

Licensing Sub-Committee Report

Item No:	
Date:	4 th April 2017
Licensing Ref No:	17/01024/LIPN - New Premises Licence
Title of Report:	Five Guys Unit 1, Ground Floor Troadero 13 Coventry Street London W1W 7DH
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:	Miss Heidi Lawrance Senior Licensing Officer
Contact details	Telephone: 020 7641 2751 Email: hlawrance@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	31 January 2017		
Applicant:	Five Guys JV Limited		
Premises:	Five Guys		
Premises address:	Unit 1, Ground Floor Trocadero 13 Coventry Street London W1W 7DH	Ward:	St James
		Cumulative Impact Area:	West End
Premises description:	The premises will operate as an American style fast casual dining experience.		
Premises licence history:	This is an application for a new premises licence and so no history exists.		
Applicant submissions:	<p>The application site is in the purpose built Trocadero Centre, where it will complement other food offers and retail/entertainment outlets.</p> <p>The proposed operator is Five Guys, which is proving an extremely popular brand globally. The Five Guys' brand offers a fast casual dining experience. The brand has had a significant presence in the USA for a number of years, with over 1000 units across 47 States. Since opening in Covent Garden on 4th July 2013, it now has over 50 outlets open in major locations nationwide, with a strong ongoing program of planned future openings.</p> <p>The operation is food led with a limited range of alcoholic drinks offered - currently only a small range of bottled beers.</p> <p>Alcohol makes up only a small percentage of the business, with the main emphasis on food. Five Guys appeals to a wide range of customers including families, and staff involved in the sale of alcohol will be trained in its Challenge 25 policy and licensing requirements. Customers collect their freshly cooked meals within 3-4 minutes of ordering, so waiting staff and laid up tables etc are not appropriate to this experience. Staff are regularly in the customer trading areas, clearing tables and monitoring behaviour. Whilst most customers take</p>		

	<p>advantage of the extensive dining facilities to enjoy their food, some do wish to take their meals off site. There is no cost advantage to the customer in taking food away.</p> <p>The layout is as shown on the accompanying drawing numbered FIV 131-A221 01 A in relation to the ground floor, and FIV 131-A221 02 A in relation to the mezzanine area. Loose seating is shown for information only and does not form part of the proposed approved plan. The extent of the premises is as shown and the areas for licensable activities are shown outlined in red.</p>
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1-B Proposed licensable activities and hours							
Late Night Refreshment:				Indoors, outdoors or both			Both (<i>applicant amended this to indoors only</i>)
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	23:00	23:00	23:00	23:00	23:00	23:00	
End:	23:30	23:30	23:30	23:30	00:00	00:00	
Seasonal variations/ Non-standard timings:			23:00 until 00:00 on Bank Holiday Sundays <i>Applicant proposes to remove this request</i>				

Sale by retail of alcohol				On or off sales or both:			Both (<i>applicant amended to on sales only</i>)
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/ Non-standard timings:			12:0 until 00:00 on Sundays before a Bank Holiday <i>Applicant proposes to remove this request</i>				

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	12:00
End:	23:30	23:30	23:30	23:30	00:00	00:00	22:30
Seasonal variations/ Non-standard timings:			10:00 until 00:00 on Sundays before a Bank Holiday <i>Applicant proposes to remove this request</i>				
Adult Entertainment:			Not applicable.				

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Licensing Authority
Representative:	Mr Steven Rowe
Received:	28 th February 2017
<p>I write in relation to the application submitted for a new Premises Licence for the above premises.</p> <p>As a responsible authority under section 13 (4) of the Licensing Act 2003 as amended under the Police and Social Responsibility Act 2011 the Licensing Authority have considered your application in full. The Licensing Authority has concerns in relation to this application and how the premises would promote the Licensing Objectives:</p> <ul style="list-style-type: none">• Public Nuisance• Prevention of Crime & Disorder• Public Safety• Protection of Children from Harm <p>The application currently contains insufficient information to enable the Licensing Authority to make a suitable assessment. However, as it stands the application does contravene Westminster's Statement of Licensing Policies CIP1, HRS1 and FFP2. Whilst the application is within the Councils Core Hours for the Alcohol and Late Night Refreshment, the premises is located inside the Cumulative Impact Area.</p> <p>The applicant is also proposing off sales of alcohol and takeaway food.</p> <p>Further the applicant has requested the terminal of midnight on Sundays preceding a Bank Holiday.</p> <p>Policy CIP1 states (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. However part (ii) states: 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> <p>Policy HRS1 states at paragraph 2.3.2: "It is the intention to generally grant licences... where the hours when customers are permitted to be on the premises are within the 'core hours' as set out in Policy HRS1. This is not a policy to refuse applications for longer hours than the core hours and consideration will in all cases be given to the individual merits of an application. Where a proposal is made to operate outside these core hours each application will be considered on its merits against the criteria as set out in paragraph (ii) (of Policy HRS1)".</p>	

Policy FFP2 which relates to fast food inside the Cumulative Impact Areas states 'It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas, other than applications to vary hours within the Core Hours under Policy HRS1'.

Please therefore accept this as a formal representation

Responsible Authority:	Environmental Health Consultation Team
Representative:	Miss Sally Thomas
Received:	27 th February 2017

I refer to the application for a new Premises Licence for the above premises.

The premises are situated in the West End Cumulative Impact Area as stated in City of Westminster's Statement of Licensing Policy.

This representation is based on the Operating Schedule and the submitted plans, ground floor, titled with the address and dated 27/09/16 and drawing number FIV31-A221-01.

The applicant is seeking the following on the **ground floor**:

1. To allow the Supply of Alcohol both 'on and off' the premises Monday to Thursday 10:00-23:30 hours, Friday-Saturday 10:00-00:00 hours and Sunday 12:00-22:30 hours.
2. To allow Late Night Refreshment 'indoors' and 'outdoors' Monday-Thursday 23:00-23:30 hours and Friday-Saturday 23:00-00:00 hours.
3. To allow both the Supply of Alcohol and Late Night Refreshment on Sundays before Bank holidays until 00:00 hours.

I wish to make the following representation in relation to the above application:

1. The provision of the Supply of Alcohol may cause an increase in Public Nuisance in the cumulative impact area, it may also impact on Public Safety.
2. The provision of Late Night Refreshment may cause an increase in Public Nuisance in the cumulative impact area.
3. The extension of hours on a Sunday before a Bank Holiday may cause an increase in Public Nuisance in the cumulative impact area.

The applicant has proposed conditions within the operating schedule which are being considered. Further conditions may be proposed by Environmental Health in order to help prevent Public Nuisance and protect Public Safety.

Reference is made to the British Standard 6465-1:2009 Sanitary Installations, Table 10, and the proposed WC provisions, the maximum capacity which could be

accommodated would be 15 customers excluding staff. Only 1 accessible WC is detailed on the plan. The plan indicates more covers than this.

The granting of the new Premises Licence as presented would have the likely effect of causing an increase in Public Nuisance in the cumulative impact area and may impact on Public Safety.

Responsible Authority:	Metropolitan Police Service
Representative:	PC Michael Day
Received:	1 st February 2017

I am writing to inform you that the Metropolitan Police, as a responsible authority, are making a representation. It is our belief that if granted the application would undermine the Licensing Objectives.

The venue is situated within the **West End Cumulative Impact Area**, a locality where this is traditionally high crime and disorder but I believe this application may cause further policing problems in the area.

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 FFP2 applies:	It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas, other than applications to vary hours within the Core Hours under Policy HRS1.
Policy CIA1 applies:	(i) It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1. (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

4. Appendices

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

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

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

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

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 th January 2016
3	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
4	Application Form	31 st January 2017
5	Representation - Licensing Authority	28 th February 2017
6	Representation – Environmental Health	27 th February 2017
7	Representation – MET Police	1 st February 2017

Applicant Supporting Documents

The applicant is aware that this site falls in the West End Cumulative Impact Area of the council's Statement of Licensing Policy.

The first site that this popular brand opened was also in this CIA, at Long Acre, Covent Garden. It has since opened and operated Argyll Street in the same area, and Villiers Street, just outside. Its learning curve, having to adapt its widespread American operation, was steep but it has taken on board helpful officer input received both pre-application and during the trading of the sites, and now appears to trade without harm to any of the licensing objectives.

It is strongly of the opinion that its trading experience in this borough in particular, and especially in its CIA, over the past 9 years, has now provided the insight and robust trading practices to operate from this site without adversely impacting on the area, or harming the licensing objectives. This application is limited to core hours, and only two licensable activities.

Alcohol sales are generally the higher risk activities, but in this case are particularly low risk. Company figures show that, whilst the availability of the beers is an expected brand feature, alcohol sales comprised only 1.1% of sales over the last 12 months.

This outlet will offer a modern, open, clean, brightly lit customer area, which is a safe environment fully capable of staff monitoring and controls. The highest risk to adverse cumulative impact is at night, primarily with people on the street who have consumed too much alcohol and/or are causing a nuisance. The increasing number of people who enjoy fast casual dining such as that offered by Five Guys will often visit very much smaller establishments with little or no seating, resulting in both queues to obtain the food and people taking the food back on the street to eat, which regularly exacerbates the adverse impact. Five Guys will be able to bring those people off the street to enjoy their food and, as previously stated, as there is no price reduction for takeaways, most customers do take advantage of these facilities. The alcohol offer is currently limited to 4 bottled beers which complement the American burger, so this is not going to be a venue for customers to come and drink alcohol.

As stated, the Company has risk assessed the operation, which it believes will not offend against either policy or licensing objectives, and offers the specific conditions set out below to ensure that this is the case. Five Guys believe that this offer will indeed positively promote the licensing objectives, and help to reduce some of the impacts suffered in this CIA, and that this application should therefore be viewed as an exception to policy.

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YEARS OF LEGAL EXCELLENCE

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E-Mail: Julia.palmer@trethowans.com
Our Ref: JCP01/313648
Your Ref:

27 March 2017

FAO Ms Jessica Donovan

Dear Sir

Five Guys, Unit 1 Trocadero, Coventry Street, W1D 6BH
New Licence application : hearing 4 April 17/01024/LIPN

Please accept this letter as formal notification under Regulation 8 of the hearing regulations that :

1. A hearing is likely to be necessary, unless those making representations are prepared to withdraw those representations.
2. Trethowans, or Counsel instructed by us, will represent the applicant. At this time, it is intended that I represent the firm. Applicant Company representatives, who are expected to be Mr **Richard Collier**, the applicant Company's Property Director, and Mr **Mohammed Addi**, a member of the Operations team, are also expected to be present and permission is requested for them to speak should that be appropriate.
3. In the event of a hearing progressing in our absence, we would NOT consent to the introduction of new information or documents unless we had previously produced them or had an opportunity to comment on them and then to consent.

I am attaching amended application details and conditions having regard to the representations lodged and following discussions by way of substitution for those originally offered, and would be grateful if you could kindly ensure that these are included with the Committee's papers.

I also attach amended plans, showing WCs and fire escape provisions amended to comply with advice received.

Please advise when the Committee Report and Agenda will be available for online access. We should be grateful if you could kindly advise by return in the event that you are of the opinion that any procedural matters are outstanding.

With regards
Yours sincerely

Julia Palmer
Consultant - Licensing Team
For and on behalf of Trethowans LLP

The word "trethowans" is used to refer to a member of Trethowans LLP or an employee or consultant with

Lexcel

Offices at:
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Five Guys, Unit 1 Trocadero Centre, Coventry Street, London W1D 6BH

Summary of New Licence application details **as amended**

Licensable actives proposed

1. Sale of alcohol on the premises (**deleting off sales**)
2. Supply of late night refreshment premises **indoors only** (LNR)

Times Proposed

1. Alcohol 10:00-23:30 Monday to Wednesday
 - i. 10:00-00:00 Friday and Saturday
 - ii. 12:00-22:30 Sunday
2. LNR 23:00-23:30 Monday to Wednesday
 - i. 23:00-00:00 Friday and Saturday
3. Opening Same as core hours (ie as shown for alcohol above)

Bank holiday Sunday requests deleted

Amended Conditions

This application is limited to core hours, and only two licensable activities. Five Guys has risk assessed the operation, and offers the specific conditions set out below to positively promote the licensing objectives and avoid any adverse impact in this Cumulative Impact Area.

Public Safety

The premises will be fitted out in accordance with current standards. The applicant is aware of the need to have Health and Safety and Fire Risk Assessments.

Other objectives

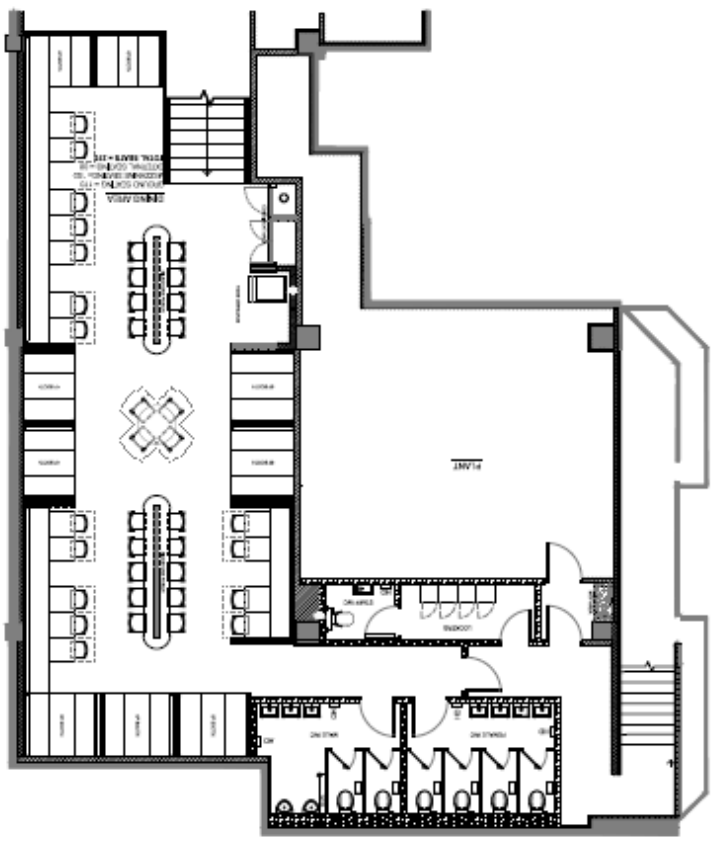
1. The premises shall install and maintain a CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall be set to continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
2. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.
3. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received

- (d) any incidents of disorder
 - (e) any faults in the CCTV system.
 - (f) any visit by a relevant authority or emergency service.
4. The sale of alcohol for consumption on the premises shall only to be persons purchasing a meal and as an ancillary to that meal, which is to be eaten at a table or counter.
 5. All sales of alcohol for consumption off the premises shall be in sealed containers and ancillary to a takeaway meal only and shall not be consumed on the premises.
 6. Save for drinks sold with takeaway meals no alcoholic drinks shall be permitted to be taken off the premises.
 7. No alcohol shall be sold with a strength in excess of 6% ABV.
 8. No rubbish including bottles will be moved, removed or placed in outside areas between 2300 hours and 0800 hours. **Replace with updated MC35 : No waste or recyclable materials including bottles shall be moved removed from or placed in outside areas between 2300 hours and 0800 hours the following day.**
 9. The highway and public spaces in the immediate vicinity of the premises shall be kept free of litter from the premises.
 10. All waste to be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
 11. Notices shall be prominently displayed at exits and any area used for smoking requesting patrons to respect the needs of local residents and use/leave the area quietly.
 12. Noise or vibration shall not emanate from the premises so as to cause a nuisance to nearby properties. **Replace with updated MC12 : 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.**
 13. A Challenge 25 Age Verification Scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as driving licence, passport or PASS proof of age card.
 14. No licensable activities shall take place at the premises under this premises licence until the premises have been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the licence by the licensing authority.

NOTES

- SEE ARCHITECT'S NOTES
 - SEE MECHANICAL NOTES
- GENERAL NOTES**
1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODES AND ALL APPLICABLE LOCAL, STATE AND FEDERAL CODES.
 2. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL MECHANICAL AND ELECTRICAL CODES AND ALL APPLICABLE LOCAL, STATE AND FEDERAL CODES.
 3. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL PLUMBING AND MECHANICAL CODES AND ALL APPLICABLE LOCAL, STATE AND FEDERAL CODES.
 4. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL FIRE AND ALARM CODES AND ALL APPLICABLE LOCAL, STATE AND FEDERAL CODES.
 5. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL SAFETY CODES AND ALL APPLICABLE LOCAL, STATE AND FEDERAL CODES.
 6. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL CONSTRUCTION CODES AND ALL APPLICABLE LOCAL, STATE AND FEDERAL CODES.

OWNER: FIVE GUYS
PROJECT: MEZZANINE PLAN
DATE: 10/15/2024
SCALE: 1/8" = 1'-0"



01 MEZZANINE FLOOR PLAN
SCALE: 1/8" = 1'-0"

NOTES:

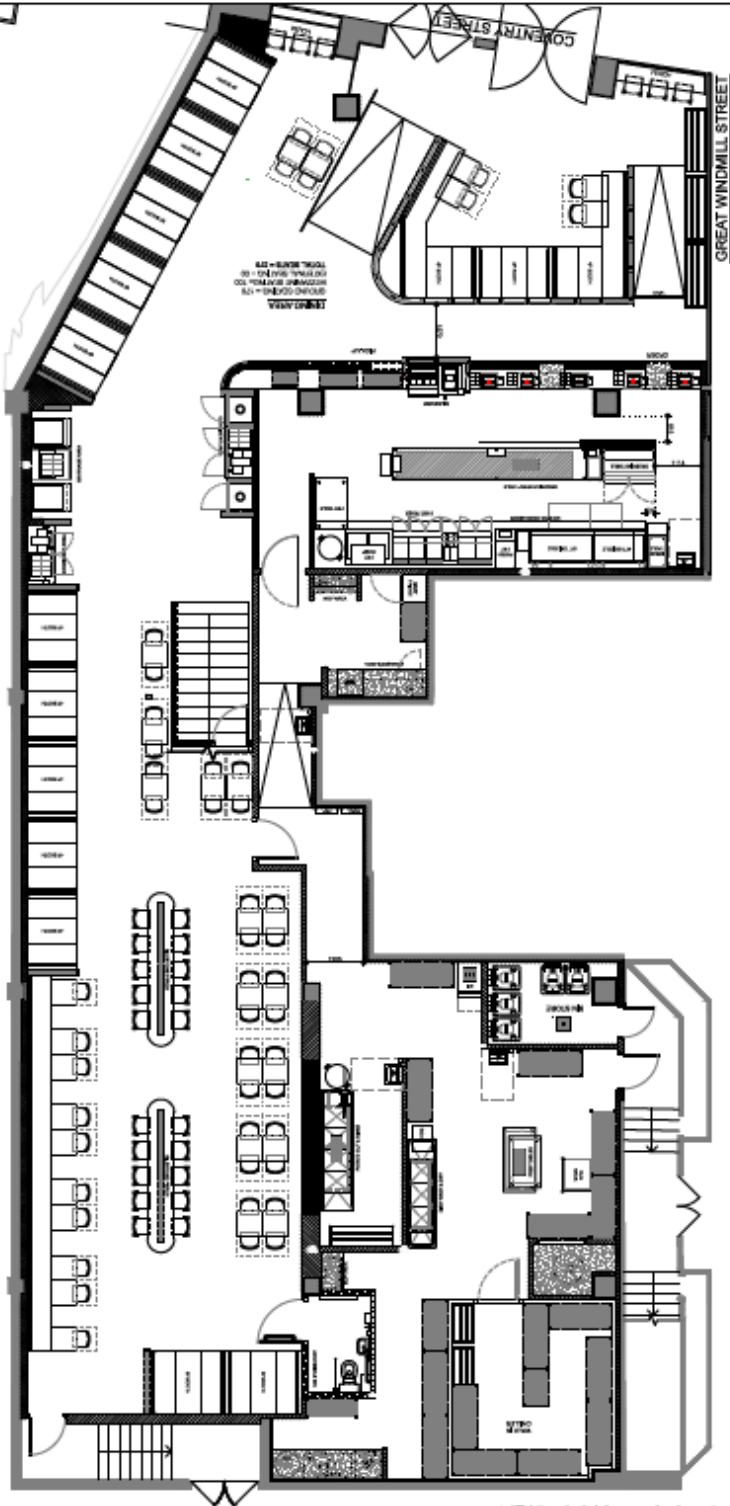
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6. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL CONSTRUCTION CODES AND ALL APPLICABLE LOCAL, STATE AND FEDERAL CODES.

CONSTRUCTION

REVISIONS:

NO.	DATE	DESCRIPTION
1	10/15/2024	ISSUED FOR PERMIT
2	10/15/2024	ISSUED FOR PERMIT
3	10/15/2024	ISSUED FOR PERMIT
4	10/15/2024	ISSUED FOR PERMIT
5	10/15/2024	ISSUED FOR PERMIT
6	10/15/2024	ISSUED FOR PERMIT
7	10/15/2024	ISSUED FOR PERMIT
8	10/15/2024	ISSUED FOR PERMIT
9	10/15/2024	ISSUED FOR PERMIT
10	10/15/2024	ISSUED FOR PERMIT

ARCHITECT: FIVE GUYS
PROJECT: MEZZANINE PLAN
DATE: 10/15/2024
SCALE: 1/8" = 1'-0"



00 GROUND FLOOR PLAN
SCALE: 1/8" = 1'-0"

NOTES:
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CONSTRUCTION

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DATE: 01/01/2018
 DRAWN BY: J. SMITH
 CHECKED BY: M. JONES
 SCALE: 1/8" = 1'-0"



PROJECT: FIVE GUYS
 DRAWING: GROUND FLOOR PLAN
 SHEET: 01
 DATE: 01/01/2018
 DRAWN BY: J. SMITH
 CHECKED BY: M. JONES

REVISIONS:
 1. 01/01/2018: INITIAL DESIGN
 2. 01/01/2018: REVISED DESIGN
 3. 01/01/2018: REVISED DESIGN

CLIENT: FIVE GUYS
 ARCHITECT: [FIRM NAME]

PROJECT: FIVE GUYS
 DRAWING: GROUND FLOOR PLAN
 SHEET: 01
 DATE: 01/01/2018
 DRAWN BY: J. SMITH
 CHECKED BY: M. JONES

GROUND FLOOR AREA:
 GROSS FLOOR AREA: 10,000 SQ FT
 NET FLOOR AREA: 8,000 SQ FT
 TOTAL FLOOR AREA: 18,000 SQ FT

SCALE: 1/8" = 1'-0"

DATE: 01/01/2018

DRAWN BY: J. SMITH
 CHECKED BY: M. JONES

Premises History

There is no licence or appeal history for the premises.

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

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

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

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

Mandatory Conditions

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

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

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

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

Conditions consistent with the operating schedule

9. The premises shall install and maintain a 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 be set to continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
10. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.
11. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received
 - (d) any incidents of disorder
 - (e) any faults in the CCTV system.
 - (f) any visit by a relevant authority or emergency service.
12. The sale of alcohol for consumption on the premises shall only to be persons purchasing a meal and as an ancillary to that meal, which is to be eaten at a table or counter.
13. All sales of alcohol for consumption off the premises shall be in sealed containers and ancillary to a takeaway meal only and shall not be consumed on the premises.
14. Save for drinks sold with takeaway meals no alcoholic drinks shall be permitted to be taken off the premises.
15. No alcohol shall be sold with a strength in excess of 6% ABV.
16. No rubbish including bottles will be moved, removed or placed in outside areas between 2300 hours and 0800 hours.

Applicant proposes to amend condition 16 to:

No waste or recyclable materials including bottles shall be moved removed from or placed in outside areas between 2300 hours and 0800 hours the following day.

17. The highway and public spaces in the immediate vicinity of the premises shall be kept free of litter from the premises.
18. All waste to be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
19. Notices shall be prominently displayed at exits and any area used for smoking requesting patrons to respect the needs of local residents and use/leave the area quietly.

20. Noise or vibration shall not emanate from the premises so as to cause a nuisance to nearby properties.

Applicant proposes to amend condition 20 to:

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.

21. A Challenge 25 Age Verification Scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as driving licence, passport or PASS proof of age card.
22. No licensable activities shall take place at the premises under this premises licence until the premises have been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the licence by the licensing authority.

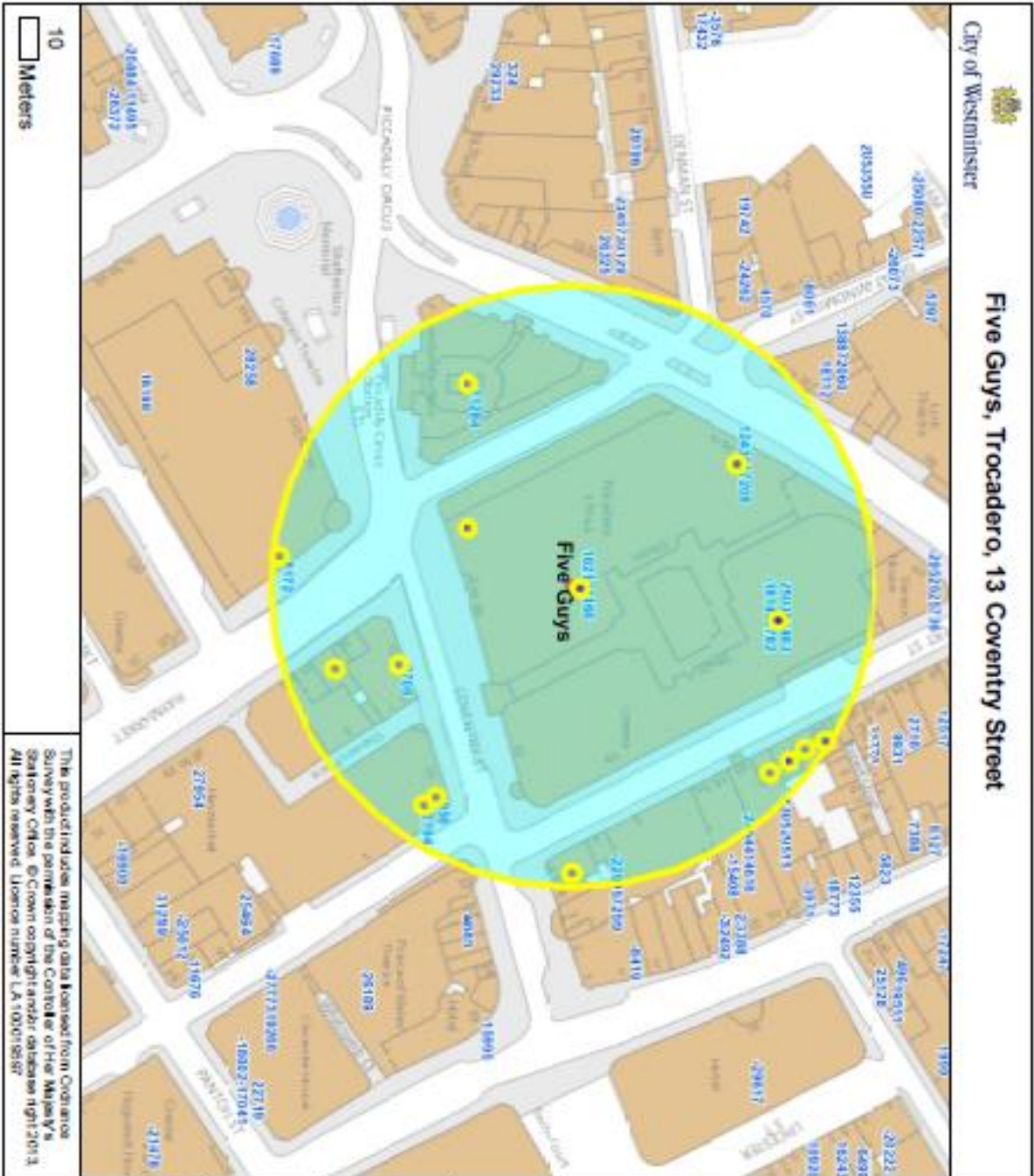
Conditions proposed by the Environmental Health

None Submitted.

Conditions proposed by the Police

None Submitted.

Residential Map and List of Premises in the Vicinity



Residential / Proposed Residential	11
Under Construction	None
Other Uses	None
Proportion Residential of all Uses	None
Data Source: Uniform Database Date: 24/02/2017	

**Premises within 75 metres of: Five Guys, Trocadero
13 Coventry Street**

p / n	Name of Premises	Premises Address	Licensed Hours
22194	The Comedy Store	Ground Floor Right Haymarket House 1A Oxendon Street London SW1Y 4EE	Sunday 09:00 - 01:00 Monday to Saturday 09:00 - 05:00
-23301	Yo! Sushi	Unit 34a Trocadero 13 Coventry Street London W1D 7AB	Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 23:00
-21284	Ripley's Believe It Or Not!	The London Pavillion 1 Piccadilly London W1J 0DA	Monday to Sunday 10:00 - 00:00
3708	Aberdeen Steak House	21-22 Coventry Street London W1D 7AE	Sunday 10:00 - 00:00 Monday to Saturday 10:00 - 01:00 Sundays before Bank Holidays 10:00 - 01:00
12436	Rainforest Cafe	20-24 Shaftesbury Avenue London W1D 7EU	Sunday 09:00 - 03:00 Monday to Saturday 09:00 - 03:30
-18145	District	Basement 21 Rupert Street London W1D 7PJ	Monday to Sunday 09:00 - 03:00
-8172	Caffe Concerto	45 Haymarket London SW1Y 4SE	Monday to Sunday 08:00 - 23:30
-950	TGI Fridays	25-29 Coventry Street London W1D 7AG	Monday to Saturday 10:00 - 01:30 Sunday 12:00 - 00:30 Sundays before Bank Holidays 12:00 - 01:00
2782	Ed's Easy Diner	Unit 34B Trocadero 19 Rupert Street London W1D 7PN	Sunday 10:00 - 00:00 Monday to Saturday 10:00 - 00:30
3166	Biagio's	Unit F1 Basement Trocadero 13 Coventry Street London W1D 7DH	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sundays before Bank Holidays 12:00 - 00:00 Sunday 12:00 - 22:30

5483	Bubba Gump Shrimp Co.	Basement To First Floor Unit 75 Trocadero 13 Coventry Street London W1D 7AB	Friday to Saturday 09:00 - 00:00 Sundays before Bank Holidays 09:00 - 00:00 Sunday 09:00 - 22:30 Monday to Thursday 09:00 - 23:30
16217	Picturehouse Central	Trocadero 13 Coventry Street London W1W 7DH	Monday to Sunday 00:00 - 23:59
17208	Golden Nugget Casino	22-32 Shaftesbury Avenue London W1D 7EU	Monday to Saturday 10:00 - 06:30 Sunday 12:00 - 06:30
25031	Platinum Lace Gentleman's Club	Unit 33 Trocadero 13 Coventry Street London W1D 7AB	Sunday 15:00 - 03:30 Monday to Saturday 15:00 - 06:30