

Licensing Sub-Committee Report

Item No:	
Date:	13 October 2016
Licensing Ref No:	16/06647/LIPN - New Premises Licence
Title of Report:	Café Italia 326 Vauxhall Bridge Road London SW1V 1AA
Report of:	Director of Public Protection and Licensing
Wards involved:	Vincent Square
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Mr David Sycamore Senior Licensing Officer
Contact details	Telephone: 020 7641 8556 Email: dsycamore@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	29 June 2016		
Applicant:	Covent Garden Italy Limited		
Premises:	Cafe Italia		
Premises address:	326 Vauxhall Bridge Road London SW1V 1AA	Ward:	Vincent Square
		Cumulative Impact Area:	n/a
Premises description:	A small Italian cafe which has been operating for a number of years on a busy commuter road. The premises is located at the base of a large block of flats.		
Premises licence history:	The premises licence has been issued since 30 th May 2013.		
Applicant submissions:	Updated plans have been received showing all fixed seating.		
	Police have withdrawn their objections after agreeing conditions.		

1-B Proposed licensable activities and hours							
Late Night Refreshment:				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	23:00	23:00	23:00	23:00	23:00	23:00	n/a
End:	23:30	23:30	23:30	23:30	23:30	23:30	n/a
Seasonal variations/ Non-standard timings:		N/A					

Sale by retail of alcohol				On or off sales or both:			Both
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:30	10:30	10:30	10:30	10:30	10:30	10:30
End:	23:30	23:30	23:30	23:30	23:30	23:30	22:30
Seasonal variations/ Non-standard timings:		N/A					

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun

Start:	07:00	07:00	07:00	07:00	07:00	07:00	08:00
End:	23:30	23:30	23:30	23:30	23:30	23:30	22:30
Seasonal variations/ Non-standard timings:	None						
Adult Entertainment:	n/a						

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Environmental Health
Representative:	Ian Watson
Received:	17/08/2016
<p>1. The provision and hours requested for the Supply of Alcohol will have the likely effect of causing an increase in Public Nuisance within the area.</p> <p>2. The provision and hours requested for Late Night Refreshment will impact on Public Safety and have the likely effect of causing an increase in Public Nuisance within the area.</p> <p>The applicant has provided some conditions in support of the application which are being considered but do not fully address the concerns of Environmental Health.</p>	

2-B Other Persons	
Name:	James and Carolyn Penrose
Address and/or Residents Association:	Evelyn Mansions, Carlisle Place, SW1P 1NH
Received:	17/08/2016
<p>My wife, Carolyn Penrose, and I are residents of Evelyn Mansions, Carlisle Place, SW1P 1NH.</p> <p>We ask that you note our strong objection to the grant of any extension of the opening hours, or the liberalization of the hours during which alcohol can be sold, as requested in the licensing application of the operators of the Café Italia at 326 Vauxhall Bridge Road.</p> <p>The Café Italia is below our bedroom windows. We need no further noise or disruption.</p> <p>In particular, we object to any extension of Café Italia's opening hours and to the sale of alcohol on any Sunday after 21:30 and on any other day after 22:30. As with the objection of Mr. Pascal Bates, our Evelyn Mansions neighbor, the grounds of our objection are to prevent nuisance, crime and disorder.</p>	

I would appreciate your acknowledging receipt of this letter.

Name:	Michele Tetzlaff
Address and/or Residents Association:	Vauxhall Bridge Road London
Received:	17/08/2016

I wish to object to the above application Covent Garden Italy 16/06647/LIPN. My property overlooks Vauxhall Bridge Road and I believe that the recent addition of more tables will attract more customers who are likely to cause nuisance into the late hours in the evening. I am particularly concerned with regard to the volume of sound as my property is on the first floor.

Name:	Mr Richard Lund
Address and/or Residents Association:	5 Evelyn Mansions Carlisle Place London SW1P 1NH
Received:	6 th July 2016

My bedroom windows, and more importantly my children's bedroom windows are two floors directly above Cafe Italy (Italia). I wish to strongly object to the licence being extended from 22.30 to 23.30, as people coming and going at that time of night are particularly noisy and wake up my whole family. This is further aggravated by allowing alcohol to be sold this late. Furthermore there is then a clearing up process of emptying out rubbish causing further disruption. The cafe is attached to a residential Mansion block and the residents should not have to put up with this. A few years ago a similar application was made and I appeared along with other residents at the hearing on Victoria Street. My recollection is 22.30 was agreed. This should not have to be revisited.

Name:	Pascal Bates		
Address and/or Residents Association:	EMRA		
Status:	Valid	In support or opposed:	Opposed
Received:	21/07/2016		

I write with reference to a possible licensing application by the operators of a cafe premises on Vauxhall Bridge Road. I write as Chairman of the Evelyn Mansions Residents Association (EMRA) which represents residents of Evelyn Mansions. Evelyn Mansions backs onto Vauxhall Bridge Road and the cafe premises is part of a parade of shops upon which part of Evelyn Mansion is built (and directly contiguous to which is the rest of Evelyn Mansions).

By a letter date 29/06/16 (copy attached) some residents were informed of a new licensing application under reference 16/06647/LIPN and were asked to make any

objection by 27/07/16. Any such application was always going to be contentious - I am informed that the last time residents were notified of an application regarding these premises in 2013, several did object and the subcommittee hearing took 2 hours.

A number of residents have expressed to me their objections to any further licensing, and I am further informed that by 12/07/16 at least four residents had objected online, including Mr. Richard Lund, who was an objector in 2013.

When I went online to object on Tuesday (19/07/16) I could not find any application under reference 16/06647/LIPN or any outstanding application for the address in question. In case it was a temporary blip, I left the matter to today to try again. In the meantime, I have been informed that Mrs. Marjorie Stonehouse, a 96 year old lady in frail health but in remarkable command of her faculties, whose flat has direct party walls with the premises in question, has been attempting to contact officers.

A week ago she was promised that copy application documents would be sent to her by post, as she is not online. Today I am told that she has been further informed that the application under reference 16/06647/LIPN has been invalidated, that no application is currently live, and that any revived application will be the subject of fresh notification and consultation.

She, and I, are concerned that this has not been communicated by the City of Westminster in writing and that (i) there is currently no means to access application documents, (ii) there is no means through the City of Westminster website to object online, (iii) in consequence some who may have objected will have been induced not to do so, (iv) that the four objections logged whilst there was a live link to application 16/06647/LIPN may have been lost by the City of Westminster and, failing an undertaking to treat them as made on any revised application, might have to be repeated and (v) a number of residents are now, or are shortly to go, away, including Mr. Richard Lund, whose longstanding objections regarding the licensing of the premises in question should be apparent from the file.

Accordingly, could you please by return confirm that (a) there is no outstanding application (or else explain what comment may be made by what means, under what reference and by when), (b) previous objections will be carried across to any new application and (c) all residents of the forty-two flats in Evelyn Mansions (those being numbered 1-12, 14-16, 18-39, 12A, 15A, 18A, 21A and 24A) will be notified of any fresh consultation period.

Furthermore, in the event that there is any outstanding application (whether under reference 16/06647/LIPN or otherwise) kindly record this email as my and EMRA's objection to it in so far as it might permit (1) opening after 22:00 on a Sunday or 23:00 on any other day, (2) sale of alcohol (whether for consumption on or off the premises) on any Sunday after 21:30 and on any other day after 22:30. The grounds of objection are for the prevention of nuisance, crime and disorder. The operators to whom the premises licence was granted in limited terms in 2013 did not in the event much trade, especially in the evenings. The business closed some time ago and has for many months now been in the course of a refit. I understand that the refit may involve the introduction of a material extent of additional seating which, together with the pavement tables, will mean that there is a considerable prospect of disruption through and up the side of Evelyn Mansions if the conditions of any new license permit substantial and/or late night evening trade and if the new operators, unlike the old, take advantage of such conditions to trade to an unprecedented manner and extent for that site. Given that this

objection, by reason of the removal of application 16/06647/LIPN has had to be framed without detailed consideration of any supporting documents, I must reserve the right for me/EMRA further to particularise this objection, including as to further and other grounds, if/when documents are made accessible.

I have copied this email to some of those most affected by the possible application, and would be most grateful if you would 'reply all' so that all can see what you have and have not confirmed.

Name:		Anne Barnes	
Address and/or Residents Association:		Flat 11 Evelyn Mansions	
Status:	Valid	In support or opposed:	Opposed
Received:	19.08.2016		

I refer to the application with the above reference. Although you have had an objection from the Residents Association for Evelyn Mansions, I should also like to add that it is totally unacceptable that this café be granted extended hours and facilities. It would really impair the living conditions for the residents of Evelyn Mansions. Many thanks for your consideration.

Name:			
Address and/or Residents Association:		Senior Pensions Group	
Status:	Valid	In support or opposed:	Opposed
Received:	25.07.2016		

Hand written letter – Summary

Objections to any increase in the hours for this restaurant/coffee bar to serve alcohol, or indeed trade beyond normal hours. They are currently serving breakfasts before 8 am and yesterday positioned their triangular sign in front of the fire escape route, from Evelyn Mansions. They also have chairs etc on adjoining owner's pavement.

We respectfully ask whether the following are compliant?

- a) Landlords approvals and regulations.
- b) Managing Agents (Faradays) requirements
- c) Building Regulations
- d) Fire Brigade requirements

The premises now have upper deck seating. Are escape routes satisfactory. Smoke Kills.

Trusting the above may be considered.

Yours faithfully

Unreadable signature. Copies sent to many residents.

3. Policy & Guidance

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

Policy PB/1 applies	Applications will only be granted if it can be demonstrated that the proposal meets the relevant criteria in Policies CD1, PS1, PN1 and CH1.
Policy HRS/1 applies	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.

4. Appendices

Appendix 1	Premises plans
Appendix 2	Applicant supporting documents
Appendix 3	Premises history
Appendix 4	Proposed conditions
Appendix 5	Residential map and list of premises in the vicinity

Report author:	Mr David Sycamore Senior Licensing Officer
Contact:	Telephone: 020 7641 8556 Email: dsycamore@westminster.gov.uk

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

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

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	January 2016
3	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
4	Representation from EH	August 2016
5	Representation from Police - Withdrawn	August 2016
6	Various Resident Objections	August 2016
7	Senior Pensioners Group Objections	August 2016
8	New plan submitted.	August 2016
4	Agent agrees Police Conditions	August 2016
5	EH conditions sent to agent.	September 2016.
6	Notice of hearing to objectors	September 2016
7	Notice of hearing to agent	September 2016



Energy efficient light fitting - Batten

Smoke detector

area of license zone



VAUXHALL BRIDGE ROAD

GROUND FLOOR LAYOUT

MEZZANINE LEVEL

0 5 metres

CAFE ITALIA
236 VAUXHALL
BRIDGE ROAD
SW1V 1AA

TITLE: PROPOSED

SCALE: 1:50 @ A2

DRWG No: TB/1209/111 REV: B

DATE: SEPTEMBER 2016

GENERAL NOTES:

1. The Contractor is responsible for the correct setting out of the work.
2. All building materials, components, workmanship to comply with the appropriate Building Regulations, British Standards Codes of Practice and manufacturers' recommendations.
3. All equipment installed in connection with Gas, Electricity and Water Services shall conform to the supply Authorities By-laws and Regulations and shall be subject to their Officer's inspection and approval.
4. These drawings are to be read in conjunction with all other Architects, Consultants and Specialist sub-contractors drawings.
5. All structural timber to be pre-treated (stressed to BS4978 and to be stamped KD (kilm dried)).
6. All external softwood to be pre-treated with preservative.
7. All dimensions and levels to be checked on site prior to construction and/or the manufacture of steelwork, architectural ironmongery, stonework and any other purpose made item.
8. All specialist details are Design intent only & subject to specialist design and detailing.

W.DEVYANS BUILDING SERVICES
45 CALLEON WAY
UPNOR
ROCHESTER
KENT
ME2 4GX
Tel/Fax : 01634 714202
mob : 07958 492935

Applicant Supporting Documents

Appendix 2

None

Premises History

Appendix 3

Application	Details of Application	Date Determined	Decision
13/02360/LIPN	New Application	30.05.2013	Granted under delegated Authority
16/03309/LIPT	Transfer	19.04.2016	Granted under delegated Authority
16/03312/LIPDPS	Vary Designated Supervisor	07.04.2016	Granted under delegated Authority

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

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

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

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

Mandatory Conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
 - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

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

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

- 8(i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- 8(ii) For the purposes of the condition set out in paragraph 8(i) above -
- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula -
- $$P = D + (D \times V)$$
- Where -
- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- 8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Conditions proposed by the Police and agreed with applicants.

9. 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.
10. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises 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.
11. A Challenge 21 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.
12. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
 - a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system or searching equipment or scanning equipment
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.
13. The supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.
14. 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.
15. Sales of alcohol for consumption off the premises shall only be supplied with, and ancillary to a take-away meal.
16. There shall be no sales of hot food or hot drink for consumption off the premises after 00.00.
17. There shall be no sales of alcohol for consumption off the premises after 23:00.

18. All outside tables and chairs shall be rendered unusable by 21:00 each day.
19. No self-service of alcohol on the premises.

Conditions Consistent with the operating schedule

20. All children will be accompanied by a person who is 18 or over.
21. No child shall be present on the premises after 21:00

Conditions proposed by EH but not agreed at publication (Duplicates deleted)

22. The maximum number of persons permitted in the premises at any one time (including staff) shall not exceed 30 persons.
23. All sales of alcohol for consumption 'Off' the premises shall be in sealed containers only, and shall not be consumed on the premises except to persons seated at the outside tables and chairs.
24. Alcohol consumed outside the premises building shall only be consumed by patrons seated at tables.
26. There shall be no sales of alcohol for consumption 'Off' the premises after 23.00 hours.
27. There shall be no sales of hot food or hot drink for consumption 'Off' the premises after 23.00 hours.
28. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
29. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
- ~~30. The entrance door shall be kept closed after 22:00 hours except for the immediate access and egress of persons. 21:00 hours agreed with Police.~~
31. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
32. 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.
33. 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.

34. 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.
35. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
36. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
37. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 and 08.00 hours on the following day.
38. No deliveries to the premises shall take place between 23.00 and 08.00 hours on the following day.
39. No licensable activities shall take place at the premises until the premises have 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.



Premises within 50 metres of: 326 Vauxhall Bridge Road

p / n	Name of Premises	Premises Address	Licensed Hours
6042	Cafe Italia	326 Vauxhall Bridge Road London SW1V 1AA	Monday to Saturday 07:00 - 23:30 Sunday 08:00 - 22:30
12938	Wrap City	318 Vauxhall Bridge Road London SW1V 1AA	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-10137	Apollo Victoria Theatre	17 Wilton Road London SW1V 1LG	Monday to Sunday 09:00 - 00:30
2971	Il Posto	Ground Floor 314 - 316 Vauxhall Bridge Road London SW1V 1AA	Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 23:00