



City of Westminster

# Licensing Sub-Committee Report

Item No:	
Date:	10 <sup>th</sup> August 2017
Licensing Ref No:	17/05448/LIPV - Premises Licence Variation
Title of Report:	Burger & Lobster Basement And Ground Floor 6 Little Portland Street London
Report of:	Director of Public Protection and Licensing
Wards involved:	West End
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Miss Yolanda Wade Senior Licensing Officer
Contact details	Telephone: 020 7641 1884 Email: ywade@westminster.gov.uk

## 1. Application

<b>1-A Applicant and premises</b>			
<b>Application Type:</b>	Variation of a Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	19 May 2017		
<b>Applicant:</b>	Burger And Lobster Restaurant Group Limited		
<b>Premises:</b>	Burger & Lobster		
<b>Premises address:</b>	Basement And Ground Floor 6 Little Portland Street London W1W 7JE	<b>Ward:</b>	West End
		<b>Cumulative Impact Area:</b>	No
<b>Premises description:</b>	The premises operate as a restaurant with a small bar facility for pre and post dining.		
<b>Variation description:</b>	<p>According to the application, the applicant is seeking to amend the following conditions:</p> <ul style="list-style-type: none"> <li>• <b><u>Condition 29</u></b></li> </ul> <p><b>Existing:</b> Notwithstanding conditions 11 and 12 alcohol may be supplied and consumed in the area hatched black by customers who are waiting to dine or who have dined.</p> <p><b>Proposed Amendment To Read:</b></p> <p>After 19:00 alcohol may only be supplied and consumed in the area hatched black by customers who are waiting to dine or who have dined.</p> <ul style="list-style-type: none"> <li>• <b><u>Condition 17</u></b></li> </ul> <p><b>Existing:</b> The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 110.</p> <p><b>Proposed Amendment To Read:</b></p> <p>The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 110 persons, with no more than 25 persons within the hatched bar area.</p>		
<b>Premises licence history:</b>	The premises currently benefits from a premises licence Appendix 3		
<b>Applicant submissions:</b>	Further to pre-application advice from Ian Watson (ref. 17/02856/PREAPS) the licensee seeks some flexibility for the current bar area so as to allow alcohol to be consumed without a table meal prior to 19:00. The premises are not located within the West End Cumulative Impact area and operate as a restaurant already with a small bar facility for		

	<p>pre and post dining. Policy RNT1 applies and states applications will generally be granted subject to the relevant criteria in policies CD1, PS1, PN1 and CH1. The premises licence currently has sufficient conditions to address the licensing objectives, albeit that they may not be worded to current model conditions, and there are no public nuisance complaints or enforcement action against the premises within the last year. The premises have a stated safe capacity of 110 persons and this will not change.</p> <p>The hatched area does not have a use capacity and is of such a size that the variation of condition 29 would not change the character of the premises as food led. To satisfy responsible authorities and interested parties the shaded area would to be restricted to a maximum number of 25 drinkers at any one time There is no current restriction on the premises licence that persons consuming alcohol in the shaded bar area must be seated and we understand following the pre-application consultation that Environmental Health would not be requiring such restriction.</p>
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1-B Current and proposed licensable activities, areas and hours						
Regulated Entertainment						
Playing of Recorded Music						
Indoors, outdoors or both			Current :		Proposed:	
			Indoors		No change	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:00	00:00	No change		Ground Floor	No change
Tuesday	10:00	00:00				
Wednesday	10:00	00:00				
Thursday	10:00	00:00				
Friday	10:00	00:00				
Saturday	10:00	00:00				
Sunday	12:00	00:00				

Late Night refreshment						
Indoors, outdoors or both			Current :		Proposed:	
			Indoors		No change	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	23:00	00:00	No change		Ground Floor	No change
Tuesday	23:00	00:00				
Wednesday	23:00	00:00				
Thursday	23:00	00:00				
Friday	23:00	00:00				
Saturday	23:00	00:00				
Sunday	23:00	00:00				

Sale by Retail of Alcohol						
On or off sales			Current :		Proposed:	
			On		No change	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:00	00:00	No change		Ground Floor	No change
Tuesday	10:00	00:00				
Wednesday	10:00	00:00				
Thursday	10:00	00:00				
Friday	10:00	00:00				
Saturday	10:00	00:00				
Sunday	12:00	00:00				

Hours premises are open to the public	Current Hours		Proposed Hours	
	Start:	End:	Start:	End:
Monday	10:00	00:30	No change	
Tuesday	10:00	00:30		
Wednesday	10:00	00:30		
Thursday	10:00	00:30		
Friday	10:00	00:30		
Saturday	10:00	00:30		
Sunday	12:00	00:00		

1-C Conditions being varied, added or removed	
Conditions	Proposed variation
Condition 29:  Notwithstanding conditions 11 and 12 alcohol	After 19:00 alcohol may only be supplied and consumed in the area hatched black by customers who are waiting to dine or who

may be supplied and consumed in the area hatched black by customers who are waiting to dine or who have dined.	have dined.
<b>Condition 17:</b>  The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 110.	The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 110 persons, with no more than 25 persons within the hatched bar area.

## 2. Representations

<b>2-A Other Persons</b>			
<b>Name:</b>		Mr Yoram Blumann	
<b>Address and/or Residents Association:</b>		[REDACTED]	
<b>Status:</b>	Resident	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	14 <sup>th</sup> June 2017		
<p>11:15 AM on 14 Jun 2017 My comments are written on behalf of residents living near and opposite the premises.</p> <p>The street is narrow with tall buildings, producing significant canyon effect, amplifying noise - causing noise nuisance to residents.</p> <p>We wish to object to the application; I have visited the premises and spoken to the manager and seen the area proposed for drinking- it is a large area by the entrance.</p> <p>We fear that if this application is allowed, it will potentially give rise to vertical drinking at the bar; we note that the applicants propose to limit the facility to 25 people up to 1900 -including weekend[condition 17], and that drinking would be allowed after the meal [condition 29].</p> <p>The applicant does not show how they plan to limit the amount of alcohol consumed by those drinking at the bar [especially after the meal -see condition 29 amendment] and how this application would promote the prevention of public nuisance to residents living directly opposite the premises, and near by- especially at weekends.</p> <p>This means that there is a potential for vertical drinking and nuisance caused by in</p>			
<b>Name:</b>		Mr Linus Rees	
<b>Address and/or Residents Association:</b>		[REDACTED]	
<b>Status:</b>	Resident Association	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	14 <sup>th</sup> June 2017		
<p>12:32 PM on 14 Jun 2017 Our association objects to this application to vary the licence. The variation would change the nature of the premises from a restaurant to a bar, before 7pm. The existing conditions do not restrict patrons from having a drink as ancillary before, during and</p>			

after, a meal. The change in the licence would give rise to public nuisance and possibly add to crime and disorderly behaviour in the street. For these reasons the application should be refused.

### 3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:

Policy PB1 applies:	Applications will generally be granted and reviews determined, subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1.
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### 4. Appendices

<b>Appendix 1</b>	Premises plans
<b>Appendix 2</b>	Applicant supporting documents
<b>Appendix 3</b>	Premises history
<b>Appendix 4</b>	Proposed conditions
<b>Appendix 5</b>	Copy of Existing Licence
<b>Appendix 6</b>	Residential map and list of premises in the vicinity

<b>Report author:</b>	Miss Yolanda Wade Senior Licensing Officer
<b>Contact:</b>	Telephone: 020 7641 1884 Email: ywade@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**

<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>	The Application Form	19 <sup>th</sup> May 2017

<b>5</b>	Mr Yoram Blumann Rep	14 <sup>th</sup> June 2017
<b>6</b>	Mr Linus Rees c/o Fitzrovia Neighbourhood Association Rep	14 <sup>th</sup> June 2017

To view the plans of the premises, please contact the Licensing Team.

Email: [licensing@westminster.gov.uk](mailto:licensing@westminster.gov.uk)

Telephone: 0207 641 6500



Applicant Supporting Documents

Appendix 2

(None)

**Licence & Appeal History**

<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
10/06262/LIPN	New premises application	30.09.2010	Granted Under Delegated Authority
11/11355/LIPDPS	Application to vary a premises licence to specify an individual as designated premises supervisor	02.12.2011	Granted Under Delegated Authority
13/03108/LIPT	Application to transfer premises licence from Orawan Ltd to Langham Estate Management Limited	02.12.2011	Granted Under Delegated Authority
13/10034/LIPT	Application to transfer premises licence from Langham Estate Management Limited to Burger & Lobster Fitzrovia Limited	30.01.2014	Granted Under Delegated Authority
13/10040/LIPDPS	Application to vary a premises licence to specify an individual as designated premises supervisor	30.01.2014	Granted Under Delegated Authority
14/03160/LIPV	Application to vary premises licence	28.05.2014	Granted Under Delegated Authority
14/09361/LIPDPS	Application to vary a premises licence to specify an individual as designated premises supervisor	18.11.2014	Granted Under Delegated Authority
15/09759/LIPT	Application to transfer premises licence from Burger & Lobster Fitzrovia Limited to Burger And Lobster Restaurant Group Limited	03.02.2016	Granted Under Delegated Authority
16/08005/LIPDPS	Application to vary a premises licence to specify an individual as designated premises supervisor	11.08.2016	Granted Under Delegated Authority

17/04260/LIPVM	Application for a Minor Variation	10.05.2017	Application Refused
17/04681/LIPDPS	Application to vary a premises licence to specify an individual as designated premises supervisor	26.06.2017	Granted Under Delegated Authority

**There is no appeal history**

### *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 appropriate for the promotion of the licensing objectives.

This schedule lists those conditions which are consistent with the operating schedule, or proposed as appropriate 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

#### **Conditions: On Current Licence -**

##### **Mandatory:**

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.

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

9. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a 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. Viewings 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. This staff member shall be able to provide a Police or authorised officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
11. Except in the area hatched black, the supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.
12. Except in the area hatched black, the supply of alcohol shall be by waiter or waitress service only.
13. 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 refusal of the sale of alcohol
  - (h) any visit by a relevant authority or emergency service.
14. When open to patrons for the purpose of licensable activities, at least one personal licence holder (or a person with a letter of delegation) to be present at the premises.
  15. All staff involved in the sale of alcohol shall receive training by the premises licence holder in relation to licensing law and a record shall be kept at the premises.
  16. Substantial food and non-intoxicating beverages shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
  17. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 110.
  18. There shall be no striptease or nudity, and all persons shall be decently attired at all times.
  19. No entertainment, performance, service, or exhibition involving nudity or sexual stimulation which would come within the definition of a sex establishment in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Greater London Council (General Powers) Act 1986 (whether or not locally adopted), shall be provided.
  20. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
  21. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
  22. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
  23. All windows and external doors shall be kept closed after 21:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
  24. The pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel at its junction with the kerb edge, shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.
  25. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
  26. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 2300 hours and 0800 hours.



27. A proof of age scheme, such as Challenge 21, shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence or passport.
28. There shall be no take-away of hot food or hot drinks after 23.00 hours.
29. Notwithstanding conditions 11 and 12 alcohol may be supplied and consumed in the area hatched black by customers who are waiting to dine or who have dined.

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

None

**City of Westminster**

64 Victoria Street, London, SW1E 6QP

Schedule 12  
Part AWARD: West End  
UPRN: 010033537530**Premises licence**

Regulation 33, 34

**Premises licence number:**

16/08005/LIPDPS

**Original Reference:**

10/06262/LIPN

**Part 1 – Premises details****Postal address of premises:**

Burger & Lobster  
Basement And Ground Floor  
6 Little Portland Street  
London  
W1W 7JE

**Telephone Number:** Not Supplied**Where the licence is time limited, the dates:**

Not applicable

**Licensable activities authorised by the licence:**

Playing of Recorded Music  
Late Night Refreshment  
Sale by Retail of Alcohol

**The times the licence authorises the carrying out of licensable activities:****Playing of Recorded Music**

Monday to Saturday:

10:00 to 00:00 (Ground Floor)

Sunday:

12:00 to 00:00 (Ground Floor)

**Late Night Refreshment**

Monday to Sunday:

23:00 to 00:00 (Ground Floor)

**Sale by Retail of Alcohol**

Monday to Saturday:

10:00 to 00:00 (Ground Floor)

Sunday:

12:00 to 00:00 (Ground Floor)

**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 on the Premises.

**Part 2**

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

Burger And Lobster Restaurant Group Limited  
37-41 Bedford Row  
London  
WC1R 4JH

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

08332271

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

**Name:** Francesca Cociancich

*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:** LN/000016344  
**Licensing Authority:** London Borough Of Haringey

**Date:** 17 August 2016

**This licence has been authorised by Mr Yiannis Chrysanthou on behalf of the Director - Public Protection and Licensing.**

#### **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 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.

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

9. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a 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. Viewings 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. This staff member shall be able to provide a Police or authorised officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
11. Except in the area hatched black, the supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.
12. Except in the area hatched black, the supply of alcohol shall be by waiter or waitress service only.
13. 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 refusal of the sale of alcohol
  - (h) any visit by a relevant authority or emergency service.
14. When open to patrons for the purpose of licensable activities, at least one personal licence holder (or a person with a letter of delegation) to be present at the premises.
15. All staff involved in the sale of alcohol shall receive training by the premises licence holder in relation to licensing law and a record shall be kept at the premises.
16. Substantial food and non-intoxicating beverages shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
17. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 110.
18. There shall be no striptease or nudity, and all persons shall be decently attired at all times.
19. No entertainment, performance, service, or exhibition involving nudity or sexual stimulation which would come within the definition of a sex establishment in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Greater London Council (General Powers) Act 1986 (whether or not locally adopted), shall be provided.
20. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

21. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
22. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
23. All windows and external doors shall be kept closed after 21:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
24. The pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel at its junction with the kerb edge, shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.
25. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
26. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 2300 hours and 0800 hours.
27. A proof of age scheme, such as Challenge 21, shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence or passport.
28. There shall be no take-away of hot food or hot drinks after 23.00 hours.
29. Notwithstanding conditions 11 and 12 alcohol may be supplied and consumed in the area hatched black by customers who are waiting to dine or who have dined.



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

None

#### **Annex 4 – Plans**

Attached



## City of Westminster

64 Victoria Street, London, SW1E 6QP

### Schedule 12 Part B

### Premises licence summary

WARD: West End  
UPRN: 010033537530

Regulation 33, 34

Premises licence number:

16/08005/LIPDPS

#### Part 1 – Premises details

##### Postal address of premises:

Burger & Lobster  
Basement And Ground Floor  
6 Little Portland Street  
London  
W1W 7JE

Telephone Number: Not Supplied

##### Where the licence is time limited, the dates:

Not applicable

##### Licensable activities authorised by the licence:

Playing of Recorded Music  
Late Night Refreshment  
Sale by Retail of Alcohol

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

<b>Playing of Recorded Music</b>	
Monday to Saturday:	10:00 to 00:00 (Ground Floor)
Sunday:	12:00 to 00:00 (Ground Floor)
<b>Late Night Refreshment</b>	
Monday to Sunday:	23:00 to 00:00 (Ground Floor)
<b>Sale by Retail of Alcohol</b>	
Monday to Saturday:	10:00 to 00:00 (Ground Floor)
Sunday:	12:00 to 00:00 (Ground Floor)

##### 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 on the Premises.

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

Burger And Lobster Restaurant Group Limited  
37-41 Bedford Row  
London  
WC1R 4JH

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

08332271

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

Name: Francesca Cociancich

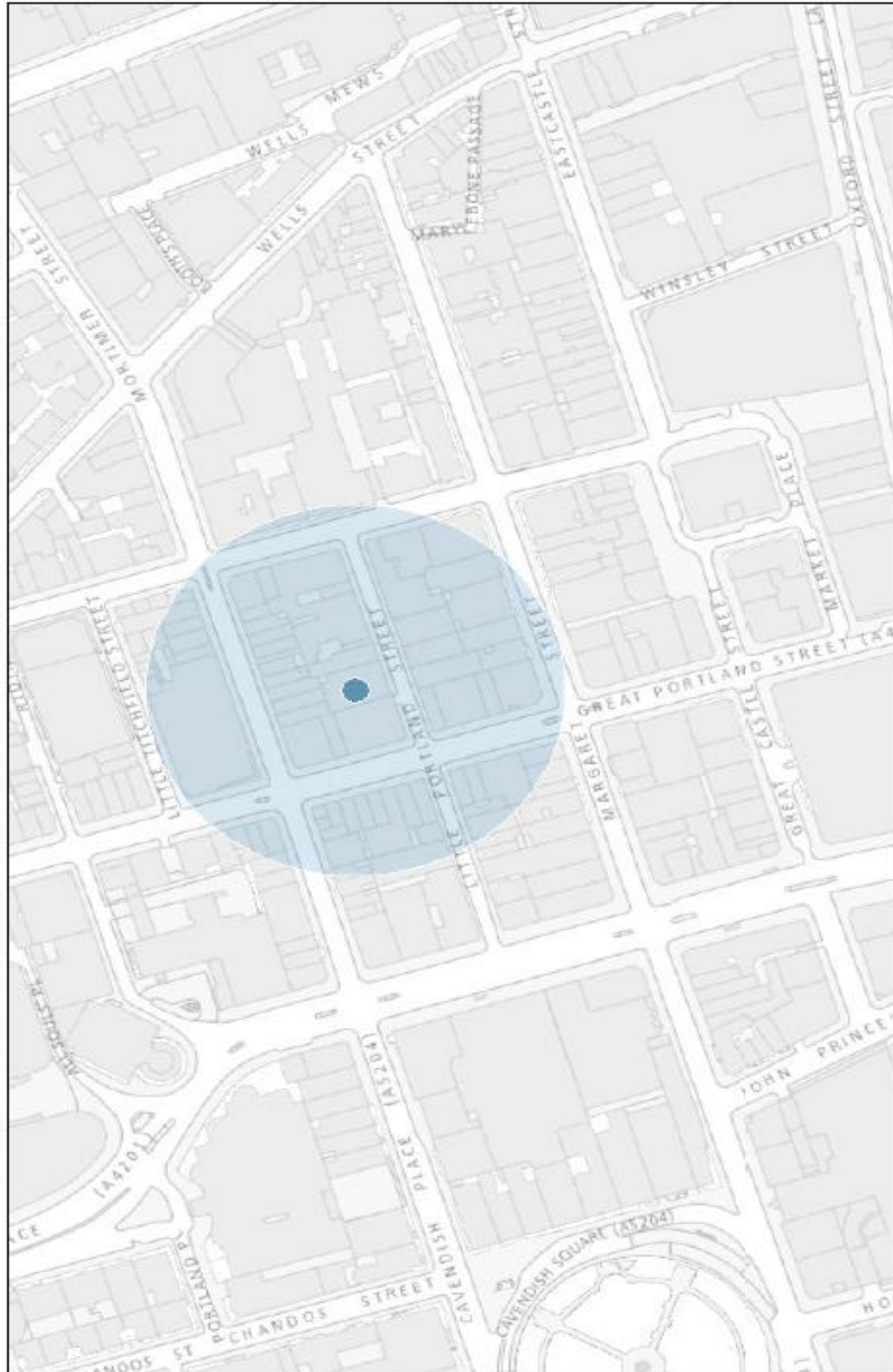
**State whether access to the premises by children is restricted or prohibited:**

Restricted

Date: 17 August 2016

This licence has been authorised by Mr Yiannis Chrysanthou on behalf of the Director - Public Protection and Licensing.

**Burger & Lobster Basement And Ground Floor 6 Little Portland Street**



July 27, 2017

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**Resident Count: 55**