Mulberry Pizza (47 Moscow Road)

- Broken glass on the pavements which is a particular hazard for our dog on our evening walks.
- Cigarette butts and vomit on the pavement.
- Noise from people drinking and eating at outside tables.
- Drunk people making a lot of noise at closing time

Such incidents would undoubtedly be magnified by the proposed increase of licensed hours and would take place when occupants of Caroline Place, Bark Place and Moscow Road have every right to peaceful enjoyment of their property and undisturbed sleep.

The Phoenix Pub has put in applications for extended hours in both 2010 and 2012, both of which received considerable numbers of objection letters from neighbours and were either withdrawn or rejected on the basis of the disruption which would be caused to residents.

Patrons of The Phoenix are not local residents of the Bark Place area. At closing time, customers almost always need to walk down Bark Place and then Orme Court to find transport: taxis on Bayswater Road, buses on Bayswater Road, and Queensway tube station. Bark Place and Orme Court have narrow, poorly lit openings at either end, which make late-night encounters with often drunken pub patrons all the more disquieting for residents returning home. Those entering this area at night are either residents, or patrons of The Phoenix.

We also ask that the application to remove trading restrictions on Good Friday be refused as this is a time of family holiday for the residents.

Name:	Cllr Susie Burdrige
Address and/or Residents Association:	
Received:	30 th November 2015

I would like to concur with Cllr Smith's objection to the above licensing extension.

I would also like to add that these premises have been the object of complaints to me in the past. This little enclave is very much residential and we need to respect the amenity and preservation of our licensing objectives and that of family life and that means children who live close by getting a good nights sleep.

We know now that long licensing hours can have a detrimental effect on some in our residential areas. I believe the terminal hour of 11pm in this particular area is a good balance in meeting our licensing objectives and the balance needed between commercial and residential.

Name:	Mark & Pamela Sears
Address and/or Residents Association:	1 Lombardy Place London W2 4AU
Received:	1 st December 2015

Our house is located at the corner of Bark Place and Lombardy Place, approximately 100 meters from establishment.

We wish to make a representation in the above referenced application - we wish to object to the proposed changes on the basis of Public Nuisance, Protection of Children from Harm, and Prevention of Crime and Disorder. Granting later closing hours will increase alcohol consumption and thereby increase the problems with noise and safety already associated with The Phoenix.

The Phoenix is located at the intersection of Moscow Road and Bark Place, at the residential corner. Bark Place is a residential lane that includes a sixth form school (a good neighbour) and mostly owner occupied residences including many homes with children. A few homes are rented but many are to families with children. The residences and the school are extremely well maintained.

Bark Place, as well as the immediate small, residential roads, is an extremely quiet residential one lane road which has no traffic at night save for an occasional car or two. Because of this, a conversation on the street conducted at normal levels during the evening and night is heard by all residents on the street. On sports nights, cheers and shouting from the patrons inside the pub can be heard up and down the street. When the pub closes, departing patrons wake up the residents even when carrying on what they imagine are normal sound level conversations on their way down the silent street. They linger at corners to finish their discussions before parting ways. And most, under the influence of alcohol, are not conversing at normal noise levels but are loud and "jovial". Thumping of parked cars and banging on metal gates on the street are not uncommon occurrences. Closed windows and background noise (television, radio or fan) do not mitigate the problem. Ear plugs are not an option for many of us who have children.

Bark Place is very narrow and most homes are at least 4 stories tall. This creates a sound tunnel effect, thereby causing the noise to concentrate rather than dissipate. The minimal local vegetation does not help mitigate the noise.

Patrons of The Phoenix are not local residents of the Bark Place area. Upon closing, many patrons walk down Bark Place (which becomes Orme Court) to get to transportation: taxis on Bayswater Road, buses on Bayswater Road, and the Queensway tube station at Queensway and Bayswater. Bark Place/Orme Court are "narrow openings" at either end into the Bark Place neighbourhood. To enter this area at night either one is a resident or a patron of The Phoenix. The later closing time will mean foot traffic will increase at the later hours and, obviously, the later the inevitable disturbances will occur.

As a result of the noise, our windows must be kept shut on warm evenings, though that does not shut out the loud noise. Our home does not have air conditioning and we don't think many on the street do either therefore closing windows is extremely unpleasant

when the temperature rises.

Regarding the requested changes to Holiday openings:

There will be increased negative impact on quality of life for us and our children, especially on religious holidays centred around family gatherings (Christmas and Good Friday) and Bank Holidays when the children are home. The Phoenix has 2 large churches within less than a block of its door. To introduce visitors to the street who are imbibing alcohol on these days will mean that it will be more worrisome for the resident children to visit each other's homes unescorted. It will reduce the availability of the already limited number of parking spaces - family and friends of residents visiting for festive gatherings will compete with consumers of alcohol for those limited spaces.

In recent years the Phoenix has caused the following problems:

- Causing children and adults to leave footpath and forced to walk in street because drinkers/smokers are blocking way.
- Finding pub glasses in our residential bushes.
- On the way to school in the morning, finding broken drinking glasses on footpath on residential road on which pub is located.
- On the way to school in the morning, glasses and smoking detritus littering immediate area of pub.
- Most annoying and most consistent problem is the noise of alcohol consumers leaving The Phoenix at closing hours and the disturbance of sleep and peace of mind of residents and their children.

Increasing the hours of alcohol consumption will not decrease these events, it will increase them. Offering after hours food options will draw more non-resident consumers to the area. There will be more noise for longer periods at later hours on more days of the year. There will be increased litter. There will be more broken glasses left on the footpaths and in gardens and more noise at higher levels. Consumers of alcohol do not become more careful with increased consumption, they become more careless (and more inconsiderate); they do not become quieter, they become louder.

We respectfully request that each item listed in the application for changes is rejected and the application in total is denied.

3. Policy & Guidance

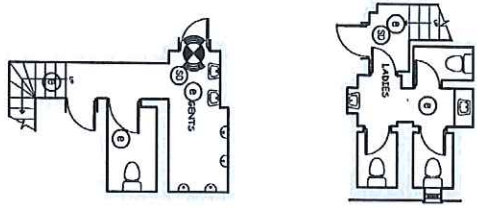
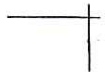
The following policies within the City Of Westminster Statement of Licensing Policy apply:

Policy HRS1 applies:	Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy. (ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.
Policy PB1 applies:	Applications will only be granted if it can be demonstrated that the proposal meets the relevant criteria in Policies CD1, PS1, PN1 and CH1.

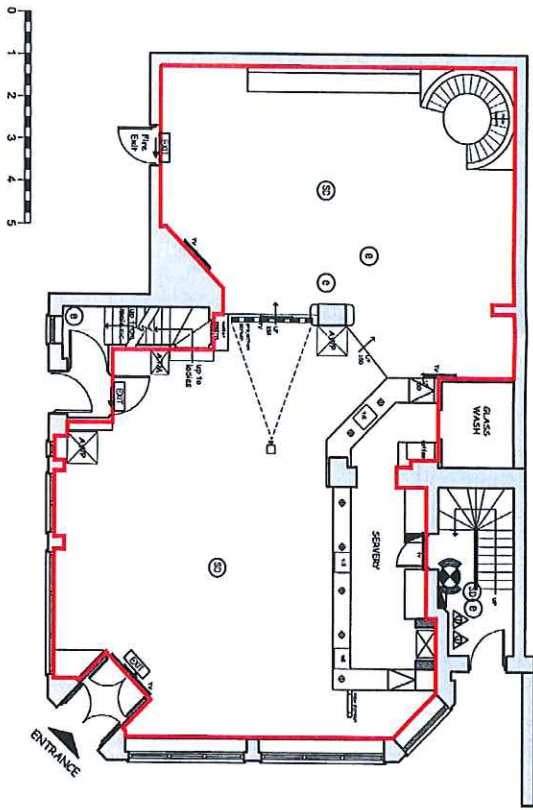
4. Appendices

Appendix 1	Premises plans
Appendix 2	Applicant supporting documents
Appendix 3	Premises history and Current Premises Licence
Appendix 4	Proposed conditions
Appendix 5	Residential map and list of premises in the vicinity

Report author:	Miss Heidi Lawrance Senior Licensing Officer
Contact:	Telephone: 020 7641 2751 Email: hlawrance@westminster.gov.uk



PROPOSED FLOOR PLAN



	CREATIVE GROUP 51, MADISON ROAD DUNSMITH ST A.S. DUNEDIN 801 402
SHIRAZ PLUS COMPANY THE SHIP 51, MADISON ROAD DUNSMITH ST A.S. DUNEDIN 801 402	SHIRAZ PLUS COMPANY THE SHIP 51, MADISON ROAD DUNSMITH ST A.S. DUNEDIN 801 402
LENDING PROPOSED PLAN DATE DECEMBER 2012	LENDING PROPOSED PLAN DATE DECEMBER 2012
THE SHIP 51, MADISON ROAD DUNSMITH ST A.S. DUNEDIN 801 402	THE SHIP 51, MADISON ROAD DUNSMITH ST A.S. DUNEDIN 801 402

CREATIVE GROUP & SHIRAZ PLUS COMPANY
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Appendix 2

None provided.

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
New Premises Licence 15/05421/LIPCV	Applied for Regulated Entertainment & Sale of Alcohol Monday to Saturday: 10:00 to 23:00 Sunday: 12:00 to 22:20 Late Night Refreshment: Monday to Saturday 23:00 to 23:30	Conversion from old legislation to new – deemed granted	10/10/2005
Vary DPS 07/06357/LIPDPS	Application to vary the Designated Premises Supervisor	Granted under Delegated Authority	06/07/2007
Vary DPS 07/12118/LIPDPS	Application to vary the Designated Premises Supervisor	Granted under Delegated Authority	18/12/2007
Change of Details 09/04169/LIPCH	Change of details	Granted under Delegated Authority	05/06/2009
Minor Variation 10/07625/LIPVM	Minor Variation to Remove the condition 'No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies: a) he is the child of the holder of the premises licence; b) he resides in the premises, but is not employed there; c) he is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress; d) the bar is in a railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary". Add the condition "Children will only be permitted when accompanied by an adult". Add the condition "A challenge 21 policy will be employed whereby those individuals who appear to be under the age of 21 and are attempting to purchase alcohol will be asked to provide identification.	Granted under Delegated Authority	18/10/2010

	The only type of identification that will be accepted is a passport, photo driving licence or any other PASS accredited identification. Staff will be trained in this policy and records will be kept".		
Application to Vary the Premises Licence 10/09802/LIPV	To permit the sale of alcohol Monday to Thursday until 23:30hrs and Friday and Saturday until 00:00hrs (currently permitted until 23:00). To permit late night refreshment Friday and Saturday until 00:00hrs (currently permitted until 23:30). Opening hours of the premises are to match the terminal hour for the sale of alcohol. For all of the above on the Sundays licensable prior to bank holidays until 00:00. From the end of permitted hours on New Years Eve until the start of permitted hours New Years Day. Remove the restrictions on hours for Christmas Day and Good Friday so that which ever day of the week these respective days fall on, the hours for that day will apply. All other hours (including the Sunday permission), licensable activities and conditions are to remain unchanged.	Application withdrawn	24/11/2011
Vary DPS 11/05325/LIPDPS	Application to vary the Designated Premises Supervisor	Granted under Delegated Authority	13/06/2011
Application to Vary the Premises Licence 12/04087/LIPV	To extend the sale of alcohol as follows:- 10:00 until 00:30 the following morning on Thursday to Saturday (current permission 10:00 until 23:00) To permit the premises to open for the sale of alcohol on Sunday from 10:00 (current permission 12:00). To extend late night refreshment as follows:- 23:00 until 01:00 the following morning on Thursday to Saturday (current permission 23:00 until 23:30) To maintain 30 minutes drinking up time following the last permitted sale of alcohol. To add the following conditions:- "There will be no first entry to the premises after 23:30" "No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance" "The designated premises supervisor or a member of staff nominated for the purpose shall ensure that prominent, clear and legible notices are	Application Withdrawn	06/07/2012

	displayed at all exits requiring customers to respect the needs of local residents and to leave the area quietly prior to opening for trading" "No rubbish including bottles will be moved, removed or placed in outside areas between 23:00 and 08:00" "Late night refreshment is restricted to consumption on the premises". To remove the restriction the Good Friday and Christmas Day trading hours. All other hours, licensable activities, conditions and non standard timings are to remain unchanged.		
Application for a Minor Variation 12/05521/LIPVM	To permit the premises to open from 07:00 in order to serve breakfast and non-alcoholic beverages. There is to be no change to licensable activities or timings.	Granted under Delegated Authority	18/07/2012
Application for a Minor Variation 12/11135/LIPVM	To vary the plans attached to the existing premises licence so as to incorporate the following changes: 1. Removal of part raised floor to create one flat raised floor at 1 step up. 2. Introduction of new dining height fixed seating and curved feature booth seating. 3. Removal of internal timber screen in raised floor area. 4. Addition of half-timber screen by end of bar to control customer access. 5. New timber drinks shelves by AWP positions. There are no proposed changes to current licensable activities or timings.	Granted under Delegated Authority	07/01/2013
Vary DPS 14/02825/LIPDPS	Application to vary the Designated Premises Supervisor	Granted under Delegated Authority	09/06/2014
Vary DPS 14/05583/LIPDPS	Application to vary the Designated Premises Supervisor	Granted under Delegated Authority	28/07/2014
Vary DPS 14/11306/LIPDPS	Application to vary the Designated Premises Supervisor	Granted under Delegated Authority	28/12/2014

There is no appeal history

CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE AND CONDITIONS PROPOSED BY A PARTY TO THE HEARING

When determining an application for a new premises licence under the provisions of the Licensing Act 2003, the licensing authority must, unless it decides to reject the application, grant the licence subject to the conditions which are indicated as mandatory in this schedule.

At a hearing the licensing authority may, in addition, and having regard to any representations received, grant the licence subject to such conditions which are consistent with the operating schedule submitted by the applicant as part of their application, or alter or omit these conditions, or add any new condition to such extent as the licensing authority considers appropriate for the promotion of the licensing objectives.

This schedule lists those conditions which are consistent with the operating schedule, or proposed as appropriate for the promotion of the licensing objectives by a responsible authority or an interested party as indicated. These conditions have not been submitted by the licensing service but reflect the positions of the applicant, responsible authority or interested party and have not necessarily been agreed

Conditions: On Current Licence –

Mandatory:

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (3) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (4) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (a) drink as much alcohol as possible (whether within a time limit or otherwise);

- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
- 5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
- 6.
 - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.
- 7. The responsible person must ensure that—
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;

- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

A responsible person in relation to a licensed premises means the holder of the premises licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor. For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

8(i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

8(ii) For the purposes of the condition set out in paragraph 8(i) above –

(a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) “permitted price” is the price found by applying the formula –

$$P = D + (D \times V)$$

Where –

P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence –

the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- 8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.
- 9. Alcohol shall not be sold, supplied, consumed in or taken from the premises except during permitted hours.

In this condition, permitted hours means:

- (a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10:00 to 23:00;
- (b) On Sundays, other than Christmas Day or New Year's Eve, 12:00 to 22:30;
- (c) On Good Friday, 12:00 to 22:30;
- (d) On Christmas Day, 12:00 to 15:00 and 19:00 to 22:30;
- (e) On New Year's Eve, except on a Sunday, 10:00 to 23:00;
- (f) On New Year's Eve on a Sunday, 12:00 to 22:30;
- (g) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

NOTE - The above restrictions do not prohibit:

- (a) during the first twenty minutes after the above hours the consumption of the alcohol on the premises;
- (b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- (c) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking table meals there if the alcohol was supplied for consumption as ancillary to the meals;
- (d) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;
- (e) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;

- (f) the sale of alcohol to a trader or registered club for the purposes of the trade or club;
- (g) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- (h) the taking of alcohol from the premises by a person residing there;
- (i) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied;
- (j) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

In this condition, any reference to a person residing in the premises shall be construed as including a person not residing there but carrying on or in charge of the business on the premises.

10. The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.

Annex 2 – Conditions consistent with the operating Schedule

11. Children will only be permitted when accompanied by an adult.
12. A challenge 21 policy will be employed whereby those individuals who appear to be under the age of 21 and are attempting to purchase alcohol will be asked to provide identification. The only type of identification will be accepted is a passport, photo driving licence or any other PASS accredited identification. Staff will be trained in this policy and records will be kept.

Annex 3 – Conditions attached after a hearing by the licensing authority

None

Conditions agreed by Metropolitan Police Service and Applicant

1. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. 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. Viewing of recordings shall be

made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.

2. 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 is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
3. All customers to be off the premises by 00.30
4. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following: (a) all crimes reported to the venue (b) all ejections of patrons (c) any complaints received concerning crime and disorder (d) any incidents of disorder (e) all seizures of drugs or offensive weapons (f) any faults in the CCTV system, searching equipment or scanning equipment (g) any refusal of the sale of alcohol (h) any visit by a relevant authority or emergency service.

Proposed conditions from applicant in relation to the Environmental Health Representation and Resident Representations *(Not yet agreed by EH or residents)*

5. No drinks will be permitted outside after 22:30 on any day. Signs will be displayed to notify customers of this policy at all exits to the premises.
6. Signs will be displayed at all exits reminding customers to respect the residents in the immediate vicinity when leaving the premises.
7. Outside chairs will be stacked away and stored by 22:30 daily.
8. All doors and windows to be closed during regulated entertainment.
9. During trading hours the duty manager will undertake a patrol outside the premises to assess customer and music noise and to ensure that no public nuisance is being caused.
10. Staff will regularly collect glasses from outside the premises (at least every 20 minutes) and inform the duty manager of anything they witness that they consider might undermine the prevention of public nuisance objective. It will be for the duty manager to take reasonable measures to ensure that no public nuisance is caused.
11. 15 minutes before the terminal hour for sale of alcohol, 'last orders' will be called, music levels turned down to 'background' levels and lighting adjusted (increased) to indicate that the premises is preparing to close.
12. A complaints log (the Log) shall be maintained and all complaints made to the premises shall be recorded in the Log. As a minimum, the Log will record the date and time of the complaint, the name and address of the complainant (if known), the name of the person recording the complaint, the nature of the complaint and any action taken thereafter.

13. From 20 minutes prior to closing the premises, the duty manager will patrol outside the front of the premises to ensure a quiet customer dispersal. The duty manager will remain outside until such time as the last customers have left.

Proposed conditions by Environmental Health *Not yet agreed by Applicant*

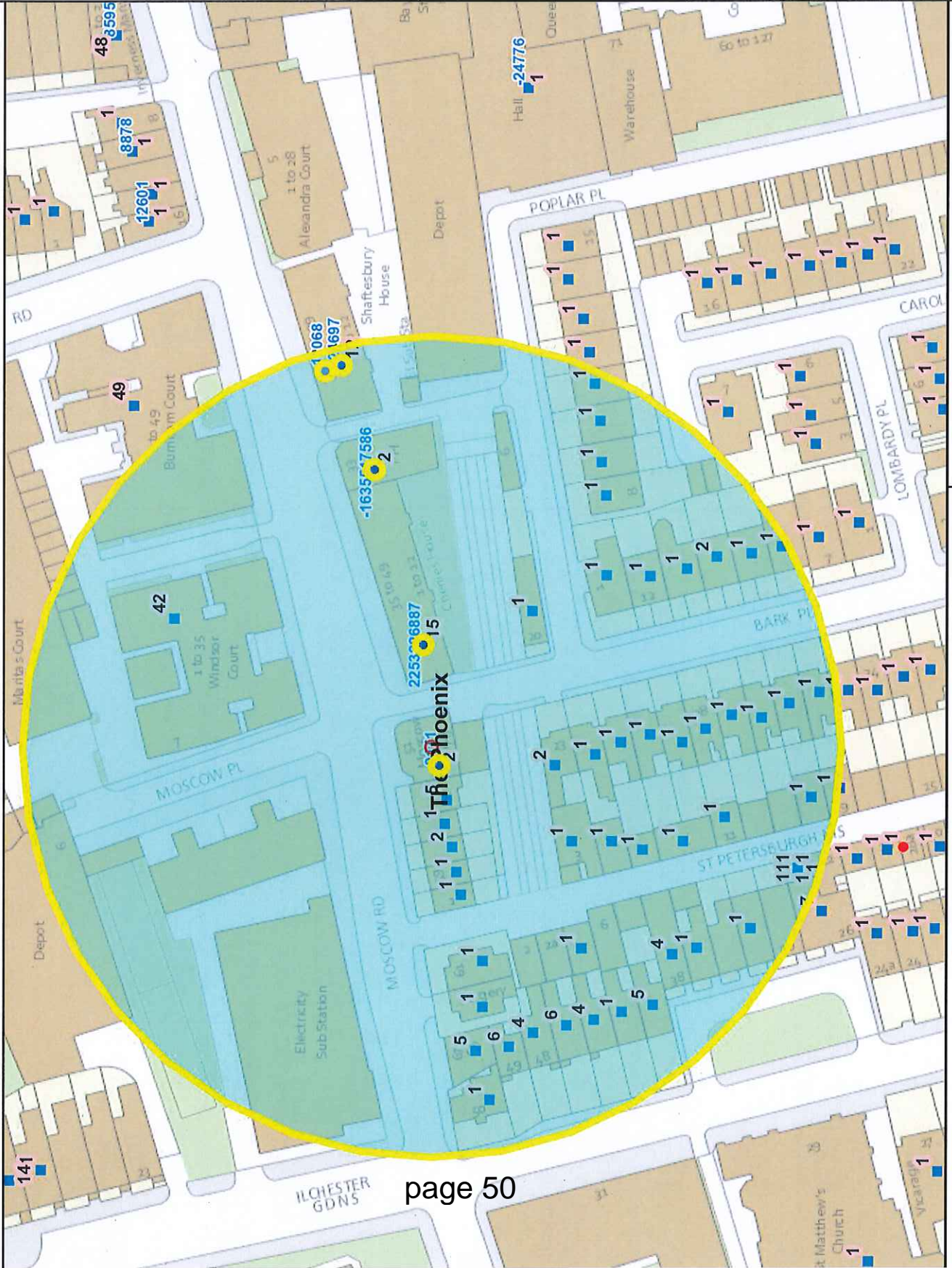
14. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises or its vicinity save for on the private forecourt on Moscow Road.
15. A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
16. A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.
17. 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.
18. When amplified music is being played all windows and external doors shall be kept closed except for the immediate access and egress of persons.
19. The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
20. All outside tables and chairs shall be removed or rendered unusable by (22.30) hours.
21. After (22:30) hours patrons permitted to temporarily leave and then re-enter the premises, eg to smoke, shall not be permitted to take drinks or glass containers with them.
22. Notices shall be prominently displayed at the exit/entrance and in the external area requesting patrons to respect the needs of local residents and businesses and when leaving to do so quietly.

23. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
24. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 hours and 08.00 hours on the following day.
25. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
26. No collections of waste or recycling materials, including bottles, from the premises shall take place between 23.00 and 08.00 hours on the following day.
27. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.

If you have any queries about this report or wish to inspect one of the background papers please contact the report author.

Background Documents – Local Government (Access to Information) Act 1972

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 th January 2011
3	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
4	Application Form	3 rd November 2015



Appendix 5

159

Residential /
Proposed
Residential

Under
Construction

Other Uses

Proportion
Residential
of all Uses

Data Source: Uniform Database

Date: 09/12/2015

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Premises within 75 metres of:			
p / n	Name of Premises	Premises Address	Licensed Hours
22552	Mulberry Street	Ground Floor 47 Moscow Road London W2 4AH	Sunday 12:00 - 22:30 Monday to Saturday 12:00 - 23:00
26867	Shiori	45 Moscow Road London W2 4AH	Monday to Saturday 12:00 - 15:00 Monday to Saturday 18:00 - 22:30
-24697	Olympic Food Centre	21 Moscow Road London W2 4AH	Sunday 08:00 - 22:30 Monday to Saturday 08:00 - 23:00
-16355	Kings Head Public House	Kings Head 33 Moscow Road London W2 4AH	Sunday 07:00 - 23:00 Monday to Saturday 07:00 - 23:30
-12068	Byzantium Cafe	Ground Floor 31 Moscow Road London W2 4AH	Monday to Sunday 08:00 - 23:00
9171	The Phoenix	51 Moscow Road London W2 4AL	Sunday 07:00 - 23:00 Monday to Saturday 07:00 - 23:30
17586	Kings Head Public House	Kings Head 33 Moscow Road London W2 4AH	Sunday 07:00 - 23:00 Monday to Saturday 07:00 - 23:30



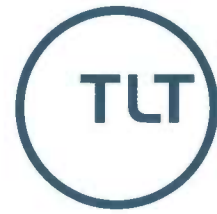


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www.TLTsolicitors.com

Our ref 303L/PW03/83944/3879
Your ref

To the residents

Direct tel	+44 (0)333 006 0692	Date	11 February 2016
Direct fax	+44 (0)333 006 1492	Email	piers.warne@TLTsolicitors.com

Dear Sir/ Madam

**Our client - Spirit Pub Company (Services) Limited
Phoenix 51 Moscow Road Bayswater London W 2 4AL**

I act for Spirit (Part of Greene King) in relation to their application to vary the premises licence at the above premises.

My client has carefully considered your representation, as well as those made from other residents in the vicinity and would like to take this opportunity to inform you of changes we have made to the application in light of your comments.

Change in hours

Following your comments, my client has decided to amend the application so that they are only applying for an extension to the hours in line with the City of Westminster Statement of Licensing Policy 'Core Hours' policy. This means that in real terms the extensions being applied for are as follows:

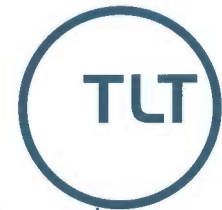
For sale of alcohol, late night refreshment and closing time for customers:

Monday to Thursday: 10:00 to 23:30 (an additional 30 minutes)

Friday and Saturday: 10:00 to midnight (an additional 1 hour)

Sunday: midday to 22:30 (no change- alcohol only- no application for late night refreshment)

Our client is also requesting that the restriction on the current licence relating to trading during the day on Good Friday is removed.



The extension to hours are being applied for to permit the Phoenix to trade the same hours as the other public houses in the immediate vicinity. The purpose is to enable customers who are currently leaving the Phoenix to go to another pub nearby for last orders to stay where they are for the additional time. It is not anticipated that the small extensions now being applied for will attract any more customers to the premises for the simple reason that we are not seeking to offer anything that they would not expect to get at any other pubs in the vicinity. The extension will simply permit customers to remain at the Phoenix rather than having to go elsewhere before or at the current terminal hour.

Addition of conditions to the premises licence

In addition to the change in hours, my client have agreed, following discussions with the metropolitan police and environmental protection officer, to add the following conditions to the premises licence in return for the modest increase in hours to reflect Westminster core hours.

The conditions we have agreed are as follows:

Agreed with the police

1. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. 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. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
2. 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 is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
3. All customers to be off the premises by midnight (**police requested 00:30, but pulled back in line with core hours policy**)
4. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following: (a) all crimes reported to the venue (b) all ejections of patrons (c) any complaints received concerning crime and disorder (d) any incidents of disorder (e) all seizures of drugs or offensive weapons (f) any faults in the CCTV system, searching equipment or scanning equipment (g) any refusal of the sale of alcohol (h) any visit by a relevant authority or emergency service.

Agreed with the Environmental Protection officer

5. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises or its vicinity save for on the private forecourt on Moscow Road.
6. A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
7. A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, so as to ensure that

no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.

8. 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.

9. When amplified music is being played all windows and external doors shall be kept closed except for the immediate access and egress of persons.

10. The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.

11. All outside tables and chairs shall be removed or rendered unusable by 22.30 hours.

12. After 22:30 hours patrons permitted to temporarily leave and then re-enter the premises, eg to smoke, shall not be permitted to take drinks or glass containers with them.

13. Notices shall be prominently displayed at the exit/entrance and in the external area requesting patrons to respect the needs of local residents and businesses and when leaving to do so quietly.

14. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.

15. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 hours and 08.00 hours on the following day.

16. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.

17. No collections of waste or recycling materials, including bottles, from the premises shall take place between 23.00 and 08.00 hours on the following day.

18. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.

Conditions offered based on resident's representations (where not covered by agreed conditions above)

19. Staff will regularly collect glasses from outside the premises (at least every 20 minutes) and inform the duty manager of anything they witness that they consider might undermine the prevention of public nuisance objective. It will be for the duty manager to take reasonable measures to ensure that no public nuisance is caused. Such checks will be logged in a log kept for the purpose.



20. 15 minutes before the terminal hour for sale of alcohol, 'last orders' will be called, music levels turned down to 'background' levels and lighting adjusted (increased) to indicate that the premises is preparing to close.

21. A complaints log (the Log) shall be maintained and all complaints made to the premises shall be recorded in the Log. As a minimum, the Log will record the date and time of the complaint, the name and address of the complainant (if known), the name of the person recording the complaint, the nature of the complaint and any action taken thereafter.

22. From 20 minutes prior to closing the premises, the duty manager will patrol outside the front of the premises to ensure a quiet customer dispersal. The duty manager will remain outside until such time as the last customers have left. On the basis that these conditions are to be added to the licence, the police and environmental protection officer who made representations to the application initially have withdrawn their representations.

Going forward

Spirit would like to re-iterate their obligation to working with their neighbours in order to ensure that the premises can operate without causing any undue disturbance. They recognise that there is a balance to be struck between operating a pub that is inviting to customers and provides a resource for the community, both residents and people who work in the neighbourhood, and ensuring that as little disturbance as possible is caused to residents.

My client will continue to look at best practice and working with residents and to that end would ask that you contact the manager or business development manager to discuss any such concerns. Please feel free to contact me if you are interested in such discussions and I will put you in direct contact with my client.

Yours sincerely

**Piers Warne
Associate
for TLT LLP**

Agenda Item 2 Licensing Sub-Committee Report

Item No:	
Date:	18 February 2016
Licensing Ref No:	15/12010/LIPN - New Premises Licence
Title of Report:	WeWork Soho 2 Sheraton Street London W1F 8FN
Report of:	Director of Public Protection and Licensing
Wards involved:	West End
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Miss Yolanda Wade Senior Licensing Officer
Contact details	Telephone: 020 7641 1884 Email: ywade@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	21 December 2015		
Applicant:	WW Medius Limited		
Premises:	WeWork Soho		
Premises address:	2 Sheraton Street London W1F 8FN	Ward:	West End
		Cumulative Impact Area:	Yes
Premises description:	The premises operate as an office building with shared office spaces.		
Premises licence history:	None		
Applicant submissions:	None		

1-B Proposed licensable activities and hours							
Sale by retail of alcohol				On or off sales or both:			On
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	14:00	14:00	14:00	14:00	14:00	14:00	14:00
End:	23:00	23:00	23:00	23:00	23:00	23:00	23:00
Seasonal variations:	N/A						
Non-standard timings:	N/A						

N.B: The applicant has amended the terminal hour for the sale by retail of alcohol on Sundays from 23:00 to 22:30

Hours premises are open to the public: The premises are not open to the general public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	N/A	N/A	N/A	N/A	N/A	N/A	N/A
End:	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Seasonal variations:	N/A						
Non-standard timings:	N/A						
Adult Entertainment:	N/A						

2. Representations

2-A Responsible Authorities

Responsible Authority:	The Environmental Health Service
Representative:	Anuja Jayawickrema
Received:	4 th January 2016

I refer to the application for a New Premises Licence number for the above premises, which is located in the West End Stress area.

This representation is based on the plans submitted with the operating schedule submitted on 21.12 2015.

The applicant is seeking the following licensable activities:

1. Supply of Alcohol for 'On' the premises, Monday to Sunday from 14:00 to 23:00 hours.

I wish to make the following representations:

1. The Supply of Alcohol and for the hours requested may have the likely effect of increasing Public Nuisance in the area and impact on Public Safety.

Conditions have been offered in the operating schedule and these are under consideration.

The applicant is asked to contact the undersigned to arrange a site visit to assess the premises to ensure the premises is satisfactory and following this, additional conditions may be recommended by Environmental Health to support the licensing objectives Prevention of Public Nuisance and Public Safety.

The granting of the new premises licence as presented would have the likely effect causing an increase in Public Nuisance and may impact on Public Safety within the Stress area.

The Environmental Health Service has proposed conditions which have been agreed by the Applicant. The Environmental Health Service has withdrawn their representation **(Appendix 4)**.

Responsible Authority:	The Metropolitan Police
Representative:	Toby Janes
Received:	5 th January 2016

Dear Sir

Application 15/12010/LIPN – We Work Soho, 2 Sheraton Street, W1

With reference to the above application, I am writing to inform you that the

Metropolitan Police, as a Responsible Authority, make a representation against the above application.

It is our belief that if granted the application would undermine the Licensing objectives in relation to the prevention of crime and disorder as there are insufficient conditions within the operating schedule.

The venue is situated in the West End Stress Area, a locality where there is traditionally high crime and disorder. We have concerns that this application will cause further policing problems in an already demanding area.

The following conditions listed below are those that police would like you to attach to your operating schedule as I believe they will address police concerns in relation to crime and disorder.

1. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following: (a) all crimes reported to the venue (b) all ejections of patrons (c) any complaints received concerning crime and disorder (d) any incidents of disorder (e) all seizures of drugs or offensive weapons (f) any faults in the CCTV system, searching equipment or scanning equipment (g) any refusal of the sale of alcohol (h) any visit by a relevant authority or emergency service.
2. 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.
3. The licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the premises as offices.
4. The provision of licensable activities shall be restricted to employees of the organisation in occupation and their associated companies: and bona fide guests of the said employees and associated companies.
5. Licensable activities shall be restricted to the area hatched in red and green as shown on the plan.

Can you also please confirm the capacity of the licensable area.

The Police have proposed further conditions which have been agreed by the applicant **(Appendix 4)**

Name:	Mrs Alison Rhodes		
Address and/or Residents Association:	FLAT 2 Paramount House 168 Wardour Street London W1F8ZX		
Received:	19 th January 2016		
<p>5:02 PM on 19 Jan 2016 Our flat backs on to the applicants' property, in fact, our bedroom window is about 15 feet away from their kitchen area. When we first moved into the flat their kitchen was housed in a smaller room and caused no problem but with the refurbishment of the property along came the problems.</p> <p>We not only suffer from the event music noise but also problems from the kitchen especially in spring and summer months when their windows are open. This noise goes on till 3.30-4.30 am which I feel is unreasonable. The building never turns off its lights, apparently because of its 24 hour activity.</p> <p>The kitchen noise in question consists of loud voices messing about, staff kitchen music, endless clanking of metal coffee/ tea pot lids emptying, dishwasher loading and unloading with glasses, crockery, wine bottles being tipped into bottle bins and then being emptied. We should be able to rely on a better ventilation system so they can contain the noise with windows closed.</p> <p>Giving permission to applicant simply brings the party area closer to the 16 flats in this building and results in their kitchen being busier.</p> <p>I have on two occasions been round to talk to catering staff and said I realise I live in the heart of Soho and must expect some noise but have been met with comments about their building housing 24 hour a day operating companies who have to entertain at all hours. They did say they would talk to staff in the kitchens but this doesn't last. Before any intensification is contemplated, it would be reasonable to expect that the premises are properly insulated and ventilated so that we do not have to rely on the sporadic goodwill of staff to secure a reasonable level of amenity.</p>			

Name:	Steve Chambers		
Address and/or Residents Association:	The Soho Society 55 Dean Street London W1D 6AF		
Status:	Resident Association	In support or opposed:	Opposed
Received:	14.01.2016		

Reference: 15/12010/LIPN, Premises Licence – New, WeWork Soho, 2 Sheraton Street, W1F 8FN

I write to make a relevant representation to the above application on behalf of The Soho Society.

The Soho Society objects to this application as it is currently presented, on the grounds of prevention of public nuisance, prevention of crime and disorder and cumulative impact in the West End Stress Area.

About The Soho Society

The Soho Society is a charitable company limited by guarantee established in 1972. The society is a recognised amenity group and was formed to make Soho a better place to live, work or visit by preserving and enhancing the area's existing diversity of character and uses, and by improving its facilities, amenities and environment. In particular, the society supports the Westminster City Council's policies, including the cumulative impact policy, as set out in the Statement of Licensing Policy.

Application summary

Activity	Alcohol Consumed	Time Period	From	To
Sale by Retail of Alcohol	On Premises	Monday to Sunday	02:00 PM	11:00 PM

New licensed premises in the West End Stress Area

The proposal is for a new licensed premises in the West End Stress Area. The new Sale by Retail of Alcohol On Premises licensable activity is of particular concern, with reference to Westminster City Council stress area and cumulative impact policy. Such new licenses (in particular where not ancillary

to food) should be prohibited. These venues destroy residential amenity over a wide area through noise nuisance as patrons disperse.

Hours of operation

The proposal includes licensable activities, including sale of alcohol, outside of Westminster core hours. The premises are in the West End Stress Area. There are private homes in nearby buildings, and residents in the immediate area are subject to noise and general nuisance every night of the week. We therefore feel it is necessary to keep the operating hours within defined core hours, namely Monday to Thursday 10am – 11.30pm, Friday and Saturday 10 am – 12 midnight and Sunday 12 noon – 10.30 pm.

Licensing policy

This area has been identified by the Westminster City Council (2.4.1 of the Statement of Licensing Policy, as amended) as under stress because the cumulative effect of the concentration of late night and drink led premises and night cafes has led to serious problems of disorder and/or public nuisance affecting residents, visitors and other businesses.

The policies in relation to the stress areas are directed at the global and cumulative effects of licences on the area as a whole (2.4.5 of the policy). The policies are intended to be strict and will only be overridden in genuinely exceptional circumstances (2.4.2 of the policy). The growth in the entertainment industry in Soho has led to a marked deterioration in the quality of life and well-being of local residents and it has jeopardised the sustainability of the community. Soho has a substantial residential community and many of these residents suffer from problems such as, but not limited to, high levels of noise nuisance, problems with waste, urinating and defecating in the streets, threats to public safety, anti-social behaviour, crime and disorder and the change in character of historic areas. For the reasons I have set out, we believe that the application, if granted in its present form, would fail to promote the licensing objectives of prevention of public nuisance and prevention of crime and disorder. I respectfully urge the Licensing Sub-Committee to reject this application.

Please let me know if any proposals are made to amend the application; particularly in respect of the hours sought or any further conditions proposed.

3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:

Policy CIP1 applies:

- (i) It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for

	<p>music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1.</p> <p>(ii) Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.</p>
Policy HRS1 applies:	<p>(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>(ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.</p>

4. Appendices

Appendix 1	Premises plans
Appendix 2	Applicant supporting documents
Appendix 3	Premises history
Appendix 4	Proposed conditions
Appendix 5	Residential map and list of premises in the vicinity

Report author:	Miss Yolanda Wade Senior Licensing Officer
Contact:	Telephone: 020 7641 1884 Email: ywade@westminster.gov.uk

If you have any queries about this report or wish to inspect one of the background papers please contact the report author.

Background Documents – Local Government (Access to Information) Act 1972

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 th January 2011
3	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015

No supporting documentation

There is no licence or appeal history for the premises

CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE AND CONDITIONS PROPOSED BY A PARTY TO THE HEARING

When determining an application for a new premises licence under the provisions of the Licensing Act 2003, the licensing authority must, unless it decides to reject the application, grant the licence subject to the conditions which are indicated as mandatory in this schedule.

At a hearing the licensing authority may, in addition, and having regard to any representations received, grant the licence subject to such conditions which are consistent with the operating schedule submitted by the applicant as part of their application, or alter or omit these conditions, or add any new condition to such extent as the licensing authority considers necessary for the promotion of the licensing objectives.

This schedule lists those conditions which are consistent with the operating schedule, or proposed as necessary for the promotion of the licensing objectives by a responsible authority or an interested party as indicated. These conditions have not been submitted by the licensing service but reflect the positions of the applicant, responsible authority or interested party and have not necessarily been agreed

Mandatory Conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
 - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

- (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
 - (b) an ultraviolet feature.
7. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

- (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

A responsible person in relation to a licensed premises means the holder of the premise licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor. For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

8(i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

8(ii) For the purposes of the condition set out in paragraph 8(i) above -

- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula -

$$P = D + (D \times V)$$

Where -

- (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
- (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- 8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.
9. All persons guarding premises against unauthorised access or occupation or against outbreaks of disorder or against damage (door supervisors) must be licensed by the Security Industry Authority.

Conditions proposed by the Applicant as part the operating schedule

10. The supply of Alcohol shall only be to members of The We Work group of companies or employees of member companies, or their bonafide guests **(agreed with EH)**
11. SIA staff are provided to patrol all areas of the premises and to ensure good order is maintained at all times in the working environment.
12. Health and safety risk assessments will be undertaken and all staff shall be trained therein
13. Signs will be located at the exits to the building to remind occupants that they should ensure that local residents are not disturbed by any licensable activity at the premises.
14. Signs will be provided reminding occupants that alcohol should only be supplied to persons over the age of 18.

Conditions proposed by the Environmental Health and agreed by Applicant

15. 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 **(also agreed with Police)**
16. The licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the premises as offices **(also agreed with Police)**

17. Licensable activities shall be restricted to the second floor ONLY.
18. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
19. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
20. A challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
21. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.

Conditions proposed by the Police and agreed by Applicant

22. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following: (a) all crimes reported to the venue (b) all ejections of patrons (c) any complaints received concerning crime and disorder (d) any incidents of disorder (e) all seizures of drugs or offensive weapons (f) any faults in the CCTV system, searching equipment or scanning equipment (g) any refusal of the sale of alcohol (h) any visit by a relevant authority or emergency service.
23. The provision of licensable activities shall be restricted to persons with the right to use office space at the premises or any premises operated by WeWork's affiliates, employees of any organisation in occupation of any premises operated by WeWork and its affiliates: bona fide guests of the foregoing employees and associated companies, or persons attending private pre-booked business functions.
24. Licensable activities shall be restricted to the area hatched in red and green as shown on the plan.

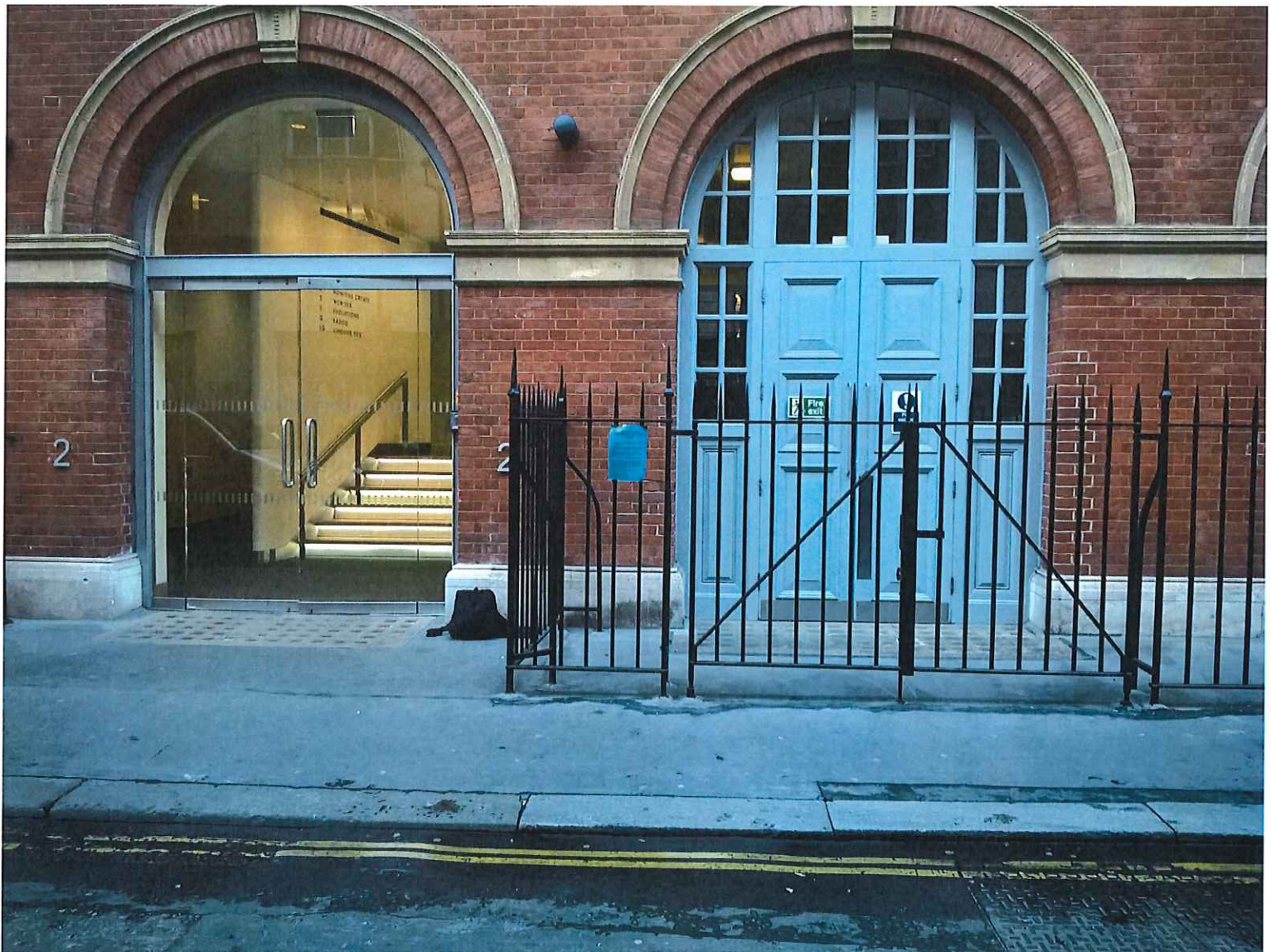


Residential / Proposed Residential	38
Under Construction	
Other Uses	
Proportion Residential of all Uses	

APPENDIX 5

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Premises within 75 metres of: WeWork Soho 2 Sheraton Street			
p / n	Name of Premises	Premises Address	Licensed Hours
25286	The George Public House	1 D'Arbly Street London W1F 8DG	Monday to Sunday 00:00 - 00:00
-29449	The Nadler Soho	The Nadler Soho 10 - 12 Carlisle Street London W1D 3BR	Monday to Sunday 00:00 - 00:00
-28126	Imil Ltd	167-169 Wardour Street London W1F 8WL	Sunday 08:00 - 00:00 Monday to Saturday 08:00 - 01:00
3360	Pho	163-165 Wardour Street London W1F 8WL	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
7933	Star Cafe	22 Great Chapel Street London W1F 8FR	Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 23:00
16601	Hearst Magazine UK, The Good Housekeeping Institute	21-25 St Anne's Court London W1F 0BJ	Monday to Sunday 00:00 - 00:00
26474	Soho Business Club	16 Carlisle Street London W1D 3BT	Friday to Saturday 08:00 - 00:00 Sunday 08:00 - 22:30 Monday to Thursday 08:00 - 23:30
15270	One Housing Hostel	West End House 91-92 Dean Street London W1D 3SY	Monday to Sunday 00:00 - 00:00
-18179	Korkers (Basement) And Mustafa's Thai Cottage (Ground Floor)	Ground Floor 34 D'Arbly Street London W1F 8EX	Monday to Saturday 09:00 - 03:30 Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00 Sunday 12:00 - 00:00
24662	St Montz	161 Wardour Street London W1F 8WL	Monday to Sunday 09:00 - 03:30
20710	Vanity Bar And Nightclub	Basement To First Floor 4 Carlisle Street London W1D 3BJ	Sunday 09:00 - 01:00 Monday to Saturday 09:00 - 03:30
-15016	Tostado	Ground Floor 16 St Anne's Court London W1F 0BF	Monday to Saturday 08:00 - 23:30 Sunday 10:00 - 22:00
-16765	Chipotle Mexican Grill	163-165 Wardour Street London W1F 8ZA	Monday to Saturday 10:00 - 23:30 Sunday 11:30 - 23:00
-6716	Inamo	136 Wardour Street London W1F 8ZR	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sundays before Bank Holidays 12:00 - 00:00 Sunday 12:00 - 22:30
-6461	Enrique Tomas	132 Wardour Street London W1F 8ZW	Monday to Saturday 10:00 - 22:30 Sunday 12:00 - 22:30







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Item No:	
Date:	18 February 2016
Licensing Ref No:	15/12104/LIPN - New Premises Licence
Title of Report:	Honest Burgers Ground and First Floor 33 Southampton Street London WC2E 7HE
Report of:	Director of Public Protection and Licensing
Wards involved:	St James's
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Mr Darren O'Leary Senior Licensing Officer
Contact details	Telephone: 02076417824 Email: doleary@westminstergov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	23 December 2015		
Applicant:	Honest Burgers Limited		
Premises:	Honest Burgers		
Premises address:	Ground and First Floor 33 Southampton Street London WC2E 7HE	Ward:	St James's
		cumulative impact area:	West End
Premises description:	The premises will be a burger restaurant with an emphasis on British produce.		
Premises licence history:	<p>This is a new premises licence application for a restaurant.</p> <p>The premises is located with the 'West End Cumulative Impact Area'. The premises were previously licenced under premises licence number: 14/04992/LIPDPS. However this licence was surrendered on the 24th September 2015 a copy of which is shown at Appendix 3.</p>		
Applicant submissions:	<p>The applicant states that the hours applied for in respect of this application are the same hours provided for under the surrendered licence. The applicant has agreed conditions with the Covent Garden Community Association (see Appendix 4) which has resulted in the withdrawal of their representation to the application as well as the Metropolitan Police Services representation. However, the representations contained within section 2 of this report remain valid objections.</p>		

1-B Proposed licensable activities and hours							
Late Night Refreshment:				Indoors, outdoors or both			Both
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	23:00	23:00	23:00	23:00	23:00	23:00	23:00
End:	00:30	00:30	00:30	00:30	00:30	00:30	00:00
Seasonal variations:		None					
Non-standard timings:		New Year's Eve all activities are permitted throughout the night until the start of the permitted hours on New Year's Day					

Sale by retail of alcohol				On or off sales or both:			Both
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun

Start:	10:00	10:00	10:00	10:00	10:00	10:00	12:00
End:	00:00	00:00	00:00	00:00	00:00	00:00	23:30
Seasonal variations:	None						
Non-standard timings:	Sunday Before a Bank Holiday 12:00 – 00:00 New Year's Eve all activities are permitted throughout the night until the start of the permitted hours on New Year's Day						

Recorded Music				On or off sales or both:			Both
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	12:00
End:	00:00	00:00	00:00	00:00	00:00	00:00	23:30
Seasonal variations:	None						
Non-standard timings:	Sunday Before a Bank Holiday 12:00 – 00:00 New Year's Eve all activities are permitted throughout the night until the start of the permitted hours on New Year's Day						

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	12:00
End:	00:30	00:30	00:30	00:30	00:30	00:30	00:00
Seasonal variations:	None						
Non-standard timings:	Sunday Before a Bank Holiday 12:00 – 00:00 New Year's Eve all activities are permitted throughout the night until the start of the permitted hours on New Year's Day						
Adult Entertainment:	None						

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Environmental Health
Representative:	Ian Watson
Received:	12 th January 2016

The Licensing Act 2003

Honest Burgers, 33 Southampton Street, WC2

I refer to the application for a New Premises Licence.

The premises are located within the West End Stress Area as stated in the City of Westminster's Statement of Licensing Policy.

The applicant has submitted floor plans of the Basement, Ground and First floors reference 04.10, 04.11 and 04.12.

This representation is based on the plans and operating schedule submitted.

The applicant is seeking the following

1. To provide for the Supply of Alcohol 'On' and 'Off' the premises Monday to Saturday between 10.00 and 00.00 hours and Sunday between 12.00 to 23.30 hours.
2. To provide for Late Night Refreshment 'Indoors' and 'Outdoors' Monday to Saturday between 23.00 and 00.30 hours and Sunday between 23.00 to 00.00 hours.
3. To provide regulated entertainment 'indoors' of recorded music Monday to Saturday between 10.00 and 00.00 hours and Sunday between 12.00 to 23.30 hours.
4. On New Year's Eve to provide regulated entertainment, Late Night Refreshment and Supply of Alcohol from the end of authorised hours to commencement of authorised hours on New Year's Day.
5. On Sunday before a Bank Holiday 12.00 to 00.00 hours for Recorded Music and Supply of Alcohol.

I wish to make the following representation

1. The provision and hours requested for the Supply of Alcohol will have the likely effect of causing an increase in Public Nuisance within the West End Stress Area.
2. The provision and hours requested for Late Night Refreshment will have the likely effect of causing an increase in Public Nuisance within the West End Stress Area.
3. The provision and hours requested to permit the provision of regulated entertainment will have the likely effect of causing an increase in Public Nuisance and impact on Public Safety within the West End Stress Area.
4. The hours requested to permit the provision of regulated entertainment, Late Night Refreshment and Supply of Alcohol from the end of authorised hours on New Year's Eve to commencement of authorised hours on New Year's Day will have the likely effect of causing an increase in Public Nuisance within the West End Stress Area.
5. The hours requested to permit the provision of regulated entertainment and Supply of Alcohol on Sundays before a Bank Holiday will impact on Public Safety and have the likely effect of causing an increase in Public Nuisance within the West End Stress Area.

The granting of the application as presented would have the likely effect of causing an

increase in Public Nuisance and impact on Public Safety within the West End Stress Area.

The applicant has provided conditions in support of the application but these do not fully address the concerns of Environmental Health. Additional conditions may be proposed following a visit to the premises.

2-B Other Persons	
Name:	Ms Shirley Gray
Address and/or Residents Association:	Driscoll House 19 Southampton Street
Received:	12 th January 2016
<p>Further to the above application comments from the residential group of Driscoll House 19 Southampton Street are as follows :</p> <p>Southampton Street is predominantly residential with additional refurbishment from office to residential currently in progress and the premises directly above 33 Southampton Street due to be converted to residential shortly. Fast food outlets are not welcome. Late license applications would receive strong objections as would any takeaway operation. Extraction equipment should be limited to operate during business opening hours only. Objection to Noise/smells/litter/queues and any outside tables and chairs this type of venue would generate. Any alterations to exterior shop front should be in keeping with the rest of the building and the conservation area.</p>	
Name:	Mr Kin Tang
Address and/or Residents Association:	Apartment 4 London WC2R 0NP
Received:	6 th January 2016
<p>11:08 PM on 06 Jan 2016 The hours of sale for alcohol should be reduced in line with the current license, at a minimum.</p> <p>There is an increasing amount of antisocial behaviour and noise pollution in the neighbouring streets as a result of recently opened premises. We do not need any further contribution to this.</p>	

3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
Policy CIP1 applies	<p>Policy CIP1 applies:</p> <p>(i) It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1.</p> <p>(ii) Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.</p>
Policy RNT2 applies	<p>Applications will be granted subject to other policies in this Statement and subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1, provided it can be demonstrated that they will not add to cumulative impact in the Cumulative Impact Areas.</p>
Policy HRS1 applies:	<p>(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>(ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.</p>

4. Appendices

Appendix 1	Premises plans
Appendix 2	Applicant supporting documents
Appendix 3	Surrendered Premises Licence
Appendix 4	Proposed conditions
Appendix 5	Residential map and list of premises in the vicinity

Report author:	Mr Darren O'Leary Senior Licensing Officer
Contact:	Telephone: 02076417824 Email: doleary@westminstergov.uk

None



**City of
Westminster**

Schedule 12
Part A

WARD: St James's
UPRN:
100023430875

64 Victoria Street,
London, SW1E 6QP

Regulation 33, 34

Premises licence

**Premises licence
number:**

14/04992/LIPDPS

Original Reference:

05/08475/LIPC

Part 1 - Premises details

Postal address of premises:

Bistro 1
33 Southampton Street
London
WC2E 7HE

Telephone Number: 020 7379 7585

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Playing of Recorded Music
Late Night Refreshment
Private Entertainment consisting of dancing, music or other entertainment of a like kind
for consideration and with a view to profit
Sale by Retail of Alcohol

The times the licence authorises the carrying out of licensable activities:

Playing of Recorded Music

Unrestricted

Late Night Refreshment

Monday to Saturday: 23:00 to 00:30

Sunday: 23:00 to 00:00

Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit Unrestricted**Sale by Retail of Alcohol**

Monday to Saturday: 10:00 to 00:00

Sunday: 12:00 to 23:30

*For times authorised for Christmas, New Year and Good Friday see conditions at Annex
1*

The opening hours of the premises:

Monday to Saturday: 10:00 to 00:30

Sunday: 12:00 to 00:00

Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:

Alcohol is supplied for consumption both on and off the Premises.

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:

Bistro 1 Southampton St. Limited
Bistro1
Southampton Street Ltd
389A Wandsworth Road
London
SW8 2JL
Electronic Mail : patrick@bistro1.co.uk

Registered number of holder, for example company number, charity number (where applicable)

06972400

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:

Name: Tuncay Kurnaz

Please note: It is the policy of the Licensing Authority not to display the address details of a designated premises supervisor.

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol:

Licence Number: 05/05235/LIPERS
Licensing Authority: City Of Westminster Council

Date: 17th July 2014

Signed: pp
Operational Director - Premises Management

Annex 1 – Mandatory conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
 - (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children;
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
 - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on;
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;

- (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
- 5. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
- 6. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
- 7.
 - (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
 - (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
- 8. The responsible person shall ensure that;
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures;
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
 - (b) customers are made aware of the availability of these measures.

A responsible person in relation to a licensed premises means the holder of the premise licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor. For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

- 9(i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- 9(ii) For the purposes of the condition set out in paragraph 9(i) above -
 - (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (b) "permitted price" is the price found by applying the formula -

$$P = D + (D \times V)$$

Where -

- (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
- (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- 9(iii). Where the permitted price given by Paragraph 9(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 9(iv). (1) Sub-paragraph 9(iv)(2) below applies where the permitted price given by Paragraph 9(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Conditions reproducing the effect of conditions subject to which relevant existing licences have effect

10. In the area hatched black on the deposited plan intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there and for consumption by such a person as an ancillary to his meal.

11. Substantial food and suitable beverages other than intoxicating liquor (including drinking water) shall be available during the whole of the permitted hours in all parts of the premises where intoxicating liquor is sold or supplied.
12. No striptease, no nudity and all persons on the premises to be decently attired.
13. There shall be no payment made by or on behalf of the licensees to any person for bringing customers to the premises.

Conditions which reproduce the effect of any restriction imposed on the premises by specified enactments

14. (i) Alcohol shall not be sold, supplied, consumed in or taken from the premises except during permitted hours.

In this condition, permitted hours means:

- (a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10.00 to 23.00.
- (b) On Sundays, other than Christmas Day or New Year's Eve, 12.00 noon to 22.30.
- (c) On Good Friday, 12.00 to 22.30.
- (d) On Christmas Day, 12.00 to 15.00 and 19.00 to 22.30.
- (e) On New Year's Eve, except on a Sunday, 10.00 to 23.00.
- (f) On New Year's Eve on a Sunday, 12.00 to 22.30.
- (g) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, 00.00 midnight on 31st December).
- (ii) Alcohol may be sold or supplied for one hour following the hours set out above (other than Christmas Day and New Year's Eve), and on Christmas Day, between 15.00 and 19.00, to persons taking table meals in the premises in a part of the premises usually set apart for the service of such persons and for consumption by such a person in that part of the premises as an ancillary to his meal. For other purposes or in other parts of the premises the hours set out above shall continue to apply.

NOTE - The above restrictions do not prohibit:

- (a) during the first thirty minutes after the above hours the consumption of the alcohol on the premises;
- (b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- (c) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking table meals there if the alcohol was supplied for consumption as ancillary to the meals;
- (d) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;
- (e) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;

- (f) the sale of alcohol to a trader or registered club for the purposes of the trade or club;
- (g) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- (h) the taking of alcohol from the premises by a person residing there;
- (i) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied;
- (j) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

In this condition, any reference to a person residing in the premises shall be construed as including a person not residing there but carrying on or in charge of the business on the premises.

15. No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:
- (a) He is the child of the holder of the premises licence.
 - (b) He resides in the premises, but is not employed there.
 - (c) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
 - (d) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.

In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.

16. The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.

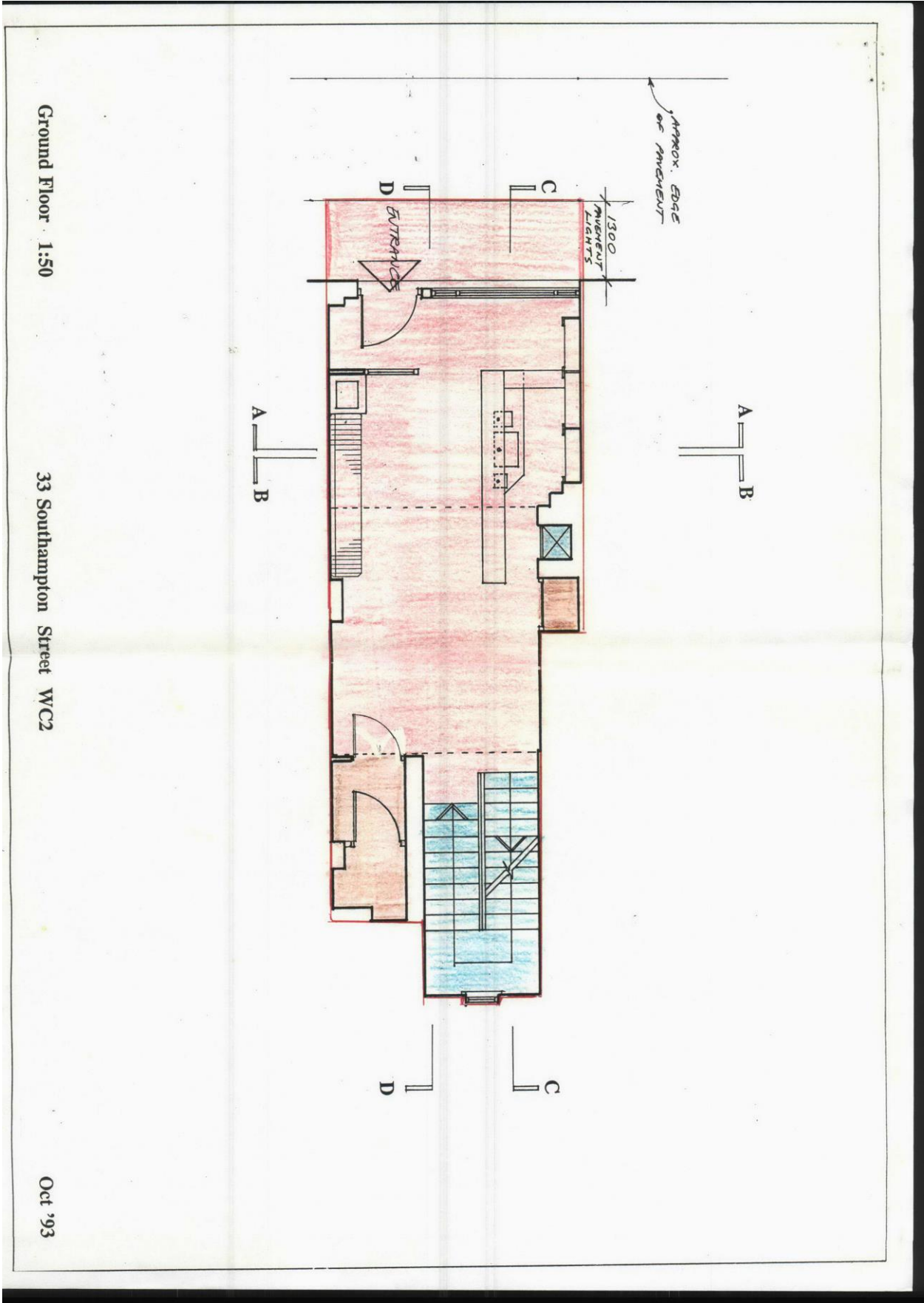
Annex 2 – Conditions consistent with the operating Schedule

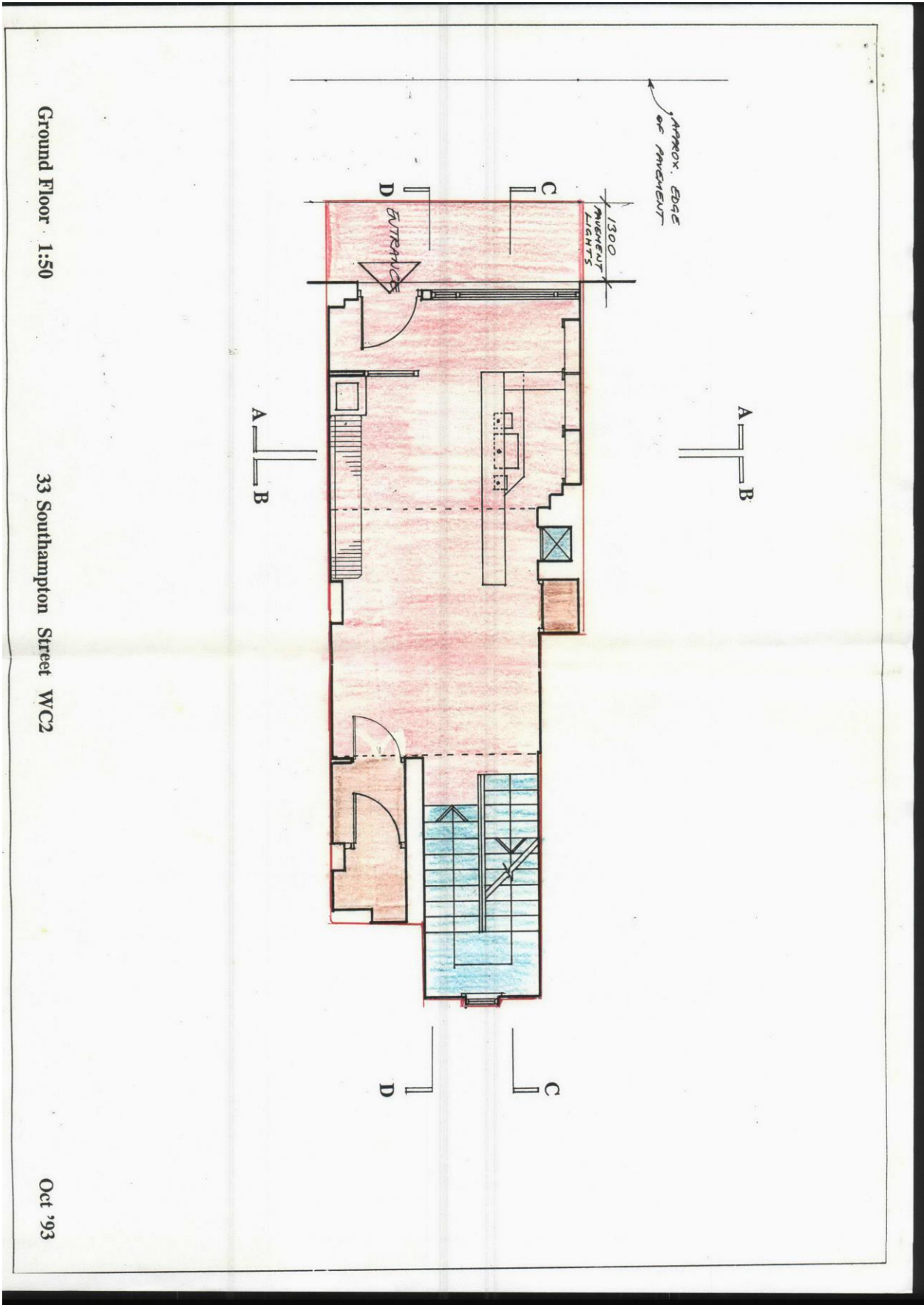
None

Annex 3 – Conditions attached after a hearing by the licensing authority

None

Annex 4 – Plans







Schedule 12
Part B

WARD: St James's
UPRN:
100023430875

City of Westminster

Regulation 33, 34

64 Victoria Street,
London, SW1E 6QP

Premises licence summary

Premises licence
number:

14/04992/LIPDPS

Part 1 - Premises details

Postal address of premises:

Bistro 1
33 Southampton Street
London
WC2E 7HE

Telephone Number: 020 7379 7585

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Playing of Recorded Music
Late Night Refreshment
Private Entertainment consisting of dancing, music or other entertainment of a like kind
for consideration and with a view to profit
Sale by Retail of Alcohol

The times the licence authorises the carrying out of licensable activities:

Playing of Recorded Music	Unrestricted
Late Night Refreshment	
Monday to Saturday:	23:00 to 00:30
Sunday:	23:00 to 00:00
Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit	Unrestricted
Sale by Retail of Alcohol	
Monday to Saturday:	10:00 to 00:00

Sunday: 12:00 to 23:30

For times authorised for Christmas, New Year and Good Friday see conditions at Annex 1

The opening hours of the premises:

Monday to Saturday: 10:00 to 00:30
Sunday: 12:00 to 00:00

Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:

Alcohol is supplied for consumption both on and off the Premises.

Name and (registered) address of holder of premises licence:

Bistro I Southampton St. Limited
Bistro1
Southampton Street Ltd
389A Wandsworth Road
London
SW8 2JL

Registered number of holder, for example company number, charity number (where applicable)

06972400

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol:

Name: Tuncay Kurnaz

State whether access to the premises by children is restricted or prohibited:

Restricted

Date: 17th July 2014

Signed: pp
Operational Director - Premises Management

CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE AND CONDITIONS PROPOSED BY A PARTY TO THE HEARING

When determining an application for a new premises licence under the provisions of the Licensing Act 2003, the licensing authority must, unless it decides to reject the application, grant the licence subject to the conditions which are indicated as mandatory in this schedule.

At a hearing the licensing authority may, in addition, and having regard to any representations received, grant the licence subject to such conditions which are consistent with the operating schedule submitted by the applicant as part of their application, or alter or omit these conditions, or add any new condition to such extent as the licensing authority considers necessary for the promotion of the licensing objectives.

This schedule lists those conditions which are consistent with the operating schedule, or proposed as necessary for the promotion of the licensing objectives by a responsible authority or an interested party as indicated. These conditions have not been submitted by the licensing service but reflect the positions of the applicant, responsible authority or interested party and have not necessarily been agreed

Mandatory Conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
 - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

- (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
 - (b) an ultraviolet feature.
7. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

A responsible person in relation to a licensed premises means the holder of the premise licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor. For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

- 8(i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- 8(ii) For the purposes of the condition set out in paragraph 8(i) above -
- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula -
- $$P = D + (D \times V)$$
- Where -
- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- 8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Conditions consistent with the operating schedule

9. In the area hatched black on the deposited plan, there shall be no supply of alcohol otherwise than to persons seated taking a table meal there and for consumption by such a person as ancillary to their meal.
10. After 23.00 hours Monday to Saturday and 22.30 hours Sunday the supply of alcohol in all areas shall only be to persons seated taking a table meal there and for consumption by such a person as ancillary to their meal.
11. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
12. The maximum number of persons permitted on the premises at any one time (excluding staff) shall not exceed
 - Ground Floor 40 persons.
 - First Floor 40 persons.
13. A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
14. Alcohol consumed outside the premises building shall only be consumed by patrons seated at tables.
15. All outside tables and chairs shall be rendered unusable by 23.00 hours each day.
16. There shall be no sales of hot food or hot drink for consumption off the premises after 23.00 hours.
17. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. 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. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
18. 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 premise is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
19. 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.
20. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
21. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.

22. Notices shall be prominently displayed in any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.

23. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.

24. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.

25. No waste or recyclable materials, including bottles, shall be moved, removed or placed in outside areas between 23:00 hours and 08:00 hours.

26. 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 City Council at all times whilst the premise is open.

27. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:

- (a) all crimes reported to the venue
- (b) all ejections of patrons
- (c) any complaints received concerning crime and disorder
- (d) any incidents of disorder
- (e) all seizures of drugs or offensive weapons
- (f) any faults in the CCTV system or searching equipment or scanning equipment
- (g) any visit by a relevant authority or emergency service.

20. No deliveries to the premises shall take place between 23:00 and 08:00 hours.

21. Off sales of alcohol shall be in sealed containers only and for consumption off the premises.

28. The Licence will have no effect until the premises have been assessed as satisfactory by the Environmental Health Consultation Team and this condition has been removed from the Licence.

29. Before the premises open to the public, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the premises constructed. Where the premises layout has changed during the course of construction new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority.

Conditions agreed with Covent Garden Community

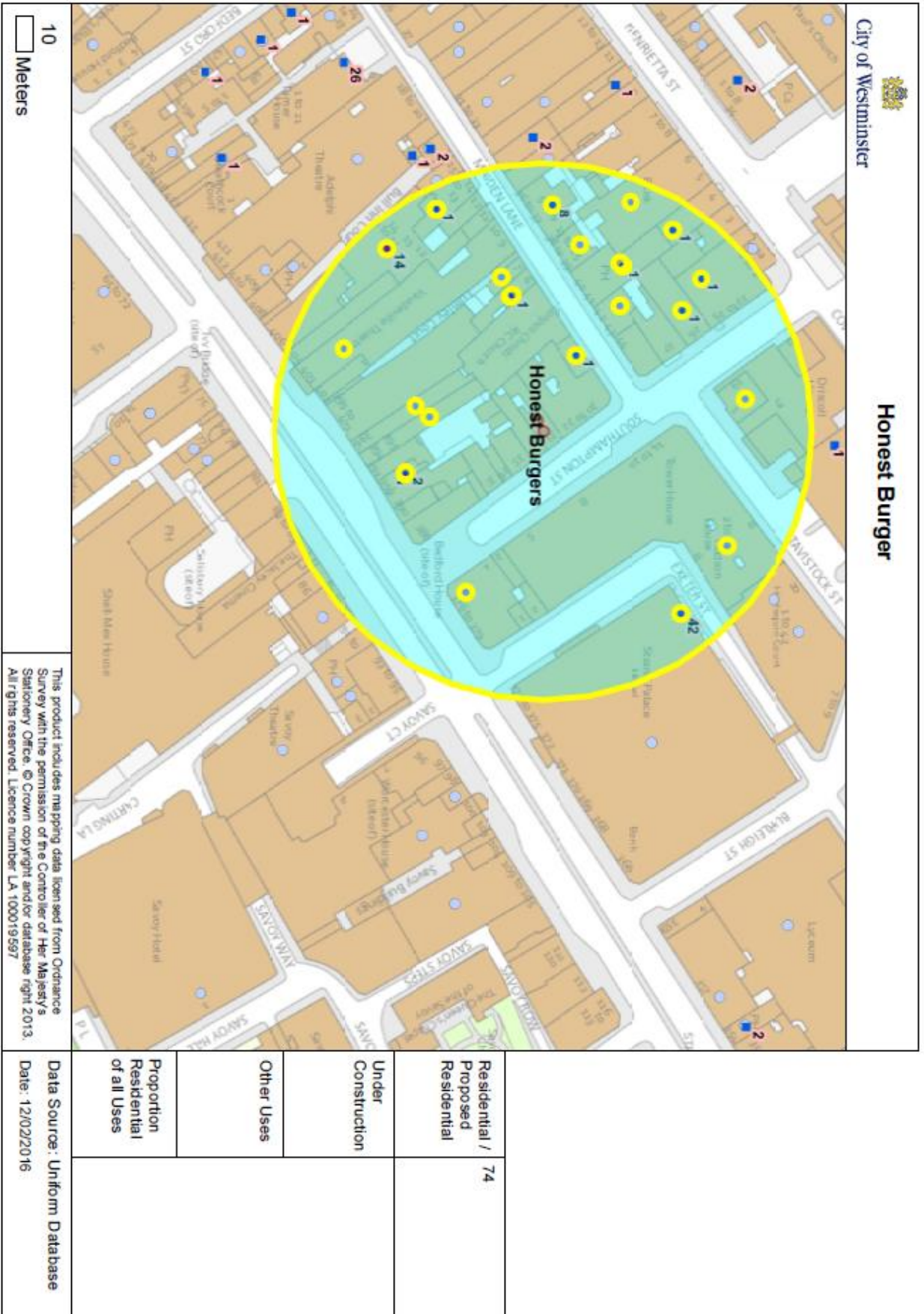
30. Premises shall only operate as a restaurant

- (i) in which customers are shown to their table.
- (ii) where the supply of alcohol is by waiter or waitress service only, save for those persons seated at the bar.
- (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery.
- (iv) which do not provide any take away service of food or drink for immediate consumption.
- (v) which do not provide any take away service of food or drink after 23.00.

- (vi) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

31. There shall be no queuing outside the premises.

32. No deliveries to the premises shall take place between 20:00 hours to 08:00 hours, Monday to Saturday and 20:00 hours and 10:00 hours on Sunday, save for an out of hours delivery of burger buns to the premises which will comply with the Transport for London's Code of Practice Quieter Deliveries.



Premises within 75 metres of: Honest Burger, 33 Southampton Street, London, WC2E 7HE

p / n	Name of Premises	Premises Address	Licensed Hours
7196	Salieri Restaurant	376 Strand London WC2R 0LQ	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
20769	Da Polpo	Ground Floor 6 Maiden Lane London WC2E 7NA	Sundays before Bank Holidays 09:00 - 00:30 Monday to Thursday 10:00 - 00:00 Friday to Saturday 10:00 - 00:30 Sunday 10:00 - 23:00
25397	Scotch Steak House	396 Strand London WC2R 0LT	Monday to Sunday 10:00 - 00:30 Sunday 12:00 - 00:00
30829	Prima Sapori D'Italia	Basement To Second Floor Hudson House 8 Tavistock Street London WC2E 7PP	Monday to Saturday 08:00 - 21:00 Sunday 10:00 - 21:00
24186	Gourmet Burger Kitchen	13-14 Maiden Lane London WC2E 7NA	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sundays before Bank Holidays 12:00 - 00:00 Sunday 12:00 - 22:50
28045	Thai Pin Restaurant	Ground Floor 7 - 8 Maiden Lane London WC2E 7NA	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-30997	Oddbins	395 Strand London WC2R 0LP	Monday to Saturday 08:00 - 23:00 Sunday 10:00 - 22:30
-27055	Henry's Cafe Bar	Basement And Ground Floor 5 - 6 Henrietta Street London WC2E 8PS	Monday to Saturday 07:30 - 00:00 Sunday 09:00 - 23:30
-15688	Franco Manca	38 - 39 Maiden Lane London WC2E 7LJ	Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 23:00
-1672	Covent Garden Grind	42 Maiden Lane London WC2E 7LJ	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sunday 12:00 - 22:30
2760	The Big Easy	Lower Ground Floor And Ground Floor 12 Maiden Lane London WC2E 7NA	Monday to Saturday 10:00 - 01:00 Sunday 12:00 - 23:00
3076	Maple Leaf	Ground Floor 41 Maiden Lane London WC2E 7LJ	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sunday 12:00 - 22:30

7663	Wagamama	1A Tavistock Street London WC2E 7PA	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
22103	Vaudeville Theatre	403-404 Strand London WC2R 0NH	Monday to Saturday 09:00 - 00:00 Sunday 12:00 - 00:00

If you have any queries about this report or wish to inspect one of the background papers please contact the report author.

Background Documents – Local Government (Access to Information) Act 1972

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 th January 2016
3	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
4	Application Form	
5	Food and Drink Menu	
6	EH Representation	
7	Ms Shirley Gray Representation	
8	Mr Kin Tang Representation	
9	Metropolitan Police Service	(WITHDRAWN)
10	CGCA	(WITHDRAWN)



City of Westminster

Licensing Sub-Committee Report

Agenda Item 4

Item No:	
Date:	18 February 2016
Licensing Ref No:	15/11867/LIPV - Premises Licence Variation
Title of Report:	Unit A2 Moore House Inner Basin Gatliff Road London SW1W 8QN
Report of:	Director of Public Protection and Licensing
Wards involved:	Churchill
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Mr Ola Owojori Senior Licensing Officer
Contact details	Telephone: 020 7641 7830 Email: owojori@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	Variation of a Premises Licence, Licensing Act 2003		
Application received date:	17 December 2015		
Applicant:	New Life Balance Ltd		
Premises:	Unit A2 Moore House		
Premises address:	Inner Basin Gatliff Road London SW1W 8QN	Ward:	Churchill
		Cumulative Impact Area:	No
Premises description:	The premises operates as a restaurant on the ground floor.		
Variation description:	<p>The application is to add sale of alcohol for consumption off the premises and to vary the layout of the premises so as to have a dining area and a retail area.</p> <p>The retail area is to be set aside for customers to buy delicatessen foods such as charcuterie, cheeses, dairy products, fresh pasta and snacks as well as premium wines, beers and spirits to be consumed at home.</p>		
Premises licence history:	The premises are currently licensed, please see the licence history at Appendix 3		
Applicant submissions:	<p>The applicant originally sought to change the layout of the premises and vary sale of alcohol (On & Off) Monday to Sunday 07:00 to 23:00.</p> <p>Following discussion with the Environmental Health Service, the application to vary the hours when alcohol can be consumed on the premises has been withdrawn and the hours for consumption off the premises has been reduced to the Council's core hours.</p> <p>The conditions proposed by the Environmental Health Service have been agreed by the applicant.</p>		

1-B Current and proposed licensable activities, areas and hours

Sale by Retail of Alcohol			
No variation is sought for existing hours permitted for On Sales			
On or off sales	Current :		Proposed:
	On		Off
	Current Hours (On sales)	Proposed Hours (Off sales)	Licensable Area

	only)		only)		Current:	Proposed:
	Start:	End:	Start:	End:		
Monday	11:00	23:00	08:00	23:00	Ground floor	No change
Tuesday	11:00	23:00	08:00	23:00		
Wednesday	11:00	23:00	08:00	23:00		
Thursday	11:00	23:00	08:00	23:00		
Friday	11:00	23:00	08:00	23:00		
Saturday	11:00	23:00	08:00	23:00		
Sunday	11:00	22:30	10:00	22:30		
Seasonal variations:	Current:				Proposed:	
	N/A				No change	
Non-standard timings:	Current:				Proposed:	
	N/A				No change	

Hours premises are open to the public						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	11:00	23:00	07:00	23:00	Ground floor	No change
Tuesday	11:00	23:00	07:00	23:00		
Wednesday	11:00	23:00	07:00	23:00		
Thursday	11:00	23:00	07:00	23:00		
Friday	11:00	23:00	07:00	23:00		
Saturday	11:00	23:00	07:00	23:00		
Sunday	11:00	22:30	07:00	23:00		
Seasonal variations:	Current:				Proposed:	
	N/A				No change	
Non-standard timings:	Current:				Proposed:	
	N/A				No change	

1-C Layout alteration
Layout alteration so as to add a retail area where delicatessen foods such as charcuterie, cheeses, dairy products, fresh pasta and snacks as well as premium wines, beers and spirits

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Environmental Health
Representative:	Dave Nevitt
Received:	7 January
I refer to the above application which seeks to vary Premises Licence 15/07943/LIPT to include the following (as described by the applicant):	
'This application is to add a variation to sell alcohol to be consumed off the premises to the existing license. The premises are situated within a residential development, Grosvenor Waterside, and the internal layout will be divided into two areas:	

a large dining area where customers will be seated and served alcohol to be consumed with a substantial meal, and a retail area where customers can buy delicatessen foods such as charcuterie, cheeses, dairy products, fresh pasta and snacks as well as premium wines, beers and spirits to be consumed at home.'

I wish to make Representations on the following grounds:

Representation is made in relation to the application, as the proposals are likely to increase Public Nuisance and may impact upon Public Safety.

The current Licence already has Conditions in respect of CCTV, Challenge 21, Incident Log and MC66.

The premises is already authorised to operate as a restaurant where alcohol is consumed 'On' the premises and ancillary to a table meal. The applicant seeks to add 'Off' Sales of alcohol from a retail area of the premises.

I propose that the existing Condition 13 (MC66) is amended to indicate that it applies to 'On' sales only.

The hours for 'On' Sales shall remain as per the current Licence.

I also propose that the following conditions are applied in respect to 'Off' Sales of Alcohol:

1. All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale.
2. Outside of the hours authorised for the sale of alcohol and whilst the premises are open to the public, the licence holder shall ensure that all alcohol within the premises (including alcohol behind the counter) is secured in a locked store room or behind locked grilles, locked screens or locked cabinet doors so as to prevent access to the alcohol by both customers and staff.
3. No super-strength beer, lagers, ciders or spirit mixtures of 5.5% ABV (alcohol by volume) or above shall be sold at the premises, except for premium beers and ciders supplied in glass bottles.
4. 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.
5. There shall be no self service of spirits on the premises, save for spirit mixtures less than 5.5% ABV.
6. Prominent signage indicating the permitted hours for the sale of alcohol shall be displayed so as to be visible before entering the premises, where alcohol is on public display, and at the point of sale.

Responsible Authority:	Police
Representative:	PC Bryan Lewis
Received:	7 January

With reference to the above application I am writing to inform you that the Police, as a Responsible Authority, object to your application for a new Premises Licence as it is our belief that if granted the application would undermine the Licensing Objectives.

Our objections relate to the following:

- There are insufficient conditions to promote the Licensing objectives.
- The hours applied for in relation to the sale of alcohol, are earlier than core hours as set out in the Westminster Council Statement of Licensing Policy.

Please consider EH conditions as combined Police suggested conditions. I will liaise with Dave regarding whether our concerns are addressed.

2-B Other Persons			
Name:	Jim McDonald		
Address and/or Residents Association:	Purple Dragon Bramah House Grosvenor Waterside 30 Gatliff Road London SW1W 8DP		
Status:	Business	In support or opposed:	Opposed
Received:	11 January		



Purple Dragon
Bramah House
Grosvenor Waterside
30 Gatliff Road
London
SW1W 8DP
8th January 2016

Dear Sir/Madam

Re: New Life Balance application to vary the premises licence for Unit A2, Inner Basin, Gatliff Road, SW1W 8QN

Today we read with interest the application to vary the licence for Unit A2 of the Grosvenor Waterside Estate ('the Estate'), the former Old Tree site. Displayed in the window is the Variation document submitted to the Council as well as a letter entitled "Hello Grosvenor Waterside Residents", which is included with this letter for your information.

As the operator of a family club with many young children within the Estate, we are concerned that loud and/or anti-social behaviour may arise from the sale of alcohol for consumption on or off the premises.

We understand this is a change as previously alcohol sales were only permitted within the Unit itself and would like to know the following:

- a) Will all food and drink for consumption on site be within the premises or will tables/chairs be set up outside and food/alcohol served there as well?
- b) Can New Life Balance ('NLB') provide any assurances or put any safeguards in place to ensure that loud and/or anti-social behaviour does not start to appear on the Estate as a result of alcohol being available to takeaway.
- c) Alcohol is only sold as part of a substantial meal, rather than this becoming a drinking establishment.

We are keen to avoid it becoming the local bar as Unit A2 is very visible, facing directly onto Civic Square. It is the first thing our members and other visitors see when they arrive at Grosvenor Waterside, setting the tone for the Estate.

We would also like clarification on a number of other areas:

Retail part of the business

The letter to the residents states that NLB will be selling and delivering food, alcohol, soft drinks and products from 7am to 11pm. From the floor plans we can see that a sizeable area has been set-aside for Retail. We would like clarity on what these products will be.

Takeaway business

We would like more information on what food will be available for takeaway and delivery (e.g. pizzas from the pizza oven) and whether the hours of operation of this concierge delivery service/takeaway will match those of the restaurant (7am to 11pm).

Food delivery business

We would like to know whether NLB anticipates this takeaway/delivery business will be restricted just to Grosvenor Waterside or whether deliveries of food/products/alcohol will be made elsewhere.

If deliveries will be made off site, how will these be transported? If a vehicle or vehicles are to be used, where these will be parked and will this have much of an impact on traffic flow/noise in and around Civic Square?

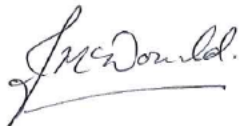
Supplier deliveries

From a traffic management perspective we would also like to confirm that all suppliers to NLB will use the delivery bay rather than creating traffic management issues within Civic Square.

If New Life Balance has already provided you with the above information, we would be very grateful if you would send us the summary or the detailed due diligence documents. This can either be in hard copy to the above address or via email to GM@purpledragonplay.com.

Until we have clarity around the use of the premises and some more information about safeguards against anti-social behaviour arising from alcohol sales, we must register our objection to the application to vary the licence.

Yours faithfully



Jim McDonald
General Manager, Purple Dragon Chelsea.

Hello Grosvenor Waterside Residents!

We are opening a restaurant and a deli shop here in early 2016. We aim to be a community hub catering to all the food and drink needs of you, the local residents of Grosvenor Waterside development.

We will be serving, selling and delivering healthy, seasonal, fresh food, drinks and products from 7am to 11pm.

Our concept combines the convenience of a cosy restaurant, an upmarket deli and concierge delivery service.

We will be serving breakfast, lunch, dinner and weekend brunches for you to enjoy. Excellent coffee, green juices and healthy smoothies will also be available throughout the day.

The premises license of previous tenants, Old Tree Bakery, allows us to sell alcohol to you to enjoy as part of a meal but we would also like to sell fine wines, craft beers and premium spirits for you to take away home. Alongside our selection of wines and spirits, we will offer fine foods from Italy, France and the UK.

Hence the blue notice next to this note- we've applied to vary the existing license to be able to sell alcohol both on and off the premises. We hope you will agree that Grosvenor Waterside would really benefit from a nice deli shop and support our efforts.

We are personally licensed to be selling alcohol and will make sure to take every effort to promote the licensing objectives. We are very happy to answer any questions you might have.
Get in touch with us on info@newlifebalance.co.uk

All the best,
Olga and Evgeniya
The New Life Balance Team

3. Policy & Guidance

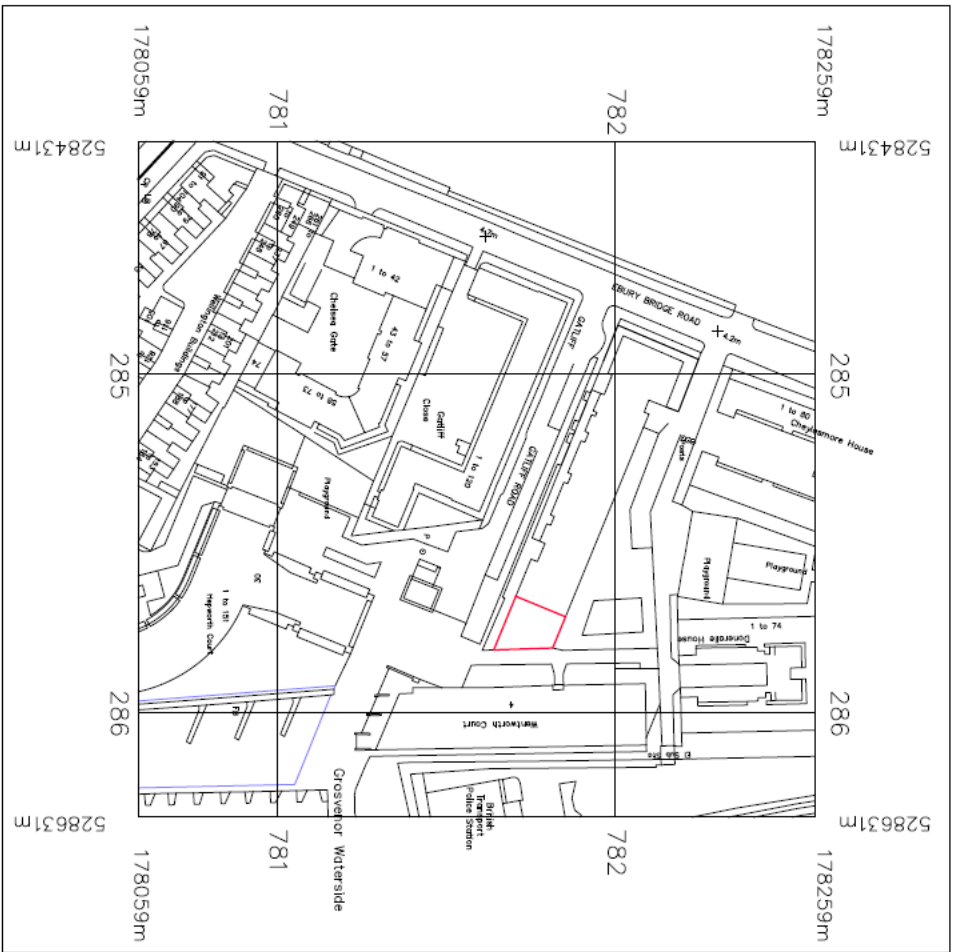
The following policies within the City Of Westminster Statement of Licensing Policy apply:	
Policy HRS1 applies:	(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy. (ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.
Policy OS1 applies:	Applications will generally be granted and reviews determined subject to the relevant criteria in Policies CD1, PS1, PN1 CH1 and HRS1 and other policies in this Statement.

4. Appendices

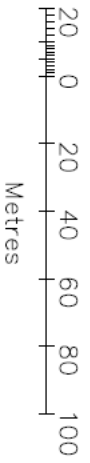
Appendix 1	Premises plans
Appendix 2	Applicant supporting documents
Appendix 3	Premises history
Appendix 4	Proposed conditions
Appendix 5	Residential map and list of premises in the vicinity

Report author:	Mr Ola Owojori Senior Licensing Officer
Contact:	Telephone: 020 7641 7830 Email: owojori@westminster.gov.uk

Latitude Portal



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man & man P I E R C E S		TITLE: OLD TREE UNIT 2A GROSVENOR WATERSIDE LONDON SW1W 0JN O.S. PLAN:	
100% MANAGED 100% MANAGED 100% MANAGED		DATE: DECEMBER 2013 SCALE:	

PREMISES LICENCE

Hi Dave

We agree to the condition. We noticed Sainsbury's on the corner has a similar sign on the outside of their shop so will follow suit.

Thanks very much,
Evgeniya

Hi Dave

Many thanks for your email and the proposed conditions.

We agree to these conditions entirely. However, could you please advise us what is meant by a prominent signage indicating the permitted hours for the sale alcohol visible before entering the premises. We are restricted as to what we could put outside of the premises and to be honest I've never seen a sign with alcohol sale hours on a street before. We are happy to comply yet seeking you advice as to how to do it correctly.

In regards to your other proposed conditions, we have already made provisions as to how to shut alcohol away during restricted hours and have no objections to the other listed conditions.

Regards
Evgeniya

Hi Dave,

Thanks for your email and we are glad to hear that we can deal with all issues in one application.

I can confirm that the statements in relation to new layout and sale and supply of alcohol on and off premises are all correct.

We look forward to receiving the Proposed Conditions when they are ready.

Let me know if there's any additional information you require from us to support our application.

Best regards,
Evgeniya

Best wishes,
Olga Lordier
Evgeniya Petrova

New Life Balance Ltd
A: 28 Hepworth Court, 30 Gatliff Road
SW1W8QN, London, UK
P: +447717688103, +447703733306
E: info@newlifebalance.co.uk

On Wed, Jan 27, 2016 at 9:38 AM, Nevitt, Dave <dnevitt@westminster.gov.uk> wrote:

Hi Evgeniya,

Yes, I have discussed this with Licensing (Sumeet, copied into this email. I have also copied in Bryan Lewis, Police). It seems that we should be able to deal with everything under the current application. I would be grateful if you would confirm the following:

1. The plans submitted with the application show how you intend to arrange the internal layout of the premises.

2. The hours for the sale/supply of alcohol for consumption 'On' the premises (the restaurant) are to remain as per the existing Licence.

3. The hours for the sale/supply of alcohol for consumption 'Off' the premises (the shop part) are to be amended in order to accord with the City Council's 'Core Hours' for off-sales: Monday to Saturday 0800hrs-2300hrs, and Sunday 1000hrs-2230hrs.

I will send you some Proposed Conditions for consideration in due course.

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
New	Application for a new premises licence	29.5.14	Granted by the Licensing Sub-Committee
Transfer	Transfer from Old Tree Ltd to New Life Balance Ltd	1.10.15	Granted under delegated authority

There is no appeal history

CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE AND CONDITIONS PROPOSED BY A PARTY TO THE HEARING

When determining an application for a new premises licence under the provisions of the Licensing Act 2003, the licensing authority must, unless it decides to reject the application, grant the licence subject to the conditions which are indicated as mandatory in this schedule.

At a hearing the licensing authority may, in addition, and having regard to any representations received, grant the licence subject to such conditions which are consistent with the operating schedule submitted by the applicant as part of their application, or alter or omit these conditions, or add any new condition to such extent as the licensing authority considers appropriate for the promotion of the licensing objectives.

This schedule lists those conditions which are consistent with the operating schedule, or proposed as appropriate for the promotion of the licensing objectives by a responsible authority or an interested party as indicated. These conditions have not been submitted by the licensing service but reflect the positions of the applicant, responsible authority or interested party and have not necessarily been agreed

Conditions: On Current Licence -

Mandatory:

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
 - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);

- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
 - (b) an ultraviolet feature.
7. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;

- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

A responsible person in relation to a licensed premises means the holder of the premise licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor. For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

8(i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

8(ii) For the purposes of the condition set out in paragraph 8(i) above -

- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula -

$$P = D+(D \times V)$$

Where -

- (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
- (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- 8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 8(iv).
 - (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
 - (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 – Conditions consistent with the operating Schedule

None

Annex 3 – Conditions attached after a hearing by the licensing authority

- 9. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. 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. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
- 10. 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 is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
- 11. A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
- 12. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
 - (a) all crimes reported to the venue;
 - (b) all ejections of patrons;
 - (c) any complaints received concerning crime and disorder;
 - (d) any incidents of disorder;
 - (e) all seizures of drugs or offensive weapons;

- (f) any faults in the CCTV system or searching equipment or scanning equipment;
- (g) any refusal of the sale of alcohol;
- (h) any visit by a relevant authority or emergency service.

13. The premises shall only operate as a restaurant:
- (i) in which customers are shown to their table,
 - (ii) where the supply of alcohol is by waiter or waitress service only,
 - (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,
 - (iv) which do not provide any take away service of food or drink for immediate consumption,
 - (v) which do not provide any take away service of food or drink after 23.00, and
 - (vi) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.

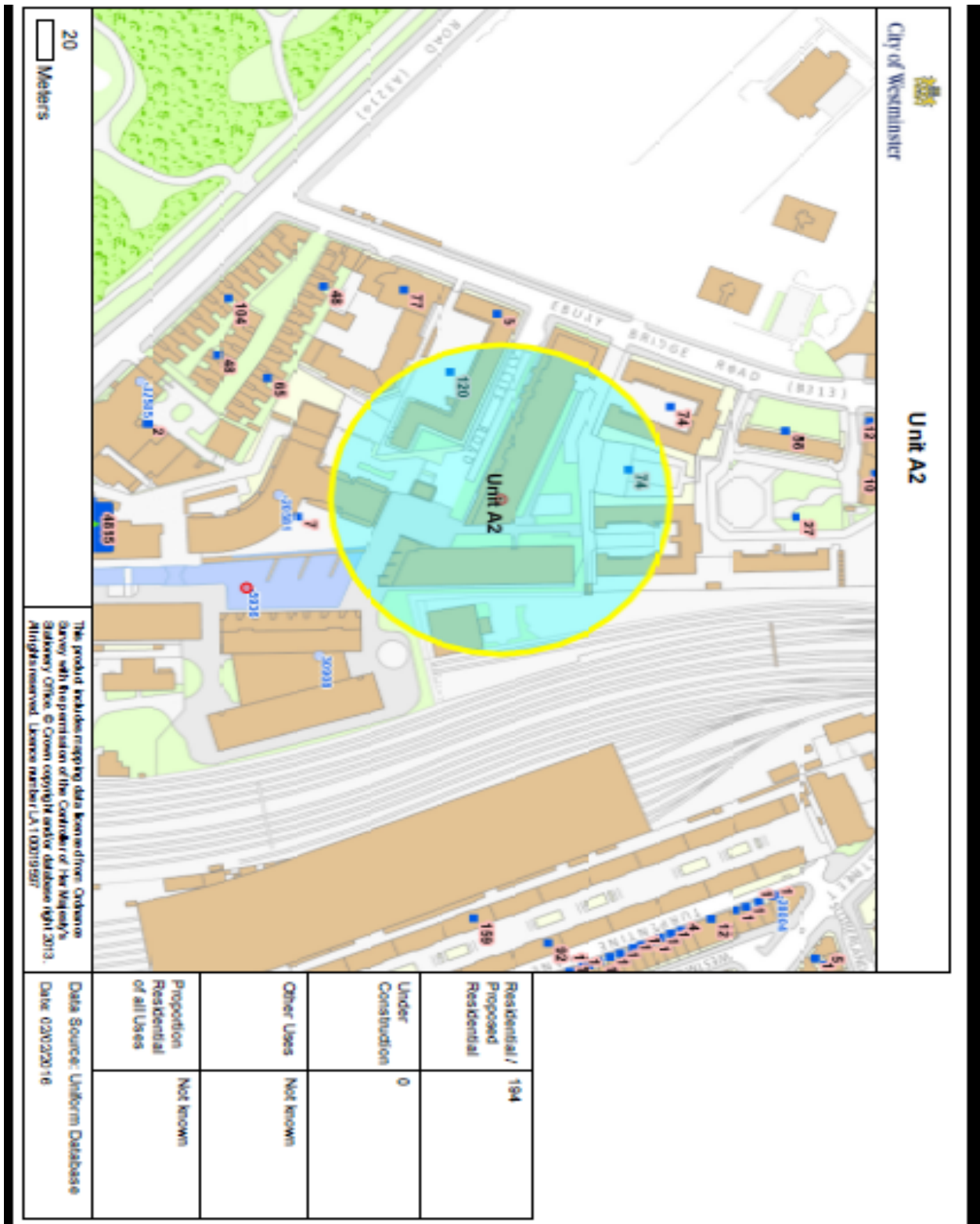
14. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23:00 hours and 08:00 hours on the following day.
15. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
16. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
17. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23:00 and 08:00 on the following day.
18. No deliveries to the premises shall take place between 23:00 and 08:00 on the following day.
19. The Licence will have no effect until the premises has been assessed as satisfactory by the Environmental Health Consultation Team and this condition has been removed from the Licence.

Environmental Health conditions agreed by the applicant

20. All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale.
21. Outside of the hours authorised for the sale of alcohol and whilst the premises are open to the public, the licence holder shall ensure that all alcohol within the premises (including alcohol behind the counter) is secured in a locked store room or

behind locked grilles, locked screens or locked cabinet doors so as to prevent access to the alcohol by both customers and staff.

22. No super-strength beer, lagers, ciders or spirit mixtures of 5.5% ABV (alcohol by volume) or above shall be sold at the premises, except for premium beers and ciders supplied in glass bottles.
23. 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.
24. There shall be no self service of spirits on the premises, save for spirit mixtures less than 5.5% ABV.
25. Prominent signage indicating the permitted hours for the sale of alcohol shall be displayed so as to be visible before entering the premises, where alcohol is on public display, and at the point of sale.



If you have any queries about this report or wish to inspect one of the background papers please contact the report author.

Background Documents – Local Government (Access to Information) Act 1972

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 th January 2011
3	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
4	Existing Licence	18/12/15
5	Plans	18/12/15
6	Application served and acknowledged	18/12/15
7	Public Notice	18/12/15
8	Application	18/12/15
9	Police representation	7/1/16
10	Environmental Health representation	7/1/16
11	Confirmation of application	29/1/16
12	Local resident representation	29/1/16
13	Notification of hearing	2/2/16
14	Environmental Health Conditions	4/2/16
15	Applicant's correspondence with the Police	8/2/16
16	Environmental Health conditions agreed	10/2/16
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Item No:	
Date:	18 February 2016
Licensing Ref No:	15/12117/LIPN - New Premises Licence
Title of Report:	Burger King Platform 7 And 8 Unit 18 <i>Paddington Station</i> Praed Street London W2 1RH
Report of:	Director of Public Protection and Licensing
Wards involved:	Warwick
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Mrs Sumeet Anand-Patel Senior Licensing Officer
Contact details	Telephone: 020 7641 2737 Email: sanandpatel@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	23 December 2015		
Applicant:	Select Service Partner Ltd		
Premises:	Burger King / Caffe Ritazza		
Premises address:	Burger King / Caffe Ritazza Platform 7 And 8 Unit 18 Paddington Station Praed Street London W2 1RH	Ward:	Hyde Park
		Cumulative Impact Area:	None
Premises description:	<p>The premises is a food and drink outlet located at Paddington Station. The premises are currently known as Burger King and have traded for many years with the benefit of a premises licence authorising late night refreshment.</p> <p>This application is to authorise the sale of alcohol for consumption off the premises and late night refreshment and if granted the existing licence shall be surrendered.</p>		
Premises licence history:	The premises is currently licensed under 12/04955/LIPV.		
Applicant submissions:	The applicant has written to the resident associations and Councillor regarding their representations and confirmed that they have amended the hours for the sale of alcohol being applied for. The hours shown below reflect the amendment by the applicants.		

1-B Proposed licensable activities and hours							
Late Night Refreshment:				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	23:00	23:00	23:00	23:00	23:00	23:00	-
End:	01:00	01:00	01:00	01:00	01:30	01:00	-
Seasonal variations:				N/A			
Non-standard timings:				<p>From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p> <p>In addition, the premises may open for late night refreshment until 05.00 daily, if requested to do so by the Station Manager, Network Rail or the British Transport Police, as per the existing licence.</p>			

Sale by retail of alcohol				On or off sales or both:			Off
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	11:00	11:00	11:00	11:00	11:00	11:00	11:00
End:	23:00	23:00	23:00	23:00	23:00	23:00	22:30
Seasonal variations:			N/A				
Non-standard timings:			N/A				

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	00:00	00:00	00:00	00:00	00:00	00:00	00:00
End:	00:00	00:00	00:00	00:00	00:00	00:00	00:00
Seasonal variations:			None				
Non-standard timings:			None				
Adult Entertainment:			None				

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Environmental Health Consultation Team
Representative:	Maxwell Owusu Koduah
Received:	30 th December 2015

I refer to the application for a new Premises Licence.

This representation is based on the operating schedule and accompanying plans by The Yard Creative dated 25.11.08 ref 014-SSP036.

The applicant is seeking the following licensable activities

1. *Late night refreshment indoors from 23:00 to 01:00 Monday to Saturday and From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day annually*
2. *Supply of alcohol for consumption off the premises at the following times:*
 - o *Monday – Saturday: 08:00 – 23:00*
 - o *Sunday: 10:00 - 22:30*
 - o *From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day annually*

I wish to make the following representation

1. ***The provision and hours requested to permit the provision of Late Night Refreshment will impact on Public Safety and have the likely effect of causing an increase in Public Nuisance within the area***
2. ***The provision and hours requested for the Supply of Alcohol will have the likely effect***

of causing an increase in Public Nuisance within the area

The granting of the application as presented would have the likely effect of causing an increase in Public Nuisance and impact on Public Safety within the area.

The applicant has provided some conditions in support of the application which are being considered but do not fully address the concerns of Environmental Health.

Conditions have been proposed to the applicant which are attached at Appendix 4.

Responsible Authority:	Metropolitan Police
Representative:	Bryan Lewis
Received:	11 th January 2016

With reference to the above application I am writing to inform you that the Police, as a Responsible Authority, object to your applications for a new Premises Licenses as it is our belief that if granted the application would undermine the following Licensing Objectives.

- The prevention of crime and disorder
- The protection of children from harm

Our objections relate to the following:

- There are insufficient conditions to promote the Licensing objectives.
- Police believe the style of operation, premises layouts and the locations are not suitable for the sale of alcohol

Conditions have been proposed to the applicant which are attached at Appendix 4.

2-B Other Persons			
Name:	Mr John Zamit		
Address and/or Residents Association:	John Zamit Chairman SEBRA (South East Bayswater Residents Association) 2 Claremont Court Queensway LONDON W2 5HX		
Status:	Outstanding	In support or opposed:	Opposed
Received:	17 th January 2016		

SEBRA strongly object to this application and fully supports objection points raised by PW&MV Society in their representation dated 14 January 2016.

Our area abuts Paddington station and we are greatly concerned with this application.

As well as points already made we have concerns that homeless, street drinkers and rough

sleepers in the area will frequent the premises and cause 'nuisance' within the station and the surrounding area. We already have problems in Praed Street and surrounding streets and there already there is not enough police or council officers to deal with existing problems.

We cannot get on line today to check application but assume no beer or cider over 5.5% alcohol is proposed nor that drinking cups are being supplied and beer is in sealed containers and standard size (up to 300ml) plastic bottles or metal cans.

We trust application will be refused as if not as well as issues raised will set a precedent for other 'fast food' outlets in Paddington and surrounding area to apply for permission to see alcohol.

SEBRA and PWMV have provided photos of the unit at Paddington Station showing the frontage. These have been included at Appendix

Name:		Mrs Antonia Cox	
Address and/or Residents Association:		20 Oxford Square London W2 2PB	
Status:	Outstanding	In support or opposed:	Opposed
Received:	19 January 2016		

I agree with the concerns expressed by the amenity association that ready availability of alcohol close to the main concourse of the station would not be in accordance with the licensing objectives of preventing public nuisance and preventing crime and disorder.

Name:		Mrs Elizabeth Virgo	
Address and/or Residents Association		PWMVs Chairman & Treasurer 4 Browning House 19-21 Formosa Street London W9 2JS	
Status:	Outstanding	In support or opposed:	Opposed
Received:	14 th January 2016		

Our comments are made as an Amenity Society recognised by Westminster City Council. We are officially charged with working towards the preservation and enhancement of the architectural and environmental quality of Little Venice, Maida Vale and the Paddington Waterway area (including planning and licensing issues). We are concerned with the well-being and sense of community of its residents, including those who live in the vicinity of Paddington Station and those who use the station either for travel or for passing through.

Introduction

We recognise that premises are run as businesses and we are aware that they have to be viable operations, providing services for locals as well as people who are not residents in this

area. In this case, it would seem that the main purpose of the premises is to serve travellers and commuters.

However, the application raises a number of issues which lead us to conclude that it should be refused.

Our representation is made on the basis that the likely impact of the application, if granted, would be to harm the licensing objectives of prevention of public nuisance. It could also impair the prevention of crime and disorder.

It is also contrary to Westminster City Council's Statement of Licensing Policy.

The application

There are several aspects of the application which concern us.

The premises is currently licensed ref: 12/04955/LIPV. It permits late night refreshment to the same terminal hour applied for in the pending application. We have no objection to that part of the application being granted with the same conditions as on the current licence.

The application to sell alcohol for consumption off the premises, however, concerns us.

With respect, it is not clear that the applicant has taken account in the Operating Schedule the specific issues raised by this unique application:

- The new concept for a fast food takeaway outlet;
- The location at an extremely busy transport hub;
- The precise location within that transport hub.

I will deal with each of these points in turn.

New concept for a fast food takeaway outlet

We are aware that Burger King recently obtained licences for a number of premises in other parts of the country. They were, we believe, the first fast food outlet of this nature to apply for and be granted a premises licence to sell alcohol. It would be helpful if the Applicant could confirm whether the licences obtained already were for fast food restaurants (i.e. with seating and for consumption on the premises), or for a purely takeaway outlet such as this? Are any of the licences granted within very busy transport hubs?

It is clear therefore that this is an entirely new concept, both in the industry and for this particular company. It remains to be seen whether competitors follow suit. Given this sea-change in the operation and that the application (and the other two pending applications in Victoria Station) are 'test cases', it is extremely surprising that the Operating Schedule indicates that the applicant does not consider additional measures (i.e. conditions) to be necessary to prevent public nuisance, apart from limiting the type of alcohol to beer/lager, serving in non-glass containers, and not permitting self-service.

The Applicant operates many station outlets eg Caffe Ritazza. There was a large Caffe Ritazza within an area of Paddington Station which is currently closed for redevelopment. This premises has (unless it has been surrendered) a premises licence permitting sale of alcohol. However, we would suggest that this is a very different type of premises to a fast food burger outlet. We note that the plans for this application include a very small Caffe Ritazza unit located between the Burger King and 'Upper Crust', a sandwich outlet.

The location at an extremely busy transport hub

Paddington Station is used by many millions of passengers each year. It is extremely busy every day during the rush hour period, from about 4.30pm until 8pm, but it is generally busy throughout the day and night until the stopping services become less frequent at about 11pm. It can also become very overcrowded as a result of major sporting events, for example 6 Nations Rugby

in Cardiff. In addition, at times when there are delays and cancellations on trains, the concourse becomes overcrowded.

The other premises which sell alcohol – such as the Mad Bishop and Bear pub and the former Sloe Bar- are located away from the station concourse. These premises could be said to alleviate overcrowding during delays and cancellations by drawing people away from the main concourse. Even the nearby Steam Bar, which is on the main concourse, has a licence for 'on' sales, so would have a similar effect at very busy times.

Bar Burrito, which could be described as fast food, has a premises licence which does not permit off sales, and so is able to keep its customers within the confines of its own premises.

The precise location within that transport hub.

The Burger King outlet is situated adjacent to the mainline platforms at the station. If the likelihood was that a self-limiting number of customers who would use Burger King, whether or not it had an alcohol licence, would buy a meal, buy a beer, and go quietly to their trains, then our concerns would not be so great. Regrettably, we are not convinced that this is how it will

work in practice, for the following reasons:

1. The outlet is in a very prominent location visible from some distance away through the wide main entrance to the station, unlike their main competitor within the station, McDonalds, which is tucked away down the side of Platform 1. There is a seating area directly in front of the premises and the mainline platforms.
2. The premises is situated directly next to the mainline platforms.
3. The premises is situated directly next to the departure boards, and as such the chairs and the area around the premises are a natural gathering place.
4. During the busy periods in the late afternoon/early evening, this area is always very busy. Adding potentially intoxicated persons into the mix clearly has the potential to harm the licensing objectives.
5. Later in the evening, the mainline services become much less regular, and people could potentially sit around drinking and eating for quite a long time whilst waiting for their trains, particularly if there are delays or cancellations.
6. In the later evening, it is more likely that people using the station will have been drinking already.
7. The attraction of takeaway fast food burger outlets late at night when people have been drinking is well known. It is a reason why the City Council has Policy FFP1 and FFP2.
8. When trains from the station are delayed or cancelled, it could become dangerously overcrowded in the area around the premises.
9. As the application is for sale of alcohol for consumption off the premises, customers will not be regulated at all by the licence holder. They will either sit in the seats adjacent, or disperse around the rest of the station.

Therefore the sale of alcohol for consumption off the premises, particularly in the evening and when the station is overcrowded, could increase nuisance locally to other passengers, to residents passing through the station; or it could disperse nuisance farther afield. It could prejudice the safety and well-being of other passengers.

The Operating Schedule

The application form states that 'The premises are located within a station and run by a national operator and additional measures are not deemed necessary to prevent public nuisance.' We respectfully disagree with this statement.

We have raised a number of issues which we feel fall squarely within the matters set out in the Guidance under s182 Licensing Act 2003. We note from the Guidance that an Applicant is expected to 'obtain sufficient information to enable them to demonstrate...that they understand:

- The layout of the local area and physical environment including...proximity to residential accommodation...
- Any risk posed to the local area by the applicants' proposed licensable activities;' (para 8.34).

'It is expected that enquiries about the locality will assist applicants when determining the steps that are appropriate for the promotion of the licensing objectives.'(para 8.36).

It is not clear from the application form that these criteria have been met. In particular, the application as it stands would allow anybody to purchase alcohol, regardless of whether they are also eating anything at all, let alone a full meal. This is in contrast, for example, to the licence for Bar Burrito. There is also no proposed prohibition on 'super-strength' lager/beer.

WCC's Statement of Licensing Policy (SLP)

Para 2.5.13 of the SLP indicates that premises which serve cold food and drink should be distinguished from premises which provide hot food and drink: 'The council considers that the addition of hot fast food premises to people who have been drinking adds to the attractiveness of premises to people who have been drinking and who are more likely to be involved in anti-social behaviour.'

Conclusion

For the reasons stated, we are opposed to the application being granted. However, we are aware that applications can be amended and we always keep an open mind as the application process develops.

We look forward to being kept informed of any developments. We will make every endeavour to attend the hearing, where we may wish to amplify the above points.

Yours sincerely

Mrs Elizabeth Virgo

3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
Policy HRS1 applies:	(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy. (ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies
Policy OS1 applies:	Applications will generally be granted and reviews determined subject to the relevant criteria in Policies CD1, PS1, PN1 CH1 and HRS1 and other policies in this Statement.
Policy FFP1 applies:	Applications will only be granted if it can be demonstrated that the proposal meets relevant criteria in Policies CD1, PS1, PN1 and CH1.

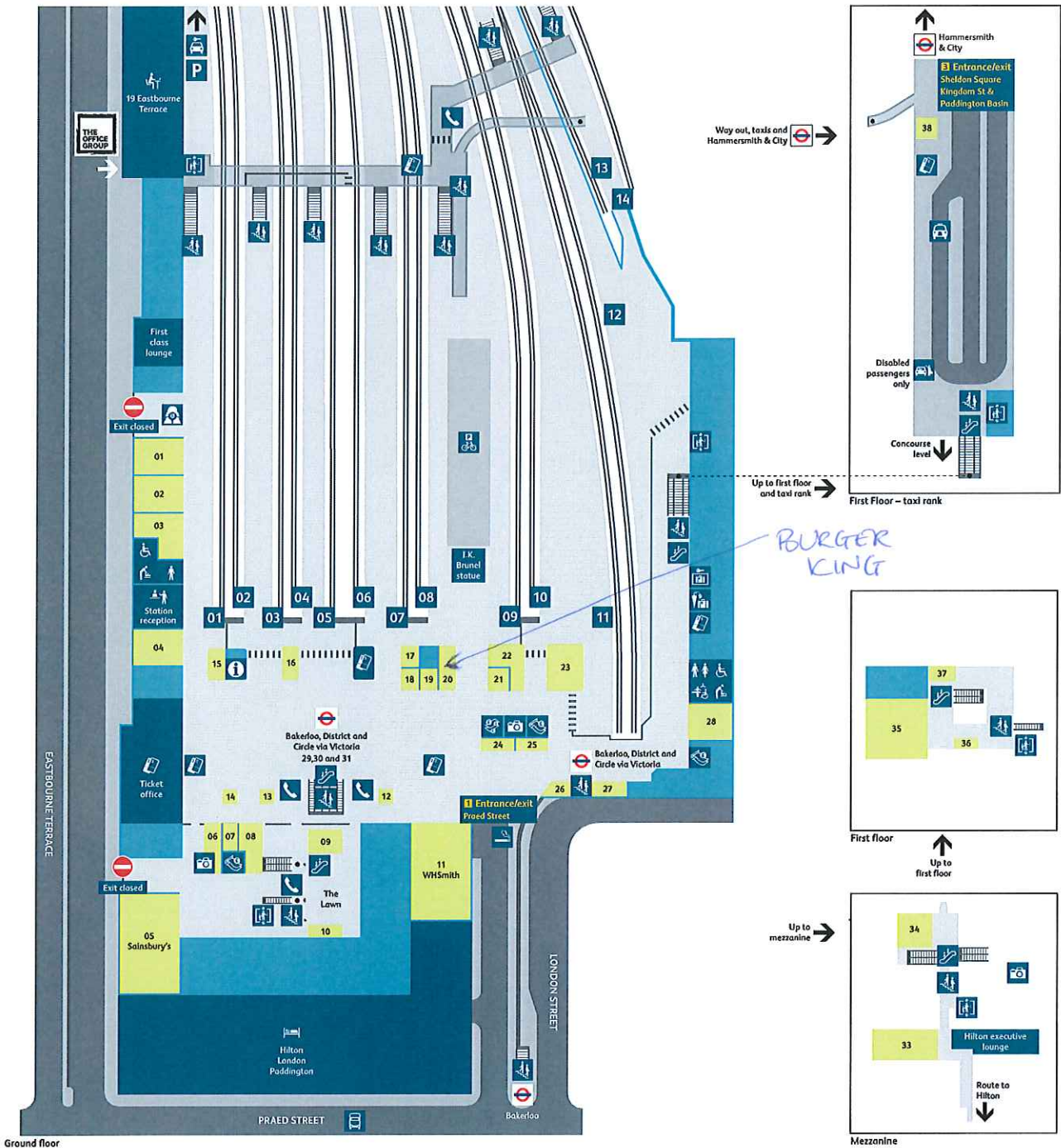
4. Appendices

Appendix 1	Premises plans and location plan
Appendix 2	Applicant supporting documents
Appendix 3	Premises history
Appendix 4	Proposed conditions
Appendix 5	Residential map and list of premises in the vicinity
Appendix 6	Photos of unit submitted by the resident associations

Report author:	Mrs Sumeet Anand-Patel Senior Licensing Officer
Contact:	Telephone: 020 7641 2737 Email: sanandpatel@westminster.gov.uk



London Paddington Station map



Services and facilities

- Accessible toilets
- Baby change
- Bike park
- Buses
- Business centre
- Car hire
- Cash point
- Changing place
- Currency exchange
- Escalators
- Hotel
- Information
- Left luggage / Concierge
- Lift
- Last property
- Paddington Bear statue
- Parking
- Photobooth
- Platform numbers
- Smoking area
- Stairs
- Station reception
- Taxis
- Telephones
- Tickets
- Toilets
- Underground
- Waiting room

Food, drink and shopping

- | | | | | | |
|------------------|-------|-------------------------|----|-------------|-------|
| Accessories | 07 | Mad Bishop and Bear Pub | 35 | TM Lewin | 06 |
| Bogel Factory | 12 | McDonald's | 01 | Upper Crust | 13 18 |
| Barburrito | 08 | Millie's Cookies | 14 | Vodafone | 21 |
| Burger King | 20 | Nampa | 25 | Whistlestop | 22 |
| Caffè Nero | 27 16 | Paddington Bear shop | 34 | WHSmith | 11 31 |
| Caffè Ritazza | 19 | Paperchase | 02 | YO! Sushi | 09 |
| Colcci | 38 | Pasty Shop | 26 | | |
| Delice de France | 17 | Patisserie Valerie | 37 | | |
| Doddle | 28 | Pret A Manger | 04 | | |
| EAT | 36 | Savanna | 29 | | |
| Funky Pigeon | 15 | Sainsbury's | 05 | | |
| Hotel Chocolat | 24 | Starbucks | 33 | | |
| Isle of Flowers | 03 | Timson | 23 | | |
| Ladbrokes | 03 | | 30 | | |



If you need help please speak to one of our staff or call our helpline on **03457 11 41 41** networkrail.co.uk/paddington



9 February 2016

By email: chairman@SEBRA.org.uk

Mr J Zamit
Chairman
SEBRA (South East Bayswater Residents' Association)
2 Claremont Court
Queensway
London W2 5HX

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Our ref SLP1/NAXP/SEL.72-945

Dear Sir

Burger King/ Cafe Ritazza, Platform 7 and 8, Unit 18 Paddington Station, Praed Street, London W2 1RH

We represent the proposed licence holders in relation to the above application, Select Service Partner Limited. We have received from Westminster a copy of your representation and we note that you also support the points made by Paddington Waterways and Maida Vale Society ("PWMVs").

Given the concerns that you have raised, our clients hope to re-assure you in relation to the nature of this application and their proposed operation. We therefore set out below some further details around the nature of the company, the proposed operation and the controls that will be in place, including some additional conditions which we will agree be attached to the licence, following consideration of the representations made and further discussions we have had with the police and environmental health service. We believe that some of the conditions agreed deal specifically with questions you and/ or PWMVs have raised, for example alcohol strength, sealed containers and whether alcohol will be sold to persons who are not eating (it will not).

Firstly, we confirm as set out in the letter from PWMVs, that the large Café Ritazza unit is currently closed as part of the redevelopment of Paddington Station. The smaller Café Ritazza counter shown on the proposed licence plan for this unit does not replace the larger unit: it has been in operation adjacent to Burger King for a number of years and is shown on the current licence plan as well. There is no proposal to sell alcohol from the Café Ritazza counter adjacent to the Burger King.

PWMVs have also enquired in relation to other Burger King licences obtained recently. Please note that Select Service Partner Limited operates Burger King units under franchise at a number of mainline railway stations and airports across the UK. However, they do not

44 Offices in 21 Countries

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Squire Patton Boggs (UK) LLP

Mr J Zamit
SEBRA (South East Bayswater Residents'
Association
9 February 2016

operate all of the Burger Kings in the country (there are a number of franchisees) and we cannot comment on applications made by other operators as we do not have those details.

However, we confirm that Select Service Partner has been granted licences recently for the sale of alcohol at Burger Kings in Fenchurch Street and East Croydon railway stations. Both units have small seating areas (4 stools for Fenchurch Street and 7 stools for East Croydon) but the licences authorise the sale of alcohol for consumption on and off the premises. At both of these stations, the majority of customers purchase food and drink to take away as opposed to eating in. The company also operates Burger Kings licensed for the sale of alcohol at Birmingham International Airport and Stansted, although both of these have seating areas as customers within airports typically eat in. Other applications are in progress, including applications for counter-only units at other mainline stations.

We notice that you are concerned in relation to periods of overcrowding as a result of major sporting events or similar, for example Six Nations' rugby, or when there are delays and cancellations on trains. As a specialist provider of food and drink in transport hubs across the country, our client is an experienced operator in this environment and has operated throughout many sporting events, including the Olympics, the Rugby World Cup, Six Nations and football tournaments (having several other units licensed for alcohol in Paddington as well as busy mainline stations across London and nationwide). They would immediately stop selling alcohol on the reasonable request of the station manager and/ or British Transport Police. The company has never failed a test purchase, nor faced any licence review in relation to its venues at the station. The Burger King will be run in accordance with the company's standards and procedures to promote the licensing objectives.

A number of conditions have been proposed in the application to promote the licensing objectives. In particular, the licence holder will install and maintain comprehensive CCTV. In our client's experience, the use of CCTV, together with supervision by staff on the ground, will discourage anti-social behaviour and it is, of course, an offence for our clients to serve alcohol to drunk persons in any event. Our clients will provide training to all serving staff on their obligations under the Licensing Act and have a bespoke in-house training package for alcohol sales used across the company, including conflict management training.

Our clients have agreed to amend the proposed times for the sale of alcohol (11 a.m. to 11 p.m. daily/ 11.00 to 22.30 on Sundays); and to conditions requiring that all alcohol sales will be ancillary to food, that there will be no sale of beer or lager over 4.8% ABV and no draught beer (all sales will be in sealed containers). We attach a full list of conditions which we will propose to the Committee be attached to the licence, if granted.

We hope that this letter satisfies your concerns and if so, we would be grateful if you could confirm the same to ourselves and the Council.

Yours faithfully



Squire Patton Boggs (UK) LLP

BURGER KING PREMISES LICENCE APPLICATIONS: WESTMINSTER

PROPOSED CONDITIONS: COUNTER ONLY - SALES FOR CONSUMPTION OFF THE PREMISES

Unit 18 Paddington Station 15/12117/LIPN (Hearing 18.02.16)

Additional Conditions Proposed:

1. Amendment of times for the sale of alcohol to 11.00 to 23.00 Monday to Saturday and 11.00 to 22.30 on Sundays.
2. Removal of non-standard timing / 24 hour authorisation for the sale of alcohol on New Year's Eve.
3. Alcohol sold for consumption off the premises shall be in a sealed container supplied with and ancillary to substantial take-away food. Staff training shall include the requirement for staff to ensure quantities of alcohol purchased are proportionate to the taking of such food.
4. There shall be no self-service of alcohol.
5. No draught beer shall be provided.
6. No alcohol shall be served in glass containers at any time
7. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
8. Notices shall be displayed at till points to remind staff to verify the age of customers in line with the Challenge 25 policy when alcohol is sold.
9. Alcohol for consumption off the premises will be restricted to cans of branded beer or lager of no more than 4.8% ABV.
10. Outside of the hours authorised for the sale of alcohol and whilst the premises are open to the public, the licence holder shall ensure that all alcohol within the premises is secured behind locked screens or locked cabinet doors so as to prevent access to the alcohol by both customers and staff.
11. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) any faults in the CCTV system
 - (f) any refusal of the sale of alcohol
 - (g) any visit by a relevant authority or emergency service
12. The premises licence holder shall ensure that all staff engaged in the sale of alcohol shall be trained in responsible alcohol retailing including the prevention of sales to underage persons and requirements under the Licensing Act 2003 within three months of commencing employment at the premises. Training records shall be kept on the premises and produced to the Police or authorised officer of the Licensing Authority upon request. Training shall be reviewed at six monthly intervals to ensure staff familiarity with current legislation.

Conditions in Original Application

13. The sale of alcohol will be limited to beer/lager only (*now replaced by condition 7 above*)
14. All alcoholic drinks will be served in non-glass containers and there will be no self-service of alcohol (*now replaced by conditions 2 and 4 above*)
15. The premises shall only be permitted to provide late night refreshment between 01.00 and 05.00 Monday to Thursday and Saturday, between 01.30 and 05.00 Friday and 23.00 and 05.00 Sunday, if requested to do so by the station manager, Network Rail or the British Transport Police.
16. A record shall be kept of the dates and times that the premises open between 02.00 and 05.00 for late night refreshment and shall be retained for 365 days.
17. The licence holder shall ensure that all staff are trained to ask any customer attempting to purchase alcohol, who appears to be under the age of 21 years (or older if the licence holder so elects) for evidence of age. This evidence shall be photographic, such as passport or photographic driving licence until other effective identification technology (for example, thumb print or pupil recognition) is introduced. All staff will be instructed, through training, that a sale shall not be made unless this evidence is produced. (*now replaced by conditions 4 and 5 above requiring Challenge 25*)
18. An incident log / refusals log is maintained on site in accordance with company policy. The log should include the date and time of the refused sale and the name of the member of staff who refused the sale. The log shall be available for inspection at the premises by the police or an authorised officer at all times whilst the premises is open.
19. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the *Westminster Police Licensing Team*. 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 (*wording amended from Crime Prevention Officer to Westminster Police Licensing Team on request of police*).
20. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
21. A staff member who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member will be able to show a Police or authorised council officer recent data or footage and/ or download the data onto a disc or memory stick with the minimum of delay when requested. (*now amended to refer to downloading the data onto a DVD or memory stick*).
22. Risk assessments will be carried out and periodically reviewed for fire, health and safety and emergency evacuation.

Squire Patton Boggs

9 February 2016



Licensing Sub-Committee Hearing

Standing Order of Proceedings

At the beginning of the hearing the procedure that will be followed will be explained to the parties. The hearing will so far as is possible, take the form of a discussion, led by the Sub-Committee. Cross-examination will not be permitted unless the Sub-Committee considers it necessary.

1. Introduction by Chairman

The Chairman's introduction will provide an explanation as to how the proceedings will be conducted and any time limits that will apply to the parties.

2. Introduction of the application by an officer of the Licensing Authority.

The officer will present the application at the hearing setting out the main points of the application, any changes or amendments to the application and if any additional information or evidence has been provided. The officer will also present those who are present for that application.

3. Request by a party for any other person to appear at the hearing.

A request by a party for any other person to appear at the hearing must be carried out in accordance with the Council's Rules of Procedure for the relevant Licensing regime to which the application relates.. Such permission will not be unreasonably withheld provided a proper notice has been given.

4. A summary of the nature and extent of the application by the applicant or their representatives.

The summary of the nature and extent of the application should be brief, avoid repetition of material already made available to the Sub-Committee in the Officer's report or otherwise, and include any reasons why an exception should be made to the Council's Licensing Policy, where appropriate. That will be followed by the evidence of any person who has been given permission by the Sub-Committee to give supporting evidence on behalf of the applicant.

5. A summary of the reasons for representations or objections to the application by any other party

This should be brief and avoid any repetition of information already made available to the Committee either in the Officer's report or otherwise. That will be followed by the evidence of any person who has been given permission by the Panel to give supporting evidence on behalf of the objectors.

6. Decision

The authority must make its determination at the conclusion of the hearing or if the decision is not given at the hearing the decision will be provided in writing within any statutory time frame following that hearing.



Licensing Sub-Committee Hearing Items

Hearing Date: Thursday 11th February 2016

Committee Members:

Councillor Nickie Aiken (Warwick) Chairman
Councillor Evans (Tatchbrook)
Councillor Freeman (Abbey Road)

Advisors:

Barry Panto, Legal Advisor
Chris Wroe, Policy Advisor
Toby Howes Committee Officer

The following applications are put before the Licensing Sub-Committee for determination. Please note that the names contained within the list of attendees are accurate at the point of publication.

Licensing Sub-Committee Agenda Items				Notes:
Item No.	Name & Address of Premises:	Marylebone Twp 93 Marylebone High Street London W1U 4RE	Officer Presenting the Application: Sumeet Anand-Patel	
151	Responsible Authorities and Other Parties:	Dave Nevitt – Anil Drayan Mr Morrissey – not confirmed attendance	Appearing on behalf of the applicant(s) / main parties: Felicity Tulloc - Kuits	



Licensing Sub-Committee Hearing

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page 151	Name & Address of Premises:	Marylebone Tup 93 Marylebone High Street London W1U 4RE	Officer Presenting the Application: Sumeet Anand-Patel	
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Licensing Sub-Committee Hearing

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6. Decision

The authority must make its determination at the conclusion of the hearing or if the decision is not given at the hearing the decision will be provided in writing within any statutory time frame following that hearing.

Appendix 3

Application	Detail of Application	Date Determined	Determined By
05/07235/LIPCV Conversion Variation	Application to convert a night cafe licence.	30.09.2005	Granted by Licensing Sub-Committee
09/01238/LIPV Variation	Application to vary the layout of the premises	14.04.2009	Granted under delegated authority
12/04955/LIPV Variation	Application To allow the premises to open for late night refreshment between 01.00 and 05.00 Monday to Thursday and Saturday, 01.30 and 05.00 Friday and 23.00 and 05.00 Sunday if requested to do so by the Station Manager, Network Rail, or the British Transport Police.	02.08.2012	Granted by Licensing Sub-Committee

There is no appeal history for the premises

Appendix 4

CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE AND CONDITIONS PROPOSED BY A PARTY TO THE HEARING

When determining an application for a new premises licence under the provisions of the Licensing Act 2003, the licensing authority must, unless it decides to reject the application, grant the licence subject to the conditions which are indicated as mandatory in this schedule.

At a hearing the licensing authority may, in addition, and having regard to any representations received, grant the licence subject to such conditions which are consistent with the operating schedule submitted by the applicant as part of their application, or alter or omit these conditions, or add any new condition to such extent as the licensing authority considers necessary for the promotion of the licensing objectives.

This schedule lists those conditions which are consistent with the operating schedule, or proposed as necessary for the promotion of the licensing objectives by a responsible authority or an interested party as indicated. These conditions have not been submitted by the licensing service but reflect the positions of the applicant, responsible authority or interested party and have not necessarily been agreed

Mandatory Conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
 - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.
- 5(i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- 5(ii) For the purposes of the condition set out in paragraph 5(i) above -

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) "permitted price" is the price found by applying the formula -

$$P = D + (D \times V)$$

Where -

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

5(iii). Where the permitted price given by Paragraph 5(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

- 5(iv). (1) Sub-paragraph 5(iv)(2) below applies where the permitted price given by Paragraph 5(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Conditions consistent with the operating schedule

6. Upon grant of this licence, the existing licence 12/04955/LIPV shall be surrendered.

7. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. 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 authorised officer throughout the preceding 31 day period.

8. A staff member who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member will be able to show a Police or authorised council officer recent data or footage with the absolute minimum of delay when requested.
9. Risk assessments will be carried out and periodically reviewed for fire, health and safety and emergency evacuation.

Conditions proposed by the Environmental Health

10. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption 'off' the premises.

Conditions proposed by EH and the Police

11. Alcohol sold for consumption 'Off' the premises shall be in a sealed container supplied with and ancillary to substantial take-away food.

Applicant's proposal to condition 11:

Alcohol sold for consumption off the premises shall be in a sealed container supplied with and ancillary to substantial take-away food. Staff training shall include the requirement for staff to ensure quantities of alcohol purchased are proportionate to the taking of such food.

12. There shall be no self-service of alcohol.
13. No draught beer shall be provided.
14. No alcohol shall be served in glass containers at any time.
15. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
16. All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale.

Applicant's proposal to condition 16:

Notices shall be displayed at till points to remind staff to verify the age of customers in line with the Challenge 25 policy when alcohol is sold.

17. Prominent signage indicating the permitted hours for the sale of alcohol shall be displayed so as to be visible at the point of sale.

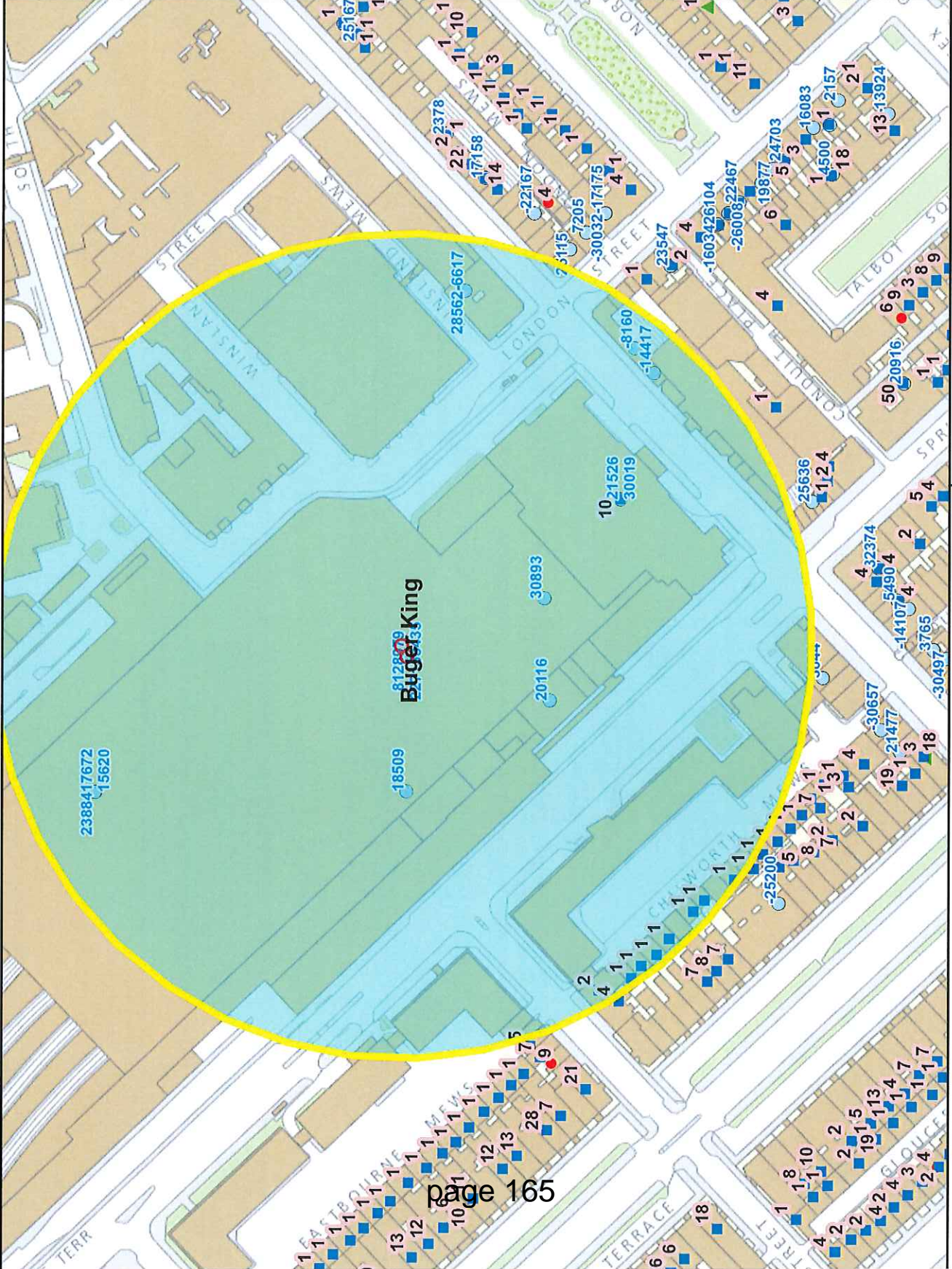
18. Outside of the hours authorised for the sale of alcohol and whilst the premises are open to the public, the licence holder shall ensure that all alcohol within the premises is secured behind locked screens or locked cabinet doors so as to prevent access to the alcohol by both customers and staff.

Conditions proposed by the Police

19. Alcohol will be restricted to 330ml plastic bottles of branded beer or lager of no more than 4.8% ABV, one plastic bottle per person per substantial meal.
20. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) any faults in the CCTV system
 - (f) any refusal of the sale of alcohol
 - (g) any visit by a relevant authority or emergency service
21. The premises licence holder shall ensure that all staff engaged in the sale of alcohol shall be trained in responsible alcohol retailing to a minimum standard of BIIAB Level 1 or equivalent within three months of commencing employment at the premises. Training records shall be kept on the premises and produced to the Police or authorised officer of the Licensing Authority upon request. Training shall be reviewed at six monthly intervals to ensure staff familiarity with current legislation

APPENDIX 5

Burger King, Platform 7 and 8, Unit 18, Paddington Station, Praed Street, London W2 1RH
City of Westminster



Residential / Proposed Residential	21
Under Construction	Not Known
Other Uses	Not Known
Proportion Residential of all Uses	Not Known

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Data Source: Uniform Database
Date: 08/02/2016

Premises within 75 metres of: Burger King, Unit 18, Paddington Station, Londone W2

p / n	Name of Premises	Premises Address	Opening Hours
15620	Whistlestop	Paddington Station Platform 1 Praed Street London W2 1RH	Monday to Sunday 06:00 - 23:00
16368	WH Smith	Ground Floor Shop Paddington Station Praed Street London W2 1RH	Monday to Sunday 07:00 - 22:00
23884	Hotel Chocolat (Unit 20)	Paddington Station Praed Street London W2 1RH	Monday to Sunday 08:00 - 23:00
28562	Garfunkels	Ground Front 144 Praed Street London W2 1HU	Sunday 08:00 - 00:00 Monday to Saturday 08:00 - 00:30
29360	Costa Coffee	Unit R27 Paddington Station Praed Street London W2 1RH	Monday to Sunday 00:00 - 00:00
8128	Searcys Champagne Bar	Unit 58 Paddington Station Praed Street London SW1V 1JU	Monday to Sunday 07:30 - 23:00
8435	Marks & Spencer - Simply Food	Ground Floor Unit 1 Paddington Station Praed Street London W2 1RH	Monday to Saturday 08:00 - 23:00 Sunday 10:00 - 22:30
17672	Pasty Shop	Unit 39 Paddington Station Praed Street London W2 1RH	Monday to Sunday 00:00 - 00:00
18509	Nero Express	Paddington Station Concourse Praed Street London W2 1RH	Monday to Sunday 00:00 - 00:00
23837	The Beer House	Unit R36 Paddington Station Praed Street London W2 1RH	Monday to Sunday 06:30 - 00:30
23990	Mad Bishop & Bear	Unit 32 Paddington Station Praed Street London W2 1RH	Monday to Saturday 07:00 - 00:00 Sunday 07:00 - 23:30
24615	Upper Crust	Unit 19 Paddington Station Praed Street London W2 1RH	Monday to Sunday 00:00 - 00:00
27608	Sloe Bar	Unit R30 Paddington Station Praed Street London W2 1RH	Friday to Saturday 10:00 - 00:00 Sundays before Bank Holidays 10:00 - 00:00 Sunday 10:00 - 22:50 Monday to Thursday 10:00 - 23:30
30530	Barburrito Limited	Unit R09a Paddington Station Praed Street London W2 1HB	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sunday 12:00 - 22:30
30019	Hilton London Paddington Hotel	Hilton London Paddington 146 Praed Street London W2 1RL	Monday to Sunday 00:00 - 00:00
30893	Burger King/Caffe Ritazza	Platform 7 And 8 Unit 18 Paddington Station Praed Street London W2 1RH	Monday to Sunday 00:00 - 00:00
-24950	Nampo	Unit 41 Paddington Station Praed Street London W2 1HB	Monday to Sunday 00:00 - 00:00
-28127	Eat Ltd	Unit R31 Paddington Station Praed Street London W2 1RH	Monday to Friday 07:30 - 20:00 Saturday to Sunday 08:30 - 20:00
-14417	Aberdeen Steak House	163-167 Praed Street London W2 1RH	Sunday 10:00 - 00:00 Monday to Saturday 10:00 - 01:00 Sundays before Bank Holidays 10:00 - 01:00
-8160	Budgens	171-173 Praed Street London W2 1RH	Monday to Saturday 08:00 - 05:00 Sunday 10:00 - 05:00
-6617	McDonald's Restaurants	Ground Front Right 144 Praed Street London W2 1HU	Monday to Sunday 06:30 - 00:00
-12313	Caffe Ritazza	Unit R08 Paddington Station Praed Street London W2 1RH	Monday to Sunday 06:00 - 00:00
979	Delice De France	Unit 19a Paddington Station Praed Street London W2 1RH	Monday to Sunday 23:00 - 01:00
18300	The Savanna	Unit R01 Paddington Station Praed Street London W2 1HB	Monday to Friday 06:00 - 21:00 Saturday to Sunday 09:00 - 20:00
15073	Sainsbury's	Unit R17 Paddington Station Praed Street London W2 1RH	Monday to Saturday 08:00 - 23:00 Sunday 10:00 - 22:30

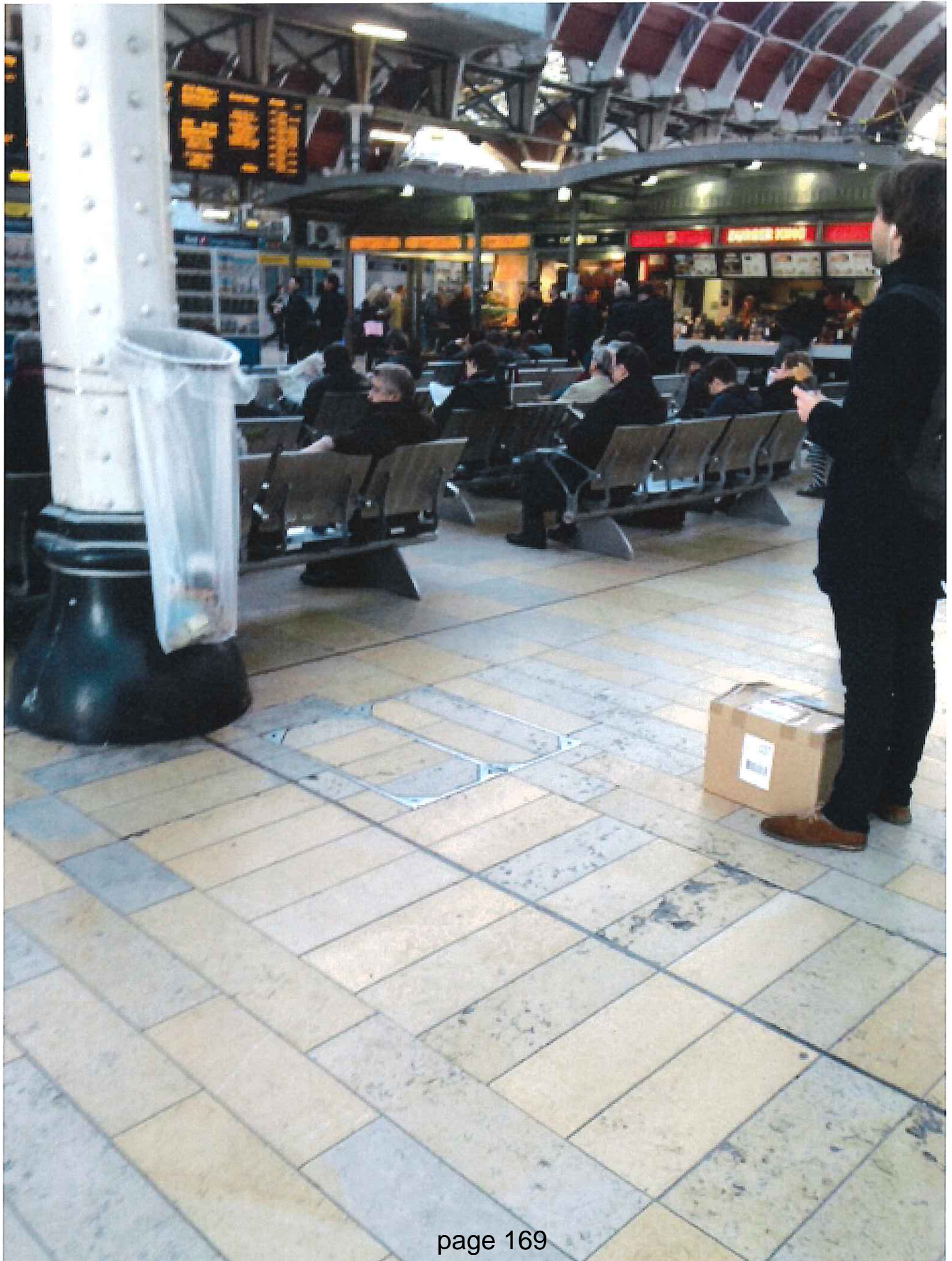
20116	McDonald's Restaurants Ltd.	Macmillan House Paddington Station Praed Street London W2 1BA	Monday to Sunday 05:00 - 01:00
21526	Hilton London Paddington Hotel	Hilton London Paddington 146 Praed Street London W2 1RL	Monday to Sunday 00:00 - 00:00
22715	Yo! Sushi	Unit R07 Paddington Station Praed Street London W2 1RH	Sunday 08:00 - 23:00 Monday to Saturday 08:00 - 23:30

If you have any queries about this report or wish to inspect one of the background papers please contact the report author.

Background Documents – Local Government (Access to Information) Act 1972

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 th January 2016
3	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015

APPENDIX 6





Item No:	
Date:	18 February 2016
Licensing Ref No:	15/12090/LIPN - New Premises Licence
Title of Report:	Burger King Unit 9 Main Concourse Victoria Station Terminus Place
Report of:	Director of Public Protection and Licensing
Wards involved:	Warwick
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Mrs Sumeet Anand-Patel Senior Licensing Officer
Contact details	Telephone: 020 7641 2737 Email: sanandpatel@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	23 December 2015		
Applicant:	Select Service Partner Ltd		
Premises:	Burger King		
Premises address:	Unit 9	Ward:	Warwick
	Main Concourse Victoria Station Terminus Place London	Cumulative Impact Area:	None
Premises description:	<p>The premises is a food and drink outlet located at Victoria Railway Station. The premises are currently known as Burger King and have traded for many years with the benefit of a premises licence authorising late night refreshment.</p> <p>This application is to introduce the sale of alcohol for consumption on and off the premises and maintain late night refreshment hours as existing. The opening hours being applied for are not restricted however the existing hours are restricted to the same time as the licensable activities. If this application is granted, the existing licence shall be surrendered.</p>		
Premises licence history:	The premises is currently licensed under 06/04934/WCCMAP.		
Applicant submissions:	None		

1-B Proposed licensable activities and hours							
Late Night Refreshment:				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	23:00	23:00	23:00	23:00	23:00	23:00	23:00
End:	01:30	01:30	01:30	01:30	01:30	01:30	01:30
Seasonal variations:	N/A						
Non-standard timings:	<p>From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p> <p>The premises shall be permitted to provide LNR between 01.30 and 03.00 daily , if requested to do so by senior station management, a senior Network Rail representative or a senior police officer and where access to the station is controlled by Network Rail or the Metropolitan Police.</p>						

Sale by retail of alcohol				On or off sales or both:			On and Off
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	12:00
End:	23:30	23:30	23:30	23:30	00:00	00:00	22:30

Seasonal variations:	N/A
Non-standard timings:	From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	00:00	00:00	00:00	00:00	00:00	00:00	00:00
End:	00:00	00:00	00:00	00:00	00:00	00:00	00:00
Seasonal variations:	None						
Non-standard timings:	None						
Adult Entertainment:	None						

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Environmental Health Consultation Team
Representative:	Anuja Jayawickrema
Received:	4 th January 2016

I refer to the application for a new Premises Licence.

This representation is based on the operating schedule and accompanying plans by Geoff Powell Design Limited ref GPD/581/02/A3/102 dated March 2003.

The applicant is seeking the following licensable activities on the Ground floor

1. *Late night refreshment indoors from 23.00 to 02:30*
2. *Monday to Saturday; 04:30 to 05:00 Monday to Saturday and 23.00-01.00 on Sundays. From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day annually. The premises shall be permitted to provide LNR between 01.30 and 03.00 daily, if requested to do so by senior station management, a senior Network Rail representative or a senior police officer and where access to the station is controlled by Network Rail or the Metropolitan Police.*
3. *Supply of alcohol for consumption on and off the premises at the following times:*
 - o *Monday – Thursday: 10:00 – 23:30*
 - o *Friday – Saturday: 10:00 – 00:00*
 - o *Sunday: 12:00 - 22:30*
 - o *From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day annually.*

I wish to make the following representation

1. ***The provision and hours requested to permit the provision of Late Night Refreshment will impact on Public Safety and have the likely effect of causing an increase in Public Nuisance within the area***
2. ***The provision and hours requested for the Supply of Alcohol will have the likely effect of causing an increase in Public Nuisance within the area***

The granting of the application as presented would have the likely effect of causing an increase

in Public Nuisance and impact on Public Safety within the area.

Conditions have been offered in the operating schedule and these are under consideration but do not fully satisfy Environmental Health's concerns.

The applicant is advised that Environmental Health will also need to be satisfied that any plant and machinery employed should have appropriate mitigation measures to prevent Public Nuisance from odour and/or noise from its use.

The applicant is therefore requested to contact the undersigned to discuss all these issues and to arrange a site visit after which Environmental Health may propose additional conditions to allay its concerns.

Representations are therefore made on grounds of Public Nuisance and Public Safety.

Conditions have been proposed to the applicant which are attached at Appendix 4.

Responsible Authority:	Metropolitan Police
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Representative:	Bryan Lewis
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Received:	11 th January 2016
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With reference to the above application I am writing to inform you that the Police, as a Responsible Authority, object to your applications for a new Premises Licenses as it is our belief that if granted the application would undermine the following Licensing Objectives.

- The prevention of crime and disorder
- The protection of children from harm

Our objections relate to the following:

- There are insufficient conditions to promote the Licensing objectives.
- Police believe the style of operation, premises layouts and the locations are not suitable for the sale of alcohol

Conditions have been proposed to the applicant which are attached at Appendix 4.

3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:

Policy HRS1 applies:	(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy. (ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies
Policy FFP1 applies:	Applications will only be granted if it can be demonstrated that the proposal meets relevant criteria in Policies CD1, PS1, PN1 and CH1.
Policy PB1 applies:	Applications will only be granted if it can be demonstrated that the proposal meets the relevant criteria in Policies CD1, PS1, PN1 and CH1.

4. Appendices

Appendix 1	Premises plans and location plan
Appendix 2	Applicant Submissions - None
Appendix 3	Premises history
Appendix 4	Proposed conditions
Appendix 5	Residential map and list of premises in the vicinity

Report author:	Mrs Sumeet Anand-Patel Senior Licensing Officer
Contact:	Telephone: 020 7641 2737 Email: sanandpatel@westminster.gov.uk

If you have any queries about this report or wish to inspect one of the background papers please contact the report author.

Background Documents – Local Government (Access to Information) Act 1972

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 th January 2016
3	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015

APPENDIX 1

Legend:

- Fire Alarm
- Fire Door
- Fire Door (Swing)
- Fire Bell (Alarm)
- Push Button Alarm/Exit-Door Release
- Alarm Point (Break Glass)
- Fire Exit Sign
- Fire Exit (Illuminated) Sign
- Panic Bar
- Emergency Escape Light
- Fire Extinguisher - Water
- Fire Extinguisher - Foam
- Fire Extinguisher - Carbon Dioxide
- Smoke Sensor
- Break Glass Bell
- Sprinkler Head

Notes:

- LOCATION OF BEER Fridge
- X DRAUGHT PUMPS WILL BE LOCATED ON MAIN SERVING COUNTER

The floor plan shows the layout of the premises boundary. Key areas include the Station Concourse Main Entrance, a hatched area for a 'Draught Quality Kitting Area', a 'Beer Counter' with a red 'X' and note, a 'Back Counter Unit', 'F.O.H. Sales', 'S.O.M. Prep Area', 'Office', and 'Canteen'. Fire safety symbols are placed throughout the plan, including fire doors, extinguishers, and exit signs. A dashed line indicates the 'PREMISES BOUNDARY'.

BURGER KING, VICTORIA STATION

Client: BSP URBAL

Project: BURGER KING VICTORIA STATION

Title: EXISTING PLAN FOR LICENSING PURPOSES

Scale: 1:100 @ A3

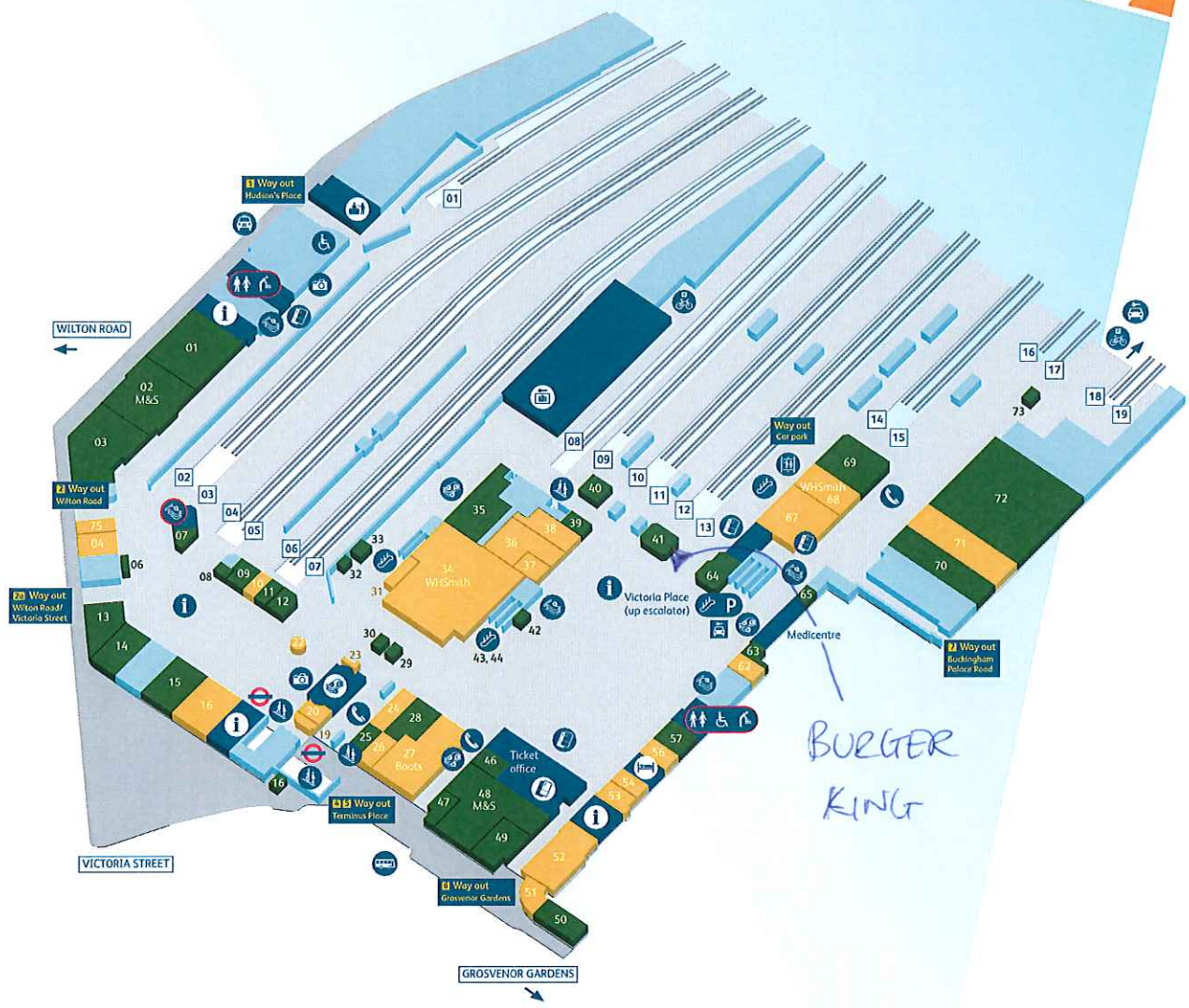
Date: JULY 2015

Smith baxter
Chartered Building Surveyors

22 Colville Street, Ipswich, Ipswich, Suffolk, IP1 4JF
Telephone: (01473) 200111 Fax: (01473) 200111
www.smithbaxter.co.uk



Victoria Station guide



BURGER KING

Key	Food and Drink	Shopping
Accessible toilets	14. The Beer House	40. Pasty Shop
Baby change	29. Bread Box	47. Pasty Shop
Bike park	15. Burger King	07. Patisserie Valerie
BT Police	41. Burger King	50. Pret A Manger
Bureau de change	30. Caffè Nero	46. Savanna
Buses	13. Caffè Ritazza	69. Sloe Bar
Car rental	28. Caffè Ritazza	25. Sports Bar and Grill
Cash point	12. Camden Food Co.	01. Starbucks
Customer lounge	35. Costa Coffee	65. Sweet Express
Escalators	09. Delice de France	08. Upper Crust
First aid	39. Delice de France	64. Upper Crust
Hotel	70. International Cheese Centre	57. Wasabi
Information	33. Knot	06. West Cornwall Pasty Co
Left luggage	32. Krispy Kreme	43. Wetherspoons (Bar) (up escalator)
Lift	02. M&S Simply Food	72. Whistlestop
Parking	48. M&S Simply Food	44. Yo Sushi (up escalator)
Platform numbers	03. McDonald's	
Stairs	63. Mi Casa	
Station reception	11. Millie's Cookies	
Taxis	42. Nero Express	
Telephones	73. Nero Express	
Tickets		
Toilets		
Underground		
		56. Accessorize
		27. Boots
		20. British Hotel Reservation Co.
		26. British Hotel Reservation Co.
		53. EE
		16. Hotel Chocolat
		23. Isle of Flowers
		54. iSmash
		10. Journey's Friend
		67. Ladbrokes
		75. Ladbrokes
		71. Lush
		36. Monsoon
		37. Neal's Yard Remedies
		38. Oliver Bonas
		62. Paperchase
		51. Scribbler
		52. Superdrug
		22. Swatch
		19. Timpsons
		31. TM Lewin
		24. Vodafone
		04. WHSmith
		34. WHSmith
		68. WHSmith

If you need help please speak to one of our staff or call the helpline on
03457 11 41 41

Working for you.

Appendix 3

Application	Detail of Application	Date Determined	Determined By
05/07024/LIPCV Conversion Variation	Application to convert and vary a night cafe licence.	04.10.2005	Granted by Licensing Sub Committee and issued under 06/04934/WCCMAP

There is no appeal history for the premises

CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE AND CONDITIONS PROPOSED BY A PARTY TO THE HEARING

When determining an application for a new premises licence under the provisions of the Licensing Act 2003, the licensing authority must, unless it decides to reject the application, grant the licence subject to the conditions which are indicated as mandatory in this schedule.

At a hearing the licensing authority may, in addition, and having regard to any representations received, grant the licence subject to such conditions which are consistent with the operating schedule submitted by the applicant as part of their application, or alter or omit these conditions, or add any new condition to such extent as the licensing authority considers necessary for the promotion of the licensing objectives.

This schedule lists those conditions which are consistent with the operating schedule, or proposed as necessary for the promotion of the licensing objectives by a responsible authority or an interested party as indicated. These conditions have not been submitted by the licensing service but reflect the positions of the applicant, responsible authority or interested party and have not necessarily been agreed

Mandatory Conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
 - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic

- in a manner which carries a significant risk of undermining a licensing objective;
- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
 - (b) an ultraviolet feature.
7. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

A responsible person in relation to a licensed premises means the holder of the premise licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor. For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

- 8(i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

- 8(ii) For the purposes of the condition set out in paragraph 8(i) above -

- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

- (b) "permitted price" is the price found by applying the formula -

$$P = D + (D \times V)$$

Where -

- (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

- 8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Conditions consistent with the operating schedule

9. Upon grant of this licence, the existing licence 06/04934/WCCMAP shall be surrendered.
10. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. 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 authorised officer throughout the preceding 31 day period.
11. A staff member who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member will be able to show a Police or authorised council officer recent data or footage with the absolute minimum of delay when requested.
12. The premises shall only be permitted to provide late night refreshment between 01.00 and 05.00 Monday to Thursday and Saturday, between 01.30 and 05.00 Friday and 23.00 and 05.00 Sunday, if requested to do so by the station manager, Network Rail or the British Transport Police.
13. A record shall be kept of the dates and times that the premises open between 02.00 and 05.00 for late night refreshment and shall be retained for 365 days.
14. An incident log / refusals log is maintained on site in accordance with company policy. The log should include the date and time of the refused sale and the name of the member of staff who refused the sale. The log shall be available for inspection at the premises by the police or an authorised officer at all times whilst the premises is open.
15. Risk assessments will be carried out and periodically reviewed for fire, health and safety and emergency evacuation.

Conditions proposed by EH and the Police

16. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption 'on and off' the premises.
17. Alcohol sold for consumption 'Off' the premises shall be in a sealed container supplied with and ancillary to substantial take-away food.

Applicant alternative to condition 17:

Alcohol sold for consumption off the premises shall be in a sealed container supplied with and ancillary to substantial take-away food and customers shall be advised that it must not be consumed on the premises.

18. Alcohol for consumption on the premises shall only be by persons who are seated in the premises and bona fide taking substantial food there, and provided always that the consumption of alcohol by such persons is ancillary to taking such food.

Applicant alternative to condition 18:

Alcohol for consumption on the premises shall only be to persons who are seated in the premises and bona fide taking substantial food there, and provided always that the consumption of alcohol by such persons is ancillary to taking such food. Staff training shall include the requirement for staff to ensure quantities of alcohol purchased are proportionate to the taking of such food.

19. There shall be no self-service of alcohol.
20. Only one brand of draught beer shall be provided.
21. Only one draught dispense pump shall be provided.
22. No alcohol shall be served in glass containers at any time.
23. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
24. All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale.

Applicant alternative to condition 24:

Notices shall be displayed at till points to remind staff to verify the age of customers in line with the Challenge 25 policy when alcohol is sold.

25. Prominent signage indicating the permitted hours for the sale of alcohol shall be displayed so as to be visible at the point of sale
26. Outside of the hours authorised for the sale of alcohol and whilst the premises are open to the public, the licence holder shall ensure that all alcohol within the premises is secured behind locked screens or locked cabinet doors so as to prevent access to the alcohol by both customers and staff.

Conditions proposed by the Police

27. Alcohol will be restricted to 330ml plastic bottles of branded beer or lager of no more than 4.8% ABV, one plastic bottle per person per substantial meal.
28. No alcohol shall be consumed on the premises more than 30 minutes after permitted hours.

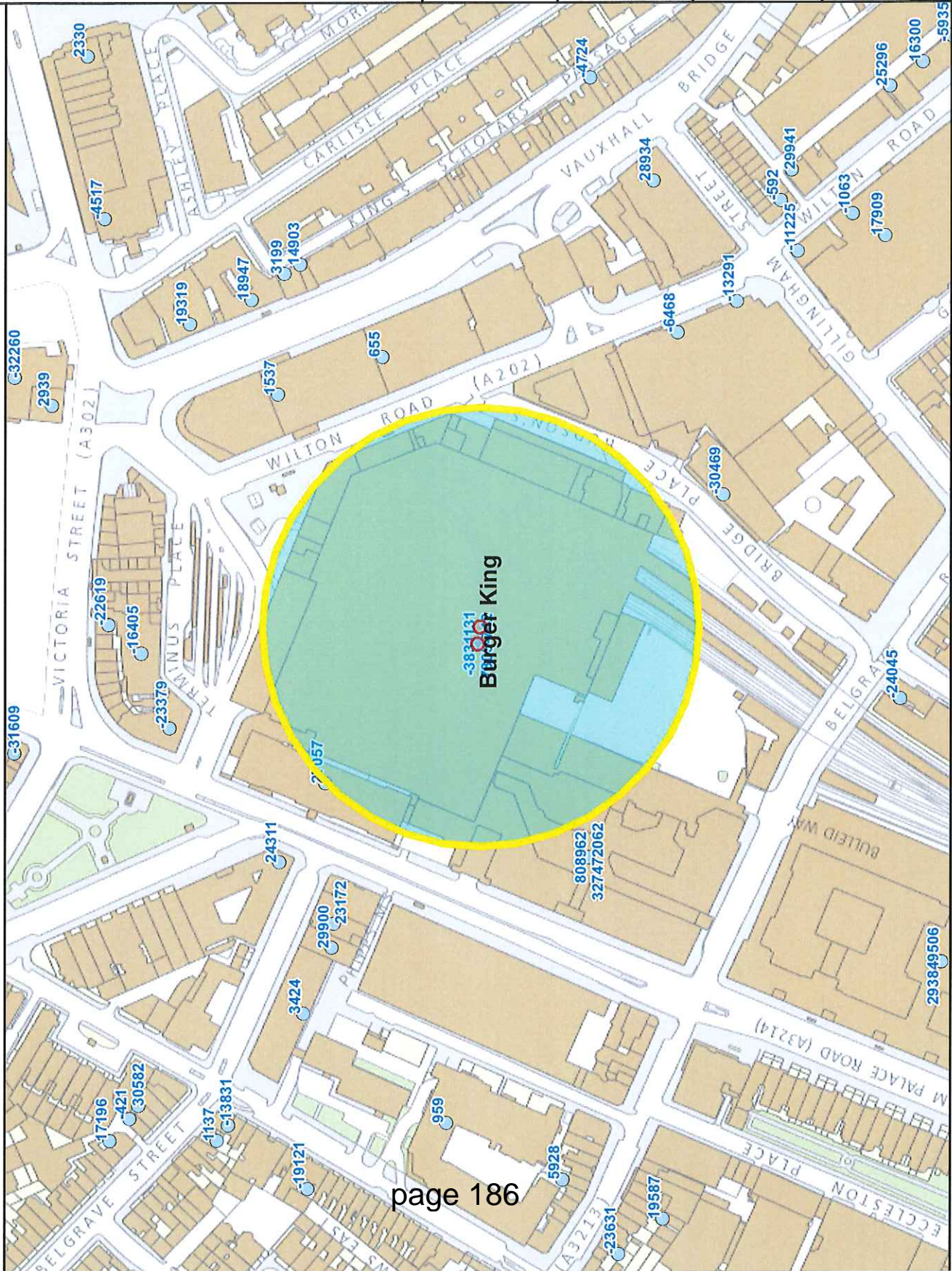
25. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) any faults in the CCTV system
 - (f) any refusal of the sale of alcohol
 - (g) any visit by a relevant authority or emergency service

26. The premises licence holder shall ensure that all staff engaged in the sale of alcohol shall be trained in responsible alcohol retailing to a minimum standard of BIIAB Level 1 or equivalent within three months of commencing employment at the premises. Training records shall be kept on the premises and produced to the Police or authorised officer of the Licensing Authority upon request. Training shall be reviewed at six monthly intervals to ensure staff familiarity with current legislation.



Burger King, Unit 9 Main Concourse, Terminus Place, London
City of Westminster

APPENDIX 5



Residential/ Proposed Residential	0
Under Construction	Not known
Other Uses	Not known
Proportion Residential of all Uses	Not known

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Data Source: Uniform Database
Date: 05/02/2016

Premises within 75 metres of: Unit 9, Main Concourse, Terminus Place, Victoria Station, London

p / n	Name of Premises	Premises Address	Opening Hours
12869	Nero Express	Unit M14 Platform 17 Victoria Station Terminus Place London SW1V 1JT	Monday to Saturday 05:30 - 00:00 Sunday 05:30 - 22:30
14378	The Pasty Shop	Unit 20 Main Concourse Victoria Station Terminus Place London SW1V 1JT	Monday to Sunday 00:00 - 00:00
19287	Wasabi	Unit 31 Main Concourse Victoria Station Terminus Place London SW1V 1JT	Monday to Sunday 08:00 - 01:00
22274	West Cornwall Pasty Co	Unit 5a Main Concourse Victoria Station Terminus Place London SW1V 1JT	Monday to Friday 08:00 - 01:00 Saturday 06:30 - 01:00 Sunday 08:00 - 00:00
26639	Bread Box	Unit 9 Main Concourse Victoria Station Terminus Place London SW1V 1JT	Monday to Sunday 03:00 - 05:00 Monday to Sunday 05:00 - 01:00
26740	Marks & Spencer - Simply Food	Unit 39 Main Concourse Victoria Station Terminus Place London SW1V 1JT	Monday to Sunday 07:00 - 00:00
-30153	Victoria Grill	Unit 57 Victoria Island Victoria Station Terminus Place London SW1V 1JT	Monday to Thursday 07:00 - 00:00 Friday to Saturday 07:00 - 00:30 Sunday 07:00 - 23:00
-5706	Wetherspoons	Unit 53 Victoria Island Victoria Station Terminus Place London SW1V 1JT	Monday to Sunday 06:00 - 02:00
7303	Burger King (UK) Ltd	Unit 21 Main Concourse Victoria Station Terminus Place London SW1V 1JT	Monday to Saturday 04:30 - 05:00 Sunday 23:00 - 01:00 Monday to Saturday 23:00 - 02:30
19310	West Cornwall Pasty Co	Unit M5a Main Concourse Victoria Station Terminus Place London SW1V 1JT	Monday to Friday 06:00 - 02:00 Saturday 08:00 - 02:00 Sunday 08:00 - 23:00
22957	Camden Food Co	Main Concourse Victoria Station Terminus Place London SW1V 1JT	Monday to Sunday 05:00 - 01:00
31597	Sloe Cafe Bar	Unit 2009 Platforms 12 And 13 Victoria Station Terminus Place London SW1V 1JT	Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 22:30
-28639	Yoi Sushi	Unit 52 Victoria Island Victoria Station Terminus Place London SW1V 1JT	Friday to Saturday 10:00 - 00:00 Sunday 10:00 - 22:30 Monday to Thursday 10:00 - 23:30
-19269	WH Smith	Unit 2 Main Concourse Victoria Station Terminus Place London SW1V 1JT	Monday to Friday 06:00 - 00:00 Saturday to Sunday 07:00 - 23:00
-18634	The Savanna	Unit 61 Main Concourse Victoria Station Terminus Place London SW1V 1JT	Monday to Sunday 07:00 - 22:00
-18079	Upper Crust	Unit 15 Main Concourse Victoria Station Terminus Place London SW1V 1JT	Monday to Sunday 00:00 - 00:00
-14713	Marks & Spencer - Simply Food	Platform 2 Victoria Station Terminus Place London SW1V 1JT	Monday to Saturday 08:00 - 23:00 Sunday 10:00 - 22:30
-10857	Mi Casa Burritos	Unit 29 Platform 14 Victoria Station Terminus Place London SW1V 1JT	Monday to Sunday 00:00 - 00:00
-8761	McDonald's Restaurants	Unit 4 Main Concourse Victoria Station Terminus Place London SW1V 1JT	Monday to Sunday 23:00 - 00:30
-8574	McDonald's Restaurants	Unit 4 Main Concourse Victoria Station Terminus Place London SW1V 1JT	Monday to Sunday 23:00 - 00:30
-7863	Delice De France	Unit 16 Main Concourse Victoria Station Terminus Place London SW1V 1JT	Monday to Sunday 00:00 - 00:00
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1131	Venice Simplon Orient Express	Platform 2 Victoria Station Terminus Place London SW1V 1JT	Monday to Saturday 09:00 - 23:00

17754	Delice De France	Unit 50 Main Concourse Victoria Station Terminus Place London SW1V 1JT	Monday to Sunday 03:00 - 01:00
18202	Upper Crust	Unit 22 Main Concourse Victoria Station Terminus Place London SW1V 1JT	Monday to Sunday 03:00 - 01:00
18537	Nero Express	Unit 11 Main Concourse Victoria Station Terminus Place London SW1V 1JT	Monday to Sunday 03:00 - 01:00
25334	Pasty Shop	Unit 40 Platform 15 Victoria Station Terminus Place London SW1V 1JT	Monday to Sunday 00:00 - 00:00

Agenda Item 7 Licensing Sub-Committee Report

Item No:	
Date:	18 February 2016
Licensing Ref No:	15/12095/LIPN - New Premises Licence
Title of Report:	Burger King Unit 21 Main Concourse Victoria Station Terminus Place
Report of:	Director of Public Protection and Licensing
Wards involved:	Warwick
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Mrs Sumeet Anand-Patel Senior Licensing Officer
Contact details	Telephone: 020 7641 2737 Email: sanandpatel@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	23 December 2015		
Applicant:	Select Service Partner Ltd		
Premises:	Burger King		
Premises address:	Unit 21 Main Concourse Victoria Station Terminus Place London	Ward:	Warwick
		Cumulative Impact Area:	None
Premises description:	<p>The premises is a food and drink outlet located at Victoria Railway Station. The premises are currently known as Burger King and have traded for many years with the benefit of a premises licence authorising late night refreshment.</p> <p>This application is to introduce the sale of alcohol for consumption off the premises and maintain the late night refreshment hours as existing. The opening hours being applied for are not restricted however the existing hours are restricted to the same time as the licensable activities. If this application is granted, the existing licence shall be surrendered.</p>		
Premises licence history:	The premises is currently licensed under 07/00514/WCCMAP.		
Applicant submissions:	The applicant has amended the hours for the sale of alcohol being applied for. The hours shown below reflect the amendment by the applicants.		

1-B Proposed licensable activities and hours							
Late Night Refreshment:				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	23:00	23:00	23:00	23:00	23:00	23:00	23:00
End:	02:30	02:30	02:30	02:30	02:30	02:30	01:00
Start:	04:30	04:30	04:30	04:30	04:30	04:30	-
End:	05:00	05:00	05:00	05:00	05:00	05:00	-
Seasonal variations:	N/A						
Non-standard timings:	From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day						

Sale by retail of alcohol				On or off sales or both:			Off
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	11:00	11:00	11:00	11:00	11:00	11:00	12:00
End:	23:00	23:00	23:00	23:00	23:00	23:00	22:30

Seasonal variations:	N/A
Non-standard timings:	N/A

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	00:00	00:00	00:00	00:00	00:00	00:00	00:00
End:	00:00	00:00	00:00	00:00	00:00	00:00	00:00
Seasonal variations:	None						
Non-standard timings:	None						
Adult Entertainment:	None						

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Environmental Health Consultation Team
Representative:	Anuja Jayawickrema
Received:	4 th January 2016

I refer to the application for a new Premises Licence.

This representation is based on the operating schedule and accompanying plans by Geoff Powell Design Limited ref GPD/581/02/A3/102 dated March 2003.

The applicant is seeking the following licensable activities on the Ground floor

1. *Late night refreshment indoors from 23.00 to 02:30*
2. *Monday to Saturday; 04:30 to 05:00 Monday to Saturday and 23.00-01.00 on Sundays. From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day annually. The premises shall be permitted to provide LNR between 01.30 and 03.00 daily, if requested to do so by senior station management, a senior Network Rail representative or a senior police officer and where access to the station is controlled by Network Rail or the Metropolitan Police.*
3. *Supply of alcohol for consumption on and off the premises at the following times:*
 - o *Monday – Thursday: 10:00 – 23:30*
 - o *Friday – Saturday: 10:00 – 00:00*
 - o *Sunday: 12:00 - 22:30*
 - o *From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day annually.*

I wish to make the following representation

1. ***The provision and hours requested to permit the provision of Late Night Refreshment will impact on Public Safety and have the likely effect of causing an increase in Public Nuisance within the area***
2. ***The provision and hours requested for the Supply of Alcohol will have the likely effect of causing an increase in Public Nuisance within the area***

The granting of the application as presented would have the likely effect of causing an increase

in Public Nuisance and impact on Public Safety within the area.

Conditions have been offered in the operating schedule and these are under consideration but do not fully satisfy Environmental Health's concerns.

The applicant is advised that Environmental Health will also need to be satisfied that any plant and machinery employed should have appropriate mitigation measures to prevent Public Nuisance from odour and/or noise from its use.

The applicant is therefore requested to contact the undersigned to discuss all these issues and to arrange a site visit after which Environmental Health may propose additional conditions to allay its concerns.

Representations are therefore made on grounds of Public Nuisance and Public Safety.

Conditions have been proposed to the applicant which are attached at Appendix 4.

Responsible Authority:	Metropolitan Police
Representative:	Bryan Lewis
Received:	11 th January 2016

With reference to the above application I am writing to inform you that the Police, as a Responsible Authority, object to your applications for a new Premises Licenses as it is our belief that if granted the application would undermine the following Licensing Objectives.

- The prevention of crime and disorder
- The protection of children from harm

Our objections relate to the following:

- There are insufficient conditions to promote the Licensing objectives.
- Police believe the style of operation, premises layouts and the locations are not suitable for the sale of alcohol

Conditions have been proposed to the applicant which are attached at Appendix 4.

3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:

Policy HRS1 applies:	(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy. (ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies
Policy OS1 applies:	Applications will generally be granted and reviews determined subject to the relevant criteria in Policies CD1, PS1, PN1 CH1 and HRS1 and other policies in this Statement.
Policy FFP1 applies:	Applications will only be granted if it can be demonstrated that the proposal meets relevant criteria in Policies CD1, PS1, PN1 and CH1.

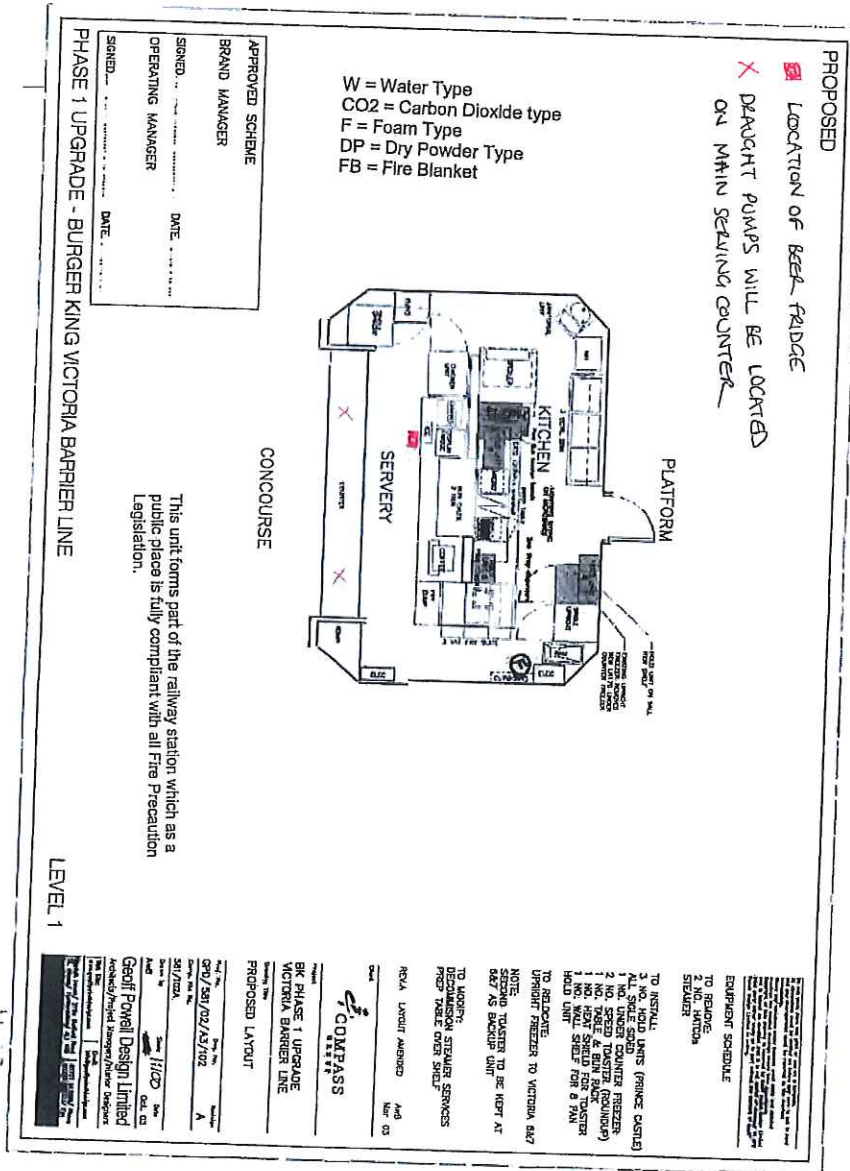
4. Appendices

Appendix 1	Premises plans and location plan
Appendix 2	Applicant Submissions
Appendix 3	Premises history
Appendix 4	Proposed conditions
Appendix 5	Residential map and list of premises in the vicinity

Report author:	Mrs Sumeet Anand-Patel Senior Licensing Officer
Contact:	Telephone: 020 7641 2737 Email: sanandpatel@westminster.gov.uk

APPENDIX 1

Annex 4 - Plans

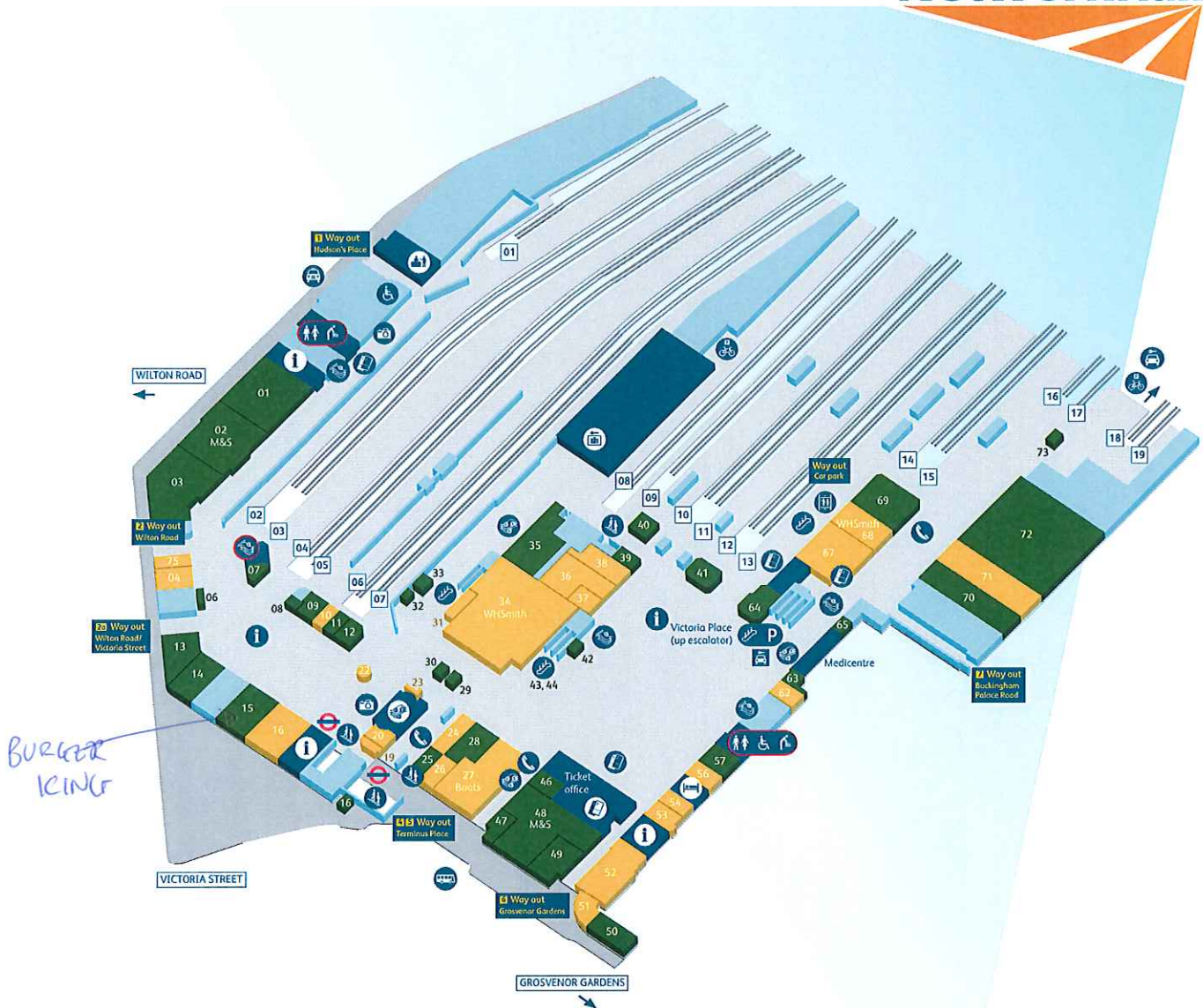


COR - Amended - 03/04/07



Victoria Station guide

NetworkRail



Key	Food and Drink	Shopping
Accessible toilets	14. The Beer House	40. Pasty Shop
Baby change	29. Bread Box	47. Pasty Shop
Bike park	15. Burger King	07. Patisserie Valerie
BT Police	41. Burger King	50. Pret A Manger
Bureau de change	30. Caffè Nero	46. Savanna
Buses	13. Caffè Ritazza	69. Sloe Bar
Car rental	28. Caffè Ritazza	25. Sports Bar and Grill
Cash point	12. Camden Food Co.	01. Starbucks
Customer lounge	35. Costa Coffee	49. Starbucks
Escalators	09. Delice de France	65. Sweet Express
First aid	39. Delice de France	08. Upper Crust
Hotel	70. International Cheese Centre	64. Upper Crust
Information	33. Knot	57. Wasobi
Left luggage	32. Krispy Kreme	06. West Cornwall Pasty Co (up escalator)
Lift	02. M&S Simply Food	43. Wetherspoons (Bar) (up escalator)
Parking	48. M&S Simply Food	72. Whistlestop
Platform numbers	03. McDonald's	44. Yo Sushi (up escalator)
Stairs	63. Mi Casa	
Station reception	11. Mille's Cookies	
Taxis	42. Nero Express	
Telephones	73. Nero Express	
Tickets		
Toilets		
Underground		
		56. Accessorize
		27. Boots
		20. British Hotel Reservation Co.
		26. British Hotel Reservation Co.
		53. EE
		16. Hotel Chocolat
		23. Isle of Flowers
		54. iSmash
		10. Journey's Friend
		67. Ladbrokes
		75. Ladbrokes
		71. Lush
		36. Monsoon
		37. Neal's Yard Remedies
		38. Oliver Bonas
		62. Paperchase
		51. Scribbler
		52. Superdrug
		22. Swatch
		19. Timpsons
		31. TM Lewin
		24. Vodafone
		04. WHSmith
		34. WHSmith
		68. WHSmith

If you need help please speak to one of our staff or call the helpline on **03457 11 41 41**

Working for you.

Appendix 3

Application	Detail of Application	Date Determined	Determined By
05/10533/LIPC Conversion	Application to convert a night cafe licence.	05.10.2005	Granted under delegated authority and issued under 07/00514/WCCMAP

There is no appeal history for the premises

Appendix 4

CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE AND CONDITIONS PROPOSED BY A PARTY TO THE HEARING

When determining an application for a new premises licence under the provisions of the Licensing Act 2003, the licensing authority must, unless it decides to reject the application, grant the licence subject to the conditions which are indicated as mandatory in this schedule.

At a hearing the licensing authority may, in addition, and having regard to any representations received, grant the licence subject to such conditions which are consistent with the operating schedule submitted by the applicant as part of their application, or alter or omit these conditions, or add any new condition to such extent as the licensing authority considers necessary for the promotion of the licensing objectives.

This schedule lists those conditions which are consistent with the operating schedule, or proposed as necessary for the promotion of the licensing objectives by a responsible authority or an interested party as indicated. These conditions have not been submitted by the licensing service but reflect the positions of the applicant, responsible authority or interested party and have not necessarily been agreed

Mandatory Conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
 - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.
- 5(i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- 5(ii) For the purposes of the condition set out in paragraph 5(i) above -

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) "permitted price" is the price found by applying the formula -

$$P = D + (D \times V)$$

Where -

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

5(iii). Where the permitted price given by Paragraph 5(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

5(iv). (1) Sub-paragraph 5(iv)(2) below applies where the permitted price given by Paragraph 5(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Conditions consistent with the operating schedule

6. Upon grant of this licence, the existing licence (07/00514/WCCMAP) shall be surrendered.

7. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. 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 authorised officer throughout the preceding 31 day period.

8. A staff member who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member will be able to show a Police or authorised council officer recent data or footage with the absolute minimum of delay when requested.
9. Risk assessments will be carried out and periodically reviewed for fire, health and safety and emergency evacuation.

Conditions proposed by the Environmental Health

10. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption 'off' the premises.

Conditions proposed by EH and the Police

11. Alcohol sold for consumption 'Off' the premises shall be in a sealed container supplied with and ancillary to substantial take-away food.

Applicant's proposal to condition 11:

Alcohol sold for consumption off the premises shall be in a sealed container supplied with and ancillary to substantial take-away food. Staff training shall include the requirement for staff to ensure quantities of alcohol purchased are proportionate to the taking of such food.

12. There shall be no self-service of alcohol.
13. No draught beer shall be provided.
14. No alcohol shall be served in glass containers at any time.
15. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
16. All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale.

Applicant's proposal to condition 16:

Notices shall be displayed at till points to remind staff to verify the age of customers in line with the Challenge 25 policy when alcohol is sold.

17. Prominent signage indicating the permitted hours for the sale of alcohol shall be displayed so as to be visible at the point of sale.

18. Outside of the hours authorised for the sale of alcohol and whilst the premises are open to the public, the licence holder shall ensure that all alcohol within the premises is secured behind locked screens or locked cabinet doors so as to prevent access to the alcohol by both customers and staff.

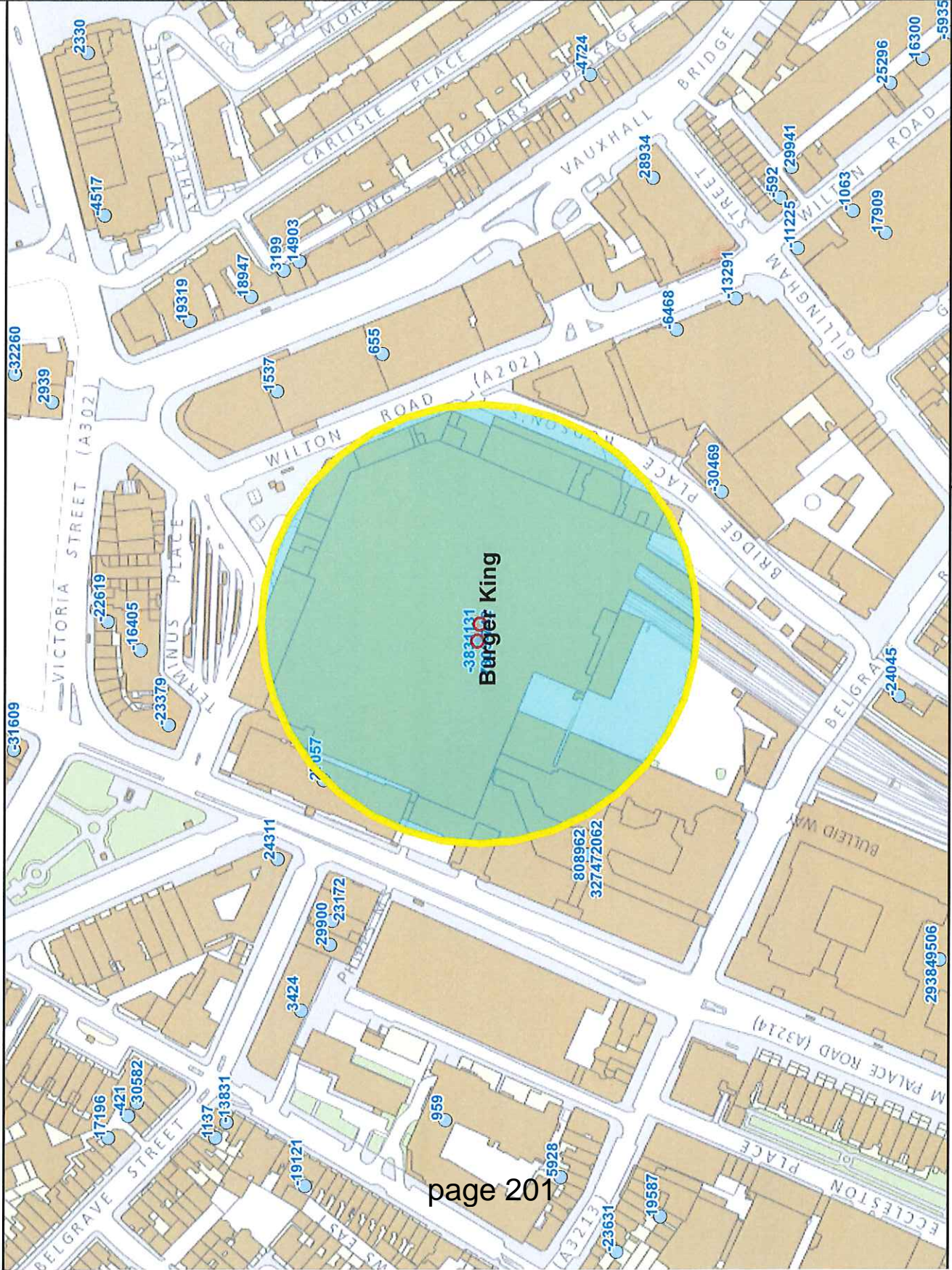
Conditions proposed by the Police

19. Alcohol will be restricted to 330ml plastic bottles of branded beer or lager of no more than 4.8% ABV, one plastic bottle per person per substantial meal.
20. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) any faults in the CCTV system
 - (f) any refusal of the sale of alcohol
 - (g) any visit by a relevant authority or emergency service
21. The premises licence holder shall ensure that all staff engaged in the sale of alcohol shall be trained in responsible alcohol retailing to a minimum standard of BIIAB Level 1 or equivalent within three months of commencing employment at the premises. Training records shall be kept on the premises and produced to the Police or authorised officer of the Licensing Authority upon request. Training shall be reviewed at six monthly intervals to ensure staff familiarity with current legislation



Burger King, Unit 21 Main Concourse, Terminus Place, London
City of Westminster

APPENDIX 5



Residential / Proposed Residential	0
Under Construction	Not known
Other Uses	Not known
Proportion Residential of all Uses	Not known

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Data Source: Uniform Database
Date: 05/02/2016

Premises within 75 metres of: Unit 21, Main Concourse, Terminus Place, Victoria Station, London

p / n	Name of Premises	Premises Address	Opening Hours
12869	Nero Express	Unit M14 Platform 17 Victoria Station Terminus Place London SW1V 1JT	Monday to Saturday 05:30 - 00:00 Sunday 05:30 - 22:30
14378	The Pasty Shop	Unit 20 Main Concourse Victoria Station Terminus Place London SW1V 1JT	Monday to Sunday 00:00 - 00:00
19287	Wasabi	Unit 31 Main Concourse Victoria Station Terminus Place London SW1V 1JT	Monday to Sunday 08:00 - 01:00
22274	West Cornwall Pasty Co	Unit 5a Main Concourse Victoria Station Terminus Place London SW1V 1JT	Monday to Friday 06:00 - 01:00 Saturday 06:30 - 01:00 Sunday 08:00 - 00:00
26639	Bread Box	Unit 9 Main Concourse Victoria Station Terminus Place London SW1V 1JT	Monday to Sunday 03:00 - 05:00 Monday to Sunday 05:00 - 01:00
26740	Marks & Spencer - Simply Food	Unit 39 Main Concourse Victoria Station Terminus Place London SW1V 1JT	Monday to Sunday 07:00 - 00:00
-30153	Victoria Grill	Unit 57 Victoria Island Victoria Station Terminus Place London SW1V 1JT	Monday to Thursday 07:00 - 00:00 Friday to Saturday 07:00 - 00:30 Sunday 07:00 - 23:00
-5706	Wetherspoons	Unit 53 Victoria Island Victoria Station Terminus Place London SW1V 1JT	Monday to Sunday 06:00 - 02:00
7303	Burger King (UK) Ltd	Unit 21 Main Concourse Victoria Station Terminus Place London SW1V 1JT	Monday to Saturday 04:30 - 05:00 Sunday 23:00 - 01:00 Monday to Saturday 23:00 - 02:30
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-28639	Yo! Sushi	Unit 52 Victoria Island Victoria Station Terminus Place London SW1V 1JT	Friday to Saturday 10:00 - 00:00 Sunday 10:00 - 22:30 Monday to Thursday 10:00 - 23:30
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-8574	McDonald's Restaurants	Unit 4 Main Concourse Victoria Station Terminus Place London SW1V 1JT	Monday to Sunday 23:00 - 00:30
-7863	Delice De France	Unit 16 Main Concourse Victoria Station Terminus Place London SW1V 1JT	Monday to Sunday 00:00 - 00:00
-742	Burger King	Unit 9 Main Concourse Victoria Station Terminus Place London SW1V 1JT	Monday to Sunday 08:00 - 03:00
-383	Beer House	Unit 8 Main Concourse Victoria Station Terminus Place London SW1V 1JT	Monday to Sunday 07:00 - 00:30
1131	Venice Simplon Orient Express	Platform 2 Victoria Station Terminus Place London SW1V 1JT	Monday to Saturday 09:00 - 23:00

17754	Delice De France	Unit 50 Main Concourse Victoria Station Terminus Place London SW1V 1JT	Monday to Sunday 03:00 - 01:00
18202	Upper Crust	Unit 22 Main Concourse Victoria Station Terminus Place London SW1V 1JT	Monday to Sunday 03:00 - 01:00
18537	Nero Express	Unit 11 Main Concourse Victoria Station Terminus Place London SW1V 1JT	Monday to Sunday 03:00 - 01:00
25334	Pasty Shop	Unit 40 Platform 15 Victoria Station Terminus Place London SW1V 1JT	Monday to Sunday 00:00 - 00:00

If you have any queries about this report or wish to inspect one of the background papers please contact the report author.

Background Documents – Local Government (Access to Information) Act 1972

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 th January 2011
3	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015

**CITY OF WESTMINSTER LICENSING SUB-COMMITTEE 18 FEBRUARY 2016:
APPLICATIONS FOR GRANT OF NEW PREMISES LICENCES**

**Burger King, Unit 9, Main Concourse Victoria Station, Terminus Place
Burger King, Unit 21, Main Concourse Victoria Station, Terminus Place
Burger King, Platform 7 And 8 Unit 18, Paddington Station, Praed Street**

STATEMENT OF: Richard Attwood

CAPACITY: Operations Director for Coffee & Bakery and Quick Service Restaurant Brands for Rail for Select Service Partner Limited.

ADDRESS: c/o 169, Euston Road, London, NW1

This statement is true to the best of my knowledge and belief

INTRODUCTION

I am an experienced Operations Director responsible for an operating division of SSP, employed by Select Service Partner Limited ("SSP"). My responsibilities include rail operations throughout the UK. I am responsible for 147 outlets, of which around 20 are licensed for the sale of alcohol. Brands I am responsible for include Café Ritazza, Camden Food, Delice De France, Bread Box, Starbucks, Mi Casa, Pasty Shop, Upper Crust and as well as Burger King.

Prior to joining SSP I have 10 years experience working for Food and Beverage/Retail brands which include J Sainsburys, Selfridges&Co and Yum Restaurants T/A Pizza Hut UK

SSP have operated premises at transport hubs (railway stations, airports and coach stations) across the UK for over 10 years, although the management structure and transport hub experience has been in place for almost 24 years as the company was previously owned and operated by the Compass Group. In addition to the brands I am responsible for, the company operates retail and bar brands that include M&S Simply Food, Whistlestop, Beer House, Bonaparte's, Gino's, Pumpkin and Sloe Café Bar.

PREMISES LICENCE APPLICATIONS

We are applying for the grant of Premises Licences for Burger King restaurants at Victoria and Paddington to authorise the sale of alcohol and late night refreshment. The Burger King restaurants are already in operation, but are currently licensed for late night refreshment only (copy licences attached as Annex A). There is no proposed change to late night refreshment.

All of the restaurants are accessible only from within the station and there is no public entry or exit into the restaurants other than via the main entrance to the station. The location of the unit within the station is shown on the station plans attached as Annex B.

A number of conditions were proposed in the application to promote the licensing objectives. In particular, the licence holder will install and maintain comprehensive CCTV. Since submitting the application, I have met with and discussed the application with the police and environmental health service and we have now agreed:

1. To amend the proposed times for the sale of alcohol for all units to 11.00 to 23.00 Monday to Saturday and 11.00 to 22.30 on Sundays;

2. Various conditions requiring amongst other things that all alcohol sales will be ancillary to food, that alcohol will be restricted to one brand of beer or lager no more than 4.8% ABV and, in respect of off sales, all will be made in sealed containers.

I attach as Annex C to my statement a full list of conditions which we will propose to the Committee be attached to the licences, if granted. The conditions vary according to whether the restaurant has a seating area, as follows:

Victoria Station

The restaurant at Unit 9 Victoria has a small seating area with 9 stools for use by customers who wish to eat in. The application is for the sale of alcohol for consumption on or off the premises.

The restaurant at Unit 21 Victoria is a counter unit only and therefore the application is for the sale of alcohol for consumption off the premises only.

Paddington Station

The restaurant in Paddington Station is a counter unit only and the application is therefore for authority to sell alcohol for consumption off the premises only.

DETAILS OF OPERATION

SSP operates over 250 licensed outlets at railway stations and airports nationwide. The company has detailed brand standards and due diligence procedures and work with British Transport Police, Network Rail, licensing authorities and responsible authorities across the country to ensure compliance and good relations on an ongoing basis.

The company has operated a number of Premises Licences at both Paddington and Victoria Stations since 2005 when the Licensing Act 2003 came into force. Prior to that, we operated Justices Licences at the stations for over 20 years. Throughout that time, as far as I am aware, we have never been subject to any review application or enforcement action at the station by any responsible authority or interested party.

Burger King is a quick service restaurant, with a range of hot and cold food and drinks including beef, chicken and vegetable burgers, salads, croissants and breakfast items, side dishes, deserts, coffees and frappes and soft drinks and various meal combinations.

We have obtained licences recently for the sale of alcohol at Burger Kings in Fenchurch Street and East Croydon railway stations. SSP also operates Burger Kings licensed for alcohol at Birmingham International Airport and Stansted. Other applications for alcohol licences at Burger Kings are in progress, including applications for counter-only restaurants and restaurants with seating areas at other mainline stations across the country.

The proposed sale of alcohol is for a single brand of lager only, which reflects the sale of alcohol at Burger Kings in other parts of the world. There will be no self-service of alcohol and all alcohol will be kept and served from behind the counter.

SSP currently hold numerous premises licences at Paddington and Victoria as per the list of licences attached as Annex E to my statement. A number of these within both stations are licensed for the sale of alcohol up to and indeed later than the times applied for in respect of the Burger King restaurants. There are also other operators in and around the stations which are licensed for the sale of alcohol beyond the times we have agreed to operate. We are not looking to set a precedent in the area: alcohol and food are already available from a number of other premises nearby later than the times we propose.

For this reason, I do not believe that the sale of alcohol from Burger King restaurants which are located wholly within the stations will attract customers to the area or the station: in our experience our customers are persons who are passing through the station in any event because they have been or are travelling by train.

COMMENTS ON REPRESENTATIONS AND POLICY

I note that the responsible authorities and the other parties who have made representations do not object to the provision of late night refreshment in accordance with the existing licences.

I understand that Victoria and Paddington stations are not within a Special Policy area. The amended times agreed with the responsible authorities for the sale of alcohol are within the Core Hours in Westminster's Statement of Licensing Policy.

I have considered the representations from the Paddington Waterways and Maida Vale Society (PWMVs), the South East Bayswater Residents Association (SEBRA) and Ward Councillor Cox. Our solicitors have written to each party on our behalf to confirm further details around the nature of the company, the proposed operation and the controls that will be in place. We believe that some of the conditions agreed with the police and environmental health service since the application was submitted deal specifically with a number of the questions raised. I attach copies of the letters to these parties as Annex D.

I have also reviewed the witness statement from Inspector Baynes of the British Transport Police ("BTP") at Victoria. Inspector Baynes comments that Burger King did not engage with Network Rail or BTP prior to submission of the licence applications. However the relevant Station Operations Managers at Network Rail are now fully aware of our applications. I also note that Inspector Baynes comments on four incidents of anti-social behaviour at Burger King over the last year. Unfortunately, we do not have any details on the nature or circumstances surrounding those incidents and therefore it is difficult to comment further.

The only conditions proposed by the responsible authorities which we have not agreed are as follows:

1. Signage indicating permitted hours for the sale of alcohol to be displayed – we do not believe that this is necessary given that we are already legally obliged to display the Licence Summary which confirms hours for the sale of alcohol.
2. Training – we have amended the wording of the proposed condition requiring BIIAB Level 1 Training to reflect the fact that we have our own in-house training package.
3. Alcohol sold for consumption 'off' the premises to be restricted to 330ml plastic bottles – this is not in accordance with the proposed operation which is to sell 500 ml cans, but it will be sealed branded lager at no more than 4.8% ABV so we have proposed an amended condition on that basis.
4. We do not believe that it is appropriate / proportionate to have a condition requiring that only 1 beer will be sold per meal because we sell a range of products, but we have amended the proposed condition requiring that all sales of alcohol shall be ancillary to the sale / consumption of substantial food to also require that staff training shall include the requirement for staff to ensure quantities of alcohol purchased are proportionate to the taking of such food.

I am confident that the procedures the company has in place, together with our experience in managing station units which sell alcohol and the extensive conditions we have agreed, will promote the licensing objectives.

Richard Attwood

11 February 2016

Annex A	Copy Premises Licences
Annex B	Station Maps
Annex C	Conditions Proposed
Annex D	Copy letters to PWMVs, SEBRA and Ward Councillor Cox
Annex E	List of licences SSP hold at Paddington and Victoria



Schedule 12
Part A

WARD: Hyde Park
UPRN: 010033541601

City of Westminster
64 Victoria Street, London, SW1E 6QP

Premises licence

Regulation 33, 34

Premises licence number:	12/04955/LIPV
Original Reference:	05/07235/LIPCV

Part 1 – Premises details

Postal address of premises:

Burger King/Caffe Ritazza
Platform 7 And 8 Unit 18
Paddington Station
Praed Street
London
W2 1RH

Telephone Number: 02077242008

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Late Night Refreshment

The times the licence authorises the carrying out of licensable activities:

Late Night Refreshment

Monday to Thursday:	23:00 to 01:00 (until 05:00 subject to condition 7)
Friday:	23:00 to 01:30 (until 05:00 subject to condition 7)
Saturday:	23:00 to 01:00 (until 05:00 subject to condition 7)

The opening hours of the premises:

Monday to Sunday: 00:00 to 00:00

Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:

Not applicable

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:

Select Service Partners Limited
169 Euston Road
London
NW1 2AE

Registered number of holder, for example company number, charity number (where applicable)

02184010

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:

Not applicable

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol:

Not applicable

Date: _____ 14th August 2012 _____

This licence has been authorised by Miss Bina Patel on behalf of the Operational Director - Premises Management.

Annex 1 – Mandatory conditions

Conditions reproducing the effect of conditions subject to which the relevant existing licences have effect

1. This licence is subject to all the former regulations made by Westminster City Council prescribing standard conditions for annual night café licences, effective from 1 October 2001

Annex 2 – Conditions consistent with the operating Schedule

None

Annex 3 – Conditions attached after a hearing by the licensing authority

2. Late Night Refreshment shall be permitted on Monday to Thursday and Saturday from 23.00-01.00 and on Friday from 23.00-01.30.
3. The venue shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. 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 venue 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 authorised officer throughout the preceding 31 day period.
4. 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 shall be able to show Police recent data or footage with the absolute minimum of delay when requested.
5. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
 - (a) all crimes reported to the venue
 - (b) any complaints received regarding crime disorder
 - (c) any incidents of disorder
 - (d) any faults in the CCTV system
 - (e) any visit by a relevant authority or emergency service.
6. No drinks shall be served in glass containers after 23:00.
7. The premises shall only be permitted to provide Late Night Refreshment between 01:00 and 05:00 Monday to Thursday and Saturday, between 01:30 and 05:00 Friday and 23:00 and 05:00 Sunday, if requested to do so by the Station Manager, Network Rail or the British Transport Police.
8. A record shall be kept of the dates and times that the premises open between 02:00 and 05:00 for Late Night Refreshment and shall be retained for 365 days.



City of Westminster
64 Victoria Street, London, SW1E 6QP

Schedule 12
Part B

WARD: Hyde Park
UPRN: 010033541601

Premises licence
summary

Regulation 33, 34

Premises licence number:

12/04955/LIPV

Part 1 – Premises details

Postal address of premises:

Burger King/Caffe Ritazza
Platform 7 And 8 Unit 18
Paddington Station
Praed Street
London
W2 1RH

Telephone Number: 02077242008

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Late Night Refreshment

The times the licence authorises the carrying out of licensable activities:

Late Night Refreshment

Monday to Thursday: 23:00 to 01:00 (until 05:00 subject to condition 7)
Friday: 23:00 to 01:30 (until 05:00 subject to condition 7)
Saturday: 23:00 to 01:00 (until 05:00 subject to condition 7)

The opening hours of the premises:

Monday to Sunday: 00:00 to 00:00

Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:

Not applicable

Name and (registered) address of holder of premises licence:

Select Service Partners Limited
169 Euston Road
London
NW1 2AE

Registered number of holder, for example company number, charity number (where applicable)

02184010

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol:

Not applicable

State whether access to the premises by children is restricted or prohibited:

Restricted

Date: _____ 14th August 2012 _____

This licence has been authorised by Miss Bina Patel on behalf of the Operational Director - Premises Management.

LICENSING SUB-COMMITTEE No. 3

Thursday 2 August 2012

Membership: Councillor Michael Brahams (Chairman), Councillor Nicholas Evans and Councillor Harvey Marshall

Legal Adviser: Harjinder Bhela
Policy Adviser: Chris Wroe
Committee Officer: Jonathan Deacon

Relevant Representations: Hyde Park Estates Association, Paddington Waterways and Maida Vale Society and South East Bayswater Residents' Association.

Present: Ms Nicola Smith (representing the Applicant), Mr Mike Arnold (Applicant Company) and Mr John Zamit (South East Bayswater Residents' Association - also on behalf of Hyde Park Estates Association and Paddington Waterways and Maida Vale Society).

Burger King/Caffe Ritazza, Platform 7&8 – Unit 18 Paddington Station, Praed Street, W2 12/04955/LIPV	
1.	Late Night Refreshment: Indoors
	To vary the hours for the provision of late night refreshment between: 01:00 and 05:00 Monday to Thursday and Saturday 01:30 and 05:00 Friday and to permit LNR between 23:00 and 05:00 Sunday.
	Amendments to application advised at hearing: None.
	Decision (including reasons if different from those set out in report): Granted, subject to conditions as set out below. The applicant company, represented by Ms Smith, sought late night refreshment in the early hours of the morning only in exceptional circumstances when requested to do so by the Station Manager, Network Rail or the British Transport Police. This would include for specific events such as special occasions or emergency situations when managing an increased number of train passengers. In reaching the decision to grant the application, the Sub-Committee took into account that there would be the necessary contingency planning including

increased staffing levels and transport police available and that only people with a valid ticket for travelling would be allowed onto the concourse area. The Applicant was content for specific conditions agreed with the Police and Environmental Health for the Pasty Shop application to be attached to the licence for the 2 other Paddington Station applications being heard by the Sub-Committee that day, Burger King / Caffe Ritazza and Upper Crust. These included the Council's model CCTV conditions and that a log book would be kept to document when the Station was being used for additional licensing hours as a result of exceptional circumstances.

Mr Zamit stated that his main concerns and those of the amenity societies he was representing at the hearing had been addressed as a result of it being demonstrated that the application was not open ended. Only those with a valid ticket for travelling were being permitted onto the concourse area. It had been explained by the Applicant's solicitors that the additional hours would only be sought in genuinely exceptional circumstances. He questioned some of the need for the application, being of the view that Environmental Health inspectors would not enforce conditions in a genuine emergency situation and that most major events would provide the time to apply for temporary event notices. He welcomed that a condition requiring a log book had been agreed by the Applicant.

Conditions attached to the Licence

1. The venue shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. 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 venue 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 authorised officer throughout the preceding 31 day period.
2. 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 shall be able to show Police recent data or footage with the absolute minimum of delay when requested.
3. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
 - (a) all crimes reported to the venue
 - (b) any complaints received regarding crime disorder
 - (c) any incidents of disorder
 - (d) any faults in the CCTV system
 - (e) any visit by a relevant authority or emergency service.
4. No drinks shall be served in glass containers after 23:00.
5. The premises shall only be permitted to provide Late Night Refreshment between 01:00 and 05:00 Monday to Thursday and Saturday, between 01:30 and 05:00 Friday and 23:00 and 05:00 Sunday, if requested to do so by the Station Manager, Network Rail or the British Transport Police.
6. A record shall be kept of the dates and times that the premises open between 02:00 and 05:00 for Late Night Refreshment and shall be retained for 365 days.



Schedule 12
Part A

WARD: Warwick
UPRN: 999000147626

City of Westminster
64 Victoria Street, London, SW1E 6QP

Premises licence

Regulation 33, 34

Premises licence number:

07/00514/WCCMAP

Part 1 – Premises details

Postal address of premises:

Burger King (UK) Ltd
Unit 21
Main Concourse Victoria Station
Terminus Place
London
SW1V 1JT

Telephone Number: 0207 834 7209

Where the licence is time limited, the dates:

N/A

Licensable activities authorised by the licence:

Late Night Refreshment

The times the licence authorises the carrying out of licensable activities:

Late Night Refreshment: Monday to Saturday - 23:00 to 02:30 and 04:30 to 05:00
Late Night Refreshment: Sunday - 23:00 to 01:00

The opening hours of the premises:

Monday to Saturday - 23:00 to 02:30 and 04:30 to 05:00 (for licensable activities)
Sunday - 23:00 to 01:00 (for licensable activities)

Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:

N/A

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:

Select Service Partner Limited
169 Euston Road
London
NW1 2AE
Telephone Number: 0207 543 3300

Registered number of holder, for example company number, charity number (where applicable)

02184010

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:

Name: N/A
Address: N/A
Phone: N/A

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol:

Licence Number: N/A
Licensing Authority: N/A

Date:

10 April 2007

Signed:


Director of Legal & Administrative Services

Annex 1 – Mandatory conditions

Conditions reproducing the effect of conditions subject to which the relevant existing licences have effect

Conditions for Late Night Refreshment

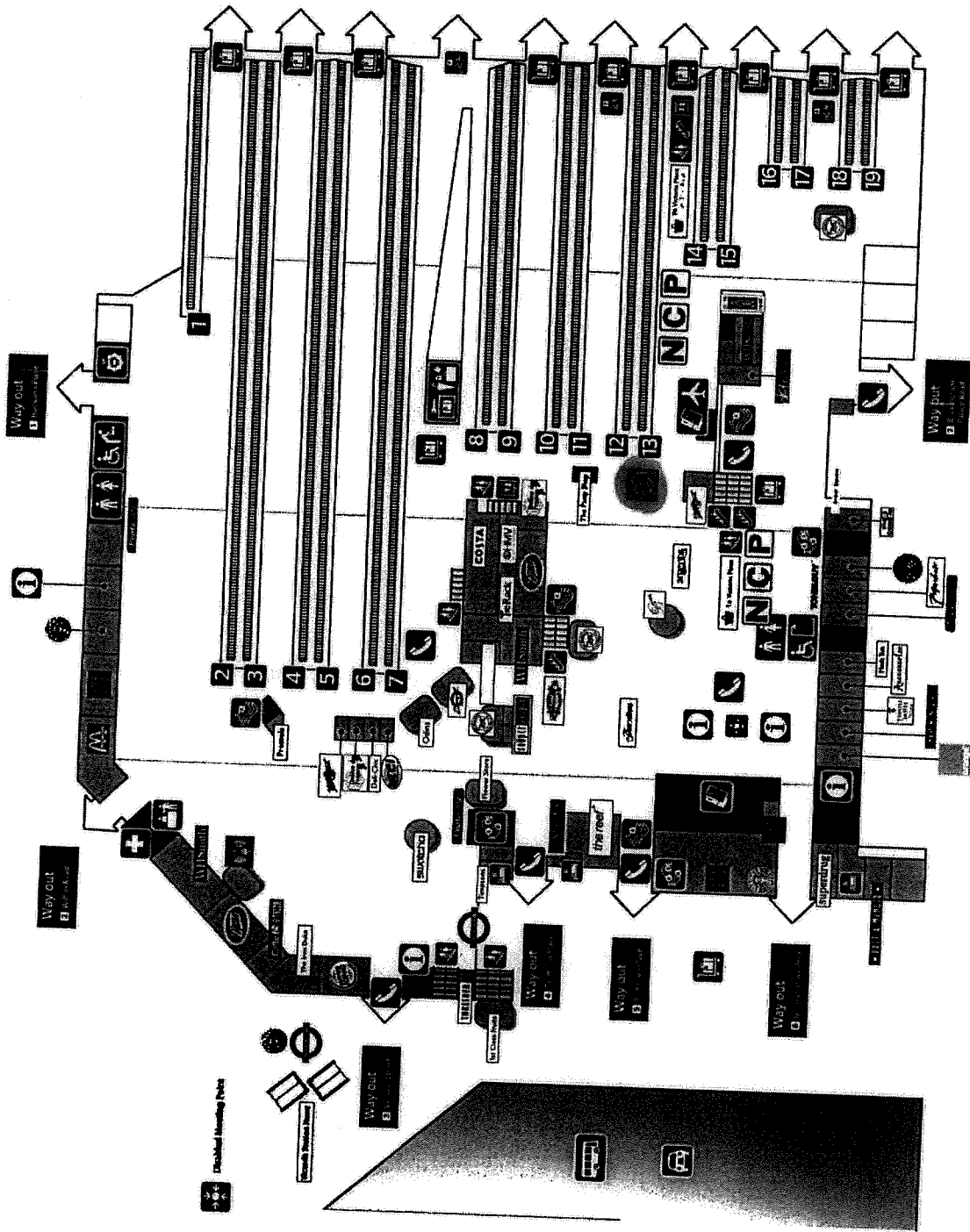
1. This licence is subject to all the former regulations made by Westminster City Council prescribing standard conditions for annual night café licences, effective from 1 October 2001
2. The premises may be kept open for the purposes of this licence from midnight to 2.30am and from 4.30am to 5am following each of the days Monday to Saturday and from midnight on Sundays to 1am on the day following.
3. The number of persons accommodated shall not exceed 6 (Staff Only)

Annex 2 – Conditions consistent with the operating Schedule

None

Annex 3 – Conditions attached after a hearing by the licensing authority

None



Unit 21
VICTORIA ST.



City of Westminster
64 Victoria Street, London, SW1E 6QP

Schedule 12
Part B

WARD: Warwick
UPRN: 999000147626

Premises licence
summary

Regulation 33, 34

Premises licence number:

07/00514/WCCMAP

Part 1 – Premises details

Postal address of premises:

Burger King (UK) Ltd
Unit 21
Main Concourse Victoria Station
Terminus Place
London
SW1V 1JT

Telephone Number: 0207 834 7209

Where the licence is time limited, the dates:

N/A

Licensable activities authorised by the licence:

Late Night Refreshment

The times the licence authorises the carrying out of licensable activities:

Late Night Refreshment: Monday to Saturday - 23:00 to 02:30 and 04:30 to 05:00
Late Night Refreshment: Sunday - 23:00 to 01:00

The opening hours of the premises:

Monday to Saturday - 23:00 to 02:30 and 04:30 to 05:00 (for licensable activities)
Sunday - 23:00 to 01:00 (for licensable activities)

Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:

N/A

Name and (registered) address of holder of premises licence:

Select Service Partner Limited
169 Euston Road
London
NW1 2AE

Registered number of holder, for example company number, charity number (where applicable)

02184010

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol:

Name: N/A

State whether access to the premises by children is restricted or prohibited:

N/A

Date:

10 April 2007

Signed:

PP
Director of Legal & Administrative Services



Schedule 12
Part A

WARD: Warwick
UPRN: 999000115591

City of Westminster
64 Victoria Street, London, SW1E 6QP

Premises licence

Regulation 33, 34

Premises licence number:

06/04934/WCCMAP

Part 1 – Premises details

Postal address of premises:

Burger King
Unit 9
Main Concourse Victoria Station
Terminus Place
London
SW1V 1JT

Telephone Number: 020 7834 7209

Where the licence is time limited, the dates:

N/A

Licensable activities authorised by the licence:

Late Night Refreshment

The times the licence authorises the carrying out of licensable activities:

Late Night Refreshment: Monday to Sunday - 23:00 to 03:00

The opening hours of the premises:

Monday to Sunday - 08:00 to 03:00

Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:

N/A

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:

Select Service Partner Limited
169 Euston Road
London
NW1 2AE

Registered number of holder, for example company number, charity number (where applicable)

02184010

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:

Name: N/A
Address: N/A
Phone: N/A

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol:

Licence Number: N/A
Licensing Authority: N/A

Date:

28 November 2006

Signed:


PP Director of Legal & Administrative Services

Annex 1 – Mandatory conditions

None

Conditions reproducing the effect of conditions subject to which the relevant existing licences have effect

1. This licence is subject to all the former regulations made by Westminster City Council prescribing standard conditions for annual night café licences, effective from 1 October 2001.

Annex 2 – Conditions consistent with the operating Schedule

None

Annex 3 – Conditions attached after a hearing by the licensing authority

2. The premises are permitted to extend the terminal hour for the provision of late night refreshment from 01:30 to 03:00 Monday to Sunday subject to the additional hours granted access to the station will be controlled by the Network Rail or the Metropolitan Police.

Annex 4 – Plans

Attached



City of Westminster
64 Victoria Street, London, SW1E 6QP

Schedule 12
Part B

WARD: Warwick
UPRN: 999000115591

Premises licence
summary

Regulation 33, 34

Premises licence number:

06/04934/WCCMAP

Part 1 – Premises details

Postal address of premises:

Burger King
Unit 9
Main Concourse Victoria Station
Terminus Place
London
SW1V 1JT

Telephone Number: 020 7834 7209

Where the licence is time limited, the dates:

N/A

Licensable activities authorised by the licence:

Late Night Refreshment

The times the licence authorises the carrying out of licensable activities:

Late Night Refreshment: Monday to Sunday - 23:00 to 03:00

The opening hours of the premises:

Monday to Sunday - 08:00 to 03:00

Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:

N/A

Name and (registered) address of holder of premises licence:

Select Service Partner Limited
169 Euston Road
London
NW1 2AE

Registered number of holder, for example company number, charity number (where applicable)

02184010

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol:

Name: N/A

State whether access to the premises by children is restricted or prohibited:

N/A

Date:

28 November 2006

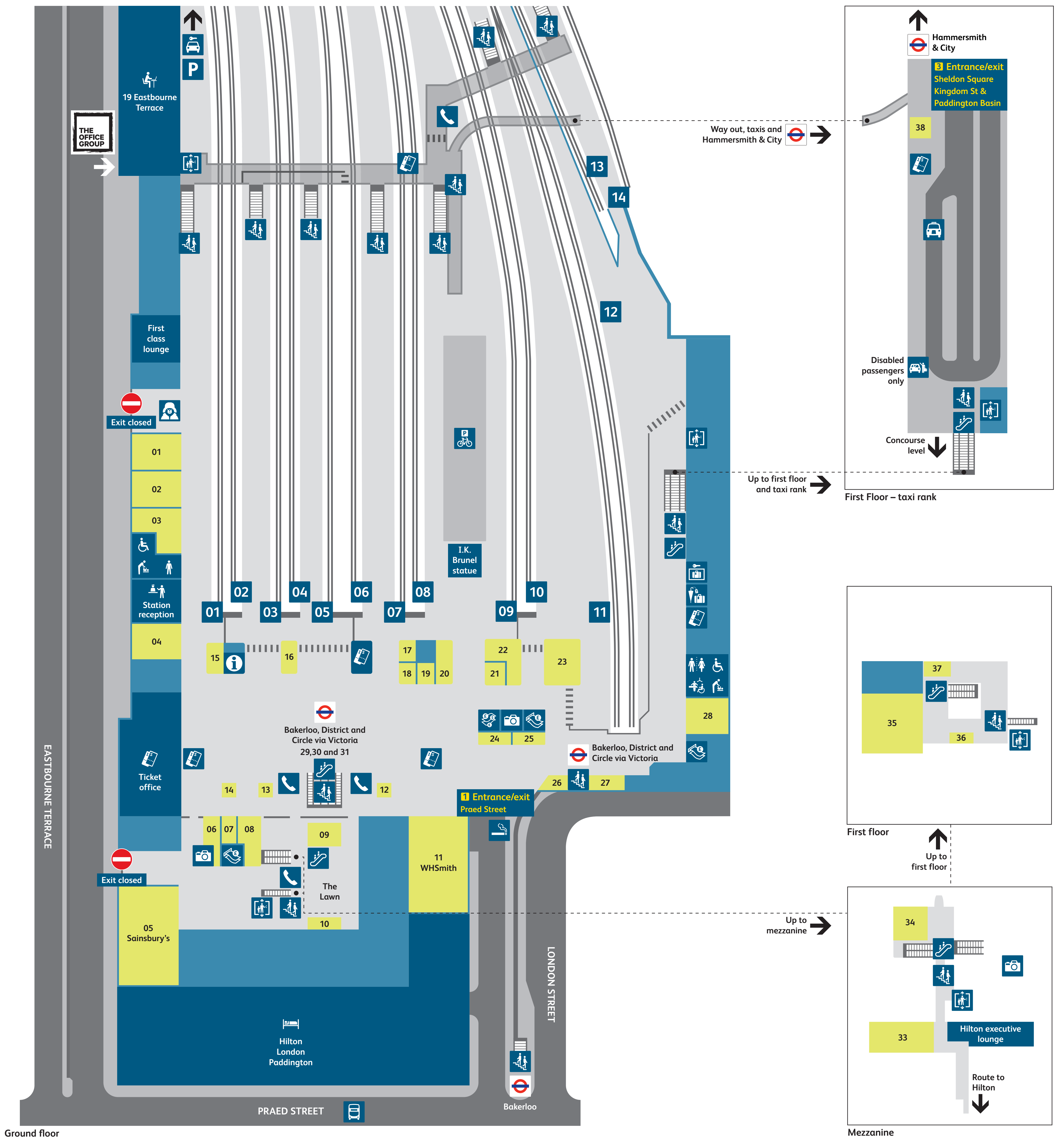
Signed:



Director of Legal & Administrative Services



London Paddington Station map



Services and facilities

Accessible toilets		Lost property	
Baby change		Paddington Bear statue	
Bike park		Parking	
Buses		Photobooth	
Business centre		Platform numbers	
Car hire		Smoking area	
Cash point		Stairs	
Changing place		Station reception	
Currency exchange		Taxis	
Escalators		Telephones	
Hotel		Tickets	
Information		Toilets	
Left luggage / Concierge		Underground	
Lift		Waiting room	

Food, drink and shopping

Accessorize	07	Mad Bishop and Bear Pub	35	TM Lewin	06
Bagel Factory	12	McDonald's	01	Upper Crust	13 18
Barburrito	08	Millie's Cookies	14	Vodafone	21
Burger King	20	Nampo	25	Whistlestop	22
Caffè Nero	27 16	Paddington Bear shop	34	WHSmith	11 31
Caffè Ritazza	19	Paperchase	02	YO! Sushi	09
Colicci	38	Pasty Shop	26		
Delice de France	17	Patisserie Valerie	37		
Doddle	28	Pret A Manger	04		
EAT	36	Savanna	29		
Funky Pigeon	15	Sainsbury's	05		
Hotel Chocolat	24	Starbucks	33		
Isle of Flowers	10	The Beer House	23		
Ladbroke's	03	Timpson	30		

Doddle.
Collect and send parcels at unit 28

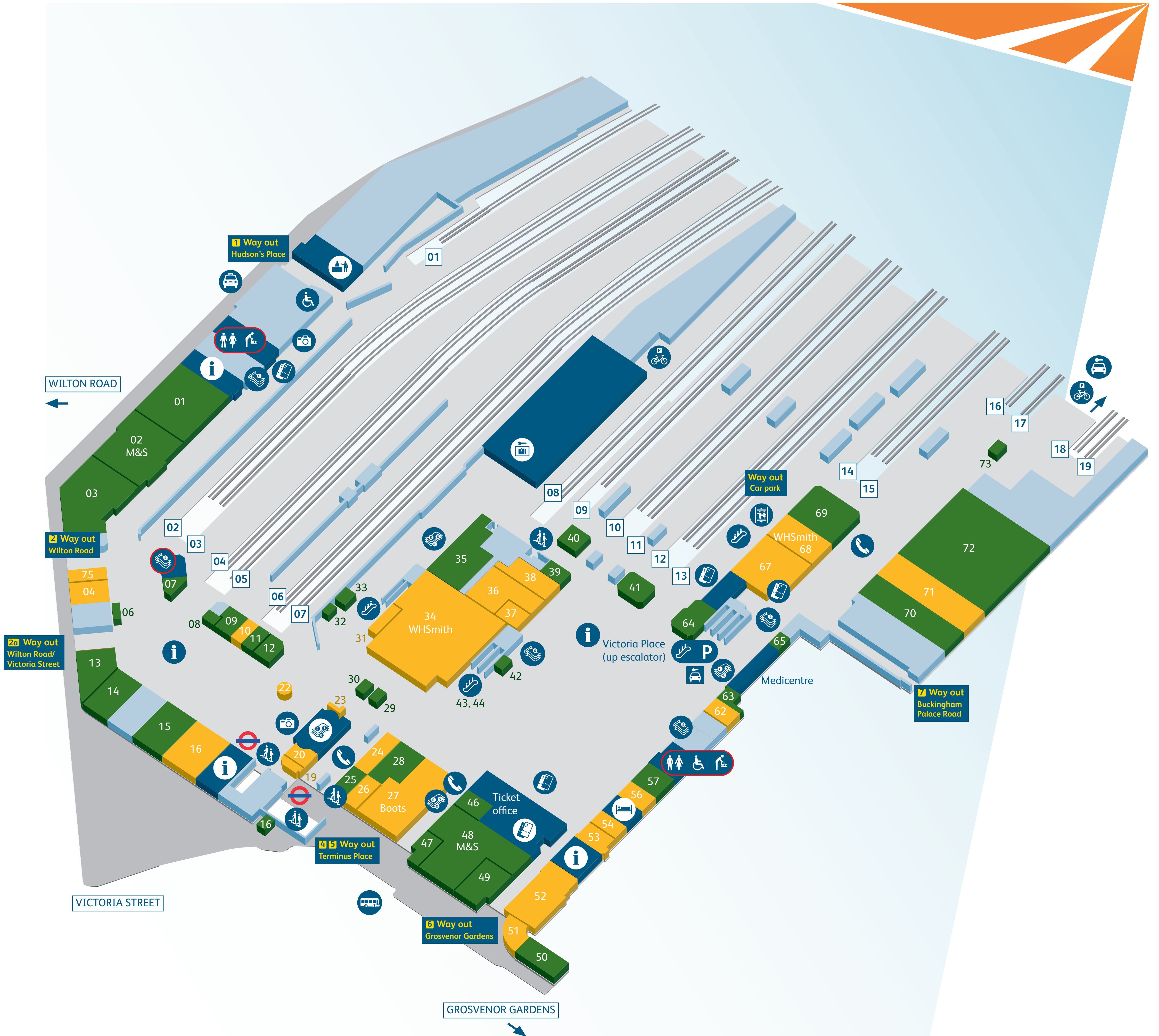
If you need help please speak to one of our staff or call our helpline on **03457 11 41 41**
networkrail.co.uk/paddington

/LondonPaddington
 @NetworkRailPad



Victoria Station guide

NetworkRail



Key	Food and Drink	Shopping
Accessible toilets	14. The Beer House	40. Pasty Shop
Baby change	29. Bread Box	47. Pasty Shop
Bike park	15. Burger King	07. Patisserie Valerie
BT Police	41. Burger King	50. Pret A Manger
Bureau de change	30. Caffè Nero	46. Savanna
Buses	13. Caffè Ritazza	69. Sloe Bar
Car rental	28. Caffè Ritazza	25. Sports Bar and Grill
Cash point	12. Camden Food Co.	01. Starbucks
Customer lounge	35. Costa Coffee	49. Starbucks
Escalators	09. Delice de France	65. Sweet Express
First aid	39. Delice de France	08. Upper Crust
Hotel	70. International Cheese Centre	64. Upper Crust
Information	33. Knot	57. Wasabi
Left luggage	32. Krispy Kreme	06. West Cornwall Pasty Co
Lift	02. M&S Simply Food	43. Wetherspoons (Bar) (up escalator)
Parking	03. McDonald's	72. Whistlestop
Platform numbers	63. Mi Casa	44. Yo Sushi (up escalator)
Stairs	11. Millie's Cookies	
Station reception	42. Nero Express	
Taxis	73. Nero Express	
Telephones		
Tickets		
Toilets		
Underground		
		56. Accessorize
		27. Boots
		20. British Hotel Reservation Co.
		26. British Hotel Reservation Co.
		53. EE
		16. Hotel Chocolat
		23. Isle of Flowers
		54. iSmash
		10. Journey's Friend
		67. Ladbrokes
		75. Ladbrokes
		71. Lush
		36. Monsoon
		37. Neal's Yard Remedies
		38. Oliver Bonas
		62. Paperchase
		51. Scribbler
		52. Superdrug
		22. Swatch
		19. Timpsons
		31. TM Lewin
		24. Vodafone
		04. WHSmith
		34. WHSmith
		68. WHSmith

If you need help please speak to one of our staff or call the helpline on
03457 11 41 41

Working for you.

BURGER KING PREMISES LICENCE APPLICATIONS: WESTMINSTER

PROPOSED CONDITIONS: COUNTER ONLY - SALES FOR CONSUMPTION OFF THE PREMISES

Unit 21 Victoria Station 15/12095/LIPN (Hearing 18.02.16)

Unit 18 Paddington Station 15/12117/LIPN (Hearing 18.02.16)

Additional Conditions Proposed:

1. Amendment of times for the sale of alcohol to 11.00 to 23.00 Monday to Saturday and 11.00 to 22.30 on Sundays.
2. Removal of non-standard timing / 24 hour authorisation for the sale of alcohol on New Year's Eve.
3. Alcohol sold for consumption off the premises shall be in a sealed container supplied with and ancillary to substantial take-away food. Staff training shall include the requirement for staff to ensure quantities of alcohol purchased are proportionate to the taking of such food.
4. There shall be no self-service of alcohol.
5. No draught beer shall be provided.
6. No alcohol shall be served in glass containers at any time
7. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
8. All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale.
9. Alcohol for consumption off the premises will be restricted to cans of branded beer or lager of no more than 4.8% ABV.
10. Outside of the hours authorised for the sale of alcohol and whilst the premises are open to the public, the licence holder shall ensure that all alcohol within the premises is secured behind locked screens or locked cabinet doors so as to prevent access to the alcohol by both customers and staff.
11. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) any faults in the CCTV system
 - (f) any refusal of the sale of alcohol
 - (g) any visit by a relevant authority or emergency service
12. The premises licence holder shall ensure that all staff engaged in the sale of alcohol shall be trained in responsible alcohol retailing including the prevention of sales to underage persons and requirements under the Licensing Act 2003 within three months of commencing employment at the premises. Training records shall be kept on the premises and produced to the Police or authorised officer of the Licensing Authority upon request. Training shall be reviewed at six monthly intervals to ensure staff familiarity with current legislation.

Conditions in Original Application

13. The sale of alcohol will be limited to beer/lager only (*now replaced by condition 7 above*)
14. All alcoholic drinks will be served in non-glass containers and there will be no self-service of alcohol (*now replaced by conditions 2 and 4 above*)
15. The premises shall only be permitted to provide late night refreshment between 01.00 and 05.00 Monday to Thursday and Saturday, between 01.30 and 05.00 Friday and 23.00 and 05.00 Sunday, if requested to do so by the station manager, Network Rail or the British Transport Police.
16. A record shall be kept of the dates and times that the premises open between 02.00 and 05.00 for late night refreshment and shall be retained for 365 days.
17. The licence holder shall ensure that all staff are trained to ask any customer attempting to purchase alcohol, who appears to be under the age of 21 years (or older if the licence holder so elects) for evidence of age. This evidence shall be photographic, such as passport or photographic driving licence until other effective identification technology (for example, thumb print or pupil recognition) is introduced. All staff will be instructed, through training, that a sale shall not be made unless this evidence is produced. (*now replaced by conditions 4 and 5 above requiring Challenge 25*)
18. An incident log / refusals log is maintained on site in accordance with company policy. The log should include the date and time of the refused sale and the name of the member of staff who refused the sale. The log shall be available for inspection at the premises by the police or an authorised officer at all times whilst the premises is open.
19. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the *Westminster Police Licensing Team*. 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 (*wording amended from Crime Prevention Officer to Westminster Police Licensing Team on request of police*).
20. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
21. A staff member who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member will be able to show a Police or authorised council officer recent data or footage and/ or download the data onto a disc or memory stick with the minimum of delay when requested. (*now amended to refer to downloading the data onto a DVD or memory stick*).
22. Risk assessments will be carried out and periodically reviewed for fire, health and safety and emergency evacuation.

Squire Patton Boggs

9 February 2016

BURGER KING PREMISES LICENCE APPLICATIONS: WESTMINSTER

PROPOSED CONDITIONS: SALES FOR CONSUMPTION ON AND OFF THE PREMISES

Unit 9 Victoria Station 15/12090/LIPN (Hearing 18.02.16)

Unit 1 Charing Cross Station 16/002120 (Hearing TBC)

Additional Conditions Proposed:

1. **Unit 9, Victoria:** The number of persons seated in the premises at any one time (excluding staff) shall not exceed 9 persons.
2. **Unit 1, Charing Cross:** The number of persons seated in the premises at any one time (excluding staff) shall not exceed 35 persons.
3. Alcohol for consumption on the premises shall only be to persons who are seated in the premises and bona fide taking substantial food there, and provided always that the consumption of alcohol by such persons is ancillary to taking such food. Staff training shall include the requirement for staff to ensure quantities of alcohol purchased are proportionate to the taking of such food.
4. Alcohol sold for consumption off the premises shall be in a sealed container supplied with and ancillary to substantial take-away food and customers shall be advised that it must not be consumed on the premises.
5. There shall be no self-service of alcohol.
6. Only one brand of draught beer shall be provided.
7. Only one draught dispense pump shall be provided.
8. No alcohol shall be served in glass containers at any time.
9. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
10. All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale.
11. Alcohol for consumption off the premises will be restricted to cans of branded beer or lager of no more than 4.8% ABV.
12. Outside of the hours authorised for the sale of alcohol and whilst the premises are open to the public, the licence holder shall ensure that all alcohol within the premises is secured behind locked screens or locked cabinet doors so as to prevent access to the alcohol by both customers and staff.
13. No alcohol shall be consumed on the premises more than 30 minutes after permitted hours.
14. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) any faults in the CCTV system

- (f) any refusal of the sale of alcohol
- (g) any visit by a relevant authority or emergency service

15. The premises licence holder shall ensure that all staff engaged in the sale of alcohol shall be trained in responsible alcohol retailing including the prevention of sales to underage persons and requirements under the Licensing Act 2003 within three months of commencing employment at the premises. Training records shall be kept on the premises and produced to the Police or authorised officer of the Licensing Authority upon request. Training shall be reviewed at six monthly intervals to ensure staff familiarity with current legislation.

Conditions in Original Application

1. The sale of alcohol will be limited to beer/lager only (*now replaced by condition 7 above*)
2. All alcoholic drinks will be served in non-glass containers and there will be no self-service of alcohol (*now replaced by conditions 2 and 4 above*)
3. The premises shall only be permitted to provide late night refreshment between 01.00 and 05.00 Monday to Thursday and Saturday, between 01.30 and 05.00 Friday and 23.00 and 05.00 Sunday, if requested to do so by the station manager, Network Rail or the British Transport Police.
4. A record shall be kept of the dates and times that the premises open between 02.00 and 05.00 for late night refreshment and shall be retained for 365 days.
5. The licence holder shall ensure that all staff are trained to ask any customer attempting to purchase alcohol, who appears to be under the age of 21 years (or older if the licence holder so elects) for evidence of age. This evidence shall be photographic, such as passport or photographic driving licence until other effective identification technology (for example, thumb print or pupil recognition) is introduced. All staff will be instructed, through training, that a sale shall not be made unless this evidence is produced. (*now replaced by conditions 4 and 5 above requiring Challenge 25*)
6. An incident log / refusals log is maintained on site in accordance with company policy. The log should include the date and time of the refused sale and the name of the member of staff who refused the sale. The log shall be available for inspection at the premises by the police or an authorised officer at all times whilst the premises is open.
7. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the *Westminster Police Licensing Team*. 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 (*wording amended from Crime Prevention Officer to Westminster Police Licensing Team on request of police*).
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10. Risk assessments will be carried out and periodically reviewed for fire, health and safety and emergency evacuation.

Squire Patton Boggs

9 February 2016

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Chairman & Treasurer
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Our ref SLP1/NAXP/SEL.72-945

Dear Madam

Burger King/ Cafe Ritazza, Platform 7 and 8, Unit 18 Paddington Station, Praed Street, London W2 1RH

We represent the proposed licence holders in relation to the above application, Select Service Partner Limited. We have received from Westminster a copy of your representation. We note that your objection is only in relation to the proposed sale of alcohol (and does not relate to the provision of late night refreshment, which is already authorised under the existing licence).

Given the concerns that you have raised, our clients hope to re-assure you in relation to the nature of this application and their proposed operation. We therefore set out below some further details around the nature of the company, the proposed operation and the controls that will be in place, including some additional conditions which we will agree be attached to the licence, following consideration of the representations made and further discussions we have had with the police and environmental health service. We believe that some of the conditions agreed deal specifically with questions you have raised, for example alcohol strength and whether alcohol will be sold to persons who are not eating (it will not).

Firstly, we confirm as set out in your letter, that the large Café Ritazza unit is currently closed as part of the redevelopment of Paddington Station. The smaller Café Ritazza counter shown on the proposed licence plan for this unit does not replace the larger unit: it has been in operation adjacent to Burger King for a number of years and is shown on the current licence plan as well. There is no proposal to sell alcohol from the Café Ritazza counter adjacent to the Burger King.

You have also enquired in relation to other Burger King licences obtained recently. Please note that Select Service Partner Limited operates Burger King units under franchise at a number of mainline railway stations and airports across the UK. However, they do not

44 Offices in 21 Countries

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operate all of the Burger Kings in the country (there are a number of franchisees) and we cannot comment on applications made by other operators as we do not have those details.

However, we confirm that Select Service Partner has been granted licences recently for the sale of alcohol at Burger Kings in Fenchurch Street and East Croydon railway stations. Both units have small seating areas (4 stools for Fenchurch Street and 7 stools for East Croydon) but the licences authorise the sale of alcohol for consumption on and off the premises. At both of these stations, the majority of customers purchase food and drink to take away as opposed to eating in. The company also operates Burger Kings licensed for the sale of alcohol at Birmingham International Airport and Stansted, although both of these have seating areas as customers within airports typically eat in. Other applications are in progress, including applications for counter-only units at other mainline stations.

We notice that you are concerned in relation to periods of overcrowding as a result of major sporting events or similar, for example Six Nations rugby, or when there are delays and cancellations on trains. As a specialist provider of food and drink in transport hubs across the country, our client is an experienced operator in this environment and has operated throughout many sporting events, including the Olympics, the Rugby World Cup, Six Nations and football tournaments (having several other units licensed for alcohol in Paddington as well as busy mainline stations across London and nationwide). They would immediately stop selling alcohol on the reasonable request of the station manager and/ or British Transport Police. The company has never failed a test purchase, nor faced any licence review in relation to its venues at the station. The Burger King will be run in accordance with the company's standards and procedures to promote the licensing objectives.

A number of conditions have been proposed in the application to promote the licensing objectives. In particular, the licence holder will install and maintain comprehensive CCTV. In our client's experience, the use of CCTV, together with supervision by staff on the ground, will discourage anti-social behaviour and it is, of course, an offence for our clients to serve alcohol to drunk persons in any event. Our clients will provide training to all serving staff on their obligations under the Licensing Act and have a bespoke in-house training package for alcohol sales used across the company, including conflict management training.

Our clients have agreed to amend the proposed times for the sale of alcohol (11 a.m. to 11 p.m. daily/ 11.00 to 22.30 on Sundays); and to conditions requiring that all alcohol sales will be ancillary to food, that there will be no sale of beer or lager over 4.8% ABV and no draught beer (all sales will be in sealed containers). We attach a full list of conditions which we will propose to the Committee be attached to the licence, if granted.

We hope that this letter satisfies your concerns and if so, we would be grateful if you could confirm the same to ourselves and the Council.

Yours faithfully


Squire Patton Boggs (UK) LLP

9 February 2016

By email: chairman@SEBRA.org.uk

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Our ref SLP1/NAXP/SEL.72-945

Dear Sir

Burger King/ Cafe Ritazza, Platform 7 and 8, Unit 18 Paddington Station, Praed Street, London W2 1RH

We represent the proposed licence holders in relation to the above application, Select Service Partner Limited. We have received from Westminster a copy of your representation and we note that you also support the points made by Paddington Waterways and Maida Vale Society ("PWMVs").

Given the concerns that you have raised, our clients hope to re-assure you in relation to the nature of this application and their proposed operation. We therefore set out below some further details around the nature of the company, the proposed operation and the controls that will be in place, including some additional conditions which we will agree be attached to the licence, following consideration of the representations made and further discussions we have had with the police and environmental health service. We believe that some of the conditions agreed deal specifically with questions you and/ or PWMVs have raised, for example alcohol strength, sealed containers and whether alcohol will be sold to persons who are not eating (it will not).

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We hope that this letter satisfies your concerns and if so, we would be grateful if you could confirm the same to ourselves and the Council.

Yours faithfully



Squire Patton Boggs (UK) LLP

9 February 2016

By email: acox@westminster.gov.uk

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Given the concerns that you and the amenity societies have raised, our clients hope to re-assure you in relation to the nature of this application and their proposed operation. We therefore set out below some further details around the nature of the company, the proposed operation and the controls that will be in place, including some additional conditions which we will agree be attached to the licence, following consideration of the representations made and further discussions we have had with the police and environmental health service. We believe that some of the conditions agreed deal specifically with questions the amenity societies have raised, for example alcohol strength, sealed containers and whether alcohol will be sold to persons who are not eating (it will not).

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Squire Patton Boggs (UK) LLP

Annex E – Licences held by SSP

Paddington

- Burger King/Caffe Ritazza – late night refreshment (LNR) only currently.
- Uppercrust – LNR until 02.00 (05.00 on request of BTP or Station)
- Beer House – Pub – alcohol until 23.45 Mon to Saturday, Sunday until 23.15; LNR until 00.00 Mon to Sat, 23.30 on Sundays
- Delice de France, Platform 5-7 – LNR until 01.00 (03.00 on request)
- Sloe Bar Unit R30 – Pub – alcohol Mon to Thurs until 23.00, Fri and Sat until 00.00 and Sun until 23.30 and LNR (currently closed for redevelopment of station)
- Café Ritazza Unit 8 – alcohol for core hours and LNR (currently closed for redevelopment of station)
- Whistlestop – alcohol for consumption off the premises – core hours.
- Marks & Spencer Simply Food – alcohol for consumption off the premises – core hours
- Pasty Shop Unit 39 – LNR until 01.30 (05.00 on request).
- Nampo – LNR to 01.00 (05.00 on request)

Victoria

- Bread Box - LNR until 01.00 (until 03.00 on request).
- Burger King - LNR only currently until 01.30 (03.00 on request)
- Camden Food Co - LNR until 01.00 (03.00 on request)
- Delice De France Unit 16 Barrier Line - LNR until 01.30 (03.00 on request)
- Uppercrust Unit 22/Platform 14 - LNR until 01.00 and again from 03.00-05.00 (and between 01.00 and 03.00 on request)
- Beer House Unit 8 Main Concourse - Alcohol from 08.00-23.30 Mon-Thurs, 08.00-00.00 Fri - Sat, 08.00-22.30 Sun and LNR Mon-Thurs 23.00-23.30 Fri-Sat 23.00-00.00
- Mi Casa Burritos Unit 29 Platform 14 - Alcohol 08.00-23.00 Mon to Sat and 10.00 to 22.30 Sun; and LNR 23.00-03.00 daily
- Sloe Café Bar Unit 2009 Platforms 12/13 - Alcohol 10.00 - 23.00 Mon -Sat, Sun 12.00-22.30, Xmas Day & Good Friday restricted NYE 24/7 LNR Mon-Sat to 23.30
- Marks & Spencer - Simply Food Platform 2 - Alcohol Mon-Sat 08.00-23.00; Sun 10.00-22.30
- Whistlestop Food & Wine– Alcohol Mon-Sun 07.00-23.00; LNR 23.00-24.00
- Delice de France Unit 50 Main Concourse - Alcohol Mon to Sat 10.00 to 23.00 daily; Sun 12.00 to 22.30. LNR 23.00 to 01.00 and 03.00 to 05.00 (and between 01.00 and 03.00 on request).
- Burger King Unit 21 Barrier Line (Near Platforms 12/13) Main Concourse - LNR only currently Mon- Sat to 02.30 & 04.30 - 05.00 Sun 23.00-01.00
- Marks & Spencer Simply Food Unit 39 Main Concourse - Alcohol from 07.00-23.00 Mon-Sun
- Pasty Shop Unit 40 Platform 15 - LNR 23.00-05.00 Mon-Sun inclusive
- Pasty Shop Unit 20 Main Concourse - LNR until 01.30 Mon-Sun (03.00 on request)
- Uppercrust Unit 15/Platform 7 Main Concourse - LNR until 01.30 (03.00 on request)

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