



Report of: **Service Director, Public Protection**

Meeting of	Date	Agenda Item	Ward(s)
Licensing Sub-Committee	29 th August 2013	B3	St. Mary's

Delete as appropriate		Non-exempt
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Subject: PREMISES LICENCE VARIATION APPLICATION
RE: VIVO RESTAURANT, 57-58 UPPER STREET, LONDON, N1 0NY.

1. Synopsis

- 1.1 This is an application for the variation of a premise licence under the Licensing Act 2003.
- 1.2 The variation application is to allow:
- i) Off-sales of alcohol by retail to persons seated at the authorised tables and chairs outside the premises; and
 - ii) Alterations to the plan of the premises as laid out below:
 - changes to the internal layout including relocation of the bar, enlargement of the kitchen and the addition of a food counter;
 - the inclusion of a roof terrace to the rear; and
 - the reconfiguration of the toilets.

The applicant has also, after communication with the Council's Noise officer, agreed to the surrender of recorded music as a licensable activity if the above proposals are approved.

2. Recommendations

- 2.1 To determine the application for a variation of the premises licence under Section 34 of the Licensing Act 2003.

2.2 To consider that this address is in the Angel and Upper Street Saturation or “Cumulative Impact Policy” of Islington. This special policy creates a rebuttable presumption that applications for new premises licences, club premises certificates, or variation applications that are likely to add to the existing cumulative impact will normally be refused, unless the applicant can demonstrate why the operation of the premises involved will not add to the cumulative impact or otherwise impact adversely on the promotion of the licensing objectives.

2.3 If the Committee grants the application it should be subject to:

- i. conditions of the current premises licence;
- ii. conditions prepared by the Licensing Officer which are consistent with the Operating Schedule (See appendix 5);
- iii. conditions recommended by responsible Authorities (see appendix 5);
- iv. any conditions deemed necessary by the Committee to promote the four licensing objectives.

3. Background

3.1 The premises currently holds a licence allowing:

- i) The sale by retail of alcohol, on supplies only, Mondays to Fridays from 10:00 until 00:00, Saturdays from 11:00 until 00:00 and Sundays from 12:00 until 23:30;
- ii) The playing of recorded music, Mondays to Fridays from 10:00 until 00:00, Saturdays from 11:00 until 00:00 and Sundays from 12:00 until 23:30; and
- iii) The provision of late night refreshment, Mondays to Saturdays from 23:00 until 00:30 the following day and Sundays from 23:00 until 00:00.

3.2 Papers are attached as follows:-

- Appendix 1: application form;
- Appendix 2: current premises licence;
- Appendix 3: representation;
- Appendix 4: correspondence relevant to the application;
- i) letter from the applicant to the interested party; and
 - ii) the response from the interested party.
- Appendix 5: suggested conditions and map of premise location.

3.3 The Licensing Authority has received 1 letter of representation.

4. Planning Implications

4.1 None.

5. Conclusion and reasons for recommendations

5.1 The Council is required to consider this application in the light of all relevant information, and if approval is given, it may attach such conditions necessary to promote the licensing objectives.

Background papers:

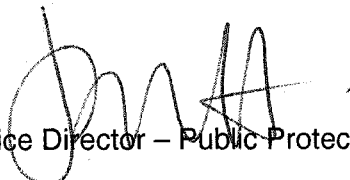
The Council's Statement of Licensing Policy

Licensing Act 2003

Secretary of States Guidance

Final Report Clearance

Signed by


Service Director – Public Protection

16-8-13
Date

Received by

Head of Scrutiny and Democratic Services

Date

Report author: Licensing Service

Tel: 020 7527 3031

Fax: 020 7527 3430

E-mail: dan.whitton@islington.gov.uk

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 Vivo Taste Limited

(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 150147/4225

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description Vivo (formerly Regina Margherita) 57-58 Upper Street

Post town	London	Postcode	N1 0NY
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Telephone number at premises (if any)	
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Non-domestic rateable value of premises	£126,000
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Part 2 – Applicant details

Daytime contact telephone number	07958 512 470
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E-mail address (optional)	
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Current postal address if different from premises address	c/o Michael Watson Licence Consultants Suite 843 19-21 Crawford Street
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Post town	London	Postcode	W1H 1PJ
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Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible?

Yes

No

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

DD	MM	YYYY

Please describe briefly the nature of the proposed variation (Please see guidance note 1)

1. Alterations to the plan of the premises as follows:-

- Changing the internal layout including moving the bar, enlarging the kitchen and adding a food counter
- Inclusion of a roof terrace
- Reconfiguring the toilets

2. To allow off sales of alcohol by retail to persons seated at the tables and chairs outside the premises

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:

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 all that apply

- 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)
- 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)

Sale by retail of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue			State any seasonal variations for performing plays (please read guidance note 4)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri					
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 4)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)
Day	Start	Finish	
Mon			State any seasonal variations for indoor sporting events (please read guidance note 4)
Tue			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 (please read guidance note 5)
Wed			
Thur			
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)</u>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here (please read guidance note 3)</u>		
Mon					
			<u>State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)</u>		
Tue					
			<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 (please read guidance note 5)</u>		
Wed					
Thur					
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
			State any seasonal variations for the performance of live music (please read guidance note 4)		
Tue					
			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 5)		
Wed					
Thur					
Fri					
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue			State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri					
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 6)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Fri					
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 3)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a 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 5)		
Sun					

Late night refreshment Standard days and timings (please read guidance note 6)			<u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4)		
Wed					
Thur			<u>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</u> (please read guidance note 5)		
Fri					
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
			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 5)		
Sun					

K

<p>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 8).</p>

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)
Wed			
Thur			
Fri			
Sat			
Sun			

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.

Please tick as appropriate

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

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

Reasons why I have not enclosed the premises licence or relevant part of premises licence.
An application for a duplicate Licence, with the requisite fee, accompanies this application.

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 and e) (please read guidance note 9)

b) The prevention of crime and disorder

c) Public safety

d) The prevention of public nuisance

e) The protection of children from harm

Checklist:

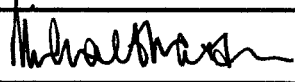
Please tick to indicate agreement

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

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING 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 (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	03/07/13
Capacity	Authorised Agent

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 address for correspondence associated with this application (please read guidance note 13)

Michael Watson
Licence Consultants
Suite 843
19-21 Crawford Street

Post town	London	Post code	W1H 1PJ
Telephone number (if any)	07958 512 470		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			
Michael@licenceconsultants.com			

All dimensions where applicable to be checked on site prior to commencing work

REVISION

LETTER	DATE	DESCRIPTION	ISSUED
A	3.5.13	Seating Layout on Terrace revised and internal seating options	T
B	28.5.13	Seating Layout on Terrace revised and internal seating options	H
C	03.6.13	Extent of proposed canopy and awnings.	CM
D	07.6.13	Fire Equipment	CM
E	07.6.13	Emergency lighting	CM
F	11.6.13	Sanitary inform of lift	CM
G	26.6.13	Define License area	CM
		Additional information as required	CM

6. Fire Alarm Indicator

3. Signage

Fire Escape

Fire Alarm

Fire Alarm

Fire Alarm

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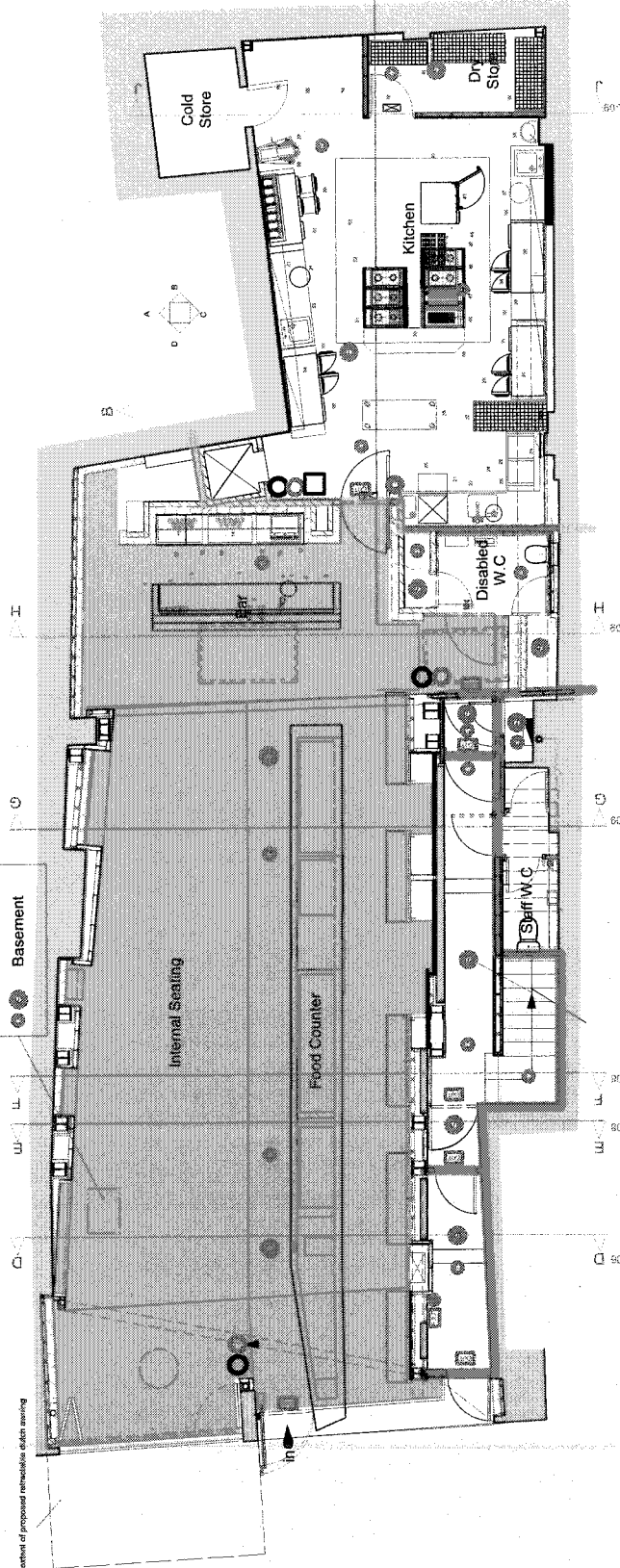
Fire Alarm

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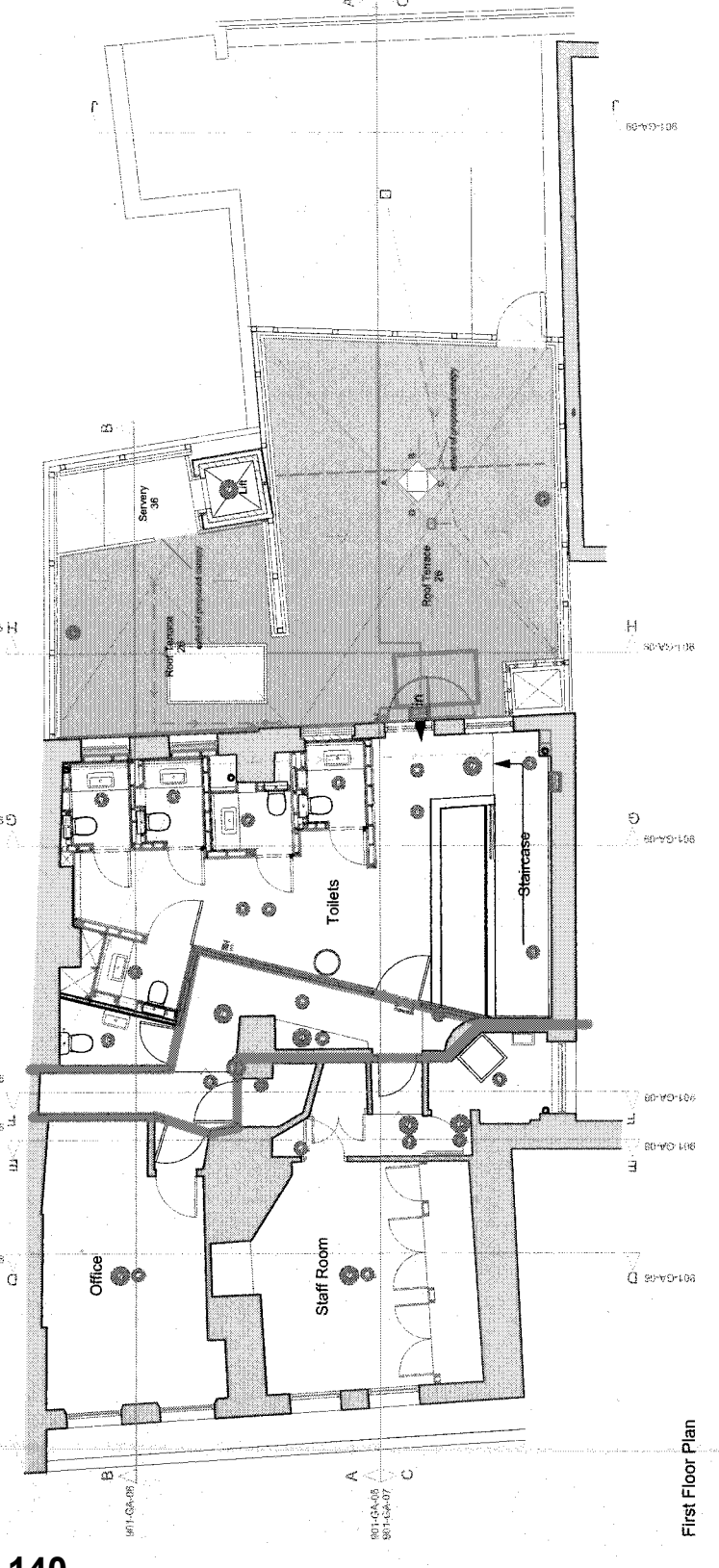
Fire Alarm

Fire Alarm

Fire Alarm



Ground Floor Plan



First Floor Plan

Sheet	Seating for client approval	Drawing Size	A1
Project	Proposed Restaurant Refurbishment and Fit		
Vivo 57/58 Upper Street Islington			
Client	Vivo Taste Ltd		
Drawing	Ground and First floor plans for License		
Scale	1:50 at A1	Event	AM
	1:100 at A3	Date	November 2012

H holmes
Chartered Architects + Interior Designers
www.holmes.co.uk

Drawing Number	Revision
0901-GA-11	G



**PREMISES LICENCE
 LICENSING ACT 2003**

Premises licence number	LN/8157-030713		
Postal address of premises, or if none, ordnance survey map reference or description			
VIVO 57-58 UPPER STREET			
Post town	London	Post code	N1 0NY
Telephone number			

Where the licence is time limited the dates
Not Applicable

Licensable activities authorised by the licence
Ground floor only
<ul style="list-style-type: none"> • The provision of regulated entertainment by way of: The playing of recorded music • The provision of late night refreshment • The sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities																																																																						
<ul style="list-style-type: none"> • The provision of regulated entertainment for the playing of recorded music: <table style="width: 100%; border-collapse: collapse;"> <tr><td>Monday</td><td>10:00</td><td>to</td><td>00:00</td><td></td></tr> <tr><td>Tuesday</td><td>10:00</td><td>to</td><td>00:00</td><td></td></tr> <tr><td>Wednesday</td><td>10:00</td><td>to</td><td>00:00</td><td></td></tr> <tr><td>Thursday</td><td>10:00</td><td>to</td><td>00:00</td><td></td></tr> <tr><td>Friday</td><td>10:00</td><td>to</td><td>00:00</td><td></td></tr> <tr><td>Saturday</td><td>11:00</td><td>to</td><td>00:00</td><td></td></tr> <tr><td>Sunday</td><td>12:00</td><td>to</td><td>23:30</td><td></td></tr> </table> • The provision of late night refreshment: <table style="width: 100%; border-collapse: collapse;"> <tr><td>Monday</td><td>23:00</td><td>to</td><td>00:30</td><td>the following day</td></tr> <tr><td>Tuesday</td><td>23:00</td><td>to</td><td>00:30</td><td>the following day</td></tr> <tr><td>Wednesday</td><td>23:00</td><td>to</td><td>00:30</td><td>the following day</td></tr> <tr><td>Thursday</td><td>23:00</td><td>to</td><td>00:30</td><td>the following day</td></tr> <tr><td>Friday</td><td>23:00</td><td>to</td><td>00:30</td><td>the following day</td></tr> <tr><td>Saturday</td><td>23:00</td><td>to</td><td>00:30</td><td>the following day</td></tr> <tr><td>Sunday</td><td>23:00</td><td>to</td><td>00:00</td><td></td></tr> </table> 	Monday	10:00	to	00:00		Tuesday	10:00	to	00:00		Wednesday	10:00	to	00:00		Thursday	10:00	to	00:00		Friday	10:00	to	00:00		Saturday	11:00	to	00:00		Sunday	12:00	to	23:30		Monday	23:00	to	00:30	the following day	Tuesday	23:00	to	00:30	the following day	Wednesday	23:00	to	00:30	the following day	Thursday	23:00	to	00:30	the following day	Friday	23:00	to	00:30	the following day	Saturday	23:00	to	00:30	the following day	Sunday	23:00	to	00:00	
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Sunday	23:00	to	00:00																																																																			

- The sale by retail of alcohol:

Monday	10:00	to	00:00
Tuesday	10:00	to	00:00
Wednesday	10:00	to	00:00
Thursday	10:00	to	00:00
Friday	10:00	to	00:00
Saturday	11:00	to	00:00
Sunday	12:00	to	23:30

Except on:

New Year's Eve, from 10:00 until 05:00 the following day.

Gaming Machine Provision:

Not authorised

The opening hours of the premises:

Monday	10:00	to	00:00
Tuesday	10:00	to	00:00
Wednesday	10:00	to	00:00
Thursday	10:00	to	00:00
Friday	10:00	to	00:00
Saturday	11:00	to	00:00
Sunday	12:00	to	23:30

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

On supplies

Name, (registered) address, telephone number and e-mail (where relevant) of holder of premises licence

Vivo Taste Limited
64 Cavendish Street
London
W1G 8TB

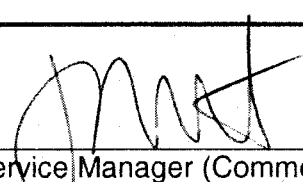
Registered number of holder, for example company number, charity number (where applicable)

08096394

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

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

Islington Council
Public Protection Division
222 Upper Street
London N1 1XR
Tel: 020 7527 3031
Email: licensing@islington.gov.uk


Service Manager (Commercial)

16-08-13
Date of Issue

Annex 1 - Mandatory conditions

1. No supply of alcohol may be made under the premises licence:
 - a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. All door supervisors shall be licensed by the Security Industry Authority.
4. The admission of children to the exhibition of a film shall be restricted in accordance with the recommendation of a film classification body as defined in the Video Recordings Act 1984 or Islington Council acting as the licensing authority where it has given notice in section 20(3) of the Licensing Act 2003.
5. The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any "irresponsible promotions" in relation to the premises.

In this condition, 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 in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children:

 - 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 (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - 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;
 - d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on:
 - i) the outcome of a race, competition or other event or process, or
 - ii) the likelihood of anything occurring or not occurring;
 - e) 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.
6. The responsible person shall ensure that no alcohol is dispensed 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).
7. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

8. The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

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 a holographic mark.

9. The responsible person shall 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; and
 - b) customers are made aware of the availability of these measures.

Annex 2 - Conditions consistent with the Operating Schedule

1. No person shall be allowed entry to premises if believed to be intoxicated.
2. No person shall be served who is believed to be intoxicated.
3. All staff will be given comprehensive training which will be logged in the staff handbook.
4. There will be a fully stocked first-aid kit available at the premises.
5. Any instances of crime and disorder at the premises shall be reported to the Police immediately.
6. Persons leaving the premises will be advised, either by written notice or verbally, to leave the area quietly and without causing disturbance in the neighbourhood.
7. The licensee shall put arrangements in place to ensure that when staff are dealing with young people they ask for valid proof of age e.g. Portman Proof of Age card, National Passport or Photo Drivers Licence before selling alcohol to them.
8. The licensee shall ensure that a fire risk assessment of the premises is carried out and kept up to date.
9. All fire safety equipment shall be regularly checked and maintained.

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

Nil

Annex 4 – Plans

Reference Number: 121226 – Plan 1 & 121226 – Plan 2



Premises Licence Summary Licensing Act 2003

Premises licence number	LN/8157-030713		
Postal address of premises, or if none, ordnance survey map reference or description			
VIVO 57-58 UPPER STREET			
Post town	London	Post code	N1 0NY
Telephone number			

Where the licence is time limited the dates
Not Applicable

Licensable activities authorised by the licence
Ground floor only
<ul style="list-style-type: none"> • The provision of regulated entertainment by way of: The playing of recorded music • The provision of late night refreshment • The sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities																																																																						
<ul style="list-style-type: none"> • The provision of regulated entertainment for the playing of recorded music: <table border="0"> <tr><td>Monday</td><td>10:00</td><td>to</td><td>00:00</td><td></td></tr> <tr><td>Tuesday</td><td>10:00</td><td>to</td><td>00:00</td><td></td></tr> <tr><td>Wednesday</td><td>10:00</td><td>to</td><td>00:00</td><td></td></tr> <tr><td>Thursday</td><td>10:00</td><td>to</td><td>00:00</td><td></td></tr> <tr><td>Friday</td><td>10:00</td><td>to</td><td>00:00</td><td></td></tr> <tr><td>Saturday</td><td>11:00</td><td>to</td><td>00:00</td><td></td></tr> <tr><td>Sunday</td><td>12:00</td><td>to</td><td>23:30</td><td></td></tr> </table> • The provision of late night refreshment: <table border="0"> <tr><td>Monday</td><td>23:00</td><td>to</td><td>00:30</td><td>the following day</td></tr> <tr><td>Tuesday</td><td>23:00</td><td>to</td><td>00:30</td><td>the following day</td></tr> <tr><td>Wednesday</td><td>23:00</td><td>to</td><td>00:30</td><td>the following day</td></tr> <tr><td>Thursday</td><td>23:00</td><td>to</td><td>00:30</td><td>the following day</td></tr> <tr><td>Friday</td><td>23:00</td><td>to</td><td>00:30</td><td>the following day</td></tr> <tr><td>Saturday</td><td>23:00</td><td>to</td><td>00:30</td><td>the following day</td></tr> <tr><td>Sunday</td><td>23:00</td><td>to</td><td>00:00</td><td></td></tr> </table> 	Monday	10:00	to	00:00		Tuesday	10:00	to	00:00		Wednesday	10:00	to	00:00		Thursday	10:00	to	00:00		Friday	10:00	to	00:00		Saturday	11:00	to	00:00		Sunday	12:00	to	23:30		Monday	23:00	to	00:30	the following day	Tuesday	23:00	to	00:30	the following day	Wednesday	23:00	to	00:30	the following day	Thursday	23:00	to	00:30	the following day	Friday	23:00	to	00:30	the following day	Saturday	23:00	to	00:30	the following day	Sunday	23:00	to	00:00	
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- The sale by retail of alcohol:

Monday	10:00	to	00:00
Tuesday	10:00	to	00:00
Wednesday	10:00	to	00:00
Thursday	10:00	to	00:00
Friday	10:00	to	00:00
Saturday	11:00	to	00:00
Sunday	12:00	to	23:30

Except on:

New Year's Eve, from 10:00 until 05:00 the following day.

Gaming Machine Provision:

Not authorised

The opening hours of the premises:

Monday	10:00	to	00:00
Tuesday	10:00	to	00:00
Wednesday	10:00	to	00:00
Thursday	10:00	to	00:00
Friday	10:00	to	00:00
Saturday	11:00	to	00:00
Sunday	12:00	to	23:30

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

On supplies

Name, (registered) address, telephone number and e-mail (where relevant) of holder of premises licence

Vivo Taste Limited
64 Cavendish Street
London
W1G 8TB

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

08096394

Name of designated premises supervisor where the premises licence authorises the supply of alcohol

Miss Sara Corsaro

State whether access to the premises by children is restricted or prohibited

No restrictions

Islington Council
Public Protection Division
222 Upper Street
London N1 1XR
Tel: 020 7527 3031
Email: licensing@islington.gov.uk

[REDACTED]

[REDACTED]

[REDACTED]

-----Original Message-----

From: [REDACTED]

Sent: 28 July 2013 03:40

To: Licensing

Subject: Licensing comment WK/2013 17747 - VIVO Restaurant, 57-58 Upper Street, London N1 0NY

Dear Sir or Madam,

Re WK/2013 17747 - VIVO Restaurant, 57-58 Upper Street, London N1 0NY.

I am writing to object to the above planning application and in particular the creation of a roof terrace.

The bar is advertised as a bakery, restaurant and bar but the increased floorspace means that more people will be able to consume alcohol without buying food in an area of Upper Street which is already congested with premises selling alcohol, including Tesco on the Green, which has increased its alcohol footage.

The green is a natural amphitheatre and not only will a roof terrace mean more people will be able to consume alcohol, it also means the noise will travel across the green and also encourage other licensed premises to use any roof space available as licensed premises. There is already a problem in this area with antisocial behaviour including vomiting, urination and shouting when licensed premises close. I have

experienced this directly, with vomit and urine being left in my doorway, which is opposite VIVO. I have also had to contact the police in the past as a result of people urinating on the green when the bars close. I have also experienced problems with noise from all night parties in private premises on rooftops in this area - one such premises is just yards away from VIVO and the other is on the opposite side of the green. When this happens the music is clearly audible in my flat and I am unable to sleep - sometimes these events continue for 24 hours or more. Encouraging roof terraces where people can drink and music is played is only likely to add to the current levels of noise, which at times prevent me from sleeping or enjoying my own property in peace.

Although VIVO appears to offer mixed usage, including a bakery and restaurant, the usual pattern with licensed premises in this area is to open under one guise and then push for further licensing concessions.

Extending the premises to include a roof terrace also increases the number of drinkers who will be dispensed onto the pavement at closing time in an area where there is traffic congestion, and Upper Street and the Essex Road are regularly used by container lorries and the emergency services. This area is also a crime hotspot and local police are already under pressure to deal with crime and antisocial behaviour.

Adding another licensed premises to this area with the emphasis on offering a bar serving food potentially means more noise, more soiled pavements and doorways and more crime. The roof terrace also sets a precedent - and I strongly oppose this on the grounds of public safety, public nuisance and public safety, as allowing people to drink on rooftops is not advisable, as well as potentially encouraging other licensed premises to expand up to roof level with the potential for public nuisance and risk to public safety that this will entail.

[REDACTED]

Regards,

[REDACTED]

This e-mail is intended for the addressee only. If you have

Whitton, Daniel

From: Michael Watson <michael@licenceconsultants.com>
Sent: 02 August 2013 17:36
To: Senler, Yesim
Cc: Whitton, Daniel
Subject: RE: Vivo Representation

Importance: High

Dear Yesim,

Thank you for sending me a copy of the representation. I do not have address and would be very grateful if you could forward our response, below, to her as soon as possible.

Dear

I have been forwarded your representation to our application to vary the Premises Licence at 57-58 Upper Street. I represent Vivo Taste Ltd, a family run business by Bill and Will Thompson, who will be the operators of Vivo, 57-58 Upper Street.

I would like to assure you that Vivo is a high end Italian restaurant / bakery where the emphasis is on fine quality, freshly prepared food served in rustic, stylish surroundings. The concept is derived from the traditional 'gastronomia' and 'pasticceria' of Milan and Turin, where the interpretation of Bakery-Café-Bar is associated with informal dining and the availability of specially selected Italian liqueurs and wines. The Italian idea of bakery-café-bar is not, therefore, similar to a bar as we know it in the UK.

The roof terrace is not an addition to the premises – it was there when the premises operated as previous incarnations. We have applied to licence this area in order that our diners might enjoy table service and purchase alcoholic beverages with their meals. The roof terrace is at the rear of the premises and Islington Green is shielded by several stories of building. The roof terrace is also been made into a courtyard surrounded by a substantial height fencing (approx 8 feet tall). The whole building has been inspected by an Islington Environmental Health Officer specializing in noise nuisance and the following conditions agreed to be added to the Licence.

A. Deliveries

1. No deliveries will take place on Sundays or Bank Holidays nor between the hours of 23:00 and 07:00 hours on any other days of the week.

B. Rubbish Clearance

1. No rubbish will be moved, removed or placed in bins outside the premises on Sundays or Bank Holidays nor between the hours of 23:00 and 07:00 hours on any other days of the week.

C. Roof Terrace

1. The Roof Terrace shall only be open to patrons from 10:00 until 23:00.

2. Notices shall be displayed in appropriate locations to ensure that this information is brought to the attention of patrons.

3. On each day that the terrace is in use, from 18:00 until close there will be a member of staff present in the terrace area to control the levels of noise and, where necessary, advise guests to respect local residents. Any patrons continuing to cause any disturbance or disorder will be asked to leave the premises.

D. Premises Frontage

1. The premises frontage tables and chairs must be rendered unusable and cleared of patrons by 23:00 hours.

2. Adequate notices shall be displayed to inform patrons of this requirement.

E. Notices

1. Staff will monitor guests leaving the premises to control the levels of noise and, where necessary, requesting patrons to avoid causing noise, nuisance or disturbance to local residents.

F. Fixed Plant Noise

1. Noise or vibration must not emanate from the premises fixed plant so as to cause a nuisance to nearby properties.

Vivo has also surrendered the licensable activity of recorded music. The premises will no longer be licensed for the regulated entertainment of recorded music. On this basis the Environmental Health Officer has raised no representation against the application. You will note that the roof terrace is not to be used after 11pm and this terminal hour is in line with table and chairs consent along Upper Street. There have been no other representations received in relation to this application.

Bill and Will Thompson, respect and understand your concerns and would like to assure you that Vivo will only have a positive impact on Upper Street and Islington Green. Vivo has employed a first class team of chefs with fine dining backgrounds at some of the most highly regarded restaurants in the UK. The interior design has been carried out by an award winning designer who hopes to win further acclaim for his work on 57/58 Upper Street. Vivo will bring to Upper Street dining with continental sophistication and flair, which will be a refreshing contrast to the many bars and pubs in the area.

Bill and Will would welcome an opportunity to meet with you in person to further discuss your concerns and show you around the site and give you more information on the Vivo concept.

I sincerely hope that this clarifies this application and will enable you to withdraw your representation so that a committee hearing is not necessary. Please do not hesitate to contact me on 07958 512 470 if you require any further information or if you would to meet with Bill and Will.

Thank you very much for your consideration of this matter.

Kind regards,

Michael Watson

Director

Whitton, Daniel

From:
Sent: 07 August 2013 16:13
To: Senler, Yesim
Cc: Whitton, Daniel
Subject: Re: FW: Vivo Representation

Dear Mr Senler,

Thank you for your email.

I appreciate the applicant's response but unfortunately in this particular area the premises are likely to attract those who are seeking a quick meal before moving on to the clubs along Upper Street - and not necessarily those seeking a Continental-style bar experience with fine food and wines.

However much a fine dining image is promoted, my fear is that by the early hours the fine pastries and liqueurs will end up in a puddle or a pool in my doorway opposite Vivo, as is often the case with the other eating and drinking establishments and it is this culture which prevents those not seeking a clubbing experience from using this area at night.

Using the roof terrace for drinking alcohol also sets a precedent - Rattlesnake applied for a licence to use a roof terrace for drinking and while one premises may be able to limit the effects of consuming alcohol on a roof terrace, including noise break out, this may not be the case for every premises; or indeed if more than one establishment opposite my home uses its roof terrace as an extension to the premises and a collective noise develops at roof level. The parties which take place on the roof at 66 Upper Street can be clearly heard in my home, even though relatively small numbers of people attend these - and even if residents opposite my home play music in the flats and open a window, I can clearly hear the music because of the acoustics of this area.

Allowing licensed roof areas in the locale also encourages others to use their terraces for this purpose and therefore a culture of drinking at street level and roof level can easily develop, with all the attendant problems. The area of Islington Green is already congested with drinkers and the noise and soiling of the streets is a constant problem. I sympathise with the applicant for aiming above this with a more sophisticated style of bar, but in the evenings the clientele is likely to be at least in part the same as the other bars along Upper Street, as the area no longer attracts a cafe-style culture in the evenings, when licences for dancing until the early hours operate and a much younger and livelier clubbing clientele is prevalent in the area.

Regards,

On Mon, 5/8/13, Senler, Yesim <Yesim.Senler@islington.gov.uk> wrote:

Subject: FW: Vivo Representation
To:
Cc: "Whitton, Daniel" <Daniel.Whitton@islington.gov.uk>
Date: Monday, 5 August, 2013, 11:10

Suggested conditions of approval consistent with the operating schedule

1. No additional measures proposed.

Suggested conditions of approval agreed with the Council's Noise Team

2. Recorded music to be surrendered as a licensable activity.
3. No deliveries will take place on Sundays or Bank Holidays nor between the hours of 23:00 and 07:00 hours on any other days of the week.

Rubbish Clearance:

4. No rubbish will be moved, removed or placed in bins outside the premises on Sundays or Bank Holidays, or between the hours of 23:00 and 07:00 hours on any other days of the week.

Roof Terrace:

5. The Roof Terrace shall only be open to patrons from 10:00 until 23:00.
6. Notices shall be displayed in appropriate locations to ensure that this information is brought to the attention of patrons.
7. On each day that the terrace is in use, from 18:00 until close there will be a member of staff present in the terrace area to control the levels of noise and, where necessary, advise guests to respect local residents. Any patrons continuing to cause any disturbance or disorder will be asked to leave the premises.

Premises Frontage:

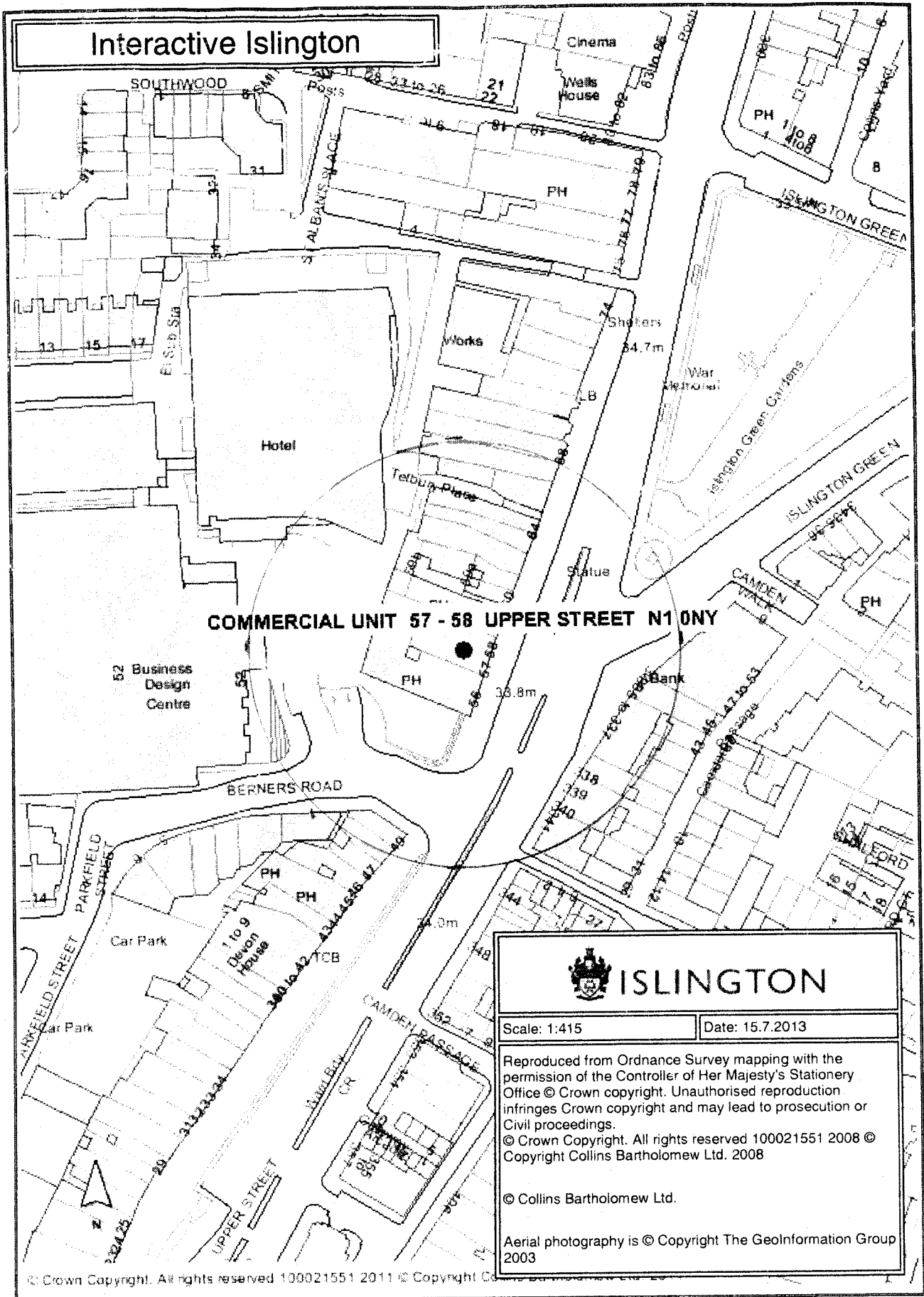
8. The premises frontage tables and chairs must be rendered unusable and cleared of patrons by 23:00 hours. Adequate notices shall be displayed to inform patrons of this requirement.


Notices:

9. Staff will monitor guests leaving the premises to control the levels of noise and, where necessary, requesting patrons to avoid causing noise, nuisance or disturbance to local residents.

Fixed Plant Noise:

10. Noise or vibration must not emanate from the premises fixed plant so as to cause a nuisance to nearby properties.



 ISLINGTON	
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