

# Licensing Sub-Committee Report

Item No:	
Date:	14 <sup>th</sup> July 2016
Licensing Ref No:	16/03644/LIPN - New Premises Licence
Title of Report:	Cutter and Squidge 20 Brewer Street London W1F 0SJ
Report of:	Director of Public Protection and Licensing
Wards involved:	West End
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Mrs Sumeet Anand-Patel Senior Licensing Officer
Contact details	Telephone: 020 7641 2737 Email: sanandpatel@westminster.gov.uk

## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	New Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	11 April 2016		
<b>Applicant:</b>	Cutter and Squidge Limited		
<b>Premises:</b>	Cutter and Squidge		
<b>Premises address:</b>	20 Brewer Street London W1F 0SJ	<b>Ward:</b>	West End
		<b>Cumulative Impact Area:</b>	West End
<b>Premises description:</b>	This premises shall operate as a cake shop and tea room on ground floor, mezzanine and basement levels. This application seeks to sell alcohol for consumption both on and off the premises with the sale of alcohol being ancillary to the premises operating as a cake shop.		
<b>Premises licence history:</b>	This premises has not previously benefitted from a licence under the Licensing Act 2003.		
<b>Applicant submissions:</b>	None		

Sale by retail of alcohol				On or off sales or both:				On and Off
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun	
<b>Start:</b>	10:00	10:00	10:00	10:00	10:00	10:00	11:00	
<b>End:</b>	20:30	20:30	20:30	22:00	22:30	22:30	21:00	
<b>Seasonal variations/ Non-standard timings:</b>			None					

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
<b>Start:</b>	09:30	09:30	09:30	09:30	09:30	10:00	11:00
<b>End:</b>	21:00	21:00	21:00	22:30	23:00	23:00	21:30
<b>Seasonal variations/ Non-standard timings:</b>			None				
<b>Adult Entertainment:</b>			None				

## 2. Representations

2-A Responsible Authorities	
<b>Responsible Authority:</b>	Environmental Health Service
<b>Representative:</b>	Sally Thomas
<b>Received:</b>	26 <sup>th</sup> April 2016

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

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

The applicant has submitted a ground floor and basement floor plan, titled with the address, drawing number PP3707-01 and dated 20/01/16.

This representation is based on the plans and Operating Schedule submitted.

The applicant is seeking the following licensable activities on the ground floor, mezzanine and basement:

1. The Supply of Alcohol for consumption 'on' and 'off' the premises Monday to Wednesday 10:00-20:30 hours, Thursday 10:00-22:00, Friday and Saturday 10:00-22:30 hours and Sunday 11:00-21:00 hours.

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

1. The Supply of Alcohol may have the likely effect of causing an increase in Public Nuisance in the cumulative impact area and may impact on Public Safety.

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

Reference is made to the British Standard 6465-1:2009 Sanitary Installations, Table 10, and the proposed WC provisions, the maximum capacity which could be accommodated would be 135 customers excluding staff. This does not take into account the means of escape or floor space which would also be a deciding factor.

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

### 3. Policy & Guidance

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

<b>Policy CIP1 applies:</b>	(i) It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1.  (ii) Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.
<b>Policy RNT2 applies:</b>	Applications will be granted subject to other policies in this Statement and subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1, provided it can be demonstrated that they will not add to cumulative impact in the Cumulative Impact Areas.

#### 4. Appendices

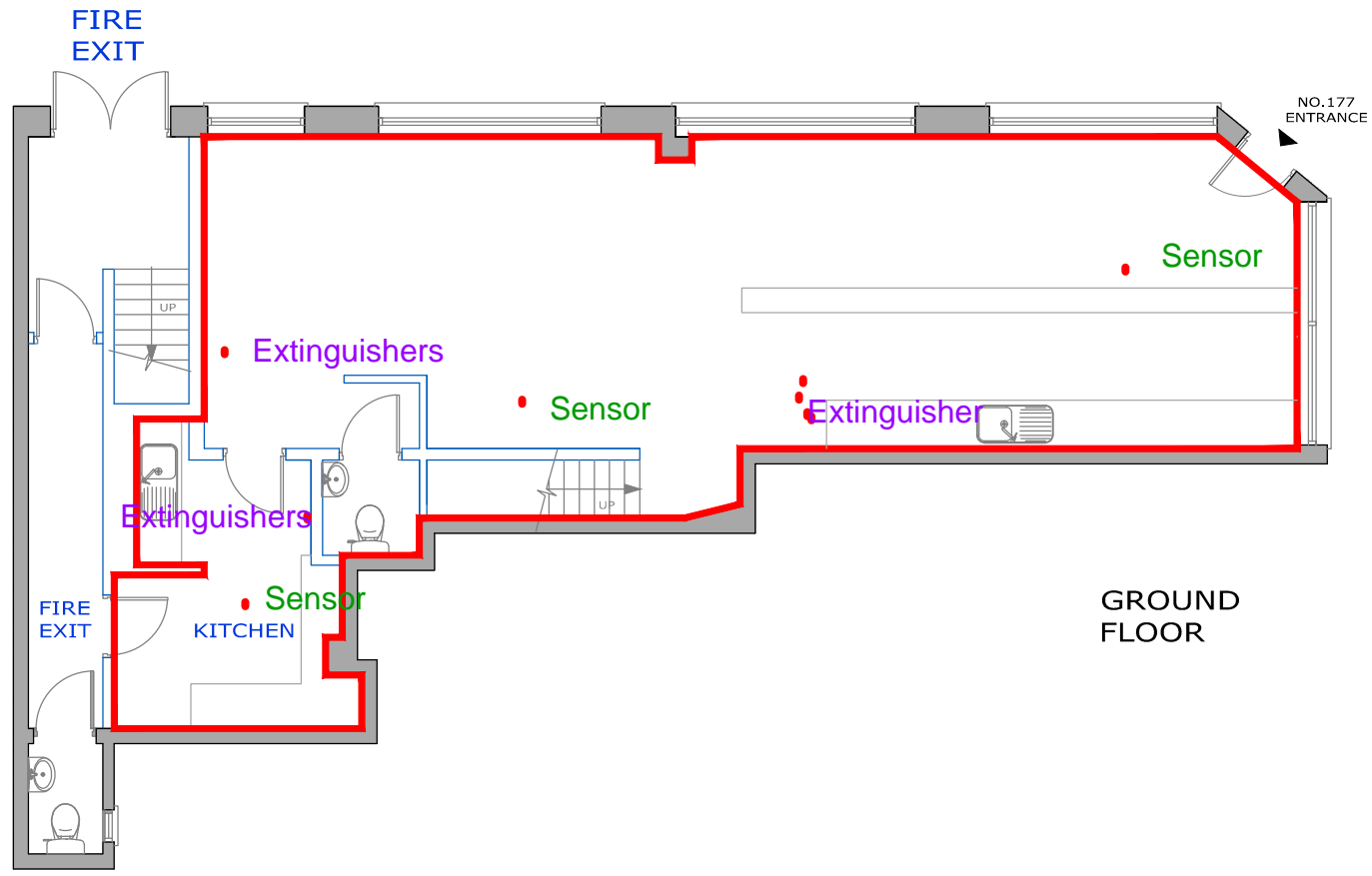
<b>Appendix 1</b>	Premises plans
<b>Appendix 2</b>	Applicant supporting documents - none
<b>Appendix 3</b>	Premises history
<b>Appendix 4</b>	Proposed conditions
<b>Appendix 5</b>	Residential map and list of premises in the vicinity

<b>Report author:</b>	Mrs Sumeet Anand-Patel Senior Licensing Officer
<b>Contact:</b>	Telephone: 020 7641 2737 Email: sanandpatel@westminster.gov.uk

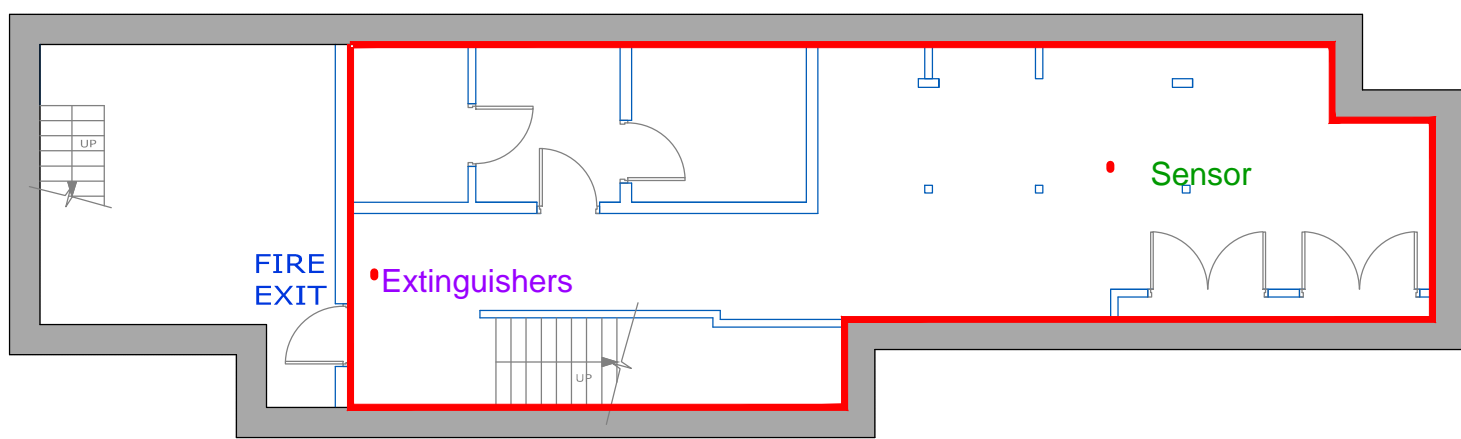
**If you have any queries about this report or wish to inspect one of the background papers please contact the report author.**

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

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	7 <sup>th</sup> January 2016
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
<b>4</b>	Application Form	12 <sup>th</sup> April 2016
<b>5</b>	Plans	12 <sup>th</sup> April 2016
<b>6</b>	EH Representation	26 <sup>th</sup> April 2016
<b>7</b>	Police Representation	3 <sup>rd</sup> May 2016
<b>8</b>	Licensing Representation	9 <sup>th</sup> May 2016

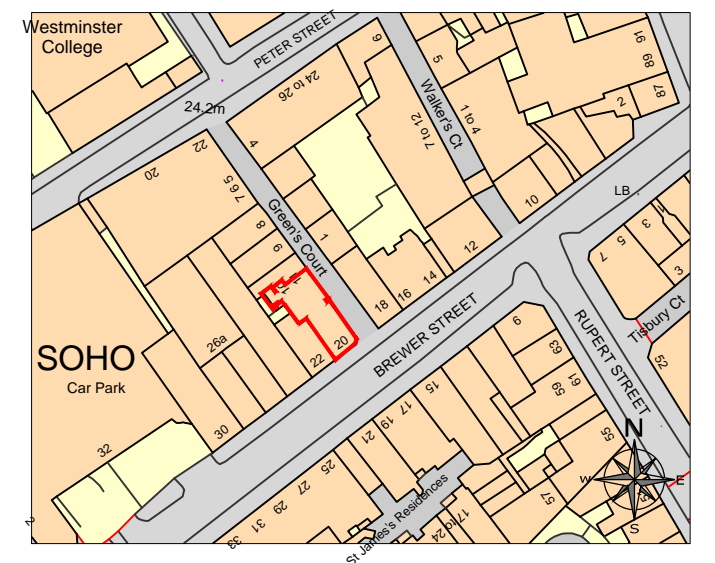


GROUND FLOOR

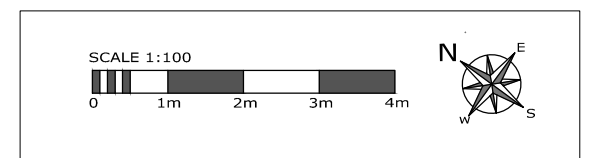


BASEMENT

BREWER STREET



LOCATION PLAN SCALE 1:1250



drawing address 20 BREWER STREET LONDON W1F 0SJ	location/details GROUND FLOOR AND BASEMENT LEASE PLAN	date 20/01/16	scale 1/100
		dwg. no. PP3707-01	sheet A3



PLEASE NOTE: THIS IS AN A3 PLAN, IT SHOULD NOT BE ENLARGED OR SHRUNK TO FIT. WHEN PRINTING SET THE SCALE TO 'NONE'

## Appendix 2

There are no further submissions from the applicant.

## Appendix 3

There is no licence or appeal history for the premises

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

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

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

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

### **Mandatory Conditions**

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



- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
  - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
  - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
  - (b) an ultraviolet feature.
7. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
    - (i) beer or cider: ½ pint;
    - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
    - (iii) still wine in a glass: 125 ml;
  - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
  - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

8(i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

8(ii) For the purposes of the condition set out in paragraph 8(i) above -

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) "permitted price" is the price found by applying the formula -

$$P = D + (D \times V)$$

Where -

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the

permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

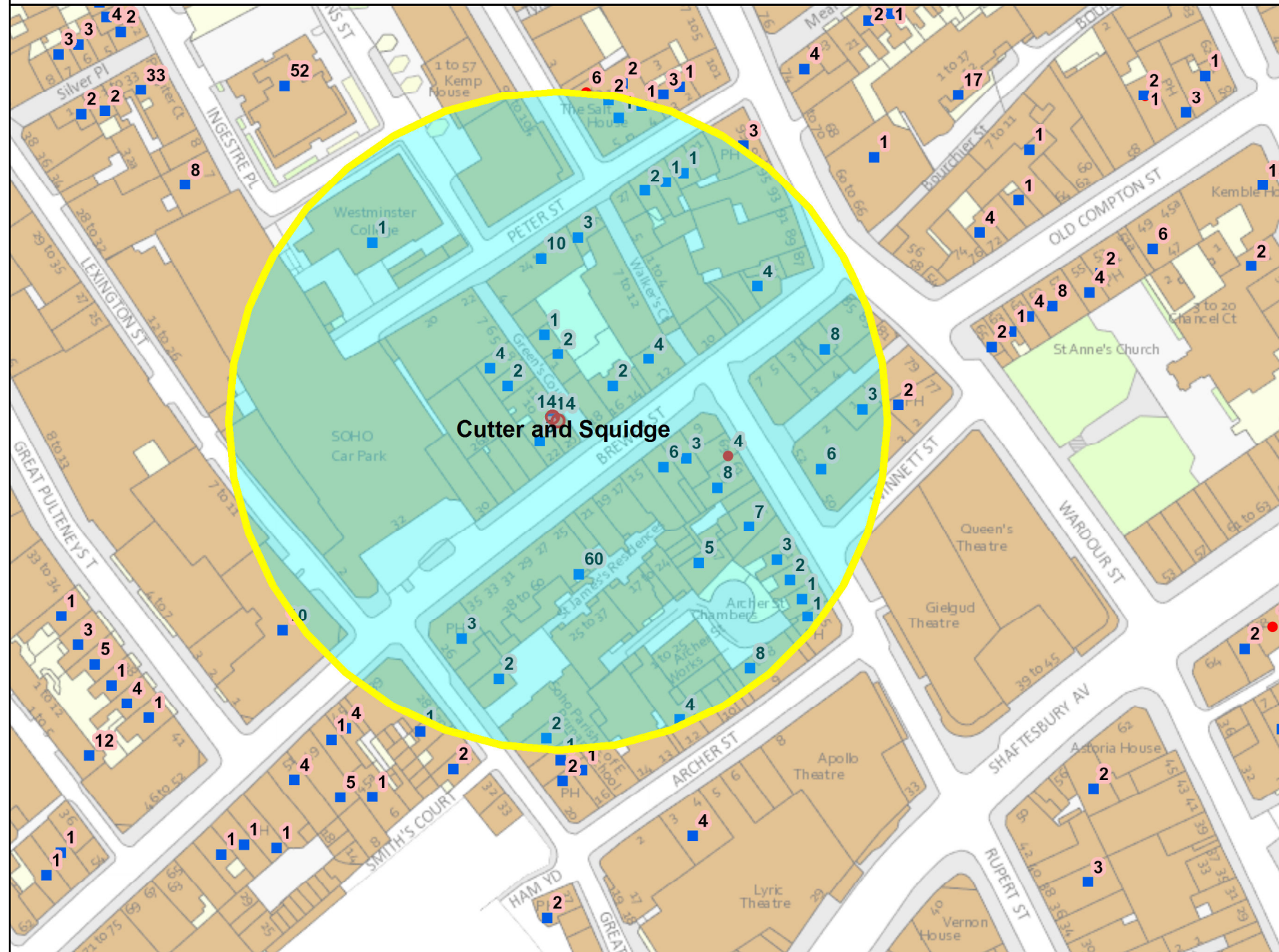
### **Conditions consistent with the operating schedule**

9. Alcohol consumed outside the premises building shall only be consumed by patrons seated at tables.
10. All tables and chairs shall be removed from the outside area by 23.00 hours each day.
11. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.
12. 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 preceding 31 day period.
13. 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.

### **Conditions proposed by the Police and agreed by the applicant**

14. The premises shall operate as a cake shop and tea rooms:
  - (i) in which customers are shown to their table
  - (ii) where the supply of alcohol is by waiter or waitress service only
  - (iii) where alcohol shall not be sold or supplied for consumption on the premises otherwise than by persons who are seated in the premises and where the consumption of alcohol by such persons is ancillary to food (including cake, desserts and ice cream)
  - (iv) where all sales of alcohol for consumption off the premises shall be for consumption by persons who are seated immediately outside the premises, tables and chairs that are licensed by the Council and where the consumption of alcohol by such persons is ancillary to food (including cake, desserts and ice cream).
15. No beer, lager or cider shall be sold from the premises.
16. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 60 persons.

### **Conditions proposed by the Environmental Health - none**



Residential / Proposed Residential	208
Under Construction	Not known
Other Uses	Not known
Proportion Residential of all Uses	Not known

10  
 Meters

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Data Source: Uniform Database  
 Date: 17/06/2016

**Premises within 75 metres of: Cutter and Squidge, 20 Brewer Street, London W1F 0SJ**

<b>p / n</b>	<b>Name of Premises</b>	<b>Premises Address</b>	<b>Opening Hours</b>
11084	Peep Show And Revue Bar	Basement Floor And Ground Floor 1 Tisbury Court London W1D 6BD	Sunday to Thursday 09:00 - 00:00 Friday to Saturday 09:00 - 01:00
13730	Co-op	104-105 Berwick Street London W1F 0QS	Monday to Saturday 08:00 - 23:00 Sunday 10:00 - 22:30
29478	Village Bar	Basement Ground Floor And Part First Floor 81 Wardour Street London W1D 6QD	Sunday 09:00 - 00:00 Monday to Saturday 09:00 - 03:30
31933	Rupert Supermarket	55 Rupert Street London W1D 7PJ	Monday to Saturday 08:00 - 23:00 Sunday 10:00 - 22:30
-28128	Randall & Aubin	16 Brewer Street London W1F 0SQ	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-27170	(Nightclub)	Development Site At 1 - 4 Walker's Court And 8 - 10 Brewer Street London W1F 0SB	Monday to Saturday 09:00 - 03:30 Sunday 12:00 - 01:00 Sundays before Bank Holidays 12:00 - 03:30
-22980	Chilango	24 Brewer Street London W1F 0SN	Saturday 10:00 - 00:00 Monday to Friday 10:00 - 23:00 Sunday 12:00 - 22:30
-16537	Duke Of Argyll Public House	37 Brewer Street London W1F 0RY	Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 23:00
-4603	La Pietra	25 Peter Street London W1F 0AG	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sundays before Bank Holidays 12:00 - 00:00 Sunday 12:00 - 22:30
14134	The Friendly Society	Basement 79 Wardour Street London W1D 6QB	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sunday 12:00 - 22:30
15939	(Restaurant)	Basement And Ground Floor 6 Walker's Court London W1F 0BU	Monday to Saturday 10:00 - 01:00 Sunday 12:00 - 00:00
17072	Bone Daddies	30-31 Peter Street London W1F 0AP	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
17465	The Box	11-12 Walker's Court London W1F 0ED	Sunday 09:00 - 00:30 Monday to Saturday 09:00 - 04:00
18314	O' Bar	83-85 Wardour Street London W1D 6QE	Monday to Saturday 09:00 - 03:30 Sunday 12:00 - 00:00 Sunday 12:00 - 23:00
18484	Wok To Walk	Ground Floor 4 Brewer Street London W1F 0SB	Sunday 11:00 - 00:00 Monday to Saturday 11:00 - 01:00
18915	The Yard Bar	57 Rupert Street London W1D 7PJ	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sunday 12:00 - 23:00
19180	Wagamama	10A Lexington Street London W1F 0LD	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
19347	Blacklock	25 Great Windmill Street London W1D 7LH	Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 22:30
30689	The Box	11-12 Walker's Court London W1F 0ED	Sunday 09:00 - 00:30 Monday to Saturday 09:00 - 04:00
-31580	Soho Food And News	2 Brewer Street London W1F 0SD	Monday to Sunday 09:00 - 03:00
-31199	Restaurant	Basement And Ground Floor 6 Walker's Court London W1F 0BU	Monday to Saturday 10:00 - 01:00 Sunday 12:00 - 00:00
-27094	Duke Of Argyll Public House	37 Brewer Street London W1F 0RY	Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 23:00
-22803	Unit D	Development Site At 1 - 4 Walker's Court And 8 - 10 Brewer Street London W1F 0SB	Monday to Saturday 09:00 - 03:30 Sunday 12:00 - 01:00 Sundays before Bank Holidays 12:00 - 03:30
-18919	Lils	53 Rupert Street London W1D 7PH	Friday 07:00 - 00:00 Monday to Thursday 07:00 - 23:00 Saturday 08:00 - 00:00 Sundays before Bank Holidays 08:00 - 00:00 Sunday 08:00 - 22:30

-16590	Adanami	30 Brewer Street London W1F 0SS	Monday to Sunday 00:00 - 00:00
-13441	Kirazu	47 Rupert Street London W1D 7PD	Monday to Sunday 11:30 - 23:00
-10700	Shadow Lounge	Basement And Part Ground Floor 3-7 Brewer Street London W1F 0RD	Sunday 09:00 - 00:00 Monday to Saturday 09:00 - 03:30
-10054	Foxcroft & Ginger	3 Berwick Street London W1F 0DR	Friday 08:00 - 00:00 Monday to Thursday 08:00 - 23:00 Saturday 09:00 - 00:00 Sunday 09:00 - 22:30
-8382	Lina Stores	18 Brewer Street London W1F 0SH	Monday to Friday 00:00 - 00:00 Saturday 00:00 - 00:00 Sunday 00:00 - 00:00
-2898	Damson & Co	21 Brewer Street London W1F 0RL	Sundays before Bank Holidays 08:00 - 00:00 Monday to Sunday 08:00 - 21:45
-799	Shadow Lounge	Basement And Part Ground Floor 3-7 Brewer Street London W1F 0RD	Sunday 09:00 - 00:00 Monday to Saturday 09:00 - 03:30
3768	Lina Stores	18 Brewer Street London W1F 0SH	Monday to Friday 07:00 - 21:00 Saturday 09:00 - 21:00 Sunday 11:30 - 18:30
5449	El Camion	25-27 Brewer Street London W1F 0RR	Monday to Saturday 09:00 - 03:30 Sunday 12:00 - 23:00
10077	Soho Cinema	8 - 9 Walker's Court London W1F 0BY	Monday to Sunday 09:00 - 01:00
16038	Yalla Yalla	Ground Floor 1 Green's Court London W1F 0HA	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00 Friday to Saturday 09:00 - 00:00 Sundays before Bank Holidays 09:00 - 00:00 Monday to Saturday 09:00 - 01:00 Monday to Sunday 09:00 - 22:00 Sunday 09:00 - 22:30 Monday to Thursday 09:00 - 23:30
18956	The Boulevard Theatre	8 - 9 Walker's Court London W1F 0BY	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sundays before Bank Holidays 12:00 - 00:00 Sunday 12:00 - 22:50
22812	Rupert Street Cafe Bar	50 Rupert Street London W1D 6DR	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
23495	Janetira Eat Thai	28 Brewer Street London W1F 0SR	Monday to Thursday 10:00 - 00:00 Friday to Saturday 10:00 - 00:30 Sunday 12:00 - 23:00
25290	Lights Of Soho	35 Brewer Street London W1F 0RU	Monday to Saturday 10:00 - 01:30 Sunday 12:00 - 00:00
26452	Spuntino	61 Rupert Street London W1D 7PW	Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 23:00
27620	White Horse Public House	45 Rupert Street London W1D 7PB	Monday to Saturday 07:30 - 00:00 Sunday 11:00 - 23:30
27840	Bocca Di Lupo	Ground Floor 12 Archer Street London W1D 7BB	Monday to Saturday 07:30 - 00:00 Sunday 11:00 - 23:30