

I want to apply for a Premises licence

Are you an agent? Yes - I am an agent

Agent Details

First name Lana

Last name Tricker

Name of business LT Law

Name and address

[REDACTED]
[REDACTED]
[REDACTED]

Email address

[REDACTED]

Telephone number

[REDACTED]

Does the premises have a name? Yes

What is the name of the premises? SMSH BURGERS

What is the address or location? 126 Charing Cross Road
WC2H 0LA
London

What is the type of premises? RESTAURANT

Describe the area it is situated in THE PREMISES IS IN THE VICINITY OF
OUTERNET LONDON AND WITHIN A
COMMERCIAL SHOPPING AREA, WITH
RESIDENTIAL AS WELL

Describe the layout of the premises THE TRADING AREA OF THE PREMISES
IS OVER GROUND FLOOR AND IS A
SMALL SHOP SPACE.

Copy of the premises plans

- [licensingplans.pdf](#)

Tell us about the premises business hours

Day	Start time	End time
Monday	11:00	01:00
Tuesday	11:00	01:00
Wednesday	11:00	01:00
Thursday	11:00	01:00
Friday	11:00	01:00
Saturday	11:00	01:00
Sunday	11:00	01:00

Are there any seasonal variations for the premises opening times?

No

Is the premises open to the public at times other than those listed?

Yes

What are the other times?

NYE- from 2300 to 0500 on NYD

Is the premises an open space?

No

Is the premises currently under construction?

No

What is the non-domestic rateable value (NDRV) of the premises?

52500

How many people are expected to attend the premises at any one time?

Less than 5000 people

Will the premises be exclusively or primarily used to sell alcohol?

No

How are you applying for a premises licence? As a limited company

Business details

What is the company registration number [REDACTED]

Name of business TAGM2 Limited

Name and address
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Email address [REDACTED]

Telephone number [REDACTED]

How long do you want your premises licence for? Permanently

When do you want your licence to start? As soon as possible

Activity you wish to licence
i. Late night refreshments - Hot food or hot drinks only between 11pm and 5am.
Refreshments outside of these times do not need to be licenced

Late refreshments

Day	Start time	End time
Monday	23:00	01:00
Tuesday	23:00	01:00
Wednesday	23:00	01:00
Thursday	23:00	01:00
Friday	23:00	01:00
Saturday	23:00	01:00
Sunday	23:00	01:00

Where will refreshments be provided?

Both

Tell us about the specifics of the activity

the premises has a kitchen as shown on the plans

Are there any seasonal variations for the activity?

No

Will the activity take place at times other than those listed?

Yes : NYE- 2300 to 0500 NYD

Will there be any activities associated with the premises which may give rise to concern in respect of children?

No

The prevention of crime and disorder

The applicant has carefully considered the new premises licence application, the effect upon the licensing objectives and the Council's licensing policy and believes that the application sought is unlikely to undermine the licensing objectives. We note the premises falls within Camden's cumulative impact policy area for Seven Dials. No sale of alcohol is being sought. 1.

The premises licence holder shall ensure that CCTV cameras and recorders are installed at the premises and are of a standard acceptable to and approved by the Police. The CCTV system shall be maintained in good working order and at all times the premises is open to the public, be fully operational covering both internal and external areas of the premises to which the public have access. The CCTV camera views shall not be obstructed. At least one CCTV camera shall be placed no more than seven feet above floor level near to each point of entry and exit in order to capture clear facial images of all persons entering and leaving the premises. The medium on which CCTV images are recorded shall be of evidential quality; stored securely; shall be retained for a period of 31 days; and be available for inspection by the police or authorised officers on request. When the premises are open for the purposes of licensable activities, a suitably trained member of staff shall be present to assist the police or authorised officers in obtaining the CCTV footage. Copies of any CCTV image shall be made available within 48 hours of the request to the police or local authority. The facility to transfer the images to a compatible, removable format shall be held on the premises. Staff working at the premises shall be trained in the use of CCTV and a log must be kept to verify this. Signs must be displayed in the customer areas to advise that CCTV is in operation. If the CCTV is inoperative or not installed and working to the satisfaction of the police, the licence holder shall notify the Police within 48 hours and give an estimate of the repair

timescale. The licence holder and staff shall comply with all reasonable requests from the police. 2. At least one member of staff on duty whilst this licence is being used shall be trained in the requirements of the Licensing Act 2003 in terms of the licensing objectives, offences committed under the Act and conditions of the premises licence. Such person shall be competent to ensure offences are not committed and that the premises shall be run in accordance with the licence. 3. The Premises Licence holder shall actively engage with and work with the Police Safer Neighbourhood Team. 4. A minimum of two staff shall be on duty at all times after 23:00 5. Notices shall be prominently displayed by the exit asking customers to respect nearby residents and to leave quietly, not to loiter outside the shop. Management and staff shall discourage persons loitering outside the premises. 6. Policies and procedures shall be put in place for collection of street litter generated by the premises and such policies shall be implemented by staff whenever the premises are being used under the terms of this licence. 7. An incident log shall be maintained at the premises and made available on request to an authorised officer, the Local Authority or Police. The register shall 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. Any faults in the CCTV system or searching equipment or scanning equipment. F. Any visit by a relevant authority or emergency service 8. The licence holder shall ensure

that specific procedures are in place in respect of any deliveries to customers and shall not cause nuisance at or near to the premises. 9. Patrols of the area outside the premises shall be undertaken every 30 mins during the use of the licence and any litter attributable to the premises cleared. 10. The premises may remain open for 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 11. A Management Plan requiring the premises licence holder to use their best endeavours to manage customers, external to the premises, including arrival, departure and dispersal of customers quickly, quietly shall be implemented 12. A direct telephone number for the manager on duty 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

Public safety

see above

The prevention of public nuisance

see above

The prevention of children from harm

see above

About this form**Issued by**

Camden Town Hall
 Judd Street
 London
 WC1H 9JE

Contact phone 020 7974 4444

Form reference Ref. no. 125724

Data protection

No personal information you have given us will be passed on to third parties for commercial purposes. The Council's policy is that all information will be shared among officers and other agencies where the legal framework allows it, if this will help to improve the service you receive and to develop other services. If you do not wish certain information about you to be exchanged within the Council, you can request that this does not happen.



18 Soho Square, London W1D 3QL

6 February 2025

Licensing Service
Camden Council
5 Pancras Square
c/o Town Hall Judd Street
London WC1H 9JE

Our ref: LT/

By Email

Dear Sirs

RE: SMSH Burgers, 126 Charing Cross Road, London, WC2H 0LA
APPLICATION FOR NEW PREMISES LICENCE- LICENSING ACT 2003
Ref no: APP\PREMISES-NEW\125724

I act for TAGM2 Ltd in relation to their new premises licence application. The application made was to permit late night refreshment only between 23:00 to 01:00 Monday to Sunday. The applicant does not seek the retail sale of alcohol or any regulated entertainment. Please note that the applicant no longer seeks Sunday hours, as detailed below, and so the application is now for late night refreshment only between 23:00 to 01:00 Monday to Saturday.

The premises operates on the ground floor as a burger restaurant. Takeaway is also provided. The venue is however not just a simple burger joint. SMSH BN was created by 5 friends who shared a love for smash burgers, and they created a smash burger concept that has redefined the classic smash burger experience with a modern twist and touch of elegance.

The executive chef for the premises is Mark Morrans. He trained at the highly-acclaimed Institute of Culinary Arts in Banhoek Valley, just outside Stellenbosch – one of South Africa's most prestigious wine regions. Following a couple of years working as a chef in Cape Town, Mark moved to Australia where he joined the team at Nobu Melbourne. It was here that Mark met Scott Hallsworth, with whom he would go on to work for many years. Back in London in 2013, the pair turned to the project of launching Kurobuta, the renowned Japanese izakaya concept, which first appeared as a highly successful pop-up on the Kings Road. Having held the position of Group Head Chef at Kurobuta for three years, overseeing the sites in Chelsea, Marble Arch, and Harvey Nichols Knightsbridge, Mark left to pursue other projects. This led to a stint at Notch on the rooftop of the Marriott Park Lane hotel, with great success offering an internationally inspired street food menu. Following this, Mark was approached about a new opening in Reykjavik, Iceland, and worked as consultant chef overseeing the development of the Japanese and South American



Westminster City Council

fusion menus at the highly-regarded restaurant. Mark returned to London in late 2016, and met Harry Edmeades, Founder of Señor Ceviche. In January 2017, he was appointed Executive Chef for the group, including the flagship restaurant in Carnaby, as well as the new site on Charlotte Street, Fitzrovia. At Señor Ceviche, Mark used his great knowledge of both South American and Japanese cuisine to create traditional Peruvian dishes such as ceviche and tiradito, whilst also exploring the fascinating Japanese and Chinese influences on Peruvian cuisine, with a selection of Nikkei and Chifa specialities. In March 2018 Mark accepted an offer to become the Executive Chef at Minky Hse in Mayfair. Since then he has taken roles as Executive Chef at Inca London & Mistress of Mayfair, whilst now co-founding SMSH BN and perfecting the art of high-end smash burgers.

The premises has 14 staff (a mix of full/ part time staff). Attached is a copy of their menu and photographs of the premises.

It is important that there are no representations from the licensing authority or any of the responsible authorities, including environmental health or the Police.

The applicant has also operated under a series of TEN's prior to Christmas as well as currently and these have been helpful to my client.

My client has read the four representations raised by the residents. Whilst my client fully appreciates the residents concerns it is confident its operation will not impact on the licensing objectives. Indeed, care and consideration has been given to the proposed conditions offered, which focus on the prevention of public nuisance licensing objective to ensure the residents are better protected through enforceable conditions (as follows):

1. The premises licence holder shall ensure that CCTV cameras and recorders are installed at the premises and are of a standard acceptable to and approved by the Police. The CCTV system shall be maintained in good working order and at all times the premises is open to the public, be fully operational covering both internal and external areas of the premises to which the public have access. The CCTV camera views shall not be obstructed. At least one CCTV camera shall be placed no more than seven feet above floor level near to each point of entry and exit in order to capture clear facial images of all persons entering and leaving the premises. The medium on which CCTV images are recorded shall be of evidential quality; stored securely; shall be retained for a period of 31 days; and be available for inspection by the police or authorised officers on request. When the premises are open for the purposes of licensable activities, a suitably trained member of staff shall be present to assist the police or authorised officers in obtaining the CCTV footage. Copies of any CCTV image shall be made available within 48 hours of the request to the police or local authority. The facility to transfer the images



Westminster City Council

to a compatible, removable format shall be held on the premises. Staff working at the premises shall be trained in the use of CCTV and a log must be kept to verify this. Signs must be displayed in the customer areas to advise that CCTV is in operation. If the CCTV is inoperative or not installed and working to the satisfaction of the police, the licence holder shall notify the Police within 48 hours and give an estimate of the repair timescale. The licence holder and staff shall comply with all reasonable requests from the police.

2. At least one member of staff on duty whilst this licence is being used shall be trained in the requirements of the Licensing Act 2003 in terms of the licensing objectives, offences committed under the Act and conditions of the premises licence. Such person shall be competent to ensure offences are not committed and that the premises shall be run in accordance with the licence.
3. The Premises Licence holder shall actively engage with and work with the Police Safer Neighbourhood Team.
4. A minimum of two staff shall be on duty at all times after 23:00
5. Notices shall be prominently displayed by the exit asking customers to respect nearby residents and to leave quietly, not to loiter outside the shop. Management and staff shall discourage persons loitering outside the premises.
6. Policies and procedures shall be put in place for collection of street litter generated by the premises and such policies shall be implemented by staff whenever the premises are being used under the terms of this licence.
7. An incident log shall be maintained at the premises and made available on request to an authorised officer, the Local Authority or Police. The register shall 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. Any faults in the CCTV system or searching equipment or scanning equipment. F. Any visit by a relevant authority or emergency service
8. The licence holder shall ensure that specific procedures are in place in respect of any deliveries to customers and shall not cause nuisance at or near to the premises.
9. Patrols of the area outside the premises shall be undertaken every 30 mins during the use of the licence and any litter attributable to the premises cleared.



Westminster City Council

10. The premises may remain open for 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
11. A Management Plan requiring the premises licence holder to use their best endeavours to manage customers, external to the premises, including arrival, departure and dispersal of customers quickly, quietly shall be implemented
12. A direct telephone number for the manager on duty 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

Having considered the representations the applicant advised that it does not seek the extended hours to 1am on Sunday nights. The premises will close at 11pm on that night. My client further agrees to the following additional conditions being added to its operating schedule (contained within the CGCA representation):

13. No fumes, steam, smoke 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
14. The operation and maintenance of the odour and smoke abatement equipment and extract system will be at all times be in accordance with the manufacturers recommendation and comply with the requirements of the relevant legislation
15. The licence holder shall ensure that any queue to enter the premises which forms outside the premises, is orderly and supervised by staff to ensure that there is no public nuisance and no obstruction of the public highway.
16. When open after 23:00 the premises will employ an SIA registered door supervisor to monitor customers arriving at and leaving the the premises to monitor adherence to the conditions regarding queuing and to discourage them from consuming their purchases in Denmark Street.

My client also comments that the photographs of the rubbish attached to the representations in the local area do not stem from my clients premises. It is my clients understanding that the images submitted are from a few years ago, prior to SSMH BN opening, as they show 126 Charing Cross Road as a guitar shop. The rubbish in the photographs also appear to stem from the kebab shop. The applicant



Westminster City Council

also comments, as also confirmed by the landlord, that the vent above the door is an intake vent and is not extract. The extract discharges well above the residential flats.

Given the nature of the premises, SMSH BN is not a crime generator and has had few, if any, incidents since opening. Indeed, this application, should it be granted, will mean a myriad of up to date and enforceable conditions will restrict and dictate the trade and promote the licensing objectives to ensure the venue is not adding to any cumulative impact in the neighbouring areas.

In consideration of the location of the premises, and the representations received, the applicant notes the proposed conditions fully dictate how the premises operates and is managed outside. These conditions include:

1. Notices shall be prominently displayed by the exit asking customers to respect nearby residents and to leave quietly, not to loiter outside the shop. Management and staff shall discourage persons loitering outside the premises.
2. Policies and procedures shall be put in place for collection of street litter generated by the premises and such policies shall be implemented by staff whenever the premises are being used under the terms of this licence.
3. Patrols of the area outside the premises shall be undertaken every 30 mins during the use of the licence and any litter attributable to the premises cleared.
4. A Management Plan requiring the premises licence holder to use their best endeavours to manage customers, external to the premises, including arrival, departure and dispersal of customers quickly, quietly shall be implemented
5. The licence holder shall ensure that any queue to enter the premises which forms outside the premises, is orderly and supervised by staff to ensure that there is no public nuisance and no obstruction of the public highway.
6. When open after 23:00 the premises will employ an SIA registered door supervisor to monitor customers arriving at and leaving the the premises to monitor adherence to the conditions regarding queuing and to discourage them from consuming their purchases in Denmark Street.

I hope this provides some assistance.

Yours faithfully

LT LAW





SMSH™

BN.LONDON



WAGYU CHEESE SMSH BN (ALL HALAL)

DOUBLE WAGYU PATTIES
POTATO BUN
AMERICAN CHEESE
SPICY MAYO
PICKLED CUCUMBER
CRISPY SHALLOTS

WAGYU PATTIES SEASON WITH DRY SPICE MIX

ALLERGENS: GLUTEN, EGGS, DAIRY
MUSTARD, SOYA



SMOKEY BUFFALO CHICKEN SMSH BN (ALL HALAL)

DOUBLE CHICKEN PATTIES
POTATO BUN
SMOKEY MAYO
PICKLED CUCUMBER
SMOKED CHEDDAR
KOREAN BBQ SAUCE
FRIED ONIONS

ALLERGENS: GLUTEN, EGGS, DAIRY, SOYA,
MUSTARD



**WAGYU STEAKHOUSE BLUE CHEESE SMASH
BN (ALL HALAL)**

DOUBLE WAGYU PATTIES
POTATO BUN
TRUFFLE MAYO
BBQ SAUCE
PICKLED CUCUMBER
FRIED ONIONS
BEEF BACON

WAGYU PATTIES SEASON WITH DRY SPICE
MIX

ALLERGENS: GLUTEN, EGGS, DAIRY
MUSTARD, SOYA



VEGAN SMASH BN

DOUBLE BEYOND MEAT PATTIES
VIOLIFE VEGAN CHEESE
POTATO BUN
SPICY MAYO
PICKLED CUCUMBER
PICKLED JALAPENO
CRISPY SHALLOTS

WAGYU PATTIES SEASON WITH DRY SPICE
MIX

ALLERGENS: GLUTEN, MUSTARD, SOYA

BEYOND MEAT IS A PLANT BASED BURGER
MADE OF PEA PROTEIN



FRIES

AGRIA POTATO FRIES COOKED IN RAPESEED OIL.

NO ALLERGIES



WAGYU LOADED FRIES (HALAL)

AGRIA POTATO FRIES COOKED IN RAPESEED OIL. TOPPED WITH DICED WAGYU PATTY, CRISPY SHALLOTS AND SPICY MAYO.

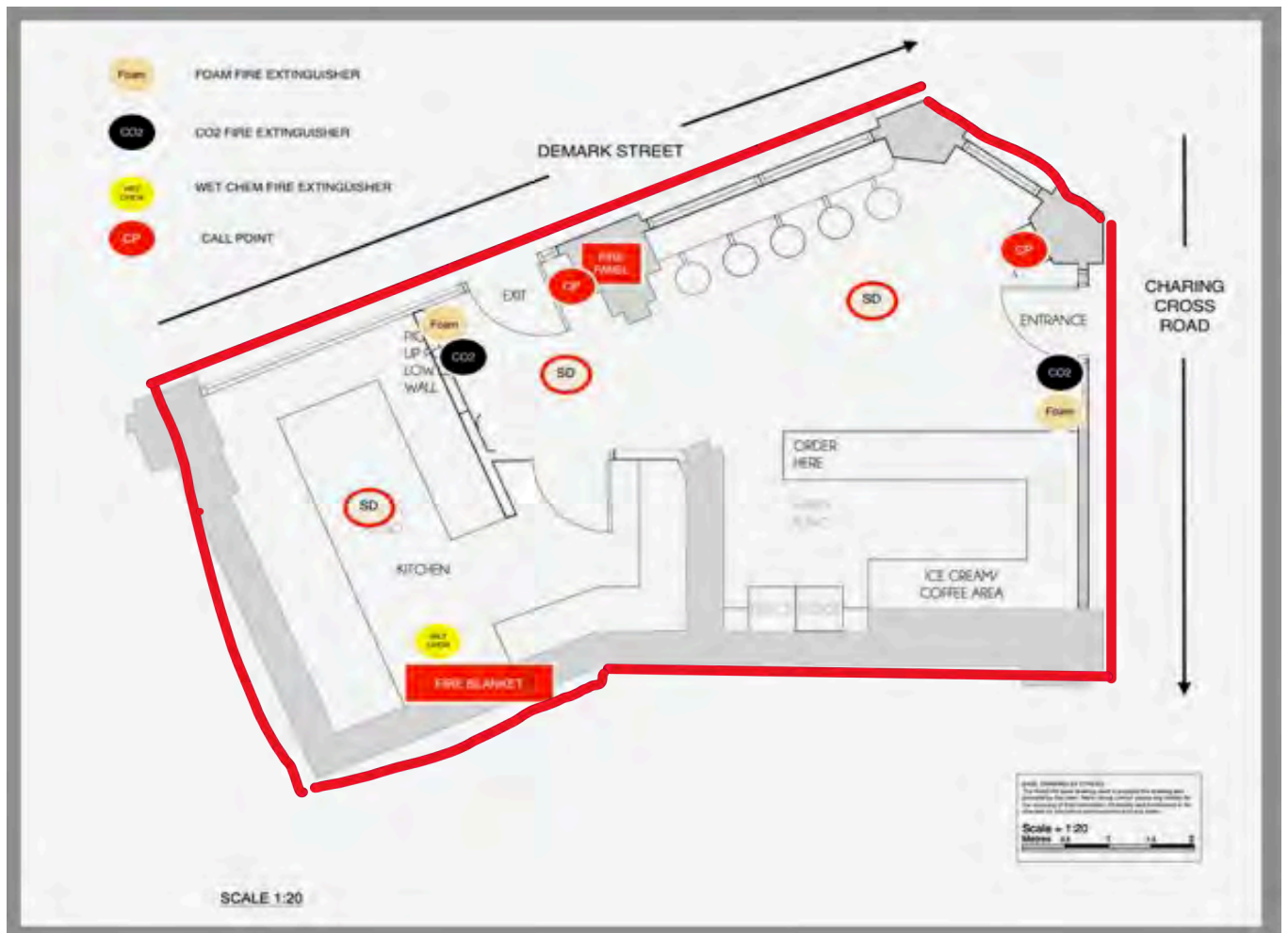
GLUTEN, MUSTARD.



ALL MILKSHAKES

VEGAN SOFT SERVE. WITH CHOICE OF FLAVOURED SYRUP.

ALLERGIES: SULPHURIC ACID, DAIRY IF TOPPED WITH CREAM/CHOCOLATE.



'loose furniture is indicative only'

'all licensable activities occur within the red line'

'fire equipment may be varied in accordance with the fire risk assessment or on the advice of the fire officer'

Representation	
Premises name	SMSH Burgers
Application reference number	APP\PREMISES-NEW\125724
Last date for representation	15/01/2025

Making a representation as

As an individual

Your details**First name**

Andrew

Last name

Hunt

Telephone number (optional)**Email address**

[REDACTED]

Address

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Remain anonymous

No

Grounds of representation

- prevention of public nuisance

Details of representation

To whom it may concern. With regards to the application to extend the opening hours to 0100hrs and to 0500hrs on specific occasions I would like to object on grounds of prevention of public nuisance. I have lived at Shaldon Mansions for nearly twelve years now during which time we have seen several fast food ventures come and go. For many years we had two kebab/burger shops below our bedroom window and know from experience how disruptive these food outlets can be. Although the previous tenants were only licensed until 2300hrs on

their planning permission they were nearly always open until 0500hrs. This unfortunately brought inebriated people to the area in search of food which in turn brought pedicabs/tuk-tuks who parked up outside our building looking for fares whilst blaring incredibly loud music throughout the early hours. Given the amount of littering that is prevalent from these outlets, we often had to step over large amounts of food related detritus from these shops in our communal doorway, not to mention the customers just gathering in our doorway to eat, which can be very intimidating, especially as a lot of the residents in our mansion block are elderly. The pavements outside our building are not very wide and bags of rubbish are piled up outside by the trees awaiting late night collection by the council. To add late night customers for Smash Burgers to this equation I believe would create a major public nuisance for both residents of the area and for other tourists trying to pass through. Yours faithfully Andrew Hunt

Supporting documents (optional)

- IMG_5386.jpeg
- IMG_5357.jpeg
- IMG_5331.jpeg
- IMG_5358.jpeg
- IMG_6461.jpeg

About this form

Issued by Camden Town Hall
Judd Street
London
WC1H 9JE

Contact phone 020 7974 4444

Data protection

No personal information you have given us will be passed on to third parties for commercial purposes. The Council's policy is that all information will be shared among officers and other agencies where the legal framework allows it, if this will help to improve the service you receive and to develop other services. If you do not wish certain information about you to be exchanged within the Council, you can request that this does not happen.







Representation	
Premises name	SMSH Burgers
Application reference number	APP\PREMISES-NEW\125724
Last date for representation	15/01/2025

Making a representation as

As an individual

Your details
First name

Adrian

Last name

OBrien

Telephone number (optional)
Email address

[REDACTED]

Address

 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]

Remain anonymous

No

Grounds of representation

- prevention of public nuisance

Details of representation

prevention of public nuisance

Supporting documents (optional)

- RubbishoutsideShaldonMansions.png
- PeoplegatheredoutsideShaldonMansions.png
- 20250108APPNEW125724Camdenopposition.pdf
- TaxiBikeandrubbishoutsideshaldonmansions.png

About this form

Issued by	Camden Town Hall Judd Street London WC1H 9JE
Contact phone	020 7974 4444

Data protection

No personal information you have given us will be passed on to third parties for commercial purposes. The Council's policy is that all information will be shared among officers and other agencies where the legal framework allows it, if this will help to improve the service you receive and to develop other services. If you do not wish certain information about you to be exchanged within the Council, you can request that this does not happen.







Representation	
Premises name	SMSH Burgers
Application reference number	APP\PREMISES-NEW\125724
Last date for representation	15/01/2025

Making a representation as

As an individual

Your details**First name**

Sarah

Last name

Herriot

Telephone number (optional)**Email address**

[REDACTED]

Address[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]**Remain anonymous**

No

Grounds of representation

- prevention of crime and disorder
- ensuring public safety
- prevention of public nuisance

Details of representation

I am a resident opposite this establishment on Denmark Street. I am objecting to the later opening for the following reasons. The amount of rubbish that accumulates outside of the restaurant, on the curb side of Denmark Street, which accumulates during the day, and which would remain there during the night with the late opening, attracting vermin, smell and nuisance. The extraction for this restaurant comes out

from the top of Shaldon mansions and is directly across from my windows at the front of my building. During the summer months I could not have my windows open, as, depending on which way the wind is blowing it fills my flat with disgusting greasy fat smells. I don't have my windows open during winter so it has not been such a problem. At least I can open them after 11pm when it closes currently. If they open later, I will not be able to do this. This is new establishment and they are building up trade. Noise in Denmark Street amplifies considerably, and I have concern that if this establishment is open later, with all the new late licences recently given to Thirteen, Farsight, Here and Lower Third, it will become very noisy late into the night and cause disturbance for the residents at that end of Denmark Street in my building and Shaldon Mansions. It has seating outside on Denmark Street where people are now starting to congregate – this will add to the considerable disturbance we already endure.

About this form**Issued by**

Camden Town Hall
Judd Street
London
WC1H 9JE

Contact phone

020 7974 4444

Data protection

No personal information you have given us will be passed on to third parties for commercial purposes. The Council's policy is that all information will be shared among officers and other agencies where the legal framework allows it, if this will help to improve the service you receive and to develop other services. If you do not wish certain information about you to be exchanged within the Council, you can request that this does not happen.

Representation	
Premises name	SMSH Burgers
Application reference number	APP\PREMISES-NEW\125724
Last date for representation	15/01/2025

Making a representation as

As an organisation

Your details**Organisation name**

Covent Garden Community Association

First name

David

Last name

Kaner

Telephone number (optional)

[REDACTED]

Email address

[REDACTED]

Address[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]**Remain anonymous**

No

Grounds of representation

- prevention of public nuisance

Details of representation

See detailed rep attached

Supporting documents (optional)

- CGCALicenceRep-SMSHBurger-APP.PREMISES-NEW.125724.pdf

About this form**Issued by**

Camden Town Hall

Judd Street

London

WC1H 9JE

Contact phone

020 7974 4444

Data protection

No personal information you have given us will be passed on to third parties for commercial purposes. The Council's policy is that all information will be shared among officers and other agencies where the legal framework allows it, if this will help to improve the service you receive and to develop other services. If you do not wish certain information about you to be exchanged within the Council, you can request that this does not happen.

Licensing Representation from the Covent Garden Community Association

Application No.: APP\PREMISES-NEW\125724

Premises: SSMH Burger

Address: 126 Charing Cross Road

This is a new application for a Late Night Refreshment Licence on the corner of Charing Cross Road and Denmark Street. The location is on the ground Floor of Sheldon Mansions, a large residential block. The requested hours are for LNR and opening until 01:00.

The premises are situated in close proximity to Tottenham Court Road Underground/Elizabeth Line Station and will be an attractive location for customers to visit to get a takeaway burger to eat on their journey home. The premises do not, we understand, have the required Planning Permission for use as a hot food takeaway. We recognise that Planning and Licensing are separate regimes and so the lack of permission is not a consideration. However this does mean that the likely impacts of this type of use, including the design and operation of cooking and kitchen extraction equipment, have not already been considered through the planning process.

We believe that the operation of an LNR premises in this location will fail to support the Licensing Objectives of the Prevention of Public Nuisance.

- Fumees from the premises have already given rise to complaints from local residents about the smell that has been generated.
- Customers attending the premises may choose to consume their food in the vicinity of the premises along Denmark Street, which is relatively quiet and which contains a number of residential properties.
- If the premises are popular it is likely that it will give rise to queuing on the street. The pavement on Charing Cross Road is very busy and this will restrict flow, giving rise to conflict. However allowing queuing on Denmark Street, particularly after 23:00, will disturb residents above the premises and along Denmark Street.

We note that the application includes conditions which appear to be designed to address some of the likely impacts above. These appear to follow pre-application discussions with the Licensing Authority. We do not believe that these will mitigate the issues sufficiently to allow the grant of a licence to support the Licensing Objectives.

Whilst these conditions could reduce the risk of issues arising we believe that to support the Licensing Objectives the licence should be refused.

If the Licensing Authority is minded to grant the licence we ask that the following conditions are added. These address issues not covered by the proposed conditions or go beyond the limited requirements of those conditions.

1. No fumes, steam, smoke 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
2. The operation and maintenance of the odour and smoke abatement equipment and extract system will be at all times be in accordance with the manufacturers recommendation and comply with the requirements of the relevant legislation
3. The licence holder shall ensure that any queue to enter the premises which forms outside the premises, is orderly and supervised by staff to ensure that there is no public nuisance and no obstruction of the public highway.
4. When open after 23:00 the premises will employ an SIA registered door supervisor to monitor customers arriving at and leaving the the premises to monitor adherence to the conditions regarding queuing and to discourage them from consuming their purchases in Denmark Street.

Adding these conditions to the licence will not ensure that the Licensing Objectives are supported but will mitigate some of the risk associated with the grant of a licence.

Yours faithfully,

David Kaner
CGCA Licensing Sub-Committee

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.

The applicant has carefully considered the new premises licence application, the effect upon the licensing objectives and the Council's licensing policy and believes that the application sought is unlikely to undermine the licensing objectives. We note the premises falls within Camden's cumulative impact policy area for Seven Dials. No sale of alcohol is being sought.

Conditions consistent with the operating schedule

1. The premises licence holder shall ensure that CCTV cameras and recorders are installed at the premises and are of a standard acceptable to and approved by the Police. The CCTV system shall be maintained in good working order and at all times the premises is open to the public, be fully operational covering both internal and external areas of the premises to which the public have access. The CCTV camera views shall not be obstructed. At least one CCTV camera shall be placed no more than seven feet above floor level near to each point of entry and exit in order to capture clear facial images of all persons entering and leaving the premises. The medium on which CCTV images are recorded shall be of evidential quality; stored securely; shall be retained for a period of 31 days; and be available for inspection by the police or authorised officers on request. When the premises are open for the purposes of licensable activities, a suitably trained member of staff shall be present to assist the police or authorised officers in obtaining the CCTV footage. Copies of any CCTV image shall be made available within 48 hours of the request to the police or local authority. The facility to transfer the images to a compatible, removable format shall be held on the premises. Staff working at the premises shall be trained in the use of CCTV and a log must be kept to verify this. Signs must be displayed in the customer areas to advise that CCTV is in operation. If the CCTV is inoperative or not installed and working to the satisfaction of the police, the licence holder shall notify the Police within 48 hours and give an estimate of the repair timescale. The licence holder and staff shall comply with all reasonable requests from the police.
2. At least one member of staff on duty whilst this licence is being used shall be trained in the requirements of the Licensing Act 2003 in terms of the licensing objectives, offences committed under the Act and conditions of the premises licence. Such person shall be competent to ensure offences are not committed and that the premises shall be run in accordance with the licence.
3. The Premises Licence holder shall actively engage with and work with the Police Safer Neighbourhood Team.
4. A minimum of two staff shall be on duty at all times after 23:00
5. Notices shall be prominently displayed by the exit asking customers to respect nearby residents and to leave quietly, not to loiter outside the shop. Management and staff shall discourage persons loitering outside the premises.
6. Policies and procedures shall be put in place for collection of street litter generated by the premises and such policies shall be implemented by staff whenever the premises are being used under the terms of this licence.
7. An incident log shall be maintained at the premises and made available on request to an authorised officer, the Local Authority or Police. The register shall 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. Any faults in the CCTV system or searching equipment or scanning equipment. F. Any visit by a relevant authority or emergency service
8. The licence holder shall ensure that specific procedures are in place in respect of any deliveries to customers and shall not cause nuisance at or near to the premises.
9. Patrols of the area outside the premises shall be undertaken every 30 mins during the use of the licence and any litter attributable to the premises cleared.

10. The premises may remain open for 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
11. A Management Plan requiring the premises licence holder to use their best endeavours to manage customers, external to the premises, including arrival, departure and dispersal of customers quickly, quietly shall be implemented
12. A direct telephone number for the manager on duty 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

Agreed Resident Association conditions

13. No fumes, steam, smoke 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
14. The operation and maintenance of the odour and smoke abatement equipment and extract system will be at all times be in accordance with the manufacturers recommendation and comply with the requirements of the relevant legislation
15. The licence holder shall ensure that any queue to enter the premises which forms outside the premises, is orderly and supervised by staff to ensure that there is no public nuisance and no obstruction of the public highway.
16. When open after 23:00 the premises will employ an SIA registered door supervisor to monitor customers arriving at and leaving the premises to monitor adherence to the conditions regarding queuing and to discourage them from consuming their purchases in Denmark Street
17. Notices shall be prominently displayed by the exit asking customers to respect nearby residents and to leave quietly, not to loiter outside the shop. Management and staff shall discourage persons loitering outside the premises.
18. Policies and procedures shall be put in place for collection of street litter generated by the premises and such policies shall be implemented by staff whenever the premises are being used under the terms of this licence.
19. Patrols of the area outside the premises shall be undertaken every 30 mins during the use of the licence and any litter attributable to the premises cleared.
20. A Management Plan requiring the premises licence holder to use their best endeavours to manage customers, external to the premises, including arrival, departure and dispersal of customers quickly, quietly shall be implemented

Section 1: Background comments of the Borough Solicitor

- 1.1 The purpose of Camden's Statement of Licensing Policy is to make it clear to applicants that wider considerations will be taken into account when determining applications. It is intended to guide the Licensing Panel when considering licence applications. However, the Licensing Panel must always consider each application on its own merits and allow exceptions to the normal policy where the circumstances of the application justify allowing an exception. The burden is on the applicant to show that they comply with the policy.
- 1.2 Members should only address those matters that have formed the subject matter of relevant representations. Matters that arise that are not the subject of relevant representations fall outside the function that the Panel is exercising when it holds a hearing
- 1.3 Members must determine, having regard for the evidence, whether granting the application for a premises licence will impact adversely on the policy criteria listed in paragraph 3 of this report.
- 1.4 In accordance with the provisions of Part 1 of Schedule 5 of the Act, where a Licensing Authority rejects in whole or in part, an application for a new premises licence, the applicant may appeal against the decision, to a magistrate's court within 21 days of being notified of the decision.
- 1.5 Similarly, where a person who made relevant representations in relation to the application contends that the licence ought not to have been granted, or that different or additional conditions should have been imposed on the licence, he may appeal against the decision to a magistrate's court within 21 days of being notified of the decision.
- 1.6 **The Human Rights Act 1998** incorporates the key articles of the European Convention on Human Rights into domestic law. Decisions on licensing matters are actions of a public authority and must be compatible with Convention rights. Consequently, Members of the Panel must be aware of the rights contained in the Convention (particularly those set out below) when making licensing decisions.
 - (a) **Article 6: Right to a fair trial**
In the determination of his civil rights and obligations, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.
 - (b) **Article 8: Right to respect for private and family life**
Everyone has a right to respect for his or her private life, his home and correspondence.

(c) **Article 1 of the First Protocol: Protection of property**

Every natural or legal person is entitled to the peaceful enjoyment of his possessions, including a licence. No one shall be deprived of his possession except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

(d) **Article 10: Freedom of Expression**

Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This Article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.

The exercise of these freedoms since it carries with it duties and responsibilities may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health and morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

(e) **Article 14: Prohibition of discrimination**

The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, or other status.

- 1.7 When formulating policy local authorities must have regard to the **Equality Act 2010**. The Act provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including licensing powers. Members of the panel must be mindful of this duty when determining all licensing applications.

The section 149 Public Sector Equality Duty

(1) 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;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

(2) A person who is not a public authority but who exercises public functions must, in the exercise of those functions, have due regard to the matters mentioned in subsection (1).

(3) Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—

(a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
 (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
 (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

(4) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.

(5) Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—

(a) tackle prejudice, and
 (b) promote understanding.

(6) Compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.

1.8 In determining any application, the Council must comply with the public sector equality duty in s.149 of the 2010 Act. This is a duty to have regard to the need to achieve the statutory goals of s.149, rather than to achieve a particular result. The s149 duty sits alongside and does not override statutory requirements in relation to determining licensing applications, including the duty to consider all evidence on its merits and the legislative criteria listed at paragraphs 3 & 4.

1.9 When members have before them representations or other material on issues relevant to s149, even outside the scope of "standard" licensing considerations such material must still be specifically assessed in the context of s149. However, because s149 creates a requirement to "have regard" the fact a matter raised is relevant to s149 will not automatically translate into a reason for refusing an application that would be sustainable in any subsequent appeal, given the legal requirement to determine applications in compliance with licensing legislation.

Section 2: Financial Comments

- 2.1 Following consideration there are no financial implications concerning this application. The Executive Director Corporate Services has been consulted in the preparation of this report and has no further comments to add.