

Appendix 1



LICENSING ACT 2003

**(Vesuvio Cafe)
Unit 3A
139 Three Colt Street
London
E14 8AP**

Licence Number
130819

Licensable Activities authorised by the licence

The sale by retail of alcohol

See the attached licence for the licence conditions

Signed by

David Tolley 
Head of Environmental Health & Trading Standards

Date: 30th January 2006



Part A - Format of premises licence

Premises licence number

130819

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description

(Vesuvio Café)
Unit 3A
139 Three Colt Street

Post town

London

Post code

E14 8AP

Tele hone number

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

The sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities

The sale by retail of alcohol:

Monday, Tuesday, Wednesday, Thursday, Friday from 08:00 hours to 19:00 hours

Saturday from 08:00 hours to 18:00 hours

Sunday from 10:00 hours to 18:00 hours

The opening hours of the premises

Monday, Tuesday, Wednesday, Thursday, Friday from 08:00 hours to 19:00 hours

Saturday from 08:00 hours to 18:00 hours

Sunday from 10:00 hours to 18:00 hours

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

Off sales only

Part 2

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

Linda Mary Cross
21 Balearic Apartments
15 Western Gateway
London
E16 1AP

[REDACTED]

[REDACTED]

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

Not applicable

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

Mr. Matteo Buonocore

[REDACTED]

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Licence No. 871
Issuing Authority: Thurrock Council

Annex 1 - Mandatory conditions

- 3.
- (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.
- 5.
1. 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.
 2. For the purposes of the condition set out in paragraph 1—
 - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(1);
 - (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(2)
3. Where the permitted price given by Paragraph (b) of paragraph 2 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.
4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 - Conditions consistent with the operating Schedule

None applicable

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

Not applicable

Annex 4 - Plans

The plans are those submitted to the licensing authority on the following date:

22nd November 2005



Part B - Premises licence summary

Premises licence number

130819

Premises details

Postal address of premises, or if none, ordnance survey map reference or description

(Vesuvio Café)
Unit 3A
139 Three Colt Street

Post town

London

Post code

E14 8AP

Tele hone number

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

The sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities	Monday, Tuesday, Wednesday, Thursday, Friday from 08:00 hours to 19:00 hours Saturday from 08:00 hours to 18:00 hours Sunday from 10:00 hours to 18:00 hours
The opening hours of the premises	Monday, Tuesday, Wednesday, Thursday, Friday from 08:00 hours to 19:00 hours Saturday from 08:00 hours to 18:00 hours Sunday from 10:00 hours to 18:00 hours
Name, (registered) address of holder of premises licence	Linda Mary Cross 21 Balearic Apartments 15 Western Gateway London E16 1AP
Where the licence authorises supplies of alcohol whether these are on and / or off supplies	Off sales only
Registered number of holder, for example company number, charity number (where applicable)	Not applicable
Name of designated premises supervisor where the premises licence authorises for the supply of alcohol	Mr. Matteo Buonocore
State whether access to the premises by children is restricted or prohibited	No restrictions

Appendix 2



This form should be completed and forwarded to: Licensing Section, Mulberry Place, 5 Clove Crescent, London E14 2BG or by email to: licensing@towerhamlets.gov.uk with a payment for the correct fee, you can pay by phoning 020 7364 5008 or on-line: <http://www.towerhamlets.gov.uk/pay>

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.
You may wish to keep a copy of the completed form for your records.

I/We **LINDA MARY CROSS** *(Insert name(s) of applicant)*

Being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below.

Premises Licence number **130819**

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description	
VESUVIO ITALIAN CAFFE UNIT 3A, 139 THREE COLT STREET LONDON E14 8AP	
Post town LONDON	Post code E14 8AP

Telephone number at premises (if any)	[REDACTED]
Non-domestic rateable value of premises	£ 13,500

Part 2 - Applicant details

Daytime contact telephone number		[REDACTED]	
E-mail address (optional)		[REDACTED]	
Current postal address if different from premises address		21 BALEARIC APARTMENTS 15 WESTERN GATEWAY LONDON E16 1AP	
Post Town	LONDON	Postcode	E16 1AP

Part 3 - Variation

Do you want the proposed variation to have effect as soon as possible? Please tick yes
X

If not, when do you want the variation to take effect from?

Day	Month	Year

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?
(Please see guidance note 1) Yes No

Please describe briefly the nature of the proposed variation (please see guidance note 2)

VARIATION FROM OFF SALE OF ALCOHOL TO PERMIT SALE OF ALCOHOL ON THE PREMISES FROM 0800-1800 MONDAY-FRIDAY, 0800-2100 ON SATURDAY AND 1000-1800 ON SUNDAY. LIVE MUSIC TO BE PROVIDED ON SATURDAYS FROM 1800-2100.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend

NO

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment

- Please tick yes
- a) plays (if ticking yes, fill in box A)
 - b) films (if ticking yes, fill in box B)
 - c) indoor sporting events (if ticking yes, fill in box C)
 - d) boxing or wrestling entertainment (if ticking yes, fill in box D)
 - e) live music (if ticking yes, fill in box E) X
 - f) recorded music (if ticking yes, fill in box F)
 - g) performances of dance (if ticking yes, fill in box G)
 - h) anything of a similar description to that falling within (e), (f) or (g)
(if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J) X

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 8)			Will the performance of a play take place indoors or outdoors or both - please tick (please read guidance note 4)	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 5)	Both	
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 6)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for performance of plays at different times to those listed in the column on the left, please list (please read guidance note 7)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 8)			Will the exhibition of a film take place indoors or outdoors or both - please tick (please read guidance note 4)	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 5)	Both	
Tue					
Wed			State any seasonal variations for exhibition of films (please read guidance note 6)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 7)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 8)			<p><u>Please give further details here</u> (please read guidance note 5)</p> <p><u>State any seasonal variations for indoor sporting events</u> (please read guidance note 6)</p> <p><u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 7)</p>
Day	Start	Finish	
Mon			
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainment Standard days and timings (please read guidance note 8)			<p><u>Will the Boxing or wrestling entertainment take place indoors or outdoors or both - please tick</u> (please read guidance note 4)</p>	Indoors	
Day	Start	Finish		Outdoors	
				Both	
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 6)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 8)			Will the performance of live music take place indoors or outdoors or both – please tick [Y] (please read guidance note 4)	Indoors	X
				Outdoors	
				Both	
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 5)		
Tue					
Wed			State any seasonal variations for the performance of live music (please read guidance note 6)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 7)		
Sat	1800	2100			
Sun					

F

Recorded music Standard days and timings (please read guidance note 8)			Will the playing of recorded music take place indoors or outdoors or both – please tick [Y] (please read guidance note 4)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 5)		
Tue					
Wed			State any seasonal variations for playing recorded music (please read guidance note 6)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the playing of recorded music entertainment at different times to those listed in the column on the left, please list (please read guidance note 7)		
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 8)			<u>Will the performance of dance take place indoors or outdoors or both – please tick [Y]</u> (please read guidance note 4)	Indoors	
Day	Start	Finish		Outdoors	
Mon			<u>Please give further details here</u> (please read guidance note 5)	Both	
Tue					
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 6)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of dance entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 8)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish		Indoors	
Mon			<u>Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 4)</u>	Outdoors	
Tue				Both	
Wed			<u>Please give further details here</u> (please read guidance note 5)		
Thur					
Fri			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 6)		
Sat					
Sun					
			<u>Non standard timings. Where you intend to use the premises for the entertainment of similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		

I

Late night refreshment Standard days and timings (please read guidance note 8)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick [Y] (please read guidance note 4)	Indoors		
Day	Start	Finish		Outdoors		
Mon			Please give further details here (please read guidance note 5)	Both		
Tue						
Wed				State any seasonal variations for the provision of late night refreshment (please read guidance note 6)		
Thur						
Fri						
Sat				Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times to those listed in the column on the left, please list (please read guidance note 7)		
Sun						

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption – please tick [Y] (please read guidance note 9)	On the premises		
Day	Start	Finish		Off the premises		
Mon	0800	1800	State any seasonal variations for the supply of alcohol (please read guidance note 6)	Both	X	
Tue	0800	1800				
Wed	0800	1800		Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 7)		
Thur	0800	1800				
Fri	0800	1800				
Sat	0800	2100				
Sun	1000	1800				

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 10)

None – live music will be provided only on Saturdays from 1800-2100, ie outside the period for which a licence is required for less than 500 people. No payment is taken for the music which is provided as background whilst customers are having a meal and drink. No music will be played during the week which might disrupt children or their schooling.

L

<p>Hours premises are open to the public Standard timings (please read guidance note 8)</p>			<p><u>State any seasonal variation</u> (please read guidance note 6)</p> <p>There are no published variations, however during severe winter weather the café may close earlier.</p>
Day	Start	Finish	
Mon	0800	1900	
Tue	0800	1900	
Wed	0800	1900	
Thur	0800	1900	
Fri	0800	1900	
Sat	0800	2200	
Sun	1000	1900	

Non standard timings. Where you intend to the premises to be open at different times to those listed in the column on the left, please list (please read guidance note 7)

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking

This variation would allow alcohol to be consumed on the premises.

Please tick yes

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked on of those boxes please fill in reasons for not including the licence, or part it below

Reasons why I have failed to enclose the premises licence or relevant part of premises licence

M

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation.

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 11)

The café is small and has a capacity of 25 covers. Opening hours in the evening are restricted which is when alcohol would mainly be consumed. Children would be allowed in the café only accompanied by a responsible adult. The restricted hours and size of the premises ensures disturbance to neighbours would be kept to a minimum.

b) The prevention of crime and disorder

Alcohol would mainly be consumed along with a meal. As a cafe customers would not primarily be coming just to drink alcohol, there are nearby bars which the same customers frequent. We would ensure customers were not served alcohol if they were not in a fit state to deal with it. Staff would receive training on how to handle such issues, including basing decisions on law and depersonalising the situation.

c) Public safety

The number of covers in the cafe is limited to 25 and alcohol is mainly served with meals. Steps would be taken to ensure customers were not served alcohol which made them a threat to public safety. In case of any perceived problems the police would be called to deal with the situation.

d) The prevention of public nuisance

The times of opening and provision of live music – only on Saturday for 3 hours – would be strictly adhered to. In addition music would be performed inside the café limiting the noise for neighbours.

e) The protection of children from harm

Children are only allowed to sit in the café to have meals and drinks when accompanied by a responsible adult. They may come in to purchase, eg soft drinks or ice cream, for takeaway. Staff have been given guidance on the sale of alcohol and protection of children.

CHECKLIST:


Please tick yes

- I have made or enclosed payment of the fee x
- I have sent copies of this application and the plan (showing the area to be licensed) to responsible authorities and others where applicable x
- I understand that I must now advertise my application x
- I have enclosed the premises licence or relevant part of it or explanation x
- I understand that if I do not comply with the above requirements my application will be rejected x

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 5 – Signatures (please read guidance note 10)

Signature of applicant or applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent (please read guidance note 11). **If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	1 September 2022
Capacity	Licence holder

Where the premises licence is jointly held signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent (please read guidance note 12). **If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)

Post town	Post code
Telephone number (if any)	
If you would prefer us to correspond with you by e-mail your e-mail address (optional)	

Appendix 3





Today's Specials
- Focaccia
- Pasta
- Penne Pesto

Today's Specials
- Laguna
- Pasta Mushroom
- Cream Sauce

Coca-Cola
Smoothies of
the day
- Strawberry
- Summer fruits
- Banana



Appendix 4

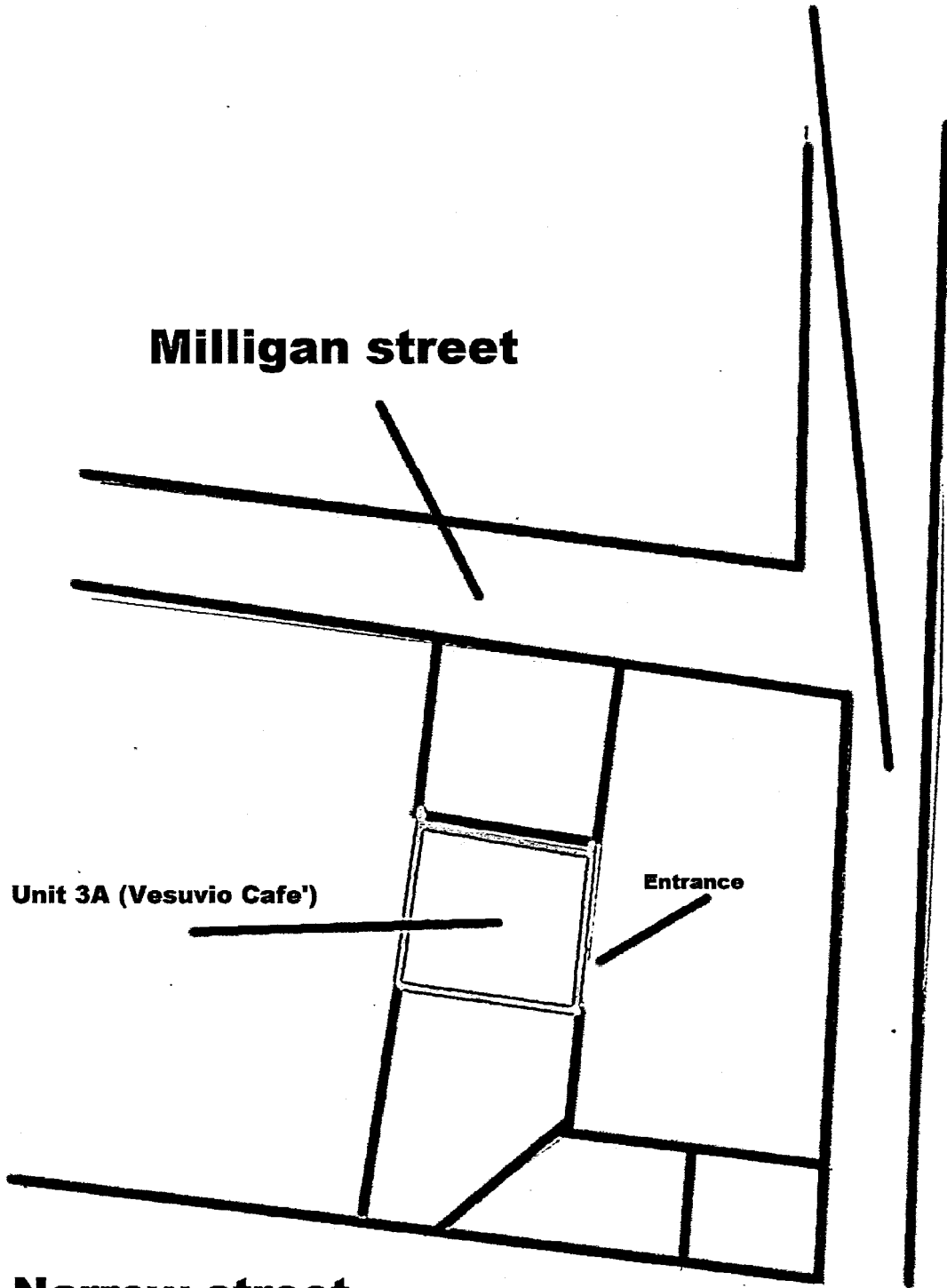
Three colt street

Milligan street

Unit 3A (Vesuvio Cafe')

Entrance

Narrow street



Counter Area

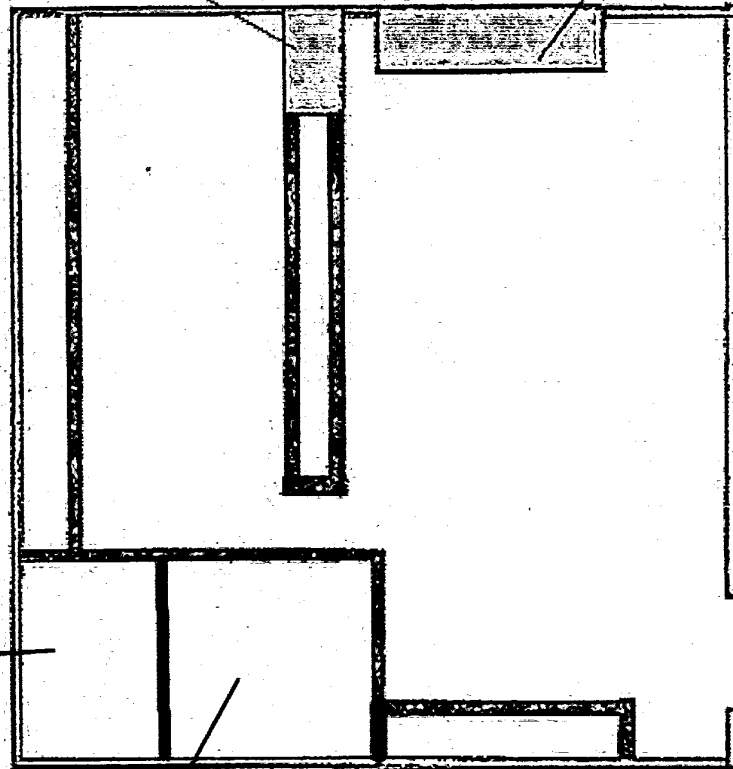
Display of Liquor

W.C.

Changing Room

**Entrance
from Three Colt
Street London
E14 8HP**

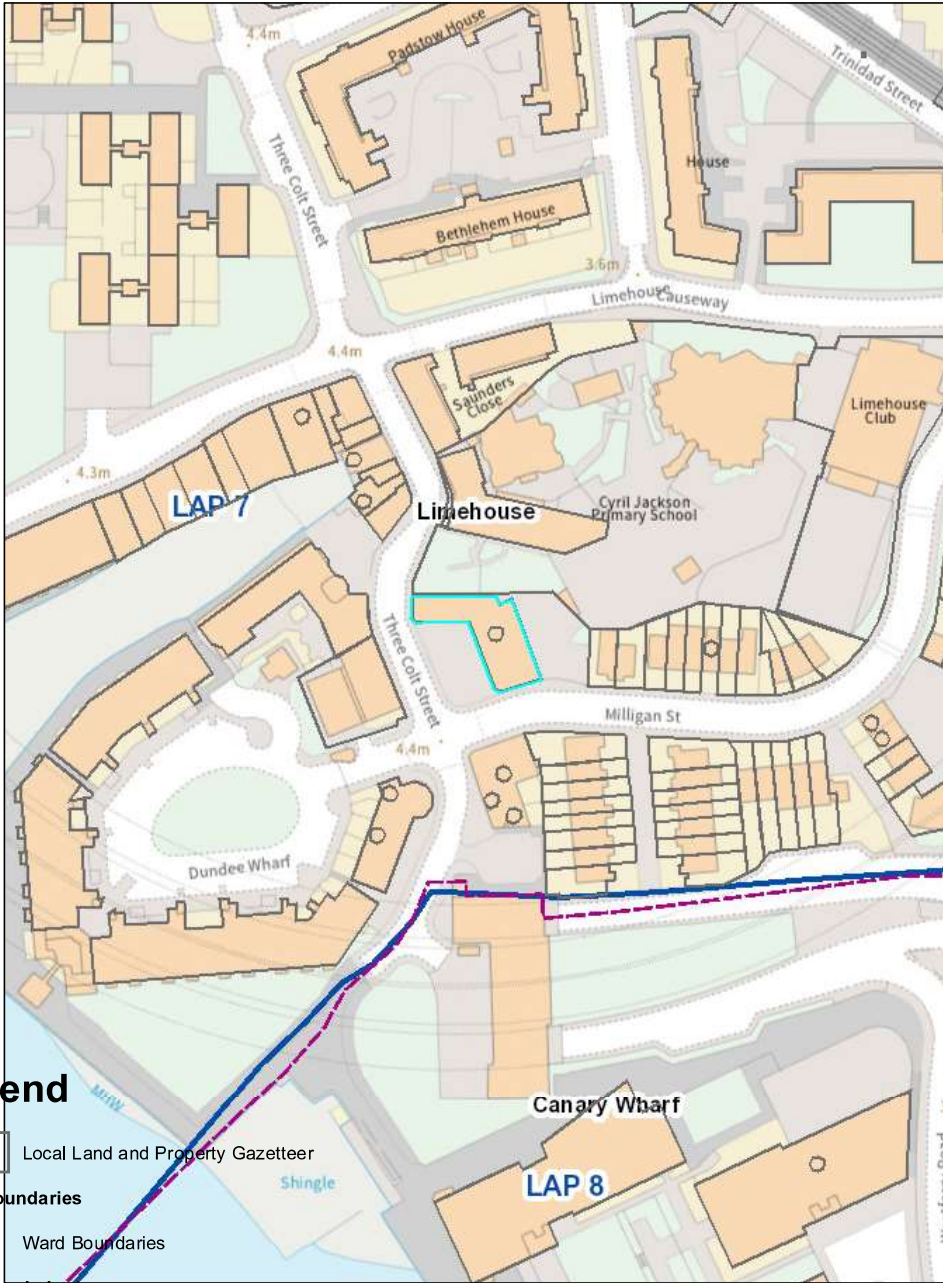
Scale 1:500



Appendix 5

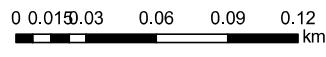


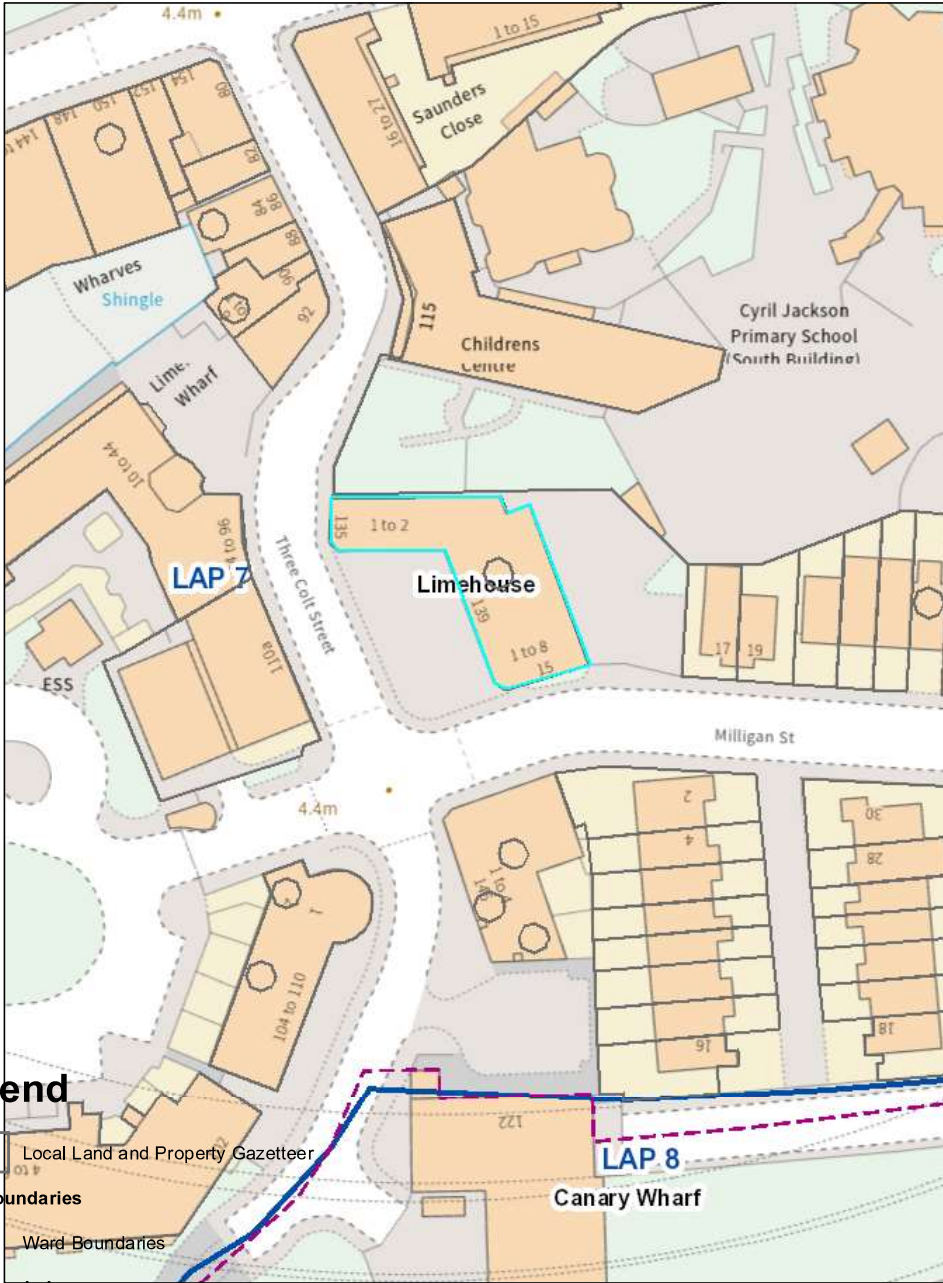
Unit 3a, 139 Three Colt Street



Legend

- Local Land and Property Gazetteer
- Ward Boundaries
- Ward Boundaries
- LAP Boundaries





Legend

Local Land and Property Gazetteer

Ward Boundaries

Ward Boundaries

LAP Boundaries

LAP Boundaries

00.0076015 0.03 0.045 0.06 km

Appendix 6

Nearest licences: Unit 3a 139 Three Colt Street

Name and address	Licensable activities and hours	Opening hours
(Grab 'N' Go) Unit 4 139 Three Colt Street London E14 8AP	The Sale of Alcohol Monday to Sunday, from 07:00 hours to 21:00 hours.	Monday to Sunday, from 07:00 hours to 21:00 hours.

Appendix 7

Kathy Driver

From: Katie Baxter <[REDACTED]>
Sent: 30 August 2022 22:31
To: Licensing
Subject: Licensing Act 2003 Premises Variation- Vesuvius Cafe Unit 3a, 139 Three Colt Street, London E14 8AP

Follow Up Flag: Follow up
Flag Status: Completed

Representations from: Ms K Baxter & Mr S Haworth. [REDACTED]

- General

The applicant states that the cafe is small and has a capacity for 25 covers. The applicant currently has 14 tables left permanently outside in the 'public square', including the covers inside, this is potentially 48+ covers. At present when the cafe is busy the general noise level disturbs neighbours by, • constant movement of chairs and tables • customers talking loudly and shouting • dogs barking and yapping • cigarette smoke wafting up into flats.

The concern is that the provision of live music and extended hours of serving alcohol would increase the amount of people and generate even more noise and potential anti social behaviour.

Dundee Court is a residential block and surrounds the public square on two sides, it consists of ten flats with living rooms and bedrooms directly overlooking the square and the cafe. Many residential homes are also on the opposite side of 3 Colt Street and on both corners of Milligan Street.

Because the applicant/proprietor leaves tables, chairs, large umbrellas, high chairs some catering paraphernalia outside all day and night, as well as defining the area by putting planters as a form of a border which extends out to the pavement, all this occupies about two thirds of the square, making it not possible for residents and pedestrians to access the square freely. The general impression is often an eyesore and spoils the appearance of the square particularly when all the above cafe items including plastic high chairs are left out overnight.

The previous proprietor had 5/6 tables outside in good weather, which were always stacked up and stored inside the cafe every night.

- Prevention of crime and disorder

Alcohol is currently served on its own to some customers later in the afternoon or early evening. When the proprietor leaves at the end of the day and pulls down the cafe shutters some customers are left unsupervised to finish their drinks. As a result of the cafe furniture being left out on a permanent basis people congregate well into the night bringing their own alcohol and food. Groups of young men can congregate sitting at the tables into the early hours of the morning. The impact of the provision of music at the weekend and extending the times when alcohol is served could be to attract to the cafe, potentially large groups of people. This would increase the noise level considerably above what is tolerable and acceptable to surrounding residents.

The public square is within Ropemakers Fields Public Spaces Protection Order (PSPO), which was introduced in accordance with the Anti Social Behaviour Crime and Policing Act 2014. Discarded nitrous oxide canisters are evident on Colt Street and Milligan Street and the worry is that with regular live music this may increase drug taking activity and the anti social activity that goes with it.

- Public Safety

As stated previously the numbers of covers is potentially 48+ due to the amount of tables outside, already an increased amount of refuse is being generated and left in the garage designated for refuse and recycling. Although there are commercial bins for the commercial units (the cafe included) their refuse and amount of recycling is much greater than the residents, often not leaving enough room in the bins and some commercial refuse is not being disposed of correctly and left causing trip hazards in the refuse area. Pest Control, organised by the management company for Dundee Court, visit the block on a regular basis to check the bait boxes put down because rats had got into the foundation of the building. An increased amount of covers and food refuse could make this more difficult to manage.

- Prevention of Public Nuisance

The applicant states that live music would be performed inside so would not disturb neighbours. To date music has been played outside the cafe. The cafe is small, and it would be fairly difficult to accommodate a musician and customers while being catered for with food and drink. Live music has already taken place on a Saturday and a Sunday afternoon at times over the summer. This involved a guitarist with an amplifier, playing outside the cafe. The volume of the music on such an occasion spoilt the 'quiet enjoyment', for residents, as residents leases state they are entitled to. Under no circumstances could this level of volume be described as background music for people eating a meal. The concern is that the Saturday night timing of music and serving of alcohol may not be adhered to, and the music would played on an ad hoc basis with the use of amplifiers. This could also attract large crowds of people who would want to be served with alcohol only.

Sent from my iPhone

Appendix 8

Kathy Driver

From: Stephen Haworth [REDACTED] m>
Sent: 03 October 2022 10:19
To: Kathy Driver
Subject: Fwd: Licensing Act 2003 Premises Variation- Vesuvius Cafe Unit 3a, 139 Three Colt Street, London E14 8AP

Follow Up Flag: Follow up
Flag Status: Flagged

Good morning Kathy,

This representation was emailed on Friday before the deadline, but was responded to as undeliverable.

I have phoned Tower Hamlets this morning, and been given the above alternative email address. Assuming that it will work, please acknowledge that the representation was sent within the time limit.

Thank you,

Steve Haworth

Begin forwarded message:

From: Stephen Haworth [REDACTED] m>
Date: 30 September 2022 at 20:30:29 BST
To: Licencing@towerhamlets.gov.uk
Subject: Fwd: Licensing Act 2003 Premises Variation- Vesuvius Cafe Unit 3a, 139 Three Colt Street, London E14 8AP

Dear Kathy Driver,

Please find below our submission / comments in connection with the application from the café which is situated below the residential units at [REDACTED]

Thank you,

Steve Haworth and Katie Baxter.

Sent from my iPhone

Begin forwarded message:

From: Katie Baxter [REDACTED]
Date: 30 September 2022 at 19:23:37 BST
To: [REDACTED]
Subject: Fwd: Licensing Act 2003 Premises Variation- Vesuvius Cafe Unit 3a, 139 Three Colt Street, London E14 8AP

Sent from my iPhone

Begin forwarded message:

From: Katie Baxter [REDACTED]
Date: 29 September 2022 at 16:56:31 BST
To: [REDACTED]

Subject: Fwd: Licensing Act 2003 Premises Variation- Vesuvius Cafe Unit 3a, 139 Three Colt Street, London E14 8AP

Sent from my iPhone

Begin forwarded message:

From: Licensing <Licensing@towerhamlets.gov.uk>
Date: 28 September 2022 at 16:33:58 BST
To: Katie Baxter [REDACTED]
Subject: RE: Licensing Act 2003 Premises Variation- Vesuvius Cafe Unit 3a, 139 Three Colt Street, London E14 8AP

Following your representation for the above, the application was resubmitted on 1st September 2022 and attach a copy for you.

Can you confirm you still wish to make representation and ask that if you do if you can resend it so that it is within the timeframe of the current application. Apologies for the short notice consultation expires on 30th September.

Any representations will go forward to a Committee hearing and you will be invited to attend unless you can come to an agreement before that.

Kind Regards,
Kathy Driver
Principal Licensing Officer
Licensing & Safety Team
Place Directorate
London Borough of Tower Hamlets
Mulberry Place
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-----Original Message-----

From: Katie Baxter [REDACTED]
Sent: 30 August 2022 22:31
To: Licensing <Licensing@towerhamlets.gov.uk>
Subject: Licensing Act 2003 Premises Variation- Vesuvius Cafe Unit 3a, 139 Three Colt Street, London E14 8AP

- General

The applicant states that the cafe is small and has a capacity for 25 covers. The applicant currently has approximately 14 tables used outside in the 'public square'. Including the covers inside, this is potentially 48+ covers. At present when the cafe is busy the general noise level disturbs neighbours by :

- constant movement of chairs and tables
- customers talking loudly and shouting
- dogs barking and yapping
- cigarette smoke wafting up into flats.

The concern is that the provision of live music and extended hours of serving alcohol would increase the amount of people and generate even more noise and potential anti social behaviour.

Dundee Court is a residential block and surrounds the public square on two sides, it consists of ten flats with living rooms and bedrooms directly overlooking the square and the cafe. Many residential homes are also on the opposite side of 3 Colt Street and on both corners of Milligan Street.

Because the applicant/proprietor places tables, chairs, large umbrellas, high chairs some catering paraphernalia outside during the day , as well as defining the area by putting planters as a form of a border which extends out to the pavement, all this occupies quite a large part of the square, making it not possible for residents and pedestrians to access much of the square freely. The general impression had, this summer, been an eyesore, and spoiled the appearance of the square particularly when all the above cafe items including plastic high chairs were left out overnight. However, the applicants have more recently bought better furniture and, apart from the plastic high chairs, has folded and stowed furniture away in the café overnight, which has been an improvement.

The previous proprietor had 5/6 tables outside in good weather, which were always stacked up and stored inside the cafe every night.

- Prevention of crime and disorder

Alcohol has in the past been served on its own to some customers later in the afternoon or early evening and when the proprietor has left at the end of the day and pulled down the cafe shutters, some customers had been left unsupervised to finish their drinks. As a result of the cafe furniture being left out on a permanent basis people used to congregate well into the night bringing their own alcohol and food. Groups of young men had congregated sitting at the tables into the early hours of the morning. However, the current application seems to be an effort to take this in to account, and, in

recent times, stacking away the outside furniture inside the café after closing time has been an improvement.

A concern for residents of the residential properties surrounding the café is that the impact of the provision of music at the weekend, and extending the times when alcohol is served could be to attract to the cafe potentially large groups of people. This would increase the noise level considerably above what is tolerable and acceptable to surrounding residents.

The public square is within Ropemakers Fields Public Spaces Protection Order (PSPO), which was introduced in accordance with the Anti Social Behaviour Crime and Policing Act 2014. Discarded nitrous oxide canisters are evident on Colt Street and Milligan Street and the worry is that with regular live music this may increase drug taking activity and the anti social activity that goes with it.

- Public Safety

As stated previously the numbers of covers is potentially 48+ due to the amount of tables outside. Already an increased amount of refuse is being generated and left in the garage designated for refuse and recycling. Although there are commercial bins for the commercial units (the cafe included) their refuse and amount of recycling is much greater than the residents, often not leaving enough room in the bins, and some commercial refuse is not being disposed of correctly and left causing trip hazards in the refuse area. Pest Control, organised by the management company for Dundee Court, visit the block on a regular basis to check the bait boxes put down because rats had got into the foundation of the building. An increased amount of covers and food refuse could make this more difficult to manage.

- Prevention of Public Nuisance

The applicant states that live music would be performed inside so would not disturb neighbours. To date, over the summer, music has been played outside the cafe. The cafe is small, and it would be fairly difficult to accommodate a musician and customers while they are being catered for with food and drink. Live music has already taken place on a Saturday and a Sunday afternoon at times over the summer. This involved a guitarist with an amplifier, playing outside the cafe. The volume of the music on such an occasion spoilt the 'quiet enjoyment', for residents, as residents leases state they are entitled to. Under no circumstances could this level of volume be described

as background music for people eating a meal. The concern is that the Saturday night timing of music and serving of alcohol may not be adhered to, and the music would be played on an ad hoc basis with the use of amplifiers. This could also attract large crowds of people who would want to be served with alcohol only.

Sent from my iPhone

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Appendix 9

Kathy Driver

From: Licensing
Sent: 23 September 2022 17:27
To: Kathy Driver
Subject: FW: Representation about Marios / Vesuvio cafe Unit 3a 139 Three Colt Street London E148AP - variation of premises licence application

From: philip tucker [REDACTED]
Sent: 19 September 2022 13:14
To: Licensing <Licensing@towerhamlets.gov.uk>
Subject: Representation about Marios / Vesuvio cafe Unit 3a 139 Three Colt Street London E148AP - variation of premises licence application

Dear All

I am writing to make a representation about the application from Mario's cafe (formerly known as Vesuvio Italian Cafe) Unit 3a 139 Three Colt Street London E148AP to vary the terms of the premises licence.

I have no objection to the proposed changes that would apply on Monday to Fridays and on Sunday, and wish the owners all the best with their plans.

I am however concerned about the proposed changes that would apply on Saturdays, in particular the sale of alcohol until 9pm and the provision of live music until 9pm. The cafe is located on the ground floor of a very quiet residential development and is surrounded on all sides by other residential buildings, including where me and my family live. There are also many other families with young children nearby given the close proximity to Cyril Jackson Primary School. I am worried that the proposals for Saturday will impact negatively on family meal and bedtimes, and the general right to quiet enjoyment of our properties.

In addition, this part of Limehouse has also been subject to noise, litter and other anti social behaviour in past years and is covered by a Public Spaces Protection Order. The situation has improved since the Order has been in force but I am concerned that extending the provision of alcohol at the cafe will undermine the progress that has been made and see the return of such problems to the local area.

My suggestion would be a compromise on Saturday that would see any live music and alcohol provision stop by 7pm or 7.30pm at the latest.

I would be grateful if this representation could be taken into full account by the authority before any decision is made.

Please do of course let me know if the licence application is again withdrawn and resubmitted as I would like my representation to be considered at the relevant moment and it has been difficult at times to keep up with developments, although I am very grateful to the licensing team for their assistance.

Many thanks

Philip Tucker

[REDACTED]

Appendix 10

Anti-Social Behaviour from Patrons Leaving the Premises

General Advice

Members need to bear in mind that once patrons have left a premises they are no longer under direct control. Members will need to be satisfied that there is a link between the way the premises is operating and the behaviour that is complained of. An example of this would be that irresponsible drinking is being encouraged. Before deciding that any particular licensing conditions are proportionate, Members will also need to be satisfied that other legislation is not a more effective route. For example, if the problem is drinking in the street it may be that the Council should designate the area as a place where alcohol cannot be consumed in public.

Members may also wish to consider whether the hours of opening relate to any problems of anti-social behaviour.

If Members believe that there is a substantial problem of anti-social behaviour and it cannot be proportionately addressed by licensing conditions they should refuse the application.

Licensing Policy

The policy recognises that other legislation or measures may be more appropriate but also states that licensing laws are “a key aspect of such control and will always be part of an overall approach to the management of the evening and night time economy” (**see Section 4.15 and 4.16 of the Licensing Policy**).

The Licensing Authority expects the applicant to have addressed all crime and disorder issues relating to the premises in their operating schedule and to have sought appropriate advice. (**See Sections 6.2 of the Licensing Policy**)

The Licensing Authority will consider attaching conditions to deter crime and disorder and these may include Conditions drawn from the Model Poll of Conditions relating to Crime and Disorder. (**See Appendix 3 of the Licensing Policy**). In particular Members may wish to consider (this list is not exhaustive):

- Bottle Bans
- Plastic containers
- CCTV (outside the premises)
- Restrictions on open containers for “off sales”
- Proof of Age scheme
- Crime prevention notices
- Drinks promotions-aimed at stopping irresponsible promotions
- Signage

Cumulative Impact

There is a process by which the Licensing Authority can determine that an area is saturated following representations. However, the process for this involves wide consultation and cannot come from representations about a particular application. (**See Section 8 of the Licensing Policy**).

Police Powers

The Licensing Act 2003, Part 8 gives a senior police officer the power to close a premises for up to 24 hours where the officer believes there is, or is likely to be disorder on or in the vicinity and closure is necessary in the interests of public.

Guidance Issued under Section 182 of the Licensing Act 2003

The key role of the Police is acknowledged (2.1).

Conditions attached to licences cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder, but can relate to the immediate vicinity of the premises as they seek entry or leave (1.16).

Conditions are best targeted on deterrence and preventing crime and disorder (2.3) CCTV inside & out, communication, police liaison, no glasses are all relevant

There is also guidance issued around public nuisance (2.15 – 2.21).

The pool of conditions, adopted by the Council is recommended (see Appendix 3 of the Licensing Policy). Licence conditions should not duplicate other legislation (1.16).

Necessary and appropriate conditions should normally focus on the most sensitive periods and may address disturbance as customers enter or leave the premises but it is essential that conditions are focused on measures within the direct control of the licence holder (2.18/2.21).

Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned (14.13).

Other Legislation

Crime and Disorder Act 1998

The Council has a duty under Section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder.

The Act also introduced a wide range of measures designed to address anti-social behaviour committed by adults and young people. These include:

- Anti-Social Behaviour Orders
- Child Curfew Schemes
- Truancy
- Parenting Orders
- Reparation Orders
- Tackling Racism

Appendix 11

Noise while the premise is in use

General Advice

If they conclude this is a problem Members should consider whether it is possible to carry out suitable and proportionate noise control measures so that noise leakage is prevented. In addition Members may consider that only certain activities are suitable.

The hours of operation also need to be considered (see below).

If Members believe that there is a substantial problem of noise while the premises are in use and it cannot be proportionately address by licensing conditions they should refuse the application.

Licensing Policy

The policy recognises that noise nuisance can be an issue, especially if a premises is open late at night. **(See Sections 9.1 of the Licensing Policy)**. While all applications will be considered on their merits, consideration will be given to imposing stricter conditions in respect of noise control where premises are situated close to local residents. **(See Section 14.10)**.

The Licensing Authority expects the applicant to have addressed all nuisance issues relating to the premises in their operating schedule and to have sought appropriate advice from the Council's Environmental Health Officers. **(See Section 9.2 of the Licensing Policy)**.

The Licensing Authority will consider attaching conditions to prevent nuisance. In particular Members may wish to consider (this list is not exhaustive):

- hours of opening (this needs to be balanced against potential disorder caused by artificially early closing times)
- Whether certain parts should close earlier than the rest (for example a "beer garden", or restricted in their use)
- Whether or not certain activities should have to close at an early hour, for example live music
- Conditions controlling noise or vibration (for example, noise limiters, keeping doors and windows closed).
- Prominent clear and legible notices at all exits requesting the public to respect the needs of local residents and leave the premises and area quietly
- Conditions controlling the use of explosives, pyrotechnics and fireworks
- Conditions controlling the placing of refuse
- Conditions controlling noxious smells
- Conditions controlling lighting (this needs to be balanced against potential crime prevention benefits)

Police Powers

Part 8 of the Licensing Act 2003 enables a senior police officer to close down a premises for up to 24 hrs where public nuisance is being caused by noise coming from the premises and the closure of the premises is necessary to prevent that nuisance.

Guidance Issued under Section 182 of the Licensing Act 2003

The prevention of public nuisance could include low-level nuisance, perhaps affecting a few people living locally as well as major disturbance affecting the whole community (2.15).

Licence conditions should not duplicate other legislation (1.16).

Necessary and appropriate conditions should normally focus on the most sensitive periods (2.19) and may address disturbance as customers enter or leave the premises but it is essential that conditions are focused on measures within the direct control of the licence holder.

Other Legislation

The Environmental Protection Act 1990, Part 111 gives Environmental Health Officers the power to deal with statutory nuisances.

The Anti-social Behaviour Act 2003, Sections 40 and 41 give Environmental Health Officers the power of closure up to 24 hours in certain circumstances.

Appendix 12

Planning

An application for a Premises Licence can be made in respect of a premises even where the premises does not have relevant Planning Permission. That application has to be considered and Members can only refuse the application where the application itself does not promote one of more of the Licensing Objectives. Members cannot refuse just because there is no planning permission. Where a Premises Licence is granted and which exceeds what is allowed by the Planning Permission and that Premises then operates in breach of planning then the operator would be liable to enforcement by Planning.

Appendix 13

Licensing Policy Relating to Hours of Trading

All applications have to be considered on their own merits.

The Council has however adopted a set of framework hours as follows:

- Monday to Thursday, from 06:00 hrs to 23:30 hrs
- Friday and Saturday, from 06:00 hrs to 00:00 hrs (midnight)
- Sunday, from 06:00 hrs to 22:30 hrs

(see 14.8 of the Licensing Policy)

In considering the applicability of framework hours to any particular application regard should be had to the following

- Location
- Proposed hours of regulated activities, and the proposed hours the premises are open to the public
- The adequacy of the applicant's proposals to deal with issues of crime and disorder and public nuisance
- Previous history
- Access to public transport
- Proximity to other licensed premises, and their hours

(See 14.9 of the licensing policy)

Subject to any representations to the contrary in individual cases the following premises are not generally considered to contribute to late night anti-social behaviour and will therefore generally have greater freedom

- Theatres
- Cinemas
- Premises with club premises certificates