

# Licensing Sub-Committee Report

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

# 1. Application

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

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

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

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

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

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

## 2. Representations

<b>2-A Responsible Authorities</b>	
<b>Responsible Authority:</b>	Environmental Health
<b>Representative:</b>	Ian Watson
<b>Received:</b>	12 <sup>th</sup> January 2016

**The Licensing Act 2003**

**Honest Burgers, 33 Southampton Street, WC2**

I refer to the application for a New Premises Licence.

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

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

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

The applicant is seeking the following

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

I wish to make the following representation

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

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

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

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

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

### 3. Policy & Guidance

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

### 4. Appendices

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

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







None



**City of  
Westminster**

Schedule 12  
Part A

WARD: St James's  
UPRN:  
100023430875

64 Victoria Street,  
London, SW1E 6QP

Regulation 33, 34

**Premises licence**

**Premises licence  
number:**

14/04992/LIPDPS

**Original Reference:**

05/08475/LIPC

***Part 1 - Premises details***

**Postal address of premises:**

Bistro 1  
33 Southampton Street  
London  
WC2E 7HE

**Telephone Number:** 020 7379 7585

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

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

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

**Playing of Recorded Music**

Unrestricted

**Late Night Refreshment**

Monday to Saturday: 23:00 to 00:30

Sunday: 23:00 to 00:00

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

Monday to Saturday: 10:00 to 00:00

Sunday: 12:00 to 23:30

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

The opening hours of the premises:

Monday to Saturday: 10:00 to 00:30

Sunday: 12:00 to 00:00

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

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

**Part 2**

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

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

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

06972400

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

**Name:** Tuncay Kurnaz

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

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

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

**Date:** 17<sup>th</sup> July 2014

**Signed:** pp  
**Operational Director - Premises Management**

## ***Annex 1 – Mandatory conditions***

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

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

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

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

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

Where -

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

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

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

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

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

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

In this condition, permitted hours means:

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

NOTE - The above restrictions do not prohibit:

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



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

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

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

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

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

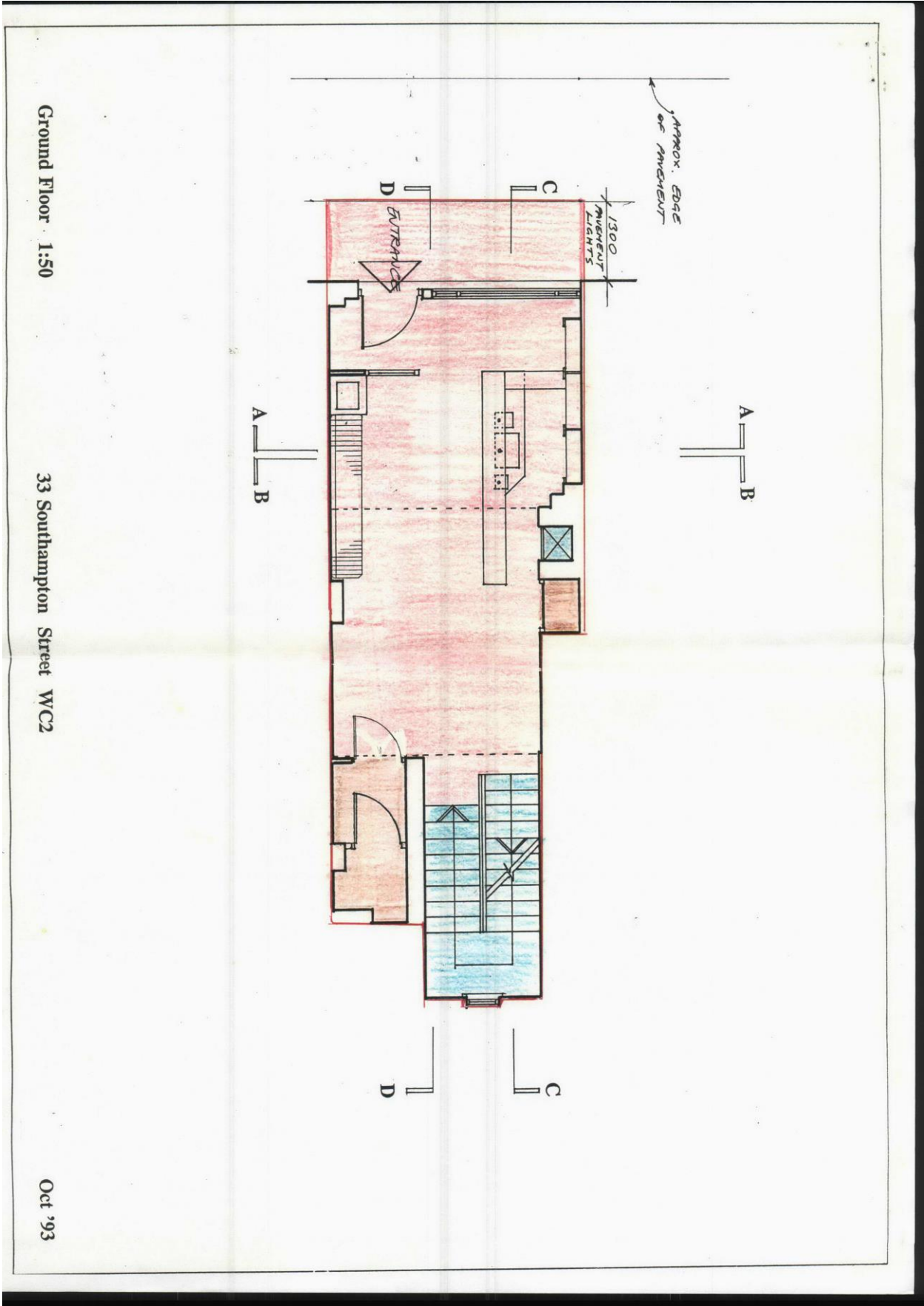
## **Annex 2 – Conditions consistent with the operating Schedule**

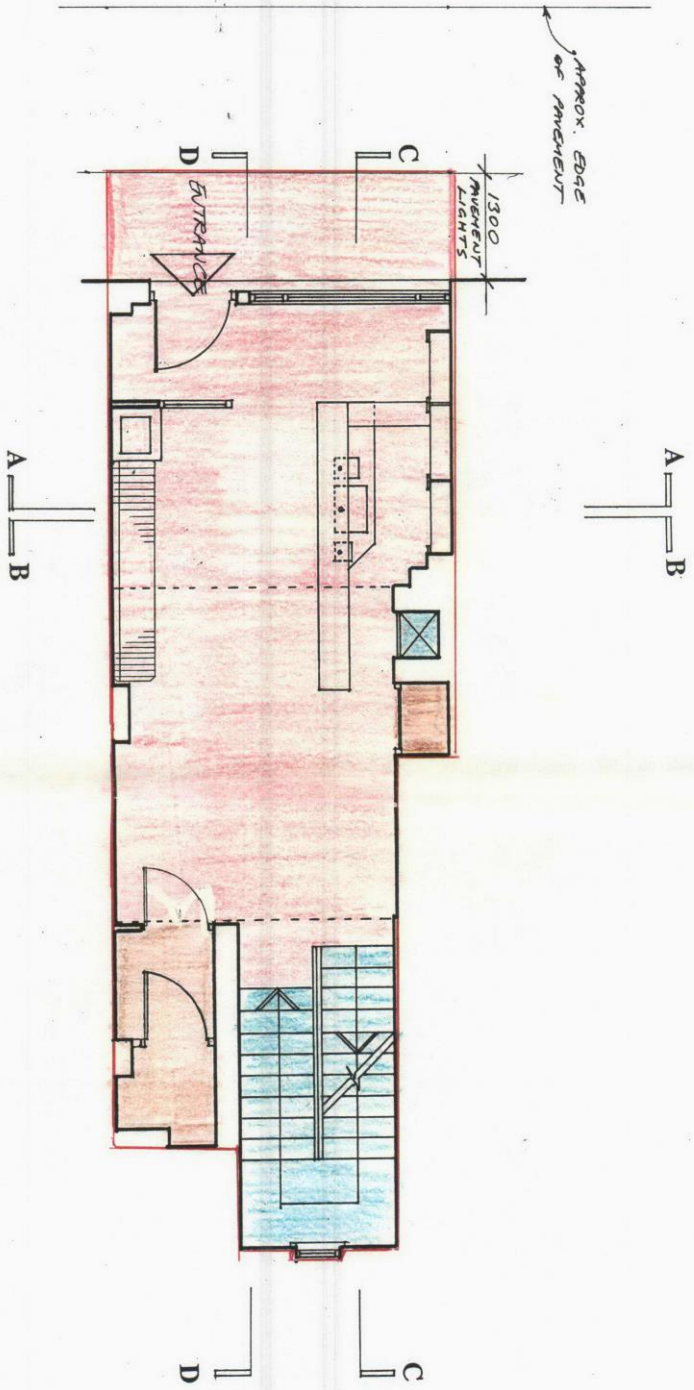
None

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

None

Annex 4 – Plans





Ground Floor 1:50

33 Southampton Street WC2

Oct '93



Schedule 12  
Part B

WARD: St James's  
UPRN:  
100023430875

# City of Westminster

Regulation 33, 34

64 Victoria Street,  
London, SW1E 6QP

## Premises licence summary

Premises licence  
number:

14/04992/LIPDPS

### *Part 1 - Premises details*

#### Postal address of premises:

Bistro 1  
33 Southampton Street  
London  
WC2E 7HE

**Telephone Number:** 020 7379 7585

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

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

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

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

Sunday: 12:00 to 23:30

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

The opening hours of the premises:

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

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

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

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

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

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

06972400

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

**Name:** Tuncay Kurnaz

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

Restricted

**Date:** 17<sup>th</sup> July 2014

**Signed:** pp

**Operational Director - Premises Management**



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

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

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

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

#### Mandatory Conditions

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

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

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

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

## **Conditions consistent with the operating schedule**

9. In the area hatched black on the deposited plan, there shall be no supply of alcohol otherwise than to persons seated taking a table meal there and for consumption by such a person as ancillary to their meal.

10. After 23.00 hours Monday to Saturday and 22.30 hours Sunday the supply of alcohol in all areas shall only be to persons seated taking a table meal there and for consumption by such a person as ancillary to their meal.

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

12. The maximum number of persons permitted on the premises at any one time (excluding staff) shall not exceed

- Ground Floor 40 persons.
- First Floor 40 persons.

13. A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.

14. Alcohol consumed outside the premises building shall only be consumed by patrons seated at tables.

15. All outside tables and chairs shall be rendered unusable by 23.00 hours each day.

16. There shall be no sales of hot food or hot drink for consumption off the premises after 23.00 hours.

17. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.

18. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premise is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

19. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

20. Loudspeakers shall not be located in the entrance lobby or outside the premises building.

21. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.

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

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

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

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

26. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premise is open.

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

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

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

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

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

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

### **Conditions agreed with Covent Garden Community**

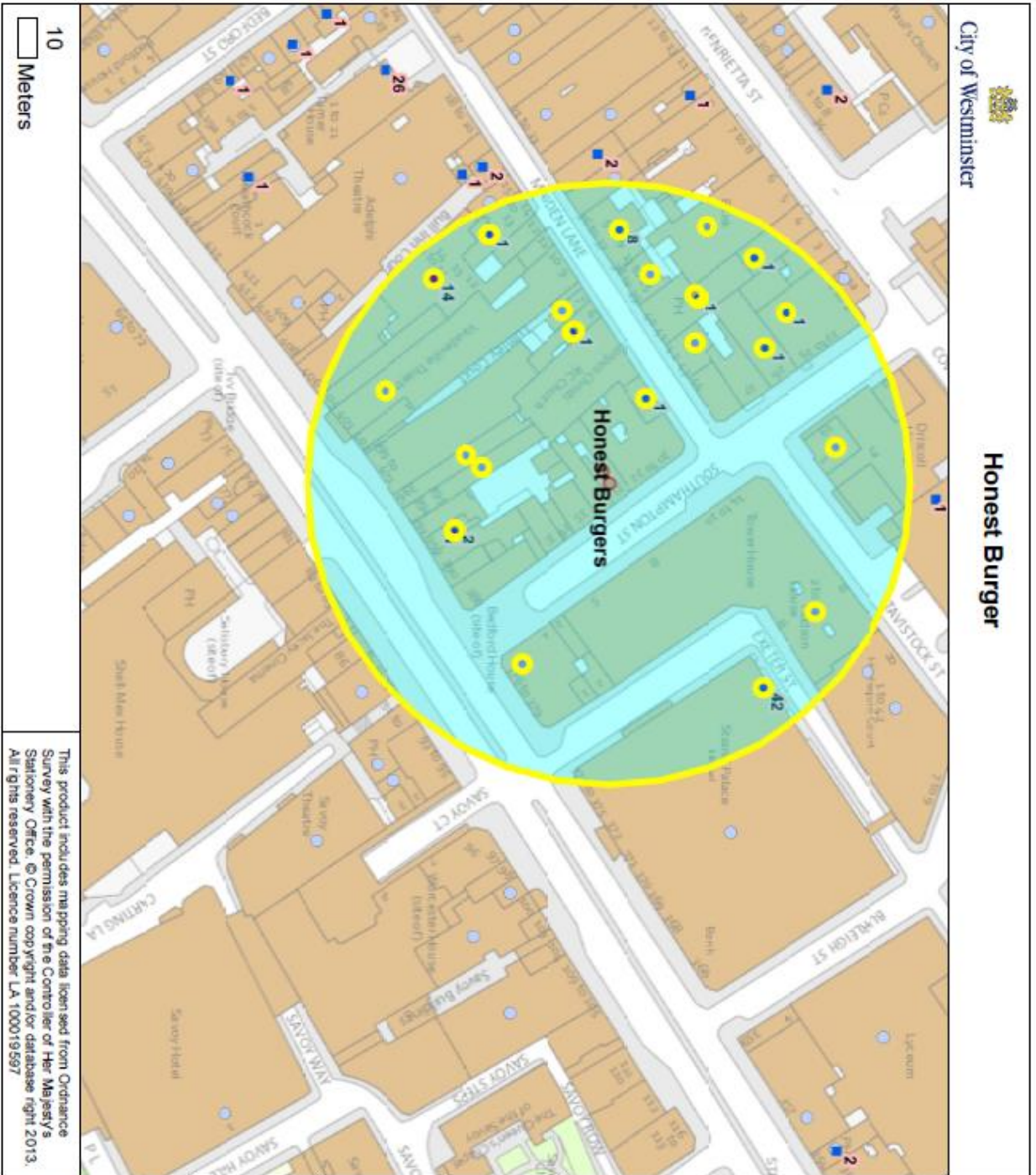
30. Premises shall only operate as a restaurant

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

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

31. There shall be no queuing outside the premises.

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



City of Westminster

Honest Burger

Residential / Proposed Residential	74
Under Construction	
Other Uses	
Proportion of all Uses	
Data Source: Uniform Database Date: 12/02/2016	

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

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



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

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

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

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