



City of Westminster

Licensing Sub-Committee Report

Item No:

Date:

2 November 2023

Licensing Ref No:

23/03074/LIPN - New Premises Licence

Title of Report:

Caffe Foresta
Ground Floor
95 Charlwood Street
London
SW1V 4PB

Report of:

Director of Public Protection and Licensing

Wards involved:

Pimlico North

Policy context:

City of Westminster Statement of Licensing Policy

Financial summary:

None

Report Author:

Ms Jessica Donovan
Senior Licensing Officer

Contact details

Telephone: 020 7641 6500
Email: Jdonovan@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	10 May 2023		
Applicant:	Mrs Chouleebhorn Messing		
Premises:	Caffe Foresta		
Premises address:	Ground Floor 95 Charlwood Street London SW1V 4PB	Ward:	Pimlico North
		Cumulative Impact Area:	None
		Special Consideration Zone:	None
Premises description:	The premises is currently operating as Caffe De Gallery T/A Caffe Foresta serving pre-prepared cold/heated food, sandwiches, cakes, soft drinks, juices and tea/coffee.		
Premises licence history:	This is a new premises application and therefore no Premises Licence history exist.		
Applicant submissions:	<p>The applicant has provided the following submissions:</p> <ul style="list-style-type: none"> A mediation email for the interested parties <p>A copy of the documents can be seen at Appendix 2.</p>		
Applicant amendments:	During consultation, the applicant reduced the start time for the sale by retail of alcohol Monday to Friday from 07:30 to 09:00 as shown in 1-B.		

1-B Proposed licensable activities and hours							
Sale by retail of alcohol				On or off sales or both:			On sales
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	09:00	09:00	09:00	09:00	09:00	09:00	09:00
End:	18:30	18:30	18:30	18:30	18:30	20:00	20:00
Seasonal variations/ Non-standard timings:			None				

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	07:30	07:30	07:30	07:30	07:30	09:00	09:00
End:	18:30	18:30	18:30	18:30	18:30	20:00	20:00
Seasonal variations/ Non-standard timings:			None				

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Environmental Health Service
Representative:	Maxwell Koduah
Received:	23 May 2023
<p>I refer to the application for a new Premises Licence number for the above-mentioned premises. I have considered the information that you have provided within and accompanying this application. I have also considered the application in line with the relevant policies within the Councils Statement of Licensing Policy dated October 2021.</p> <p>Applicant is seeking to supply alcohol for consumption on the premises Monday – Friday 07:30 to 18:30 hours; Saturday – Sunday 09:00 to 20:00 hours.</p> <p>Following consideration of the application and how it may affect the Licensing Objectives and meeting the requirements of the Council’s Statement of Licensing Policy I wish to make the following representations:</p> <p>The supply of alcohol and the hours requested may have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the area.</p> <p>As presented, the application would have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the area.</p> <p>The granting of the application as presented would have the likely effect of causing an increase in Public Nuisance and may impact on Public Safety within the area.</p> <p>Conditions have been proposed below to support the licensing objectives of Public Nuisance and Public Safety</p> <p>Proposed Environmental Health conditions to form part of the operating schedule</p> <ol style="list-style-type: none">1. The supply of alcohol shall be by waiter or waitress service only2. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram3. 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 premises4. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance5. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times6. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 19.00 hours and 08.00 hours on the following day	

7. No collections of waste or recycling materials (including bottles) from the premises shall take place between 19.00 hours and 08.00 hours on the following day
8. No deliveries to the premises shall take place between 19.00 hours and 08.00 hours on the following day
9. 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
10. 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
11. No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority
12. No licensable activities shall take at the premises until the capacity of the premises has been determined by the Environmental Health Consultation Team and the licensing authority has replaced this condition on the licence with a condition detailing the capacity so determined

Please contact me if you are minded discussing any of the matters above.

A copy of Environmental Health's amended agreed conditions can be found at **Appendix 4**.

Responsible Authority:	Metropolitan Police Service (<i>Withdrawn 02 June 2023</i>)
Representative:	PC Dave Morgan
Received:	26 May 2023

With reference to the above, I am writing to inform you that the Metropolitan Police Service as a Responsible Authority are **objecting** to this application on the basis that there is insufficient detail contained within the operating schedule in order to promote the Licensing Objectives, namely the Prevention of Crime and Disorder and the Protection of Children from Harm.

The applicant is seeking:

Sale by Retail of Alcohol (On Sales):

- **Monday to Friday: 0730 to 1830**
- **Saturday to Sunday: 0900 to 2000**

The hours for Monday to Friday (0730) are beyond those of the Westminster Councils Core Hours policy for restaurants which are:

- Monday to Thursday: 9am to 11.30pm.
- Friday and Saturday: 9am to Midnight.
- Sunday: 9am to 10.30pm.
Sundays immediately prior to a bank holiday: 9am to Midnight.

To move forward, can you please supply me with further information as to why you require alcohol sales so early in the morning and further information on how the alcohol will be served,

for example, waiter/waitress service, with food only etc.

Once I have this information, I will be able to compile a list of conditions that I would like to see added to the license should it be granted.

Following an agreement of conditions, the Metropolitan police withdrew their representation on 02 June 2023.

2-B Other Persons

Name:	[REDACTED]		
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED]		
Status:	Valid	In support or opposed:	Opposed
Received:	06 June 2023		

No mention if alcohol will be sold for takeaway, or if alcohol served on premises will only be permitted with food. Café already serves hot food (soups etc) despite its Lease not allowing hot food. Concerns how stringently cafe would adhere to any alcohol licensing conditions Where alcohol consumption would be permitted on premises and enforcement plan. Outdoor tables are moved by patrons from permitted area, obstructing pavement & [REDACTED] [REDACTED] - staff do nothing. Already significant litter from outdoor tables; sugar packets, napkins etc. dropped into [REDACTED], not cleared by cafe staff. Would be exacerbated by inebriated patrons and include broken glass if alcohol served. No mention of cleaning / damage policy in Application

If patrons permitted to consume alcohol standing or only whilst sat at tables. If standing drinking allowed, patron capacity significantly increases, as well as obstruction to [REDACTED] [REDACTED] & noise levels. Requested extension to opening hours in Application prolongs noise nuisance for [REDACTED]. If granted, the only commercial premise on the street open this late & in surrounding area serving alcohol. Quiet residential area near nurseries/schools; many residents have families. Noise already heard in our property

Safety & protection of [REDACTED]. Application notes installation of security cameras as Applicant anticipates increased public nuisance. No mention of how issues to be prevented or dealt with, if cameras regularly monitored, and requisite staff training to effectively safeguard.

Selling of alcohol attracts patrons more likely to be rowdy/aggressive. Cafe [REDACTED] [REDACTED] safety concerns, particularly if hours extend further into PM

Leaseholder of premises can change whilst retaining alcohol license if granted. Cafe could become another alcohol serving business in future.

Response received on 07 July 2023 from the interested party following the applicant's mediation email:

We haven't corresponded before, but I am writing regarding the licensing application for the above mentioned property. For context, [REDACTED]
[REDACTED]
[REDACTED]

I wanted to share some photos I took this morning which will hopefully shed further light as to the obstruction issues [REDACTED] have mentioned as part of objections lodged against the granting of an alcohol license for the premises.

In the photos you will clearly see the tables having been moved to obstruct pavement, [REDACTED] [REDACTED] and even a dog having been secured by a patron of the cafe [REDACTED] [REDACTED] There are also some of litter from yesterday which is clearly entirely cafe-specific and not general litter.

I understand the cafe owner responded to objections lodged stating that the cafe staff prevent patrons moving the tables or obstructing nearby properties, and that the litter was not cafe specific - as you can see this is clearly not the case. Interestingly, even though the cafe are applying for the license currently and are aware of the basis for [REDACTED] objections, they are still not being vigilant even if just for the time being!













Name:		[REDACTED]	
Address and/or Residents Association:		[REDACTED] [REDACTED] [REDACTED]	
Status:	Valid	In support or opposed:	Opposed
Received:	02 June 2023		

I am an interested party objecting to the grant of the application based on the prevention of public nuisance (PN1), the introduction of loitering and the gathering of inebriated elements.

[REDACTED]
[REDACTED]

The following nuisance already exists.

Trash accumulation: Food carrier bags, paper cups, napkins, sugar wrappers and cigarette butts) from the table patrons are left on the pavement, [REDACTED]

[REDACTED] The area is not cleaned by the staff regularly, nor is a cleaning policy mentioned in the planning application.

Pavement obstruction; Patrons move the chairs/tables outside of the designated area onto the pavement and [REDACTED] Patrons also park their prams, etc. [REDACTED]

██████████ The staff do not address this with the patrons

Fire Safety: Items ██████████ entry door block the entrance/exit in case of a fire.

Noise/Cigarette Smoke: Noise can be heard ██████████, and cigarette smoke can enter ██████████ through the entry door.

The aforementioned nuisance issues will only be augmented with an alcohol license. The CCTV solution does not address an adequate solution as staff need to take an active role with patrons, especially in loitering.

Alcohol Sales/Toilet Facilities/Opening hours: No mention of vertical drinking (both within and outside the seating area), alcohol to be sold only with food only, alcohol to be sold for take-away. Inadequate toilet facilities may result in urination around the surrounding properties. The extension of opening hours will increase the nuisance into early evening leisure hours and lead to after hour patron loitering

There is no mention of additional cooking at the premises, deliveries, etc.

Response received on 04 July 2023 from the interested party following the applicants mediation email:

Many thanks for contacting me and I continue to lodge my objections to the alcohol license.

I will be responding to the comments provided by ██████████ on a paragraph-by-paragraph basis.

“I would like to assure you and them that I will endeavor to address all issues raised by ensuring that the staff are made more vigilant and aware of the operation of the cafe and external seating area.” **My comment:** Why are the staff currently not following the procedures regarding the outside seating area. This provides little assurance that anything will change in the future with even more issues arising with the sale of alcohol. **I want to see the staff manual for the procedures in order to assess if the staff is following such procedures in serving clients, debris collection, moving of tables, keeping the entry to ██████████ free, noise, etc. so as to alleviate the issues I have brought up.** Furthermore, it seems that the burden is placed on the young staff, with management not taking an active part or monitoring. How can a young server control an inebriated asocial patron or maintain a clean outdoor area and serve at the same time.

There is no mention of whether alcohol can only be served with food and what are the hours for serving alcohol. Likewise, no mention as to indoor seating capacity.

Is there a designated person to whom complaints can be made and resolved in a timely manner.

“As for the issue raised about the general tidiness of the cafe external area, please note that we will address this issue with proper staff training to ensure that none of ██████████ are inconvenienced in this regard.” **My comment:** Please see my above comment.

“Also any undue obstruction caused to ██████████ by any of customers will be corrected immediately” **My comment:** This should already be the case and in the instruction manuel. ██████████ the café is a fire exit in case of a fire. This entrance cannot be blocked by chairs, tables, prams, bikes and scooters. Especially in case of a fire.



“With regards to the alleged trash accumulations, please note that this is a general public nuisance for the area and it is not caused by the cafe refuse or staff. In this regards please note that the cafe staff places great emphasis on making sure of the upkeep of the cleanliness of the general area external to the cafe.” My comment: the litter comes directly from the café as it is paper napkins, paper coffee cups, paper carrier bags and sugar wrappers used by the café. It is not from the pedestrian traffic on the pavement. Likewise, all the pedestrian traffic would need to be all smoking and throwing their cigarette butts on the pavement to account for the amount of cigarette butts accumulating [REDACTED]

[REDACTED] The staff need to tidy the area on a daily basis and also address the stairs and basement areas, and this should be included in the manual.

“With regards to the placement of external tables & chairs outside the cafe please note that the staff already ensure strict discipline that the furniture do not move outside the designated seating area.”

My comment: This is not the case and the picture above proves my point. Other pictures can be provided. How can the staff ensure that the tables and chairs are not being moved on a

continual basis when they are serving drinks and coffee inside.

“As is the existing case, staff do not serve unruly customers and will continue with this procedure of the service to ensure that there is no disturbance caused [REDACTED] at all time.” My comment: The issue here is what happens if the patrons do not leave the outside seating area when the café closes and sit on the front step [REDACTED]

“Please note that the cafe is a very small business and the number of people consuming food at any one time is minimal, the external seating number will be 10 maximum and would not be deemed as a crowd and noise created similar to the pub environment.” My comment: 2 people can create noise if intoxicated and this would especially be the case if they linger after the café closes.

“Also with regards the particular representation regarding the litters going through the open railing, please note that this side of the cafe does not have external seating and is along a public footpath which is the source of rubbishes mentioned.” My comment: The railing and stairs [REDACTED] the external seating area and is impacted by the litter. Clearly, as litter from the tables and patrons blows around, it can also flow into the stairs and the railing leading [REDACTED].

“We noted some concerns about the sale of alcohol in general on the premise given alleged proximity to primary school area or other facilities. We note however that there are other cafe type businesses much closer to these facilities which are selling alcoholic products plus supermarkets and 24 hour shops that typically sell alcoholic products at much lower price points. Accordingly we do not believe that such concerns are justified.” My comment: Supermarkets and 24 hour shops do not have outside seating areas and are seldom found with [REDACTED] of such shops.

Since a number of the issues indicated already exist without the sale of alcohol, the sale of alcohol will only aggravate the situation. I have little hope that the young staff will be able to handle the points brought up by the owner.

For these reasons, I wish to maintain my objections.

The interested party provided the following photographs on 24 October 2023.





Name:	[REDACTED]		
Address and/or Residents Association	[REDACTED]		
Status:	Valid	In support of opposed:	Opposed
Received:	25 May 2023		

[REDACTED] It is currently a relatively quiet area set back from Lupus Street and mostly residential with the exception of 3 other (non-hospitality) commercial premises.

Although there are some conditions proposed, the application does not address key elements of the Council's licensing policy (October 2021), namely licensing objective 'PN1'.
It is not clear:

- whether alcohol will only be sold with food. They are not allowed primary cooking under the terms of their lease.
- if alcohol will be sold for consumption outside the premises. There is already an issue with their metal tables and chairs making noise and obstructing the public pavement area outside the curtilage of the premises. Allowing vertical drinking would present an issue with crowding outside residential doorways and potential for rubbish to be dropped into the stairwell;
- what the arrangements are for waste collection and deliveries;
- if there are adequate toilet facilities;

The application mentions security cameras, acknowledging the nuisance impact that licensing would present here. There is no detail regarding who would be monitoring the cameras and what steps would be taken in the event of trouble. Neither is there information regarding staffing (levels and competency for dealing with inebriated customers) or, indeed, what the anticipated maximum number of customers at any one time would be.

There are no other licensed premises in this area and it would set a negative precedent to grant one to this business. It is in close proximity to an alcohol addiction centre (66 Lupus Street) as well as an Alcoholics Anonymous meeting centre (Holy Apostles, Cumberland Street) making this site wholly inappropriate for an alcohol licence.

I am aware that applications can be amended and I would ask that I am kept updated of any changes to the application.

Response received on 03 July 2023 from the interested party following the applicant's mediation email:

Unfortunately they have not fully addressed my concerns, specifically:

- Is the proposed serving of alcohol to be ancillary to a table meal?
- What is the proposed internal capacity for sitting customers?
- What would be the staff-to-customer ratio?
- What are the proposed hours for serving alcohol?
- When would be the waste collection times and stock delivery times?

In addition, they have not stated who would be the Designated Premises Supervisor and whether this person is local and able to respond to issues arising in a timely and efficient manner.

Unless they can provide detailed information and assurances regarding these points I wish to maintain my objection.

Name:		[REDACTED]	
Address and/or Residents Association		[REDACTED] [REDACTED] [REDACTED]	
Status:	Valid	In support or opposed:	Opposed
Received:	05 June 2023		
<p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED] If the cafe were to be allowed to serve alcohol it would attract a very different clientele with behaviour which could easily get out of control even if the serving of alcohol was only permitted with food.</p> <p>[REDACTED] already needs regular cleaning with the litter from the cafe which gets through the railings and cafe rubbish also gets blown [REDACTED] and along the pavement which also needs constant clearing up. In addition to the litter resulting from cafe service there are many more cigarette butts etc. than there use to be before the cafe was here. The cafe seems to make very little effort to keep any of this under control and adding alcohol will add to the rubbish problem.</p> <p>Alcohol consumption tends to make people talk more loudly and the noise level from the cafe is already intrusive at times.</p> <p>The extended hours requested would only exacerbate all these issues.</p> <p>In the interest of keeping this residential street a safe haven for all to enjoy I strongly object to this application.</p> <p>Response received on 03 July 2023 from the interested party following the applicant's mediation email:</p> <p>I do not believe that the cafe owner is on the premises very often, if she was she would be aware that what she has stated in her letter is far from the truth.</p> <p>I agree that there has always been issues regarding litter in the area, but it has never been a nuisance before the cafe opened. She said that the litter 'is not caused by the cafe refuse or staff' however, it consists of black paper napkins, empty sugar tubes etc which are used by the cafe. Further on she says that the side with open railings 'does not have external seating'. The Charlwood Street side does not have external seating and I believe this is the side that is being referred to. Winchester Street, where the external seating is located, does have open railings and the litter accumulates around it and gets into the basement area.</p> <p>The letter states that external tables and chairs are kept within the designated seating area which is not the case and there is little evidence of the 'strict discipline' in making sure that they do.</p> <p>If the staff are unable to keep the area free of rubbish and the seating in the designated area when alcohol is not being sold, I find it hard to believe that it will get any better with the introduction of alcohol.</p> <p>There is no mention of how the noise level and unruly behaviour will be controlled, with so little control evident at the present time.</p> <p>I wish to maintain my objection.</p>			

Name:		[REDACTED]	
Address and/or Residents Association		[REDACTED] [REDACTED] [REDACTED]	
Status:	Valid	In support or opposed:	Opposed
Received:	14 May 2023		
<p>[REDACTED], we do not require any anti social behaviour by people sitting on the pavement and drinking alcohol . The Cafe is a cafe open for the local residents for coffee/tea we do not require the premises to sell alcohol.</p> <p>So we strongly object.</p> <p>Further submissions submitted by the interested party on 24 May 2023:</p> <p>[REDACTED], the cafe was open to serve tea, coffee and snacks there is no need for a license to sell alcohol all this will do is cause anti social behaviour.</p> <p>We as residents object to it.</p> <p>Response received on 28 June 2023 from the interested party following the applicant's mediation email:</p> <p>Thanks for your email, I still stand by my objection as this is a [REDACTED] and we do want [REDACTED] to receive any anti social behaviour.</p> <p>The cafe currently has many regular customers who clearly have drinking problems and pour alcohol into water bottles and sit outside the cafe for long periods, nothing is done about them.</p> <p>The shop generally has one to two staff who are busy serving hot drinks , will they have to time to focus on any anti social behaviour and do they have the confidence to deal with any anti social behaviour.</p> <p>The cafe was a nice addition to the street , I really don't see the demand for it to sell alcohol as we have two shops nearby that do serve it for takeaway only.</p>			

3. Policy & Guidance

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

Policy HRS1 applies

- A. Applications within the core hours set out below in this policy will generally be granted for the relevant premises uses, subject to not being contrary to other policies in the Statement of Licensing Policy.
- B. Applications for hours outside the core hours set out in Clause C will be considered on their merits, subject to other relevant policies, and with particular regard to the following:
1. The demonstration of compliance in the requirements of policies CD1, PS1, PN1 and CH1 associated with the likelihood of the effect of the grant of a licence for later or earlier hours on crime and disorder, public safety, public nuisance and the protection of children from harm.
 2. If the application is located within a Special Consideration Zone they have demonstrated that they have taken account of the issues identified in that area and provided adequate mitigation.
 3. Whether there is residential accommodation in the proximity of the premises that would likely be adversely affected by premises being open or carrying out operations at the hours proposed.
 4. The proposed hours of the licensable activities and when customers will be permitted to remain on the premises.
 5. The proposed hours when any music, including incidental music, will be played.
 6. The hours when customers will be allowed to take food or drink outside the premises or be within open areas which form part of the premises.
 7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity.
 8. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night.
 9. The capacity of the premises.
 10. The type of use, recognising that some venues are more likely to impact the licensing objectives than others; for example, pubs and bars are higher risk than theatres, cinemas and other cultural and sporting venues due to the nature of the operation.
 11. The Licensing Authority will take into account the active measures proposed for a 'winding down' period including arrangements for people to be collected from the premises to travel home safely.
 12. Conditions on hours may be attached that require that the supply of alcohol for consumption on the premises ceases a suitable period of time before customers are required to leave the premises.
 13. The council, acting as the Licensing Authority, may reduce hours if, after review, it is necessary to impose conditions specifying shorter hours in order to promote the licensing objectives.
 14. Specific days for non-standard hours should be identified and justified as part of the application to allow responsible authorities and interested parties to evaluate the impact that these licensable activities may have, and to plan accordingly. The consideration of applications for later hours for Bank Holiday Mondays will take into account that later hours are generally granted for preceding Sundays and that the next day is a working day. Non-specific days

	<p>are expected to be covered by Temporary Event Notices or variation applications.</p> <p>C. For the purpose of Clauses A and B above, the Core Hours for applications for each premises use type as defined within this policy are:</p> <ol style="list-style-type: none"> 1. Casinos: Up to 24 hours a day whilst casino gaming is permitted by a premises licence under the Gambling Act 2005. 2. Cinemas, Cultural Venues and Live Sporting Premises: Monday to Sunday: 9am to 12am 3. Hotels: Monday to Thursday: 9am to 11.30pm. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am. For the sale of alcohol to guests for consumption in hotel/guest rooms only: Anytime up to 24 hours. 4. Off licences: Monday to Saturday: 8am to 11pm. Sunday: 9am to 10.30pm. 5. Outdoor Spaces: Monday to Thursday: 9am to 11.30pm. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am. 6. Pubs and bars, Fast Food and Music and Dance venues: Monday to Thursday: 10am to 11.30pm. Friday and Saturday: 10am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 12pm to 12am. 7. Qualifying Clubs: Monday to Thursday: 9am to 12am.. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am. 8. Restaurants: Monday to Thursday: 9am to 11.30pm. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am. 9. Sexual Entertainment Venues and Sex Cinemas: Monday to Thursday: 9am to 11.30pm. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am. <p>D. Core hours are when customers are permitted to be on the premises and therefore the maximum opening hours permitted will be to the same start and terminal hours for each of the days where licensable activity is permitted.</p> <p>E. For the purposes of this policy, 'premises uses' are defined within the relevant premises use policies within this statement.</p>
<p>Policy RNT1 applies</p>	<p>A. Applications outside the West End Cumulative Impact Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1. 2. The hours for licensable activities being within the council's Core Hours Policy HRS1. 3. The operation of any delivery services for alcohol and/or latenight refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1. 4. The applicant has taken account of the Special Consideration Zones Policy SCZ1 if the premises are located within a designated zone. 5. The application and operation of the venue meeting the definition of a restaurant as per Clause C. <p>B. Applications inside the West End Cumulative Impact Zone will generally be granted subject to:</p>

	<ol style="list-style-type: none"> 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1. 2. The hours for licensable activities are within the council's Core Hours Policy HRS1. 3. The operation of any delivery services for alcohol and/or latenight refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1. 4. The applicant has demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone. 5. The application and operation of the venue meeting the definition of a restaurant as per Clause C. <p>C. For the purposes of this policy a restaurant is defined as:</p> <ol style="list-style-type: none"> 1. A premises in which customers are shown to their table or the customer will select a table themselves to which food is either served to them or they have collected themselves. 2. Which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at a table. 3. Which do not provide any takeaway service of food and/or drink for immediate consumption, except if provided via an ancillary delivery service to customers at their residential or workplace address. 4. Where alcohol shall not be sold, supplied, or consumed on the premises otherwise than to persons who are bona fide taking substantial table meals and provided always that the consumption of alcohol by such persons is ancillary to taking such meals. 5. The sale and consumption of alcohol prior to such meals may be in a bar area but must also be ancillary to the taking of such meal.
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4. Equality Implications

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

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

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

5. 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

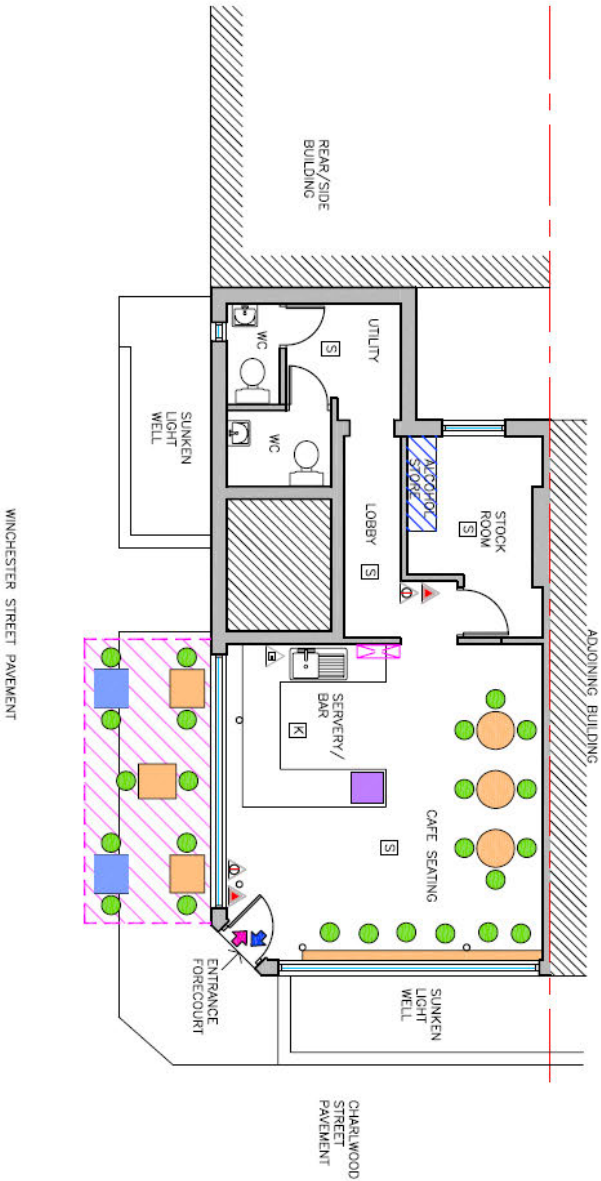
Report author:	Ms Jessica Donovan
Contact:	Telephone: 020 7641 6500 Email: Jdonovan@westminster.gov.uk

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

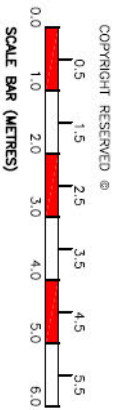
1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	01 October 2021
3	Amended Guidance issued under section 182 of the Licensing Act 2003	December 2022
4	Environmental Health Service representation	23 May 2023
5	Metropolitan Police Service representation	26 May 2023 (<i>Withdrawn 02 June 2023</i>)
6	Interested party representation (1)	06 June 2023
7	Interested party representation (2)	02 June 2023
8	Interested party representation (3)	25 May 2023
9	Interested party representation (4)	05 June 2023
10	Interested party representation (5)	14 May 2023

EXISTING GROUND FLOOR PLAN



- LEGEND:**
- EXTERNAL LIGHTWEIGHT PAVEMENT TABLES FOR NON-SMOKERS
 - EXTERNAL LIGHTWEIGHT PAVEMENT TABLES FOR SMOKERS
 - INTERNAL LIGHTWEIGHT CAFE TABLES
 - LOOSE LIGHTWEIGHT INTERNAL/EXTERNAL CHAIRS
 - ZONE OF APPROVED EXTERNAL PAVEMENT SEATING AREA – ALONG WINCHESTER STREET PAVEMENT
 - ALCOHOL STORE – KEPT LOCKED
 - POINTS OF ACCESS TO AND EGRESS FROM THE PREMISES
 - AREA COVERED BY AUTOMATIC SMOKE DETECTORS
 - AREA COVERED BY AUTOMATIC HEAT DETECTORS
 - CARBON DIOXIDE FIRE EXTINGUISHER
 - WATER FIRE EXTINGUISHER
 - FIRE BLANKET IN CONTAINER
 - ALCOHOL CHILLER CABINET IN BAR
 - HIGH LEVEL ALCOHOL DISPLAY SHELVING IN BAR

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 THIS IS A PLANNING DRAWING FOR PREMISES LICENCE AND SHOULD NOT BE USED FOR TENDERING, CONSTRUCTION OR ANY OTHER STATUTORY PURPOSE.



CLIENT: CAFFE FORESTA
 95 CHARLWOOD STREET SW1V 4PB
 PREMISES LICENCE PLAN
 EXISTING GROUND FLOOR PLAN

design factor
 Tel: 07870 592671
 Email: info@designfactor.co.uk

SCALE: 1:100 MAY 23 DWG: TP10

Mediation email to interested parties

From: Ajose-Adeogun, Ola: WCC

To: Ajose-Adeogun, Ola: WCC

Bcc: [REDACTED]

Subject: FW: 23/03074/LIPN - 95 Charlwood Street, London. SW1V 4PB Representation

Date: 28 June 2023 09:47:00

Attachments: [image001.png](#)

[image002.png](#)

Good morning,

Please find below response from the premises addressing your concerns, kindly let me know if you are happy with the reply or you wish to maintain your objection.

Thanks

Regards

Ola Ajose-Adeogun

Senior Licensing Officer

Public Protection & Licensing

Westminster City Council

15th Floor

City-Hall

64 Victoria Street

SW1E 6QP

Tel: 07866019685

Call Centre (for general queries) 020 7641 6500

Email: oajoseadeogun@westminster.gov.uk

www.westminster.gov.uk

Dear Ola

With reference to your email below, attaching the copy of the representation, please note that in principal the sale of Alcohol on the premise will be subject to and to the strict approval of the relevant authorities.

With regard to the representations from [REDACTED] I noted that some issues raised are not relevant to the licensing of the premise. However I appreciate their concern raised and would like to assure you and them that I will endeavor to address all issues raised by ensuring that the staff are made more vigilant and aware of the operation of the cafe and external seating area. I gathered some of the representations' comments that there is some confusion that the sale of alcohol on the premise will create scenario of typical pub environment. In this regards please be assured that there will be no standing customers either inside or outside the cafe consuming alcohol at anytime. The consumption of alcohol will only be for customers seated in the cafe or dedicated external seating area. There will be a strict control of this operation carried out by the staff at all time. Also the sale of alcohol will be not for takeaway purpose and will only be administered to people who are legally entitled.

As for the issue raised about the general tidiness of the cafe external area, please note that we will address this issue with proper staff training to ensure that none of [REDACTED] are

inconvenienced in this regard. Also any undue obstruction caused to [REDACTED] area by any of customers will be corrected immediately.

With regards to the alleged trash accumulations, please note that this is a general public nuisance for the area and it is not caused by the cafe refuse or staff. In this regards please note that the cafe staff places great emphasis on making sure of the upkeep of the cleanliness of the general area external to the cafe.

With regards to the placement of external tables & chairs outside the cafe please note that the staff already ensure strict discipline that the furniture do not move outside the designated seating area. As is the existing case, staff do not serve unruly customers and will continue with this procedure of the service to ensure that there is no disturbance caused [REDACTED] at all time.

Please note that the cafe is a very small business and the number of people consuming food at any one time is minimal, the external seating number will be 10 maximum and would not be deemed as a crowd and noise created similar to the pub environment.

Also with regards the particular representation regarding the litters going through the open railing, please note that this side of the cafe does not have external seating and is along a public footpath which is the source of rubbishes mentioned.

We noted some concerns about the sale of alcohol in general on the premise given alleged proximity to primary school area or other facilities. We note however that there are other cafe type businesses much closer to these facilities which are selling alcoholic products plus supermarkets and 24 hour shops that typically sell alcoholic products at much lower price points. Accordingly we do not believe that such concerns are justified.

I hope that the above comments have cleared all misconception that neighbors may have had regarding the proposed use of the cafe however we are most willing to accommodate any current and future issues neighbors may raise to collectively create better environment for both the running of the cafe and the peace and tranquility [REDACTED].

We look forward to hearing back from you.

Yours sincerely

[REDACTED]
Director

Premises History

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

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

Conditions consistent with the operating schedule

None

Conditions proposed by the Environmental Health Service and agreed with the applicant so as to form part of the operating schedule.

9. The supply of alcohol shall be by waiter or waitress service only.
10. Food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
11. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
12. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
13. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 19.00 hours and 08.00 hours on the following day.
14. No collections of waste or recycling materials (including bottles) from the premises shall take place between 19.00 hours and 08.00 hours on the following day.
15. No deliveries to the premises shall take place between 19.00 hours and 08.00 hours on the following day.
16. 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.
17. 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.
18. The number of persons permitted in the premises at any one-time (excluding staff) shall not exceed 25 persons.
19. All tables and chairs shall be removed from the outside area by 20.00 hours each day.

Conditions proposed by the Metropolitan Police Service and agreed with the applicant so as to form part of the operating schedule.

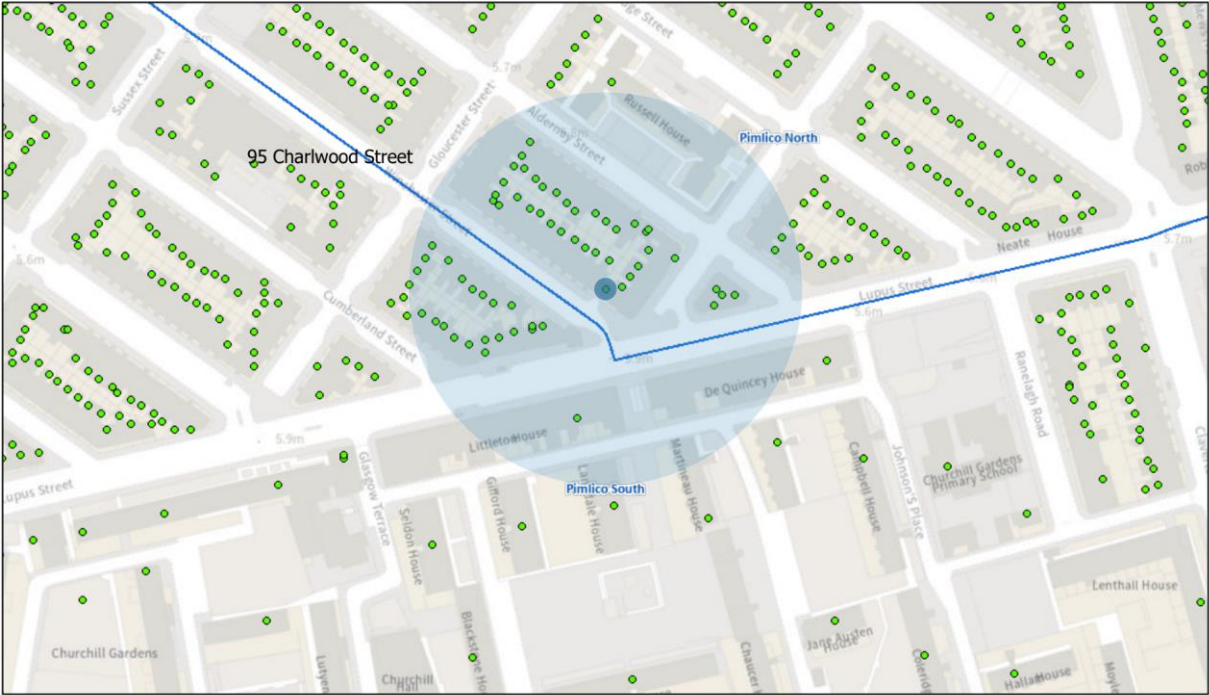
20. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises and will include the external area immediately outside the premises entrance. 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.

21. 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.
22. The supply of alcohol at the premises shall only be to a person seated taking a substantial table meal there and for consumption by such a person as ancillary to their meal.

For the purpose of this condition a 'Substantial Table Meal' means – a meal such as might be expected to be served as the main midday or main evening meal, or as a main course at either such meal and is eaten by a person seated at a table, or at a counter or other structure which serves the purposes of a table and is not used for the service of refreshments for consumption by persons not seated at a table or structure servicing the purposes of a table.

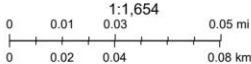
23. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.
24. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system, searching equipment or scanning equipment
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.
25. 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.
26. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke or make a phone call, shall not be permitted to take glass containers with them.
27. Alcohol consumed outside the premises building shall only be consumed by patrons seated at tables within authorised seating areas.

Caffe Foresta, Ground Floor, 95 Charlwood Street, London, SW1V 4PB



19/10/2023, 10:45:52

- Property Mailing List
- ▭ Ward Boundaries
- ▭ Ward Labels



Resident Count: 406

Licensed premises within 75 metres of Ground Floor, 95 Charlwood Street, London, SW1V 4PB

Licence Number	Trading Name	Address	Premises Type	Time Period
19/05484/LIPCH	Domino's Pizza	89 Charlwood Street London SW1V 4PB	Takeaway food outlet	Friday to Saturday; 11:00 - 00:30
14/09669/LIPN	Delize D'Italia	70 Lupus Street London SW1V 3EJ	Cafe	Sunday; 10:00 - 22:30 Monday to Saturday; 08:00 - 23:00
16/12112/LIPCH	Pizza Hut Delivery	113 Lupus Street London SW1V 3EN	Restaurant	Monday to Sunday; 11:00 - 00:00
14/10384/LIPN	Friends Supermarket	82 Lupus Street London SW1V 3EL	Shop	Sunday; 10:00 - 22:30 Monday to Saturday; 08:00 - 23:00