

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

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

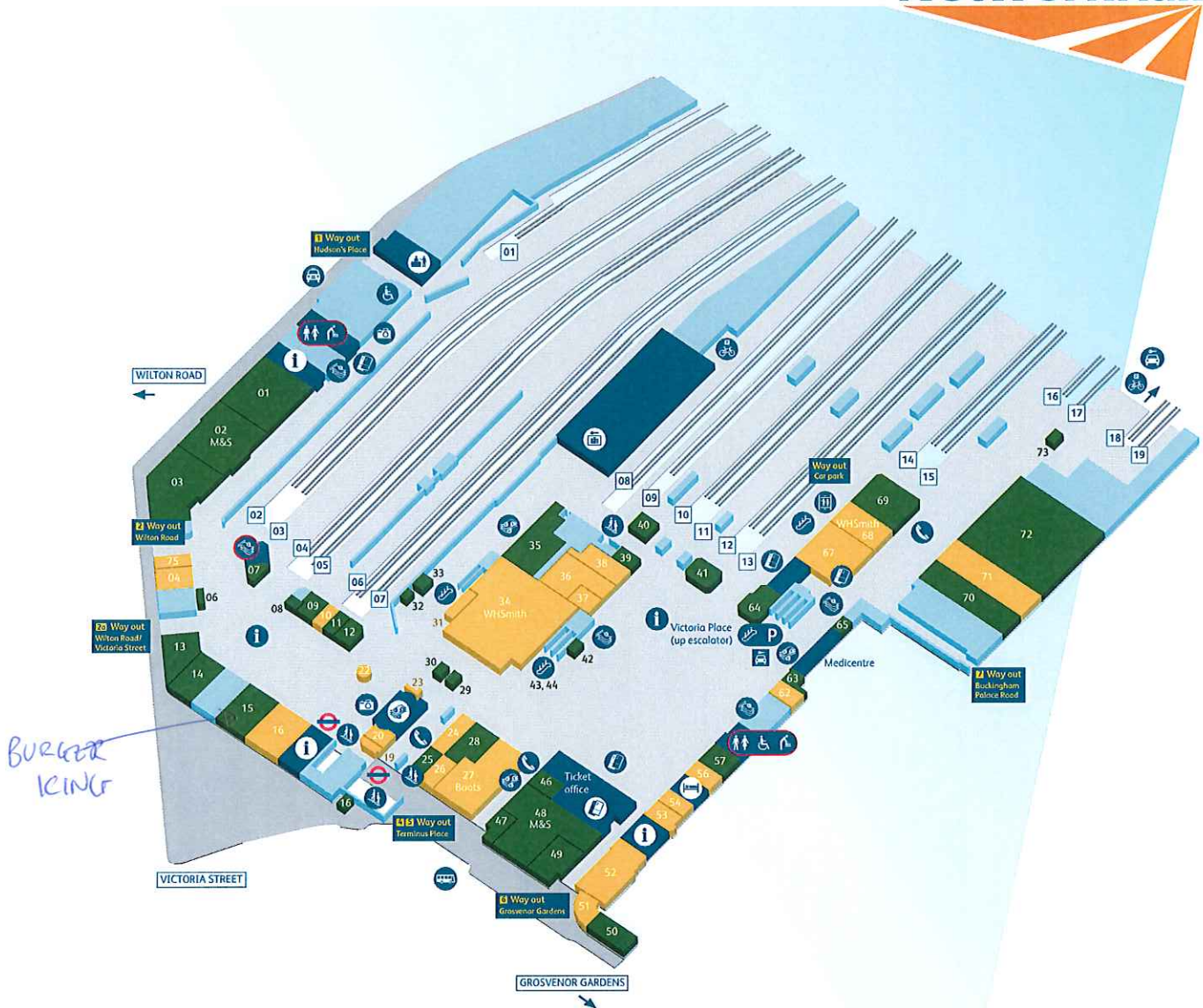
Appendix 1	Premises plans and location plan
Appendix 2	Applicant Submissions
Appendix 3	Premises history
Appendix 4	Proposed conditions
Appendix 5	Residential map and list of premises in the vicinity

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



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)
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.

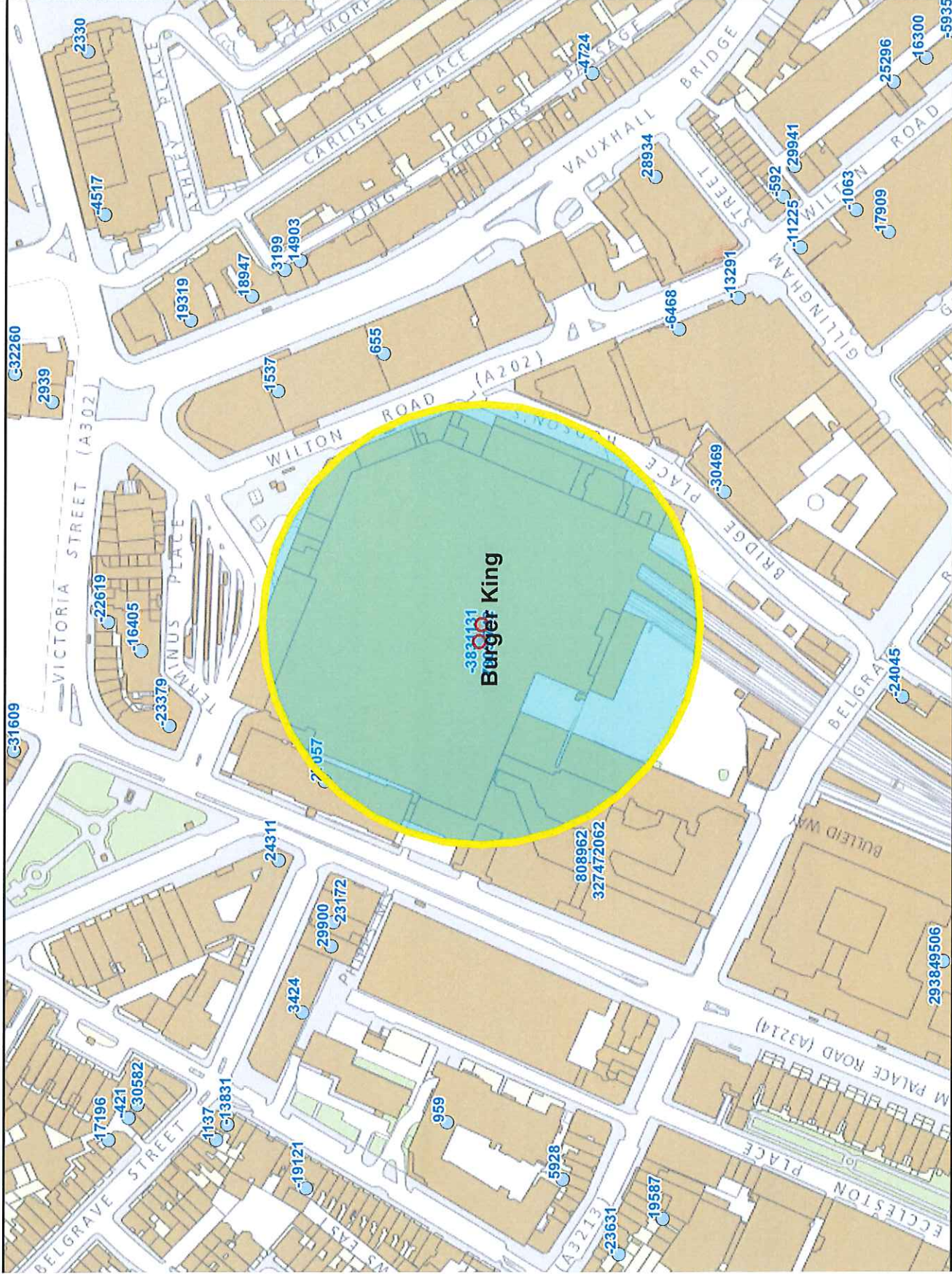
Conditions proposed by the Police

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

APPENDIX 5



This product includes mapping data licensed from Ordnance Survey with the permission of the Controller of Her Majesty's Stationery Office. © Crown copyright and/or database right 2013. All rights reserved. Licence number: 1 100010507

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

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
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	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
-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
-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