

Licensing Sub-Committee Report

Item No:	
Date:	1 March 2018
Licensing Ref No:	18/00145/LIPN - New Premises Licence
Title of Report:	Wingstop Restaurants Basement To Second Floor 138-140 Shaftesbury Avenue London W1D 7EA
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:	Ms Yolanda Wade Senior Licensing Officer
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1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	4 January 2018		
Applicant:	Lemon Pepper Holdings Ltd		
Premises:	Wingstop Restaurants		
Premises address:	Basement To Second Floor 138-140 Shaftesbury Avenue London W1D 7EA	Ward:	St James's
		Cumulative Impact Area:	West End
Premises description:	According to the application the premises will operate as a restaurant including fast food takeaway and alcohol both off and on sales.		
Premises licence history:	This is a new premises licence and therefore no history exist.		
Applicant submissions:	<p>Wingstop Restaurants is a chain of nostalgic, aviation-themed restaurants where the sole focus is on chicken wings. Wingstop locations are decorated following a 1930s and 1940s "pre-jet" aviation theme. The restaurant chain was founded in 1994 in Garland, Texas, and began offering franchises in 1998. This premises is the flagship for the UK.</p> <p>The applicant has proposed conditions as part of their operating schedule which is incorporated in Appendix 3 of the report.</p>		
Application Amendment:	<p>Since the original application was received the applicant has amended the application as follows:</p> <ul style="list-style-type: none"> The terminal hour being sought for the sale of alcohol (for consumption <u>off</u> the premises) is reduced by one hour. The hours they are now seeking are: Monday to Sunday 11:00 to 23:00 		
Plans	Plans are available to view upon request to the Licensing Authority and they will be made available at Licensing Committee.		

1-B Proposed licensable activities and hours							
Late Night Refreshment:				Indoors, outdoors or both			Both
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	23:00	23:00	23:00	23:00	23:00	23:00	23:00
End:	00:00	00:00	00:00	00:00	00:00	00:00	00:00
Seasonal variations/ Non-standard timings:			The premises may remain open for the sale of alcohol and the provision of late night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day.				

Sale by retail of alcohol (On Sales)							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	11:00	11:00	11:00	11:00	11:00	11:00	11:00
End:	00:00	00:00	00:00	00:00	00:00	00:00	00:00
Seasonal variations/ Non-standard timings:			The premises may remain open for the sale of alcohol and the provision of late night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day.				

Sale by retail of alcohol (Off Sales)							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	11:00	11:00	11:00	11:00	11:00	11:00	11:00
End:	23:00	23:00	23:00	23:00	23:00	23:00	23:00
Seasonal variations/ Non-standard timings:			The premises may remain open for the sale of alcohol and the provision of late night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day.				

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	10:00
End:	00:00	00:00	00:00	00:00	00:00	00:00	00:00
Seasonal variations/ Non-standard timings:			The premises may remain open for the sale of alcohol and the provision of late night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day.				

2. Representations

2-A Responsible Authorities	
Responsible Authority:	The Licensing Authority
Representative:	Ms Shannon Pring
Received:	1 st February 2018

I write in relation to the application submitted for a new Premises Licence

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:

- Public Nuisance
- Prevention of Crime & Disorder
- Public Safety

The premises is located within the West End Cumulative Impact and as such a number of policy points must be considered. This application should be considered alongside the following policies, FFP2, HRS1 and CIP1.

In respect of FFP2 the policy states that is the Licensing Authority's policy to refuse applications unless they are to vary to within core hours. This applications seeks to go beyond core hours as defined at HRS1 and as such an exemption to policy needs to be given. Furthermore, CIP1 states, in part, that "it is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for...fast food premises" and therefore it is for the applicant to demonstrate how the premises and the proposed 124 people will not add to cumulative impact within the cumulative impact area.

Additionally; we note that there have been amendments to the application after consultation with the Environmental Health Consultation Team and welcome the additional conditions as detailed within your email of 24 January 2018 including the reduction of the terminal hour for the Off Sales of alcohol for Monday to Saturday. However, we are concerned that the terminal hour for Sunday as well as the hours sought for both On Sales of alcohol and the hours that the premises is open to the public fall outside of the core hours, as stated below –

(see Policy HRS1)

- For premises for the supply of alcohol for consumption on the premises:

Friday and Saturday: 10:00 to midnight

Sundays immediately prior to Bank Holidays: Midday to midnight

Other Sundays: Midday to 22:30

Monday to Thursday: 10:00 to 23:30

- For premises for the supply of alcohol for consumption off the premises:

Sundays: 10:00 to 22:30

- For premises for the provision of other licensable activities:

Friday and Saturday: 09:00 to midnight

Sundays immediately prior to Bank Holidays: 09:00 to midnight

Other Sundays: 09:00 to 22:30

Monday to Thursday: 09:00 to 23.30

We would ask that the applicant consider reducing the, opening hours and the hours for licensable activities, in line with the council's core hours policy?

Please accept this as a formal objection and we look forward to discussing this application further with you.

Responsible Authority:	The Environmental Health Service (<i>withdrawn</i>)
Representative:	Maxwell Owusu Koduah
Received:	30 th January 2018

I refer to the application for a New Premises Licence number for the above premises located in the West End Cumulative Impact area.

This representation is based on plans of basement, ground floor, first and second floors BRINKWORTH dated December 2017 submitted with the operating schedule.

The applicant is seeking the following licensable activities:

1. The provision of late night refreshment "indoors & outdoors" at the following times:
Monday to Sunday 23:00 hours to midnight on 10:00 to 19:00 hours and
Sunday from 12:00 to 18:00
From the terminal hour on New Year's Eve to the commencement time on New Year's Day
2. Supply of Alcohol for consumption "On & Off" the premises at the following times:
Monday to Sunday from 11:00 hours to 23:00 hours for "off" sale
Monday to Sunday from 11:00 hours to midnight for consumption "on" premises

From the terminal hours on New Year's Eve to the commencement time
New Year's Day

I wish to make the following representations:

1. The hours requested to provide late night refreshment may have the likely effect of increasing Public Nuisance and impact on Public Safety within the West End Cumulative Impact area
2. The supply of alcohol and the hours requested may have the likely effect of increasing Public Nuisance and impact on Public Safety within the West End Cumulative Impact area.

With reference to policy HRS1 of the licencing policy, the hours requested to provide late night refreshment and supply alcohol are longer than the core hours when customers are permitted to be on the premises.

The granting of the new premises licence as presented would have the likely effect of causing an increase in Public Nuisance and may impact on Public Safety within the West End Cumulative Impact area.

The applicant has provided conditions in support of the application but these do not address the concerns of Environmental Health and additional conditions may be proposed.

Following the agreement of conditions, Environmental Health Service have withdrawn their representation.

Responsible Authority:	The Metropolitan Police Service
Representative:	PC Bryan Lewis
Received:	24 th January 2018

With reference to the above application, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, will be objecting to this application as it is our belief that if granted the application would undermine the Licensing Objectives.

The venue is situated in the West End Cumulative Impact Area, a locality where there is traditionally high levels of crime and disorder. We have concerns that this application will cause further policing problems in an already demanding area.

2-B Other Persons**Received:** 30th January 2018

I have only today become aware of this application and it has immediately started alarm bells ringing.

I understand that Wingstop is a reasonable quality firm but this seems entirely the wrong location for their business. Everyone familiar with the Cambridge Circus area will be fully aware that we are plagued by congestion and crime.

We are already at bursting point. We have no room for a 120 seat fast food joint. I have not yet seen any plans for Take Out, a big feature of most Wingstops, but even dining patron will clog the area and attract more drug dealers.

The site has very narrow pavements and yet the company talks of outdoor smoking areas. And will they have line-ups too when they are busy? Where will these patrons wait. There is no room. As for unleashing more tipsy diners on Cambridge Circus, my mind shutters. As I say, we are already swamped. We don't need more midnight ramblers buying drugs.

The premises were a bank before, open only daytimes. This new use is entirely out of character.

And superfluous considering we have already just had a hamburger joint open next door to compete with McDonald's the scene of daily crime.

Received: 31st January 2018

I live across the road from the premises. There are significant amounts of residential property on the East side of Charing Cross Road both North and South of the Circus. I believe that the grant of the licence will harm the licensing objectives of the prevention of Public Nuisance and Crime and Disorder and should be refused. Cambridge Circus already has 2 premises selling hot food for takeaway (McDonalds and Shake Shack), both of which were previously restaurants and close at 11pm (ie. do not offer late night refreshment). The area already suffers from the cumulative impact of licensed premises and is a known hotspot for serious and persistent anti-social behaviour and drug related activity.

I am concerned that the sale of alcohol for consumption off the premises will increase the amount of alcohol consumed in the area. Late Night Refreshment Establishments of this type are known to attract anti-social behaviour by people who have already been drinking because by definition they are open after 23:00. I am concerned that the premises will contribute to the anti-social behaviour in the area and further undermine the peace and safety of those who live in the vicinity

Received:

29th January 2018

This representation is being made by the Covent Garden Community Association (CGCA). The CGCA is recognised by both Camden and Westminster as the Amenity Society for the Covent Garden area (defined as the area bounded by High Holborn, New Oxford Street, Charing Cross Road, St. Martin's Place, Northumberland Avenue, Victoria Embankment, Lancaster Place, Aldwych and Kingsway) and so represents the interests of those who live and work in this area. The CGCA's Licensing Subcommittee is authorised by the Association to make Representations on any Licensing Applications which the Subcommittee believes may have an effect on local residents or other members of the community through likely impact on one or more of the Licensing Objectives. This authorisation was last renewed at a meeting of the Executive Committee of the CGCA on 5th December 2017.

The premises are situated on the South West corner of Cambridge Circus in a building formerly occupied by HSBC. There are significant amounts of residential property on the East side of Charing Cross Road both North and South of the Circus which fall within the CGCA's area, even though the premises are outside this area. A map showing residential accommodation in the vicinity is attached. This is not complete as we are not aware of all of the location of residents in Soho, to the North West of the Circus.

The application is for a fast food restaurant focussing on fried chicken which would be open until 00:00 on all days of the week and which would serve alcohol with a "meal" for consumption on or off the premises. The licence also asks for late night refreshment.

The CGCA's view is that the grant of the licence will harm the licensing objectives of the prevention of Public Nuisance and Crime and Disorder and should be refused.

Cambridge Circus already has 2 premises selling hot food for takeaway (McDonalds and Shake Shack) and there are other premises in the vicinity. Both these premises were previously restaurants and close at 11pm (ie. do not offer late night refreshment).

The area already suffers from the cumulative impact of licensed premises and is a known hotspot for anti-social behaviour and drug related activity.

To take the licence elements in turn.

Sale of Alcohol

We are concerned that the sale of alcohol for consumption off the premises will increase the amount of alcohol consumed in the area. We are also concerned that people consuming alcohol in the late evening, even on the premises, will have a similar effect as they may be coming to the premises after already having drunk. The style of operation is likely to make it difficult to avoid serving people who are already drunk.

Late Night Refreshment

Establishments of this type are known to attract anti-social behaviour by people who have already been drinking because by definition they are open after 23:00. Policy FFP2 applies to this application and late night refreshment will normally be refused. We believe that this is appropriate in this case to support the licensing objectives.

If late night refreshment was refused and the premises closed at 23:00 our concern about allowing the sale of alcohol for consumption ON the premises would be reduced provided that the sale was ancillary to a substantial meal to be consumed on the premises only. Even at this earlier hour we maintain that it would harm the licensing objectives to permit alcohol to be consumed on the street in the vicinity of the premises.

In summary the CGCA's is that to support the Licensing Objectives the premises should close at 23:00 and that the sale of alcohol needs to be ancillary to a substantial meal consumed on the premises only.

We hope that this representation is clear. If you have any questions please contact the undersigned.

3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
Policy CIA1 applies:	<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>
Policy HRS1 applies:	<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>
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.

4. Equality Implications

The Council in its capacity as Licensing Authority has a duty to have regard to its public sector equality duty under section 149 of the Equality Act 2010. In summary, section 149 provides that a Public Authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristics and persons who do not share it.

Section 149 (7) of the Equality Act 2010 defines the relevant protected characteristics as age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

5. Appendices

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

Report author:	Ms Yolanda Wade Senior Licensing Officer
Contact:	Telephone: 02076411872 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

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	April 2017
4	Application Form	4 th January 2018
5	The Licensing Authority Representation	1 st February 2018
6	The Environmental Health Service-Representation	30 th January 2018
7	The Metropolitan Service- Representation	24 th January 2018
8	Representation	30 th January 2018
9	Representation	31 st January 2018
10	Representation	29 th January 2018

**18/00145/LIPN - Wingstop, 138-140 Shaftesbury Avenue,
London W1D 7EA**
Application for New Premises Licence

Wingstop

Wingstop is a chain of restaurants where the sole focus is on flavour' the flavour of chicken wings. The restaurant chain was founded in 1994 in Garland, Texas and their headquarters are in Dallas, Texas.

1997 saw the opening of their first franchised Wingstop location in the USA and by 2002 Wingstop had served the world one billion wings.

There are more than 1,000 restaurants open across the United States, Mexico, Singapore, the Philippines, Indonesia, and the United Arab Emirates.

Wingstop is the destination when you crave fresh never faked wings, hand-cut seasoned fries and any of their famous sides. It is for people who demand flavour in everything they do because it's more than a meal, it's a flavour experience.

Its' flavour defines Wingstop and this has made it one of the fastest growing brands in the restaurant industry attracting top entrepreneurs and operators with the drive and passion to own their own business.

The flagship for the UK is going to be this restaurant on Shaftesbury Avenue. They have a 25 year lease and the costs of the scheme at Shaftesbury Avenue will be £850,000.

Attached is a concept design document for reference.

Lemon Pepper Holdings Limited has acquire the rights for Wingstop in the UK.

Herman Sahota will be attending the premises and is a director of Lemon Pepper Holdings Limited. In his previous position, Herman headed up a leading wholesaler and alcohol drinks distribution business, which at the time was exceeding turnover circa £50m. Over the years he has won several awards in recognition for his business performance, growth and leadership including Today's Group 2012 Awards for Excellence: Winner of Best Cash & Carry, The Sunday Times 2010 Profit Track 100, position top 15, and the Grocer Magazine 'The Big 30 Wholesalers' 2004 to 2015. Herman's day to day corporate responsibilities included forming strategic and long-term relationships with leading manufacturers to ensure his trade members had access to the latest products at competitive prices.

The operational director of Lemon Pepper Holdings Limited is Christian Solanot. His CV is attached for information.

There will be approximately 25-30 Full time equivalent employees at the venue.

The Location

The application site is located on the corner of Shaftesbury Avenue and Charing Cross Road, at Cambridge Circus. The unit was previously occupied by HSBC bank and comprises basement, ground, first and second floors, with a total floor area of 395.6sqm.

The restaurant will be laid out with the kitchen and a seating area at ground floor level and an accessible WC, the main seating area and customer toilets at first floor level and ancillary storage and staff facilities at basement level.

Alcohol

Alcohol sales do not form a main feature to the Wingstop business. The sale of alcohol will be limited to a selection of 3 beers only and this is proposed as a condition. There will be no open bar visible or located at the premises.

The 3 beers selected are part of an exclusive partnership with Camden Town Brewery. The three beers being sold will be; Camden Hells Lager 330ml Can 4.6 % vol ABV, Camden Pale Ale 330ml Can, 4.0% vol ABV, Camden Gentlemen WIT 330ml Can 4.3% vol ABV. A condition prohibiting super strength beers has been proposed for the licence.

The alcohol will only be sold in cans and no glass bottles will be dispensed for the alcohol.

Alcohol is not able to be purchased without a meal and again, this is contained in a proposed condition.

Off sales are limited to Westminster's core hours terminal hour.

Transport Links

The site is well served by a variety of modes of public transport including many 24hr bus services and three nearby underground stations; namely Charing Cross Road, Tottenham Court Road and Leicester Square Station which all provide 24 hour tube services on weekends.

Waste Management

Wingstop have allocated an area of the ground floor as a bin storage area to accommodate wheelie bins for storage of waste and recycling.

All waste and recycling is collected on a daily basis by a private waste service provider or by the Local Authority and the applicant has proposed a condition to this effect; please refer to condition 9 in the list of proposed conditions attached.

Policy

In accordance with the City Council's policy, this premises shall operate as a restaurant and falls under Policy RNT1 – Restaurants within the Cumulative Impact Area.

The Policy states (at section 2.5.12) that

'restaurants of various types attract people over a wide range of ages. Restaurants where there is no music and dancing, where customers are seated and served at tables, may appeal particularly to families or older customers. It is recognised that restaurants, as defined in this section, have little association with crime and disorder'.

The Policy states (at 2.4.25) that *'the Licensing Authority's view is that cumulative impact in the Cumulative Impact Areas arises mainly from the numbers of pubs and bars, music and dance premises and fast food premises.'*

Together with the experience of the licensee and the extensive list of conditions proposed within the application, we believe that this premises shall operate to a high standard and not add to cumulative impact within the West End Cumulative Impact Area.

Whilst we appreciate the planning and licensing regimes are separate, it is noteworthy that planning has granted the terminal hour at 12 midnight for this operation, 7 days. The hours sought in licensing are to mirror the planning hours obtained (planning hours are 10am-midnight, 7 days).

PAGES 92-112

Have been removed from the public version of the report after the Licensing Sub-Committee hearing at the request of the applicant on the basis that they contained information that was regarded as confidential by the applicant and which they did not wish to remain in the public domain.

12th March 2018

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 sale of alcohol for consumption on the premises shall only be to persons purchasing a meal and as an ancillary to that meal, which is to be eaten at a table or counter
10. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
11. No super-strength beer, lagers, ciders or spirit mixtures of 5.5% ABV (alcohol by volume) or above shall be sold at the premises
12. There shall be no self service of alcohol.
13. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram
14. 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 entire 31 day period.
15. 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 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.

16. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
17. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 2300 hours and 0600 hours or as in compliance with Westminster City Council's own waste contractor collection hours.
18. No deliveries of alcohol to the premises shall take place between 23:00 hours and 06:00 hours on the following day
19. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
20. Persons temporarily leaving the premises onto the public highway for the purposes of smoking shall not take any drinks with them.
21. 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.
22. The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
23. 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.
24. 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.
25. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
26. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
27. All emergency doors shall be available at all material times without the use of a key, code, card or similar means.
28. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.

29. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
30. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
31. All fabrics, curtains, drapes and similar features including materials used in finishing and furnishing shall be either non-combustible or be durably or inherently flame-retarded fabric. Any fabrics used in escape routes (other than foyers), entertainment areas or function rooms, shall be non-combustible.
32. Flashing or particularly bright lights on or outside the premises shall not cause a nuisance to nearby properties, save insofar as they are necessary for the prevention of crime.
33. 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. It must be completed within 24 hours of the incident and 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, searching equipment or scanning equipment
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.
34. The premises may remain open for the sale of alcohol and the provision of late night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day.
35. The Licence will have no effect until the Licensing Authority are satisfied that the premises are constructed or altered in accordance with the appropriate provisions of the District Surveyor's Association – Technical standards for Places of Entertainment and the reasonable requirements of Westminster Environmental Health Consultation Team, at which time this condition will be removed from the Licence.
36. Prior to the licence taking effect, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are accurate reflection of the premises constructed. Where the premises layout has changed during the course of construction new plans shall be provided to the LFEPA, Environmental Health Consultation Team, the Police and the Licensing Authority.
37. 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

38. The sale of alcohol shall be limited to a selection of 3 beers

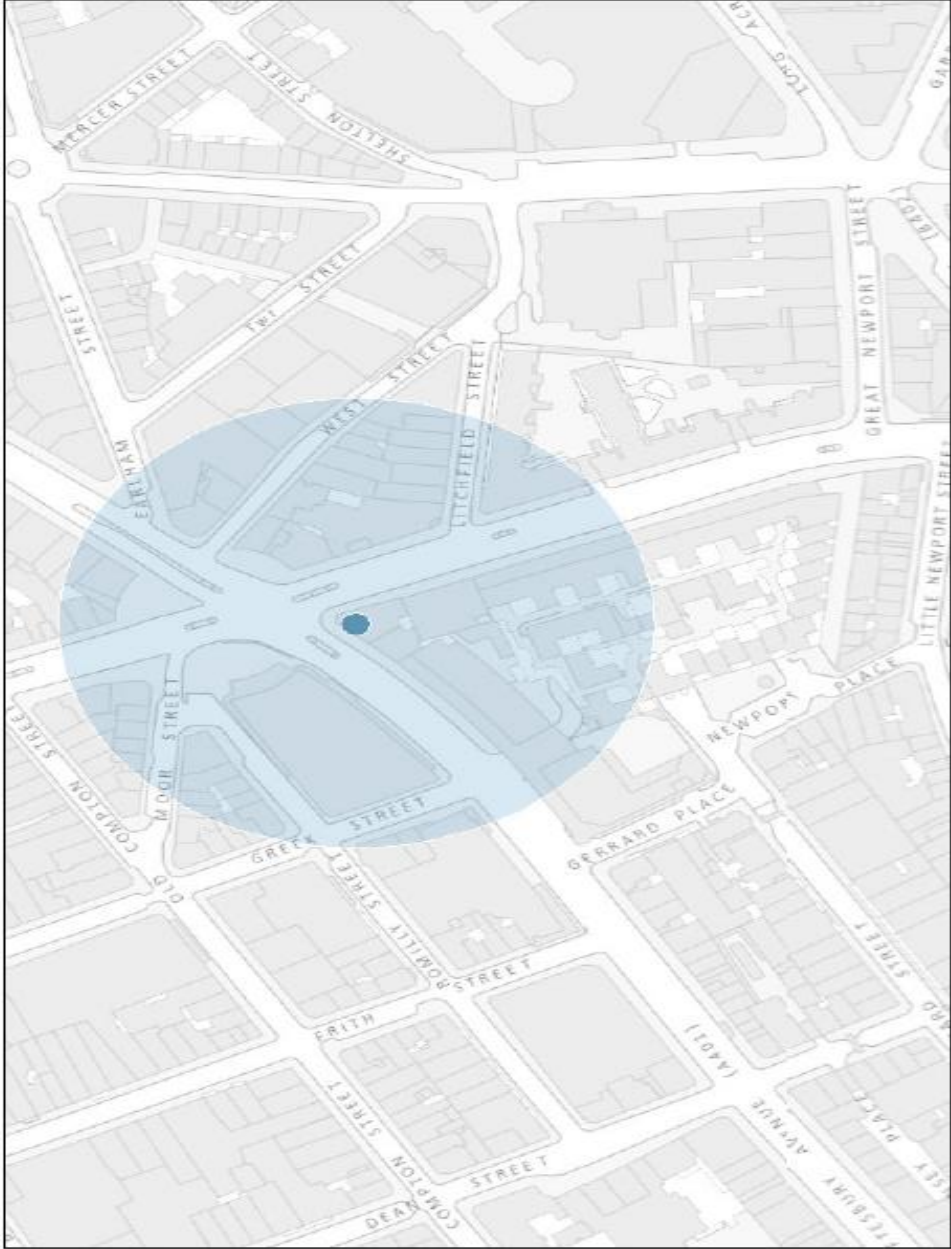
Conditions proposed by the Environmental Health and agreed by the Applicant

39. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.

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

41. No licensable activities shall take at the premises until the capacity of the premises has been assessed by the Environmental Health Consultation Team and a condition detailing the capacity so determined has replaced this condition on the Licence.

Wingstop Restaurants Basement To Second Floor 138-140 Shaftesbury Avenue



February 16, 2018

Resident Count: 45

DISTANCE	OBJECTID	LicenceNumber	TradingName	Address	PremisesType	TimePeriod
13.92544	17680	13/05563/LIPDPS	Walkabout	136 Shaftesbury Avenue London W1D 5EZ	Pub or pub restaurant with lodge	Monday to Saturday; 09:00 - 04:00 Sunday; 10:00 - 04:00
26.71925	57667	17/09550/LIPV	Shake Shack	1 Cambridge Circus London WC2H 8PA	Restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
28.90349	30071	17/08981/LIPVM	Palace Theatre	Palace Theatre 109- 113 Shaftesbury Avenue London W1D 5DZ	Theatre	Monday to Sunday; 09:00 - 00:00
39.28618	56541	10/10268/LIPT	Subway	82 Charing Cross Road London WC2H 0BA	Shop	Monday to Saturday; 08:00 - 06:00 Sunday; 08:00 - 00:00
44.19303	21290	16/05349/LIPDPS	L'Atelier De Joel Robuchon	13-15 West Street London WC2H 9NE	Restaurant	Monday to Saturday; 09:00 - 02:00 Sunday; 12:00 - 22:30

46.29205	26231	08/06532/LIPN	Karine Jackson Hair Beauty	24 Litchfield Street London WC2H 9NJ	Hairdresser or beauty salon	Monday; 10:00 - 19:00 Tuesday; 10:00 - 21:00 Wednesday; 10:00 - 20:00 Thursday; 10:00 - 21:00 Friday; 10:00 - 19:00 Saturday; 09:00 - 18:00
51.32864	57862	16/04565/LIPT	Le Beaujolais Restaurant Club	25 Litchfield Street London WC2H 9NJ	Wine bar	Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00 Sunday; 12:00 - 23:00
51.32864	57858	16/04558/LIPT	Le Beaujolais Wine Bar	25 Litchfield Street London WC2H 9NJ	Wine bar	Monday to Saturday; 10:00 - 23:30 Sunday; 12:00 - 23:00
55.51333	31475	12/11305/LIPDPS	The Spice Of Life	37-39 Romilly Street London W1D 5NA	Pub or pub restaurant with lodge	Monday to Saturday; 09:00 - 23:30 Sunday; 09:00 - 23:00

56.31052	58092	17/09476/LIPRW	London Grace	11 West Street London WC2H 9NE	Hairdresser or beauty salon	Monday to Wednesday; 09:00 - 21:00 Thursday to Friday; 09:00 - 22:00 Saturday; 09:00 - 20:00 Sunday; 10:00 - 16:00
61.16739	56492	16/09212/LIPDPS	The Cambridge Hotel	93 Charing Cross Road London WC2H 0DP	Public house or pub restaurant	Monday to Thursday; 07:00 - 23:30 Monday to Saturday; 07:00 - 00:30 Friday to Saturday; 07:00 - 00:00 Sunday; 07:00 - 00:00 Sunday; 07:00 - 22:50 Sundays before Bank Holidays; 07:00 - 00:00

62.46912	37864	14/07071/LIPDPS	Z Hotel	The Z Hotel Soho 17 Moor Street London W1D 5AP	Hotel, 4+ star or major chain	Monday to Sunday; 00:01 - 00:00
62.69703	39106	09/01988/LIPD	Souk Restaurant	Ground 27 Litchfield Street London WC2H 9NJ	Cafe	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
64.36035	57834	12/05007/LIPVM	The Club At The Ivy	9 West Street London WC2H 9NE	Shop	Monday to Saturday; 08:00 - 02:30 Sunday; 10:00 - 23:00
65.08052	3204	17/04175/LIPDPS	La Bodega Negra	Basement And Ground Floor 16 Moor Street London W1D 5AP	Restaurant	Monday to Sunday; 00:00 - 00:00
70.00748	57874	16/07722/LIPV	The Ivy	1 - 7 West Street London WC2H 9NG	Restaurant	Monday to Saturday; 08:00 - 01:30 Sunday; 08:00 - 01:00

70.1349	69595	11/06024/LIPT	Coach & Horses Public House	29 Greek Street London W1D 5DH	Pub or pub restaurant with lodge	Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00 Sunday; 12:00 - 22:50 Sundays before Bank Holidays; 12:00 - 00:00
70.2044	36217	15/11904/LIPT	Restaurant	Basement And Ground Floor 8-9 Moor Street London W1D 5ND	Not Recorded	Monday to Thursday; 08:00 - 00:30 Friday to Saturday; 08:00 - 01:00 Sunday; 08:00 - 23:00
72.18745	68577	16/11180/LIPN	Maison Berteaux	28 Greek Street London W1D 5DQ	Food store (large)	Monday to Sunday; 08:00 - 23:00