



City of Westminster

Licensing Sub-Committee Report

Item No:	
Date:	25 April 2019
Licensing Ref No:	19/00950/LIPV - Premises Licence Variation
Title of Report:	Wingstop Restaurants Basement to Second Floor 138 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:	Kevin Jackaman Senior Licensing Officer
Contact details	Telephone: 0207 641 8094 Email: kjackaman@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	Variation of a Premises Licence, Licensing Act 2003		
Application received date:	23 January 2019		
Applicant:	Lemon Pepper Holdings Ltd		
Premises:	Wingstop Restaurants		
Premises address:	Basement to Second Floor 138 Shaftesbury Avenue London WC2H 8HB	Ward:	St James's Ward
		Cumulative Impact Area:	West End
Premises description:	The premises currently operate as a restaurant specialising in chicken wings		
Variation description:	<p>1. To extend the terminal hour for the sale of alcohol (on the premises only) from 23:00 to 00:00 Monday to Saturday and from 22:30 to 00:00 on Sundays. Please note: the hours for the sale of alcohol off the premises shall remain unchanged.</p> <p>2. To add the provision of late night refreshment, Monday to Sunday 23:00 to 00:00</p> <p>3. To extend the terminal opening hour from 23:30 to 00:00 Monday to Saturday and from 22:30 to 00:00 on Sunday.</p> <p>4. To amend condition 17 which currently reads: 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. To read: No rubbish, including bottles, shall be moved, removed or placed in outside areas between 0000 hours and 0600 hours or as in compliance with Westminster City Council's own waste contractor collection hours. To propose an additional condition - please see the operating schedule. All other conditions in the operating schedule are remain the same and are not being varied.</p>		
Premises licence history:	The premises has had the benefit of a premises licence since March 2018. The current premises licence reference is 18/00145/LIPN which is attached as Appendix 1 of this report. Please see Appendix 3 of the report for a full licence history		
Applicant submissions:	None		
Additional information	Following consultation, the applicant has removed the extension of hours in relation to Sundays.		

	Due to a failed notice check, the consultation period for the application was extended from 20 February 2019 to 12 March 2019.
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1-B Current and proposed licensable activities, areas and hours						
Late night refreshment						
Indoors, outdoors or both		Current :			Proposed:	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	Not currently licensed for Late Night Refreshment		23:00	00:00	All licensable activities take place on the ground and first floors	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			No change			
Seasonal variations/ Non-standard timings:	Current:			Proposed:		
	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			No change		

Sale by Retail of Alcohol						
On or off sales		Current :			Proposed:	
		Both on and off the premises			As change however extended hours will relate to on sales only	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	11:00	23:00	11:00	00:00	All licensable activities take place on the ground and first floors	No change
Tuesday	11:00	23:00	11:00	00:00		
Wednesday	11:00	23:00	11:00	00:00		
Thursday	11:00	23:00	11:00	00:00		
Friday	11:00	23:00	11:00	00:00		
Saturday	11:00	23:00	11:00	00:00		
Sunday	10:00	22:30	No change			
Seasonal	Current:			Proposed:		

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	No change
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Hours premises are open to the public						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:00	23:30	10:00	00:00	All licensable activities take place on the ground and first floors	No change
Tuesday	10:00	23:30	10:00	00:00		
Wednesday	10:00	23:30	10:00	00:00		
Thursday	10:00	23:30	10:00	00:00		
Friday	10:00	23:30	10:00	00:00		
Saturday	10:00	23:30	10:00	00:00		
Sunday	10:00	22:30	No change			
Seasonal variations/ Non-standard timings:	Current: 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				Proposed: No change	

1-C Layout alteration
No change

1-D Conditions being varied, added or removed	
Condition	Proposed variation
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.	No rubbish, including bottles, shall be moved, removed or placed in outside areas between 0000 hours and 0600 hours or as in compliance with Westminster City Council's own waste contractor collection hours.

1-E Conditions proposed to be added by the applicant

On Fridays and Saturdays, from 22:00 until close, there shall be a minimum of 1 SIA door supervisor on duty at the premises

A modified condition has been proposed by the Metropolitan Police Service and agreed by the Applicant, to read as follows:

On Fridays and Saturdays, from 22:00 until close, there shall be a minimum of 1 SIA door supervisor on duty at the premises. They shall wear either a high visibility yellow jacket or vest.

2. Representations**2-A Responsible Authorities**

Responsible Authority:	Metropolitan Police Service (<i>withdrawn</i>)
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Representative:	PC Adam Deweltz
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Received:	25 January 2019
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With reference to the above, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, will be making a representation against this application.

The venue is situated within the Cumulative Impact Area. It is our belief that if granted the application would undermine the Licensing Objectives in relation to The Prevention of Crime and Disorder .

I note the SIA condition contained within in the operating schedule. Would you be prepared to amend this condition to read the following:

On Fridays and Saturdays, from 22:00 until close, there shall be a minimum of 1 SIA door supervisor on duty at the premises. They shall wear either a high visibility yellow jacket or vest.

If this can be agreed, I will be in a position to withdraw my representation.

Following agreement of the above condition, the Metropolitan Police Service representation was withdrawn on 25 January 2019

Responsible Authority:	Licensing Authority
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Representative:	Roxsana Haq
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Received:	19 February 2019
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I write in relation to the application (19/00950/LIPV) submitted for the variation of a Premises Licence for:

Wingstop Restaurants, Basement to Second Floor, 138 Shaftesbury Avenue, London WC2H 8HB

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
- Protection of Children from harm

This application seeks the following:

1. To extend the terminal hour for the sale of alcohol (on the premises only) from 23:00 to 00:00 hours Monday to Saturday and from 22:30 to 00:00 hours on Sundays.
2. To add the provision of late night refreshment, Monday to Sunday 23:00 to 00:00
3. To extend the terminal opening hour from 23:30 to 00:00 Monday to Saturday and from 22:30 to 00:00 on Sunday.
4. To amend condition 17 which currently reads:

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.

To read:

No rubbish, including bottles, shall be moved, removed or placed in outside areas between 0000 hours and 0600 hours or as in compliance with Westminster City Council's own waste contractor collection hours.

5. To propose an additional condition – which is:

On Fridays and Saturdays, from 22:00 until close, there shall be a minimum of 1 SIA door supervisor on duty at the premises

The premises is located within the West End Cumulative Impact area and as such a number of policy points must be considered, namely HRS1 and CIP1.

The Council's core hours policy as defined in HRS1 state the hours for the supply of alcohol on the premises, these are:

Monday to Thursday:	10:00 to 23:30
Friday and Saturday:	10:00 to midnight
Sundays immediately prior to Bank Holidays:	Midday to midnight
Other Sundays:	Midday to 22:30

The application as it stands falls outside of these hours for the supply of alcohol on the

premises. Therefore, we encourage the applicant to consider reducing the hours for licensable activity in line with the core hours policy.

Policy point 2.5.10 states that “Should a restaurant apply for permission to supply late night refreshment, that is the supply of hot food or hot drink at any time between the hours of 23.00 and 05.00, then, in the event of relevant representations being received, the licensing sub-committee will have regard, amongst other matters, to the desirability of encouraging the rapid dispersal of people from the Cumulative Impact areas, and the times of closing of other premises in the vicinity.”

Furthermore policy points 2.3.4 says “The consideration of hours of operation will be in the context of the particular circumstances of each application and the licensing objectives of preventing crime and disorder and public nuisance. The hours at which noise may occur and disturbance of residents’ rest, relaxation and sleep will be of particular concern.” And point 2.3.5 “Activity associated with late night licensed premises may have an impact on the local environment and may cause public nuisance. The effect of noise is greater later at night when ambient noise levels are lower and residents are at home relaxing or wishing to sleep.”

The Licensing Authority request further information as to how the applicant proposes to address the above concerns should this variation application be granted within the West End cumulative impact area.

Further discussions will be held with the applicant prior to the hearing and any further submissions will be forwarded on for Members information.

Please accept this as a formal representation and I look forward to receiving any further submissions.

Responsible Authority:	Environmental Health Service
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Representative:	Maxwell Owusu Koduah
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Received:	7 February 2019
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Wingstop Restaurants, Basement To Second Floor, 138 Shaftesbury Avenue, London, WC2H 8HB

I refer to the application to vary the Premises Licence number for the above mentioned premises. This premises is located within the West End Cumulative Impact area. I have considered the information that you have provided within and accompanying this application. I have also considered the proposed licensable activities in line with the relevant policies within the Council’s Statement of Licensing Policy dated January 2016.

The applicant is seeking the following changes:

1. To extend the terminal hour for the sale of alcohol (on the premises only) from 23:00 to 00:00 hours Monday to Saturday and from 22:30 to 00:00 hours on Sundays.
2. To add the provision of late night refreshment, Monday to Sunday 23:00 to 00:00
3. To extend the terminal opening hour from 23:30 to 00:00 Monday to Saturday

and from 22:30 to 00:00 on Sunday.

4. To amend condition 17 which currently reads:

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.

To read:

No rubbish, including bottles, shall be moved, removed or placed in outside areas between 0000 hours and 0600 hours or as in compliance with Westminster City Council's own waste contractor collection hours.

5. To propose an additional condition – which is:

On Fridays and Saturdays, from 22:00 until close, there shall be a minimum of 1 SIA door supervisor on duty at the premises

Following consideration of the application and how it may affect the Licensing Objectives and meeting the requirements of the Council's Statement of Licensing Policy I wish to make the following representations:

1. Extending the terminal hour for the sale of alcohol by 1 hour Monday to Saturday and 1 hour 30 minutes on Sunday may have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the West End Cumulative Impact area
2. The provision of late night refreshment and the hours requested may have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the West End Cumulative Impact area
3. Extending the terminal opening hours beyond core hours may have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the West End Cumulative Impact area
4. Amending condition 17 as proposed may have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the West End Cumulative Impact area
5. No objection

It is my view that there is insufficient information to address the concerns of Environmental Health and the granting of this application as presented would have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the West End Cumulative Impact area.

The above concerns and conditions 35 & 40 Premises Licence ref. 18/00145/LIPN shall be discussed further with application.

The applicant is asked to contact the undersigned to arrange a site visit/meeting to discuss the proposed changes and its wider implication on the licensing objectives of Public Nuisance and Public Safety.

Environmental Health have proposed the following condition in addition to those contained within the operating schedule

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

2-B Interested Parties			
Name:		[REDACTED]	
Address and/or Residents Association:		[REDACTED] [REDACTED]	
Status:	Valid	In support or opposed:	Opposed
Received:	28 January 2019		
<p>The terminal hour on Sunday should remain unchanged. As a high stress area, local residents should have at least one night of rest and these premises are one of many in the west end who are contributing to the issue of noise and litter.</p> <p>The applicant has removed the extension of hours in relation to Sundays and on that basis, [REDACTED] withdrew his representation on 4 April 2019</p>			

3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
Policy CP1 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> <p><u>For premises for the supply of alcohol for consumption on the premises:</u> Monday to Thursday: 10:00 to 23:30 Friday and Saturday: 10:00 to midnight Sundays immediately prior to Bank Holidays: Midday to midnight Other Sundays: Midday to 22:30</p>

	<u>For premises for the provision of other licensable activities:</u> Monday to Thursday: 09:00 to 23.30 Friday and Saturday: 09:00 to midnight Sundays immediately prior to Bank Holidays: 09:00 to midnight Other Sundays: 09:00 to 22:30
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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 characteristic 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	Current premises Licence
Appendix 2	Applicants Supporting Documents
Appendix 3	Premises history
Appendix 4	Proposed conditions
Appendix 5	Residential map and list of premises in the vicinity

Report author:	Kevin Jackaman Senior Licensing Officer
Contact:	Telephone: 0207 641 8094 Email: kjackaman@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	7 th January 2016

	Policy	
3	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
4	Metropolitan Police Service Representation <i>(withdrawn)</i>	25 January 2019
5	Licensing Authority Representation	19 February 2019
5	Environmental Health Service Representation	7 February 2019
6	Interested Party Representation <i>(withdrawn)</i>	28 January 2019

Schedule 12
Part AWARD: St James's
UPRN: 010033600434**City of Westminster**

64 Victoria Street, London, SW1E 6QP

Premises licence

Regulation 33, 34

Premises licence number:

18/00145/LIPN

Original Reference:

18/00145/LIPN

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

Wingstop Restaurants
 Basement To Second Floor
 138-140 Shaftesbury Avenue
 London
 W1D 7EA

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

Not applicable

Licensable activities authorised by the licence:

Sale by Retail of Alcohol

The times the licence authorises the carrying out of licensable activities:**Sale by Retail of Alcohol**

Monday to Saturday: 11:00 to 23:00

Sunday: 11:00 to 22:30

*For times authorised for New Year see conditions at Annex 3***The opening hours of the premises:**

Monday to Saturday: 10:00 to 23:30

Sunday: 10:00 to 22:30

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

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

Part 2

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

Lemon Pepper Holdings Ltd
7-9 Whitfield Street
London
W1T 2AS

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

10589672

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

Name: Mr Christian Mario Jose Solanot

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: CCCI/02685
Licensing Authority: Caradon District Council

Date: 25 May 2018

Signed: pp



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

None

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

9. The sale of alcohol for consumption on the premises shall only be to persons purchasing a substantial table meal there and as an ancillary to that meal, which is to be eaten seated at a table or counter in the premises.
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 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
 - (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. No licensable activities shall take place at the premises until the premises has 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.

36. 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 or in the immediate vicinity of the premises.
37. The sale of alcohol shall be limited to a selection of 3 beers.
38. 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.
39. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times
40. 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. The capacity to be determined shall not exceed 99 persons.
41. There shall be no licensable activity in the basement or on the second floor of the premises.



City of Westminster
64 Victoria Street, London, SW1E 6QP

**Schedule 12
Part B**

**WARD: St James's
UPRN: 010033600434**

**Premises licence
summary**

Regulation 33, 34

Premises licence number:

18/00145/LIPN

Part 1 – Premises details

Postal address of premises:

Wingstop Restaurants
Basement To Second Floor
138-140 Shaftesbury Avenue
London
W1D 7EA

Telephone Number: Not Supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Sale by Retail of Alcohol

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

Sale by Retail of Alcohol

Monday to Saturday: 11:00 to 23:00
Sunday: 11:00 to 22:30

For times authorised for New Year see conditions at Annex 3

The opening hours of the premises:

Monday to Saturday: 10:00 to 23:30
Sunday: 10:00 to 22:30

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

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

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

Lemon Pepper Holdings Ltd
7-9 Whitfield Street
London
W1T 2AS

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

10589672

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

Name: Mr Christian Mario Jose Solanot

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

Restricted

Date: 25 May 2018

Signed: pp



Director - Public Protection and Licensing

Applicant Supporting Documents

Appendix 2

None submitted

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
18/00145/LIPN	New premises Licence	1 March 2018	Granted by Licensing Sub Committee
18/15187/LIPDPS	Variation of Designated Premises Supervisor	30 December 2018	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

None

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

9. The sale of alcohol for consumption on the premises shall only be to persons purchasing a substantial table meal there and as an ancillary to that meal, which is to be eaten seated at a table or counter in the premises.
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 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
 - (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. No licensable activities shall take place at the premises until the premises has 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.
36. 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 or in the immediate vicinity of the premises.
37. The sale of alcohol shall be limited to a selection of 3 beers.
38. 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.
39. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times

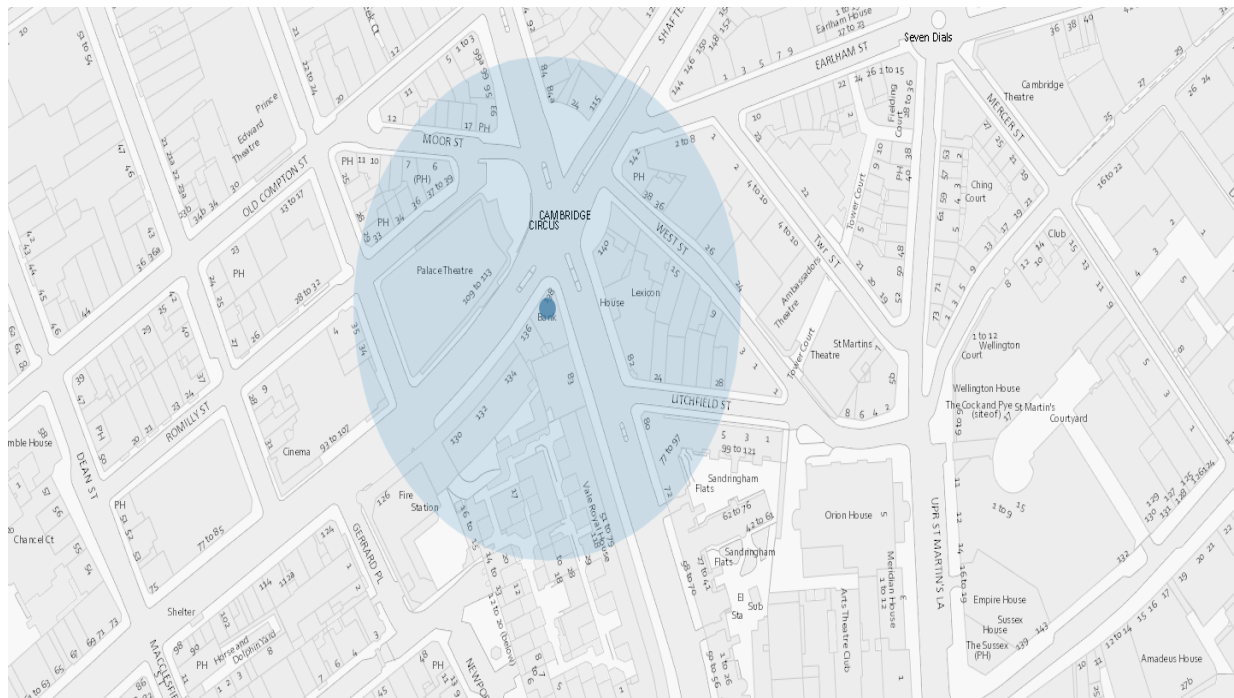
40. No licensable activities shall take at the premises until the capacity of the premises has been assessed by the Environmental Health Consultation Team and a condition detailing the capacity so determined has replaced this condition on the Licence. The capacity to be determined shall not exceed 99 persons.
41. There shall be no licensable activity in the basement or on the second floor of the premises.

The Metropolitan Police Service have proposed the following condition and agreed with the applicant so as to form part of the operating schedule

42. On Fridays and Saturdays, from 22:00 until close, there shall be a minimum of 1 SIA door supervisor on duty at the premises. They shall wear either a high visibility yellow jacket or vest

Environmental Health have proposed the following condition in addition to those contained within the operating schedule

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



Resident Count 45

Premises within a 75m radius of 138-140 Shaftesbury Avenue

Licence Number	Trading Name	Address	Premises Type	Time Period
18/00145/LIPN	Wingstop Restaurants	Basement To Second Floor 138 Shaftesbury Avenue London WC2H 8HB	Restaurant	Monday to Saturday; 10:00 - 23:30 Sunday; 10:00 - 22:30
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
18/15994/LIPDPS	Shake Shack	1 Cambridge Circus London WC2H 8PA	Restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00

17/08981/LIPVM	Palace Theatre	Palace Theatre 109 - 113 Shaftesbury Avenue London W1D 5AY	Theatre	Monday to Sunday; 09:00 - 00:00
10/10268/LIPT	Subway	82 Charing Cross Road London WC2H 0BA	Shop	Monday to Saturday; 08:00 - 06:00 Sunday; 08:00 - 00:00
19/01312/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
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
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
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
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

17/12519/LIPV	The Spice Of Life	37-39 Romilly Street London W1D 5NA	Pub or pub restaurant with lodge	Monday to Thursday; 09:00 - 23:30 Friday to Saturday; 09:00 - 00:00 Sunday; 09:00 - 23:00 Sundays before Bank Holidays; 09:00 - 00:00 New Year's Eve; 00:00 - 00:00
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
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
19/01925/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
19/03552/LIPCHT	The Ivy Club	9 West Street London WC2H 9NE	Shop	Monday to Saturday; 08:00 - 02:30 Sunday; 10:00 - 23:00
18/09016/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
18/07826/LIPDPS	La Bodega Negra	Basement And Ground Floor 16 Moor Street London W1D 5AP	Restaurant	Monday to Sunday; 00:00 - 00:00
16/07722/LIPV	The Ivy	1 - 7 West Street London WC2H 9NQ	Restaurant	Monday to Saturday; 08:00 - 01:30 Sunday; 08:00 - 01:00

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
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
16/11180/LIPN	Maison Berteaux	28 Greek Street London W1D 5DQ	Food store (large)	Monday to Sunday; 08:00 - 23:00