

Licensing Sub-Committee Report

Item No:	
Date:	18 February 2016
Licensing Ref No:	15/12090/LIPN - New Premises Licence
Licensing Itel 140.	13/12030/Ell IV - New 1 Tellises 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	Tolonhono: 020 7641 2727
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1. Application

1-A Applicant and premis	Ses				
Application Type:	New Premises Licence, Licensing Act 2003				
Application received date:	23 December 2015	23 December 2015			
Applicant:	Select Service Partner Ltd	Select Service Partner Ltd			
Premises:	Burger King				
Premises address:	Unit 9 Main Concourse Victoria	Ward:	Warwick		
	Station Terminus Place London	Cumulative Impact Area:	None		
Premises description:	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. 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.				
Premises licence history:	The premises is currently licensed under 06/04934/WCCMAP.				
Applicant submissions:	None	None			

1-B P	roposed lice	nsable acti	vities and h	nours			
Late Nigh	nt Refreshme	nt:		Indoors, o	utdoors 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			,	
Seasonal variations: N/A Non-standard timings: From the end start of permit The premises 01.30 and 03. management, police officer and the start of permit start of permit start of permits.			ted hours on shall be perr 00 daily , if re a senior Net	New Year's nitted to provequested to d work Rail rep cess to the s	Day. vide LNR b do so by se presentative station is co	etween nior station e or a senior	

Sale by re	tail of alcoh	ol 		On or off s	ales or both	1:	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

	1	F ======		T:	I		
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:	N ₁	one				
Non-standard timings:		t N	one				
Adult Entertainment:			one	***			

2. Representations

2-A Responsib	le 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

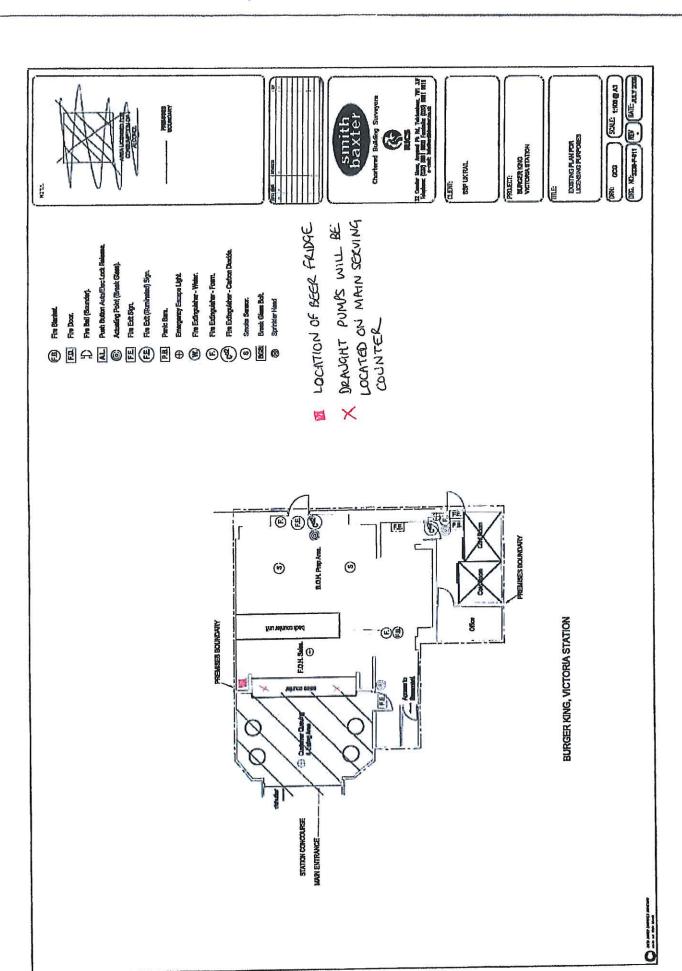
The following policies wit	hin the City Of Westminster Statement of Licensing Policy apply:
Policy HRS1 applies:	(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy. (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

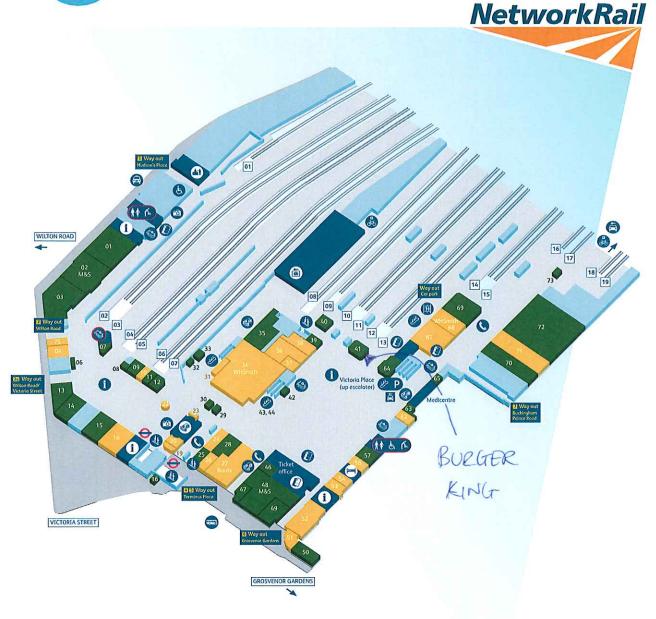
Appendix 1	Premises plans and location plan
Appendix 2	Applicant Submissions - None
Appendix 3	Premises history
Appendix 4	Proposed conditions
Appendix 5	Residential map and list of premises in the vicinity

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	Email: sanandpatel@westminster.gov.uk

	nave any queries about this report or wish to inspolease contact the report author.	ect one of the background
Backgro	ound Documents – Local Government (Access to Infor	rmation) 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







Accessible toilets 40. Pasty Shop 14. The Beer House 56. Accessorize 52. Superdrug Baby change 29. Bread Box 47. Pasty Shop 27. Boots 22. Swatch 20. British Hotel Reservation Co. Bike park 15. Burger King 07. Patisserie Valerie 19. Timpsons BT Police 41. Burger King 50. Pret A Manger 31. TM Lewin 26. British Hotel Reservation Co. Bureau de change Buses 24. Vodafone 30. Coffe Nero 46. Sayanna 13. Caffe Ritazza 69. Sloe Bar 04. WHSmith 53. EE Car rental 34. WHSmith 28. Caffe Ritazza 25. Sports Bar and Grill 16. Hotel Chocolat (S) Cash point 12. Camden Food Co. 01. Starbucks 68. WHSmith 23. Isle of Flowers Customer lounge 35. Costa Coffee 49. Starbucks 54. iSmash Escalators 09. Delice de France 65. Sweet Express 10. Journey's Friend First aid 39. Delice de France 08. Upper Crust 67. Ladbrokes 64. Upper Crust Hotel Information 70. International Cheese Centre 75. Ladbrokes 33. Knot 71. Lush Left luggage 32. Krispy Kreme 06. West Comwall Pasty Co 36. Monsoon 43. Wetherspoons (Bar) (up escalator) (f) Lift 02. M&S Simply Food 37. Neal's Yard Remedies Parking 48. M&S Simply Food 01 Plaform numbers 72. Whistlestop 03. McDonald's 62. Paperchase 44. Yo Sushi (up escalator) Stairs 63. Mi Casa 51. Scribbler Station reception 11. Millie's Cookles Taxis 42. Nero Express

Telephones

Underground

Tickets

Toilets

73. Nero Express

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+(DxV)

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:

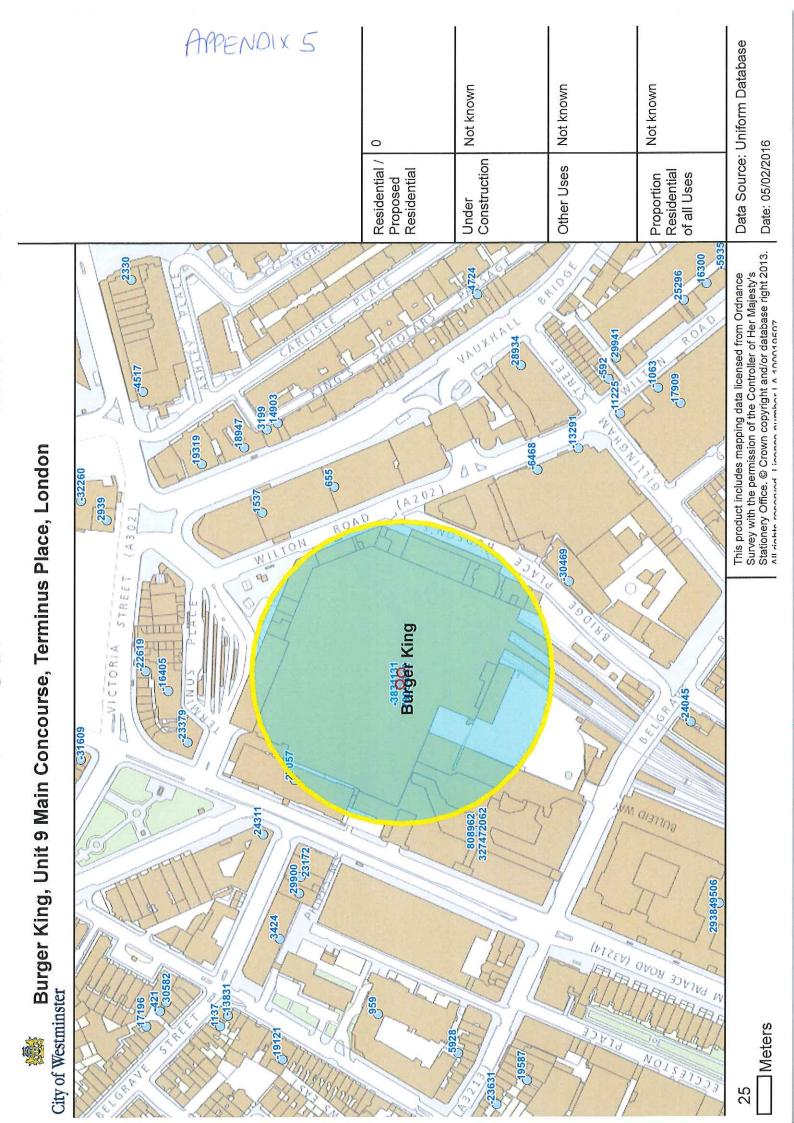
Notices shall be displayed at till points to remind staff to verify the age of customers in line with the Challenge 25 policy when alcohol is sold.

- 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
- 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
- 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.



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
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 Comwall Pasty Co	Unit 5a Main Concourse Victoria Station Terminus Place London SW1V 1JT	Monday to Friday 06:00 - 01:00 Saturday 06:30 - 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 Sund 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 Satu 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 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 - 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
-28639	Yo! Sushi	Unit 52 Victoria Island Victoria Station Terminus Place London SW1V 1JT	Friday to Saturday 10:00 - 00:00 Sunday 10:00 - 2 Monday to Thursday 10:00 - 23:30
-19269	WH Smith	Unit 2 Main Concourse Victoria Station Terminus Piace London SW1V 1JT	Monday to Friday 06:00 - 00:00 Saturday to Sund 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 1.JT	Monday to Saturday 08:00 - 23:00 Sunday 10:00 -
-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 Piace 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
	Beer House	Unit 8 Main Concourse Victoria Station Terminus Place London SW1V 1JT	Monday to Sunday 07:00 - 00:30

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