

Licensing Sub-Committee Report

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 / Caffè Ritazza		
Premises address:	Burger King / Caffè 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		
<p>SEBRA strongly object to this application and fully supports objection points raised by PW&MV Society in their representation dated 14 January 2016.</p> <p>Our area abuts Paddington station and we are greatly concerned with this application.</p> <p>As well as points already made we have concerns that homeless, street drinkers and rough</p>			

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 of 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.

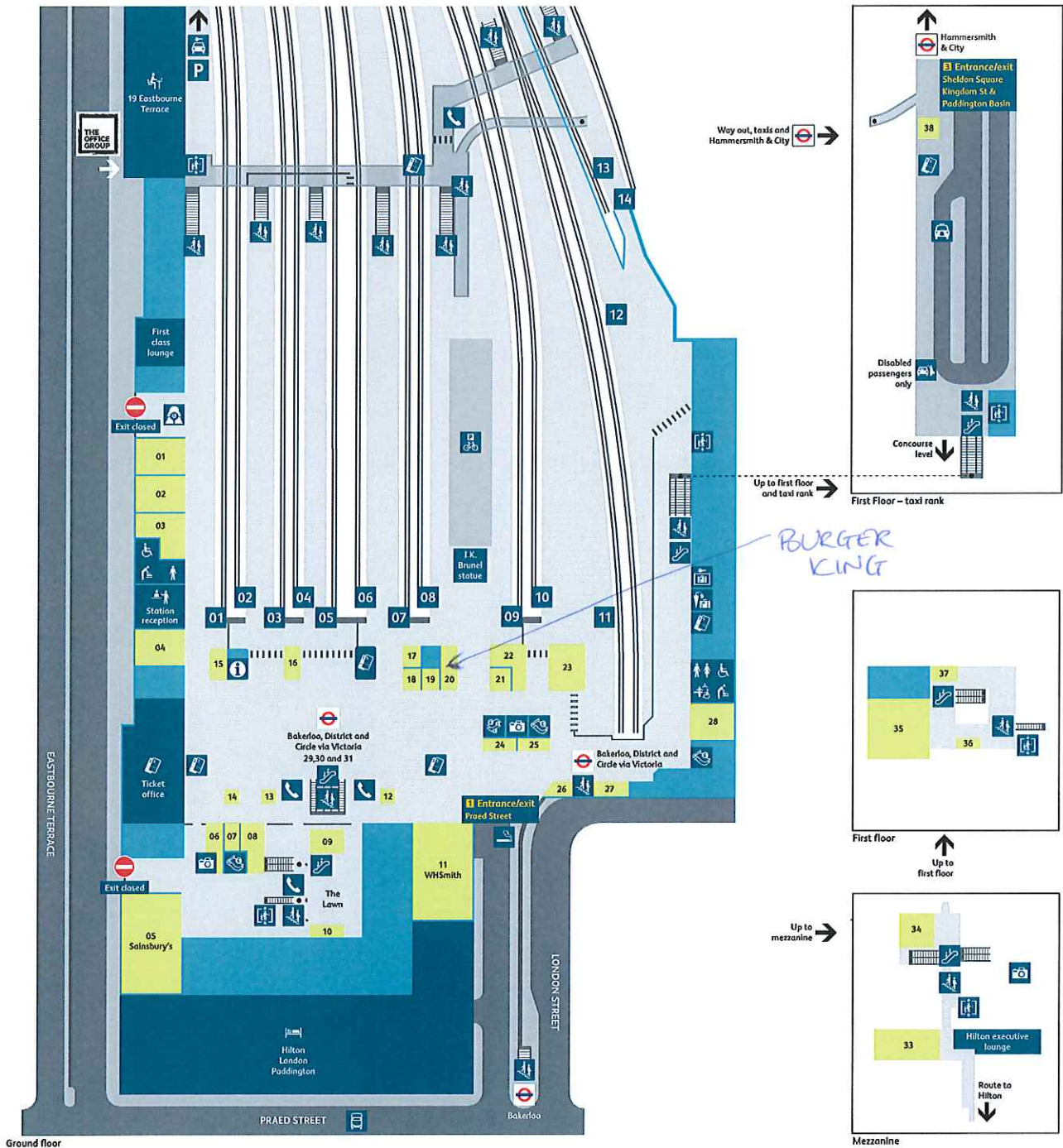
4. Appendices

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	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

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		
Ide of Flowers	10	The Beer House	23		
Ladbrokes	03	Timpon	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



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PATTON BOGGS

9 February 2016

By email: chairman@SEBRA.org.uk

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Chairman
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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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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.



City of Westminster

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 Tup 93 Marylebone High Street London W1U 4RE	Officer Presenting the Application: Sumeet Anand-Patel	
1	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

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			
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			Notes:



Licensing Sub-Committee Hearing

Standing Order of Proceedings

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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.

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.

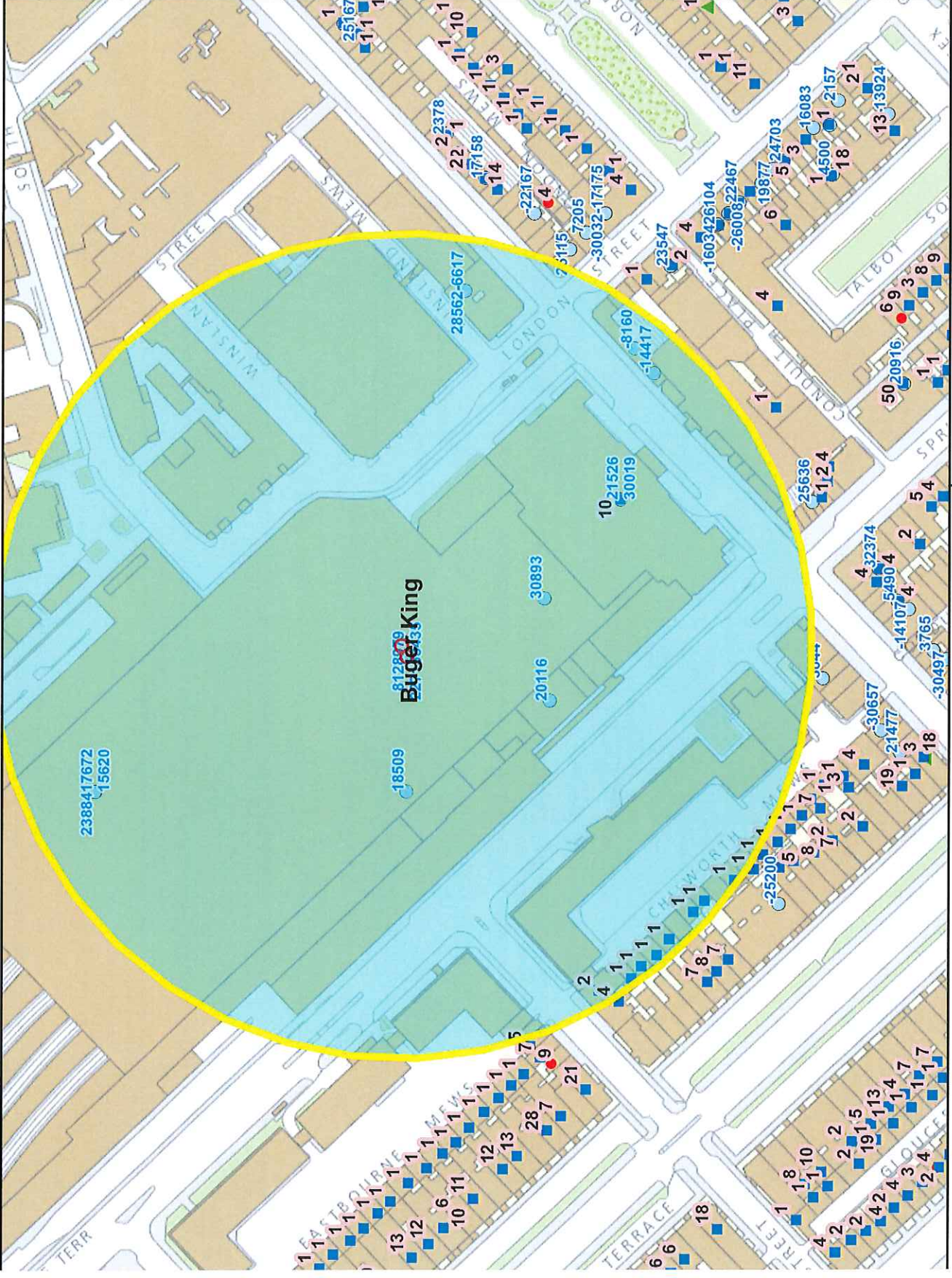
18. Outside of the hours authorised for the sale of alcohol and whilst the premises are open to the public, the licence holder shall ensure that all alcohol within the premises is secured behind locked screens or locked cabinet doors so as to prevent access to the alcohol by both customers and staff.

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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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

