



City of Westminster

# Licensing Sub-Committee Report

Item No:	
Date:	4 <sup>th</sup> May 2017
Licensing Ref No:	17/02223/LIPV - Premises Licence Variation
Title of Report:	Art Of Tapas 16 Churton Street London SW1V 2LL
Report of:	Director of Public Protection and Licensing
Wards involved:	Warwick
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Miss Heidi Lawrance Senior Licensing Officer
Contact details	Telephone: 020 7641 2751 Email: hlawrance@westminster.gov.uk

## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	Variation of a Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	1 March 2017		
<b>Applicant:</b>	Mr Francisco Campillo		
<b>Premises:</b>	Art Of Tapas		
<b>Premises address:</b>	16 Churton Street London SW1V 2LL	<b>Ward:</b>	Warwick
		<b>Cumulative Impact Area:</b>	None
<b>Premises description:</b>	The premises is currently operating as a Tapas Restaurant.		
<b>Variation description:</b>	<p>The applicant is applying to relax condition 15 (Model Condition 66) to allow the sale of alcohol with light meals and snacks.</p> <p>To allow once a month, private events with an invited guest list. These events will consist of canapé parties/wine tasting etc.</p> <p>To remove condition 17 to permit the sale of draught beers and for it to be consumed in pint jugs.</p>		
<b>Premises licence history:</b>	The premises has been licensed since May 2012.		
<b>Applicant submissions:</b>	None submitted.		

1-B Current and proposed licensable activities, areas and hours						
<b>Sale by Retail of Alcohol</b>						
<b>On or off sales</b>		<b>Current :</b>			<b>Proposed:</b>	
		On Sales			On Sales	
	<b>Current Hours</b>		<b>Proposed Hours</b>		<b>Licensable Area</b>	
	<b>Start:</b>	<b>End:</b>	<b>Start:</b>	<b>End:</b>	<b>Current:</b>	<b>Proposed:</b>
<b>Monday</b>	11:00	23:00	No Change.		Please see plan attached at Appendix 1	None applied for.
<b>Tuesday</b>	11:00	23:00				
<b>Wednesday</b>	11:00	23:00				
<b>Thursday</b>	11:00	23:00				
<b>Friday</b>	11:00	23:00				
<b>Saturday</b>	11:00	23:00				
<b>Sunday</b>	11:00	23:00				
<b>Seasonal</b>	<b>Current:</b>				<b>Proposed:</b>	

<b>variations/ Non-standard timings:</b>	None.	None.
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<b>Hours premises are open to the public</b>						
	<b>Current Hours</b>		<b>Proposed Hours</b>		<b>Premises Area</b>	
	<b>Start:</b>	<b>End:</b>	<b>Start:</b>	<b>End:</b>	<b>Current:</b>	<b>Proposed:</b>
<b>Monday</b>	08:00	23:30	No Change.		Please see plan attached at Appendix 1	None applied for.
<b>Tuesday</b>	08:00	23:30				
<b>Wednesday</b>	08:00	23:30				
<b>Thursday</b>	08:00	23:30				
<b>Friday</b>	08:00	23:30				
<b>Saturday</b>	08:00	23:30				
<b>Sunday</b>	08:00	23:30				
<b>Seasonal variations/ Non-standard timings:</b>	<b>Current:</b>				<b>Proposed:</b>	
	None.				None.	

<b>1-C Layout alteration</b>
None applied for.

<b>1-D Conditions being varied, added or removed</b>	
<b>Condition</b>	<b>Proposed variation</b>
<p><b><u>Condition 15</u></b></p> <p>The premises shall only operate as a restaurant:</p> <p>(i) in which customers are shown to their table,</p> <p>(ii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,</p> <p>(iii) which do not provide any take away service of food or drink for immediate consumption, and</p> <p>(iv) where intoxicating liquor shall not be sold, supplied, or consumed on the</p>	<p><b>To be amended – condition proposed by Environmental Health</b></p> <p>The licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the premises as a Specialist Spanish Tapas food business.</p> <p>The supply of alcohol at the premises shall only be to:</p> <p>i) persons seated and ancillary to their substantial food.</p> <p>ii) to invited guests as part of pre booked private event restricted to once per calendar month.</p>

premises otherwise than to persons who are bona fide taking substantial table meals and provided always that the consumption of intoxicating liquor by such persons is ancillary to taking such meals.		
<b><u>Condition 17</u></b>  There will be no draught sales of alcohol.		<b>To be removed.</b>
<b>Adult entertainment:</b>	<b>Current position:</b>	<b>Proposed position:</b>
	Not applicable	Not applicable

## 2. Representations

<b>2-A Responsible Authorities</b>	
<b>Responsible Authority:</b>	Environmental Health Consultation Team
<b>Representative:</b>	Ms Ayesha Bolton
<b>Received:</b>	29 <sup>th</sup> March 2017
<p><b>RE: Art Of Tapas, 16 Churton Street, London, SW1V 2LL</b></p> <p>I refer to the application for variation of Premises Licence for the above premises.</p> <p>The applicant has submitted floor plans for the Basement and Ground Floor of the Premises. This representation is based on the plans and operating schedule submitted.</p> <p>The applicant is seeking to amend conditions to allow the following:</p> <ol style="list-style-type: none"> <li>1. The allowance to the sale of alcohol just with food accompanied (no main course)</li> <li>2. The allowance to the sale of alcohol to customers just sitting down, it will be served by a waiter</li> <li>3. The allowance once a month for consumption of alcohol not sitting down (standing up) in private events with only invited guests on a list (canape parties/wine tastings)</li> <li>4. The allowance to the sale of draught beers. And for it to be consumed in pints or jugs.</li> </ol> <p>I wish to make a representation against this representation.</p> <p><b>The variation of conditions will have the likely effect of causing an increase in Public Nuisance within the area and may impact on Public Safety.</b></p> <p>The granting of the application as presented would have the likely effect of causing an increase in Public Nuisance and impact on Public Safety within the area. A site visit will be arranged to assess the premises to ensure the premises is satisfactory and following this, additional conditions may be recommended by Environmental Health to support</p>	

the licensing objectives Prevention of Public Nuisance and Public Safety.

## 2-B Other Persons

**Name:** Mr Konstantin Lazarov

**Address and/or Residents Association:** 4 Churton Place  
London  
SW1V 2LN

**Received:** 24<sup>th</sup> March 2017

There are no bars in Churton Street and this application should not be granted to allow an All bar one or similar places to open.

**Name:** Mr Jeremy Friend

**Address and/or Residents Association:** 46 tachbrook street  
london  
sw1v2na

**Received:** 21<sup>st</sup> March 2017

It would not be in the interest of residents to have a bar with extended drinking hours. This would encourage noise and unruly behaviour. It would be especially bad to allow standing drinkers inside and outside the premises. There are already plenty of licensed premises in the immediate area.

**Name:** Mrs Sarah Mills

**Address and/or Residents Association:** 56 St George's Square  
London  
SW1V 3QT

**Received:** 19<sup>th</sup> March 2017

I object to the application by Mr Francisco Campillo to vary the licence at Art of Tapas for the following reasons. 1) The outlet would change from purely a restaurant to a bar selling alcohol without accompanying food and late into the night in a residential area. we already have 3 pubs in the immediate neighbourhood and 3 more very near making 6 nearby. We do not need more drinking establishments. 2) We already have problems with late night drinking, noise and disturbance of nearby residents trying to sleep and another bar would increase this. 3) we already have big problems with street drinkers in this area and this would add to the problem. 4) This application would upset the delicate balance between bar, restaurants and residential properties. There are many residents in flats and houses near Art of Tapas and they should be protected from neighbourhood nuisance, unacceptable noise, litter and disturbance of sleep and increase of street drunkenness. For these reasons I ask that you please refuse this application. Thank you. Sarah Mills (residents association member).

<b>Name:</b>	Mr dominic lawson
<b>Address and/or Residents Association:</b>	8 Churton Place London SW1V2LN
<b>Received:</b>	22 <sup>nd</sup> March 2017
<p>As I understand it, the application is designed to allow Art of Tapas to become, in effect, a pub: selling drinks without any food, and to be consumed in the immediate outside space. There are already three pubs in very close proximity, all within about 50 yards of Art of Tapas. There is absolutely no local need for a fourth such establishment in the immediate vicinity.</p>	
<b>Name:</b>	Mrs Michael Ward
<b>Address and/or Residents Association:</b>	1, Charlwood Place Charlwood Place London SW1V 2LX
<b>Received:</b>	25 <sup>th</sup> March 2017
<p>I object to this application because it would create yet another licensed premises in an area where there are already more than sufficient licensed restaurants and public houses.</p> <p>If, notwithstanding my objection, a license to sell alcohol is granted then the permitted hours should be longer than from 11.00 (12.00 on Sundays and holidays) to 22.00.</p>	
<b>Name:</b>	Mr Michael Ward
<b>Address and/or Residents Association:</b>	1, Charlwood Place Charlwood Place London SW1V 2LX
<b>Received:</b>	25 <sup>th</sup> March 2017
<p>I object to this application with exactly the same reasons as submitted today by Mrs Michael Ward.</p>	
<b>Name:</b>	Mrs Virginia Valentine
<b>Address and/or Residents Association:</b>	2 Charlwood Place London SW1V 2LU
<b>Received:</b>	23 <sup>rd</sup> March 2017
<p>As a resident I am concerned about another late night license being granted in the area. There is already a pub a few doors down and a licensed food outlet almost opposite the site, along with a numerous restaurants in the area.</p>	

Art of Tapas is more like a cafe than a restaurant and is seldom busy. We would be very concerned about the potential clientele that might be attracted and the noise for residents, in particular in Churton Place and Churton Street with more late night drinking in the area.

<b>Name:</b>	Mr Jonathan Ross
<b>Address and/or Residents Association:</b>	13 Churton Place London SW1V 2LN
<b>Received:</b>	21 <sup>st</sup> March 2017

I strongly object to the proposed licence variation. I am a resident of Churton Place which is extremely close to the premises concerned. This area already has several bars, restaurants and pubs and I see no reason why another bar would benefit the community. This area is a quiet residential part of Pimlico and should stay so.

<b>Name:</b>	Mr Christopher Silcock
<b>Address and/or Residents Association:</b>	9 Churton Place Pimlico London SW1V 2LN
<b>Received:</b>	23 <sup>rd</sup> March 2017

As residents of Churton Place my wife and I already suffer a great deal of noise late at night from members of the public walking along Churton St who cannot do so quietly but feel they need to shout. We very rarely enjoy an undisturbed night's sleep because we are frequently woken by people who are inebriated and choose the area around the Art of Tapas to have arguments. The noise of just 2 people talking in measured voices outside Art of Tapas bounces off the other side of Churton St and is carried down Churton Place. Churton Place is a sound box in that respect.

There is already a pub in Churton St and there are two pubs in Warwick Way and another on the junction with Belgrave Rd. There are also several places where the public are able to drink and not dine.

As far as we are concerned, we do not need another bar/pub in Pimlico and particularly not in Churton St. We certainly don't need another place where people will stand on the street drinking and smoking and talking late into the night.

We therefore object very strongly to this change of use from a restaurant to a Bar.

<b>Name:</b>	Mrs Elisabeth Sandys
<b>Address and/or Residents Association:</b>	11 Egerton House 59 Belgrave Road London SW1V2BE
<b>Received:</b>	27 <sup>th</sup> March 2017

There was a huge amount of discussion about this 4 years ago, ending with a licence for a restaurant to sell alcohol only to customers sitting down eating food and I see no

reason to change it now. There are plenty of drinking holes on Warwick Way but Art of Tapas is in a residential area and the noise and litter which would come from extending their licence in the way proposed is completely unacceptable. It would also make people walking home alone at night think twice before passing that way. I sincerely hope this application will be refused.

<b>Name:</b>	Churton _ East Pimlico Society
<b>Address and/or Residents Association:</b>	14 Churton Place London SW1V2LN
<b>Received:</b>	28 <sup>th</sup> March 2017

I am writing personally as an owner of a house in the immediate vicinity of the subject premises to object to the application.

My objection to the application to vary the existing licence is that it is unreasonable on the basis the current licence adequately provides for the sale of appropriate quantities of alcohol to those seated and dining on the premises between 11am and 11pm. It also sensibly restricts the use of the outside forecourt area to between the hours of 9am and 10pm but otherwise on the same terms.

This is an attractive quiet conservation area that comprises a very high proportion of private houses and flats. The area already has a more than sufficient number of licensed bars and pubs which are available for those not wishing either to be seated or dine whilst drinking. There are very many other restaurants in the area that are content to abide by the sensible associated restrictions for such establishments.

I strongly request that the committee rejects this application in its entirety.

<b>Name:</b>	Mrs Katie Ross
<b>Address and/or Residents Association:</b>	13 Churton Place London SW1V 2LN
<b>Received:</b>	21 <sup>st</sup> March 2017

I am extremely concerned that changing the terms of this establishment to allow its use to be wider and include serving alcohol without food will allow it to operate as a bar/pub. I do not believe that this will be beneficial to the local area. At the moment, there are already at least 7 bars and restaurants within one minute's walk from this establishment, which is located in a residential/commercial street off the main thoroughfares of Vauxhall Bridge Road and Warwick Way. 4 of them are pubs (The Queen's Arms, The Warwick, Cask, The Constitution) and four of them are in the same street (The Constitution, Cacio e Pepe, Grumbles and O Sole Mio). I feel that this change in use to become another busy bar will be detrimental to the neighbourhood and the many houses and flats in the immediate area. A few years ago, the residents in this area battled very hard to get an acceptable agreement for this property, when it was altered from a computer shop to a tapas restaurant. I see no reason for it to change so drastically now.

A late night bar on the corner of this street worries me, because it will be accompanied by pavement drinking, smoking and noise that we do not need especially when there is already a provision for social gatherings to take place in many other local



establishments, some of them incredibly close to this site.

<b>Name:</b>	Mr Alexander James Foster
<b>Address and/or Residents Association:</b>	14 Churton Place London SW1V2LN
<b>Received:</b>	28 <sup>th</sup> March 2017

I am writing on behalf of the Churton & East Pimlico Society.

We represent some 55 members from both residential and commercial properties within the area bounded by Vauxhall Bridge Road to the east, Warwick Way to the north, Belgrave Road to the west and Rampayne Street to the south.

We have consulted our member and strongly and wholeheartedly object to the application to vary the existing licence which adequately and conditionally provides for the sale of alcohol to those dining on the premises only between 11am and 11pm and in appropriate quantities. The use of the outside forecourt area is also presently and sensibly restricted to between the hours of 9am and 10pm.

The premises are located in an attractive quiet conservation area that comprises a very high proportion of private houses and flats. The area already has a more than sufficient number of licensed bars and pubs which are available for those not wishing either to be seated or dine whilst drinking. There are very many other restaurants in the area that are content to abide by the sensible associated restrictions for such establishments.

We are aware that the residents in the area worked with the City Council in 2012 in agreeing with the applicant a reasonable formula to enable the proprietor (the same as the current applicant) to trade in an acceptable manner. It would be a great pity if that trust were broken by the grant of consent to this application.

In short we respectfully request that the committee rejects this application in its entirety.

<b>Name:</b>	Ms Barbie Campbell Cole, AADip
<b>Address and/or Residents Association:</b>	7 Churton Place London SW1V2LN
<b>Received:</b>	15 <sup>th</sup> March 2017

The original licence for this premises was discussed between neighbours and the Council for some time and eventually agreed. The new application attempts to vary all the original points of this agreement, including which is most worrying, removing most of the seating area on the ground floor to leave a large Bar area, with opening hours 8 a.m. to 11.30 p.m. 7 days a week, selling alcohol without customers needing to be seated and or order food. This makes these premises a bar of pub more than a restaurant. Local people fear noise at night and anti-social behaviour, and in Churton Place and Churton Street we already have enough anti-social behaviour. There are already several restaurants with outside eating areas in Churton Street, plus a pub, and I feel that we do not need another pub or bar, with customers drinking outside, potentially

until 11.30 every night. This is very worrying and not acceptable in a residential area. I request that the Council refuse this application.

<b>Name:</b>	Mrs Jacqui Wilkinson
<b>Address and/or Residents Association:</b>	22A Hugh Street Pimlico London SW1V 1RP
<b>Received:</b>	15 <sup>th</sup> March 2017

I object to this variation application by Art of Tapas to remove two existing conditions: 15 and 17. The removal of condition 15 may well result in the premises becoming more like a bar than a restaurant. The premises at the junction of Churton and Tachbrook Street is a residential area that is already well served with premises that serve alcohol as well as 3 public houses close by. I can see no benefit for residents in this application just disbenefits.

I would like to speak before the licensing committee against this application.

<b>Name:</b>	Cllr Nickie Aiken
<b>Address and/or Residents Association:</b>	Westminster City Hall 64 Victoria Street London SW1
<b>Received:</b>	10 <sup>th</sup> March 2017

I wish to object to this variation application by Art of Tapas to remove two existing conditions: 15 and 17. i am concerned if these two, but specifically 15 are removed the premises will become more of a bar rather than a restaurant. The plans included in the application would also suggest that the applicant's strategy is going down the bar route rather than a restaurant.

I firmly believe that to protect the amenity of this predominantly residential area that this variation should be refused. Art of Tapas has residential properties opposite it on three sides and above. There are also three busy public houses within yards of this premises so i would be concerned about the cumulative impact on this area if this variation to permit drinking without substantial food was permitted.

I am concerned that granting the variation would lead to the premises not being able to meet its licensing objective of not causing a public nuisance or safeguarding public safety. This area of Tachbrook Market (16 Churton Street is on the corner of the market) already suffers from a number of street drinkers. I also do not believe that the applicant's suggestion of "Signage such as " Respect our Neighbours when Leaving the Premises" are in place," would be sufficient to allow the premises to meet its license objectives if this variation was permitted and would lead to the loss of amenity for the local area and create issues for public safety and public nuisance. For these reasons I ask that the Licensing Authority and relevant Licensing Sub Committee that hears the application do not grant.

<b>Name:</b>	Mrs Rosemary Ward
<b>Address and/or Residents Association:</b>	1, Charlwood Place Charlwood Place London SW1V 2LX
<b>Received:</b>	16 <sup>th</sup> March 2017
<p>On behalf of the Churton &amp; Charlwood Residents' Association with a membership of 36 households drawn from Churton Street, Churton Place, Charlwood Place and Charlwood Street (between Tachbrook Street and Belgrave Road), I wish to object to the proposed variation in the licence of Art of Tapas at 16 Churton Street, London SW1V 2LL.</p> <p>There are now more than sufficient licensed premises in the immediate area and the effect of removing the existing conditions 15 and 17 will be to change Art of Tapas into yet another bar selling alcohol in a mainly residential area.</p> <p>If this application were to be approved, then the hours requested are far too long and should be no more than 09.00 to 22.00 being the same as Gastronomica which is located diagonally opposite in Tachbrook Street.</p> <p>Rosemary Ward Secretary, Churton &amp; Charlwood Residents' Association</p>	
<b>Name:</b>	Mr Paul-Simon Lee-Monteiro
<b>Address and/or Residents Association:</b>	18 Churton Street London SW1V 2LL
<b>Received:</b>	29 <sup>th</sup> March 2017
<p>I am the project manager at De-Vera Property Development situated next door to Art of Tapas at 18 Churton Street.</p> <p>I strongly oppose the alteration of use at Art of Tapas for numerous reasons,</p> <p>As is we must continuously clean our front entrance of cigarette buds on a regular basis all of which have been thrown onto our property from Art of Tapas.</p> <p>We have a constant second hand smoke from all the cigarettes from opening until closing of which causes our office to smell as well as the constant smoking outside from the Art of Tapas we cannot keep our front door open due to the smell coming into my office, we have also had to add extra seals around our doors in order to stop the smells from coming through, we previously had a window to the top of our door in order to allow for fresh air however this has been replaced with a fixed window due to the cigarette smoke constantly entering our office as an asthmatic sufferer this has become more of a health issue as well as an annoyance. We can also not use our air conditioning unit as the air that gets brought in is also contaminated with second hand smoke.</p>	

As well as being a local business owner I am also a local resident whom lives at 18A Churton Street, I must deal with the loud noise coming from Gastronomica (45 Tachbrook street) across the road on a regular basis and at times having to call police to complain about the noise and this is due to their customers pouring out on the streets at late hours and so by allowing Art of Tapas to do this which as is, is already making a lot of noise and pollution it can only be worse.

As well as the second-hand smoke throughout the whole day we have a continuous battle of people standing on our front entrance and gathering at our door.

The loud conversing at times is also unacceptable with shouting and screaming at times.

<b>Name:</b>	Mr Derrick Pears
<b>Address and/or Residents Association:</b>	4 Churton Place London SW1V 2LN
<b>Received:</b>	24 March 2017

The planned opening hours between 8.00 and 23.30 7 days a week are wholly unacceptable given that there are going to be a number of tables outside and only one inside. This is intended to be a bar with nominal food and there will be considerable noise both from inside and from the people outside who are sitting or standing. The footpath is likely to be obstructed on Thursday and Friday nights as if this were the West End.

<b>Name:</b>	Mrs Elisabeth Goddard
<b>Address and/or Residents Association:</b>	56 Tachbrook Street London SW1V 2NA
<b>Received:</b>	19 <sup>th</sup> March 2017

I live just along Tachbrook Street from Art of Tapas and am very concerned about the plan to effectively turn it into an all-day bar, from a restaurant. There seems little doubt that it will create a noise and litter hazard in a largely residential area.

<b>Name:</b>	Mrs Maggie Solon
<b>Address and/or Residents Association:</b>	15B Churton Street Pimlico London SW1V 2LY
<b>Received:</b>	16 <sup>th</sup> March 2017

When the Art of Tapas first opened there was a lot of concern and discussion with the Council and what was eventually agreed was considered to be firm but fair and in line with Gastronomica which is across the road. This new application is dreadful - it in effect is turning a restaurant into a bar where the customers do not have to order food or sit down. We are very concerned that it will become a magnet for late night drinkers who will probably stand around outside causing litter and noise. There are plenty of well run pubs around the area - we do not need another one so I really hope these variances

are refused and they have to stay with the permissions they do have which is acceptable to the local residents.

<b>Name:</b>	Mr Paulo Monteiro
<b>Address and/or Residents Association:</b>	18a Churton Street London SW1V 2LL
<b>Received:</b>	29 <sup>th</sup> March 2017

The owner seems to have made an application to vary the licence which he already holds.

We are having problems already with Gastronomica's late opening hours where I have called the police on numerous occasions. From Art of Tapas we receive their smoking through the front windows, and when we have asthmatic and hay fever sufferers at home is not pleasant at all.

Art of Tapas wants to extend the times for serving alcohol from their existent 11:00 - 23:00 to 08:00 - 23:30. Their business is frankly quite poor with very bad service and their aim is to getting drunk people in their premises as they probably leave the night clubs.

Their latest application is also for allowing customers to drink without a light meal or snack being consumed, standing up instead of sitting down to consume alcohol and draught beer. I thought this was a restaurant and not a pub!! I can see customers standing up and drinking all across the pavement, interrupting access to the market, no safe access for families through the pavement, maybe being pushed to the street. This whole new operation will bring dirt, alcohol smells, higher levels of noise, smoking and cigarette ends (which are already noted on the outside of neighbouring buildings).

I note from the submitted plan they have reduced drastically the number of tables inside the premises, probably a sign they intend to turn the restaurant into a pub. The submitted plan also shows a plant pot separating the sitting area from the neighbouring property at no.18 which has never been placed on their property.

The implementation of the no.5 tables on the pavement dramatically restricts the flow of pedestrians in an area which has a lot of footfall because of the street market. It can be witnessed at weekends the situation is quite hazardous.

This is evidence the applicant does not intend in serving food and rely on selling alcohol; drinks to anyone who opts to stand up. A pub in other words!

Strongly object

### 3. Policy & Guidance

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

<b>Policy RNT1 applies:</b>	Applications will generally be granted and reviews determined, subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1.
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### 4. Appendices

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

<b>Report author:</b>	Miss Heidi Lawrance Senior Licensing Officer
<b>Contact:</b>	Telephone: 020 7641 2751 Email: hlawrance@westminster.gov.uk

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

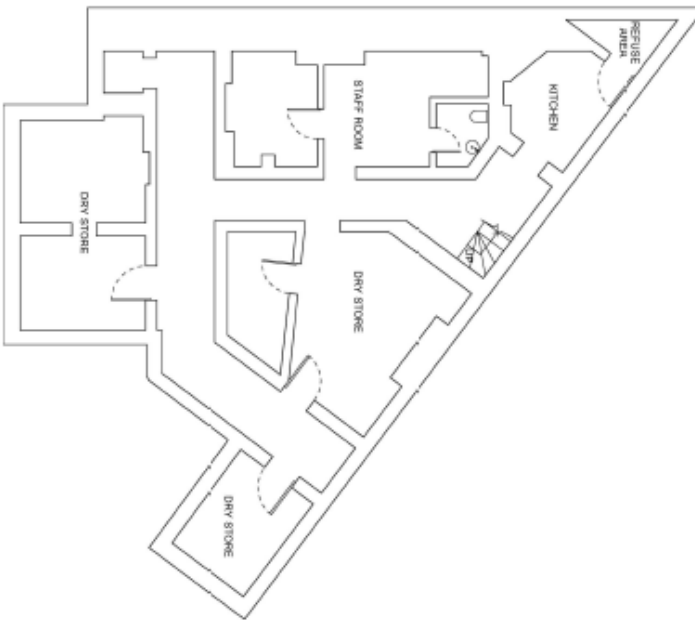
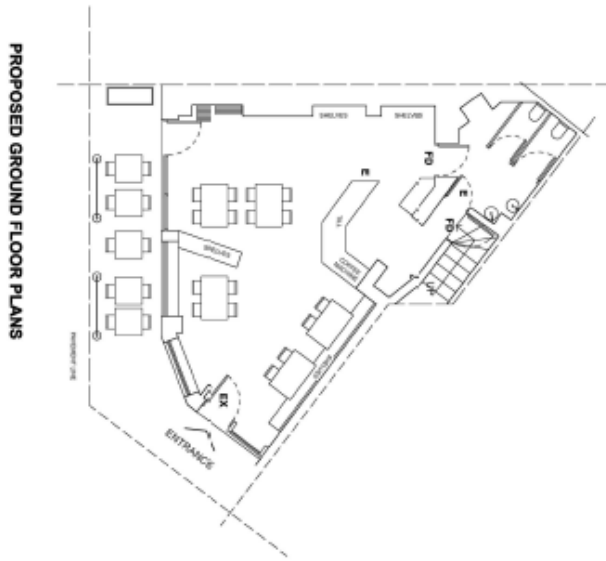
#### Background Documents – Local Government (Access to Information) Act 1972

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	7 <sup>th</sup> January 2016
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
<b>4</b>	Application Form	1 <sup>st</sup> March 2017
<b>5</b>	Representation – Environmental Health	29 <sup>th</sup> March 2017
<b>6</b>	Representation – Mr Larzarov	24 <sup>th</sup> March 2017
<b>7</b>	Representation – Mr Friend	21 <sup>st</sup> March 2017
<b>8</b>	Representation – Mrs S Mills	18 <sup>th</sup> March 2017
<b>9</b>	Representation - Mr Lawson	22 <sup>nd</sup> March 2017

<b>10</b>	Representation – Mr Michael Ward	25 <sup>th</sup> March 2017
<b>11</b>	Representation – Mrs M Ward	25 <sup>th</sup> March 2017
<b>12</b>	Representation – Mrs V Valentine	23 <sup>rd</sup> March 2017
<b>13</b>	Representation – Mr J Ross	21 <sup>st</sup> March 2017
<b>14</b>	Representation – Mr C Silcock	23 <sup>rd</sup> March 2017
<b>15</b>	Representation – Mrs E Sandys	27 <sup>th</sup> March 2017
<b>16</b>	Representation – Churton and East Pimlico Society	28 <sup>th</sup> March 2017
<b>17</b>	Representation – Mrs K Ross	21 <sup>st</sup> March 2017
<b>18</b>	Representation – Mr A Foster	28 <sup>th</sup> March 2017
<b>19</b>	Representation – Mrs B Cole	15 <sup>th</sup> March 2017
<b>20</b>	Representation – Mrs J Wilkinson	15 <sup>th</sup> March 2017
<b>21</b>	Representation – Cllr N Aiken	10 <sup>th</sup> March 2017
<b>22</b>	Representation – Mrs R Ward	16 <sup>th</sup> March 2017
<b>23</b>	Representation – Mr P Monterio	29 <sup>th</sup> March 2017
<b>24</b>	Representation – Mr D Pears	24 <sup>th</sup> March 2017
<b>25</b>	Representation – Mrs E Goddard	19 <sup>th</sup> March 2017
<b>26</b>	Representation – Mrs M Solon	16 <sup>th</sup> March 2017
<b>27</b>	Representation – Mr P Monteiro	29 <sup>th</sup> March 2017

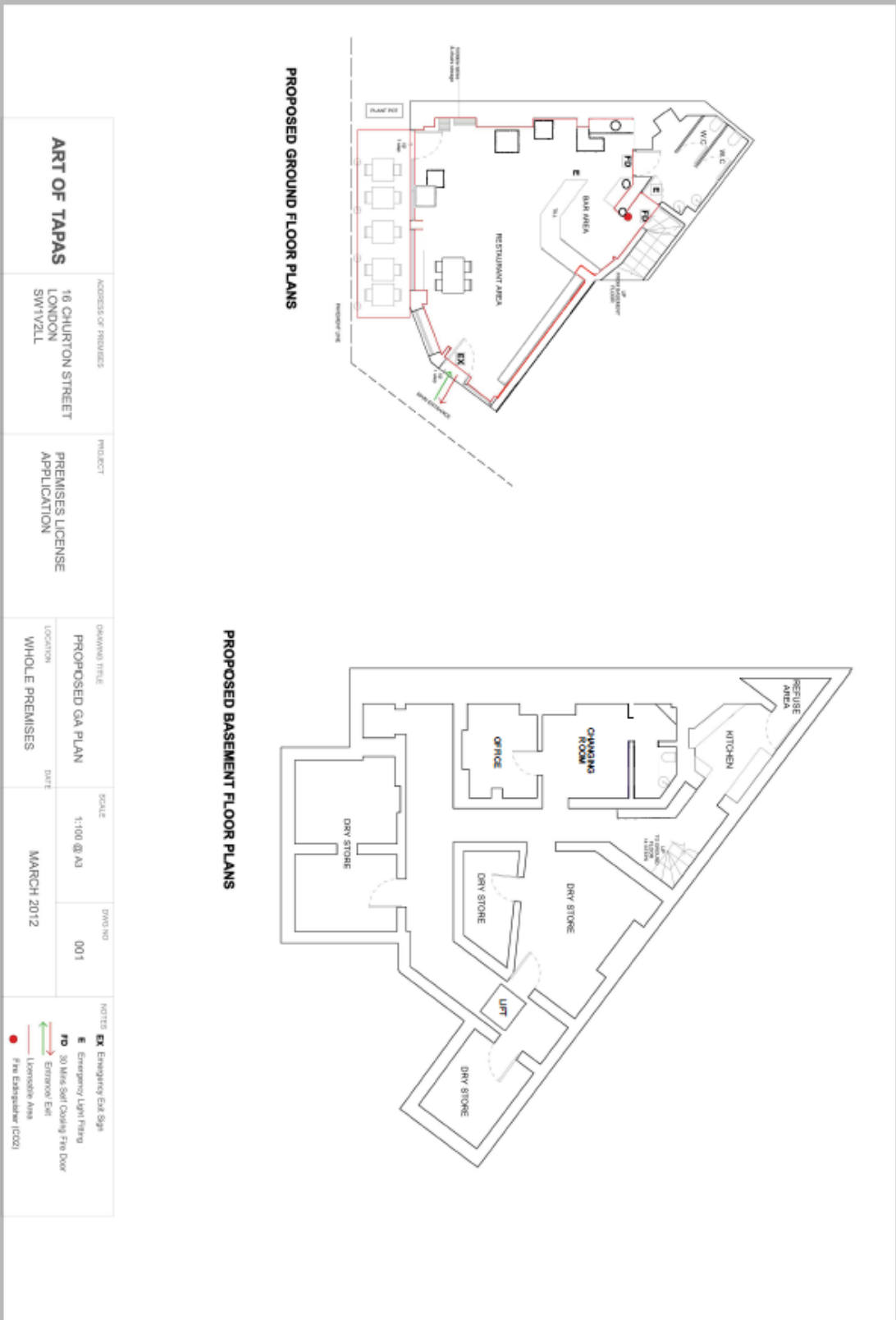
**Premises Plans - Current**

<b>ART OF TAPAS</b>		ADDRESS OF PREMISES		PROJECT		DRAWING TITLE		SCALE		DRAWING		NOTES	
16 CHURTON STREET LONDON SW1V2LL		PREMISES LICENSE APPLICATION		PROPOSED GA PLAN		1:100 @ A3		001		EX Emergency Exit Sign E Emergency Light Fixing FD 30 mins Self Closing Fire Door			
		LOCATION		DATE									
		WHOLE PREMISES		MARCH 2012									





# Premises Plans – New



**Applicant Supporting Documents**

None submitted

**Licence & Appeal History**

<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
12/02423/LIPN	New Premises Application	24.05.2012	Granted by Licensing Sub-Committee

**There is no appeal history**

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

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

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

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

**Conditions: On Current Licence -**

**Mandatory:**

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

- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
  - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
  - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
  - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
  - (b) an ultraviolet feature.
7. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
    - (i) beer or cider: ½ pint;
    - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
    - (iii) still wine in a glass: 125 ml;

- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

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

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

- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula -

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

Where -

- (i) P is the permitted price,
  - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
  - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
- (i) the holder of the premises licence,
  - (ii) the designated premises supervisor (if any) in respect of such a licence, or
  - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- 8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 8(iv).
  - (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
  - (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

## **Annex 2 – Conditions consistent with the operating Schedule**

None

## **Annex 3 – Conditions attached after a hearing by the licensing authority**

- 9. Management shall participate in pubwatch meetings.
- 10. Management shall provide telephone numbers of local taxi companies at all times.
- 11. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
- 12. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premise is open to the public. This staff member must be able to show a Police or authorised council officer recent data or footage with the absolute minimum of delay when requested.
- 13. There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
- 14. The supply of alcohol shall be by waiter or waitress service only.

**Condition to be amended – please see condition 30 & 31 proposed by Environmental Health**

15. The premises shall only operate as a restaurant (i) in which customers are shown to their table, (ii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery, (iii) which do not provide any take away service of food or drink for immediate consumption, and (iv) where intoxicating liquor shall not be sold, supplied, or consumed on the premises otherwise than to persons who are bona fide taking substantial table meals and provided always that the consumption of intoxicating liquor by such persons is ancillary to taking such meals.
16. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
17. There will be no draught sales of alcohol.
18. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
19. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
20. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
21. No drinks shall be consumed outside the premises nor glasses/bottles removed from the premises by patrons when leaving, save for persons seated at tables.
22. No alcohol shall be consumed more than 30 minutes after the permitted hour for the supply of alcohol.
23. No deliveries shall be made to the premises between 23:00 and 08:00 hours.
24. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
25. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 2300 hours and 0800 hours.
26. The pavement from the building line to the kerb edge immediately outside the premises, including gutter / channel at its junction with the kerb edge, shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.
27. A challenge 21 proof of age scheme, shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence or passport.



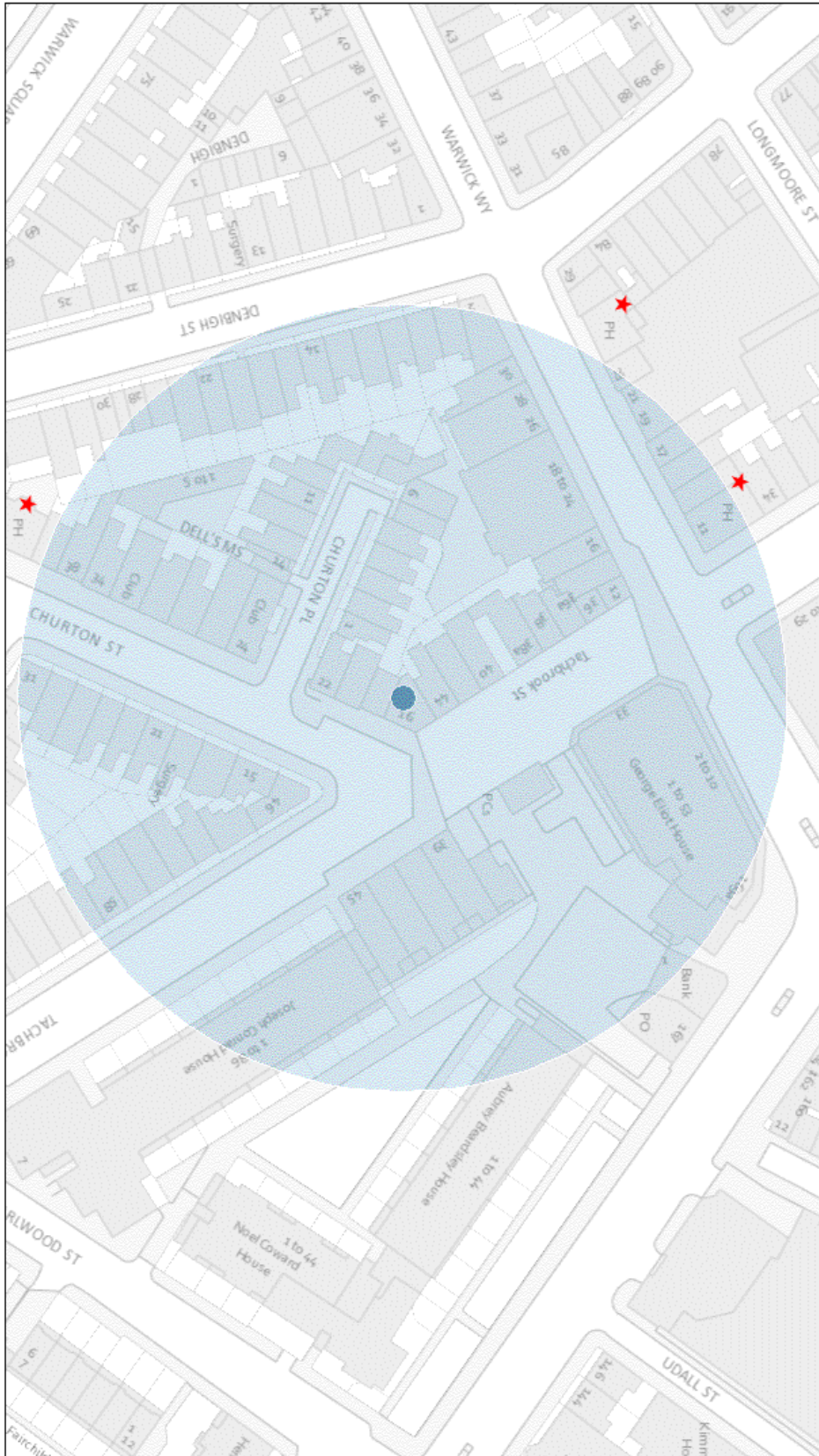
28. All outside tables and chairs shall be rendered unusable before 09:00 hours and after 22.00 hours each day.

### **Conditions proposed by Environmental Health**

29. The maximum number of persons permitted in the premises at any one time (excluding staff) shall not exceed 30 persons.
30. The licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the premises as a Specialist Spanish Tapas food business.
31. The supply of alcohol at the premises shall only be to:
- i) persons seated and ancillary to their substantial food
  - ii) to invited guests as part of pre booked private event restricted to once per calendar month.
32. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premise is open.
33. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following: (a) all crimes reported to the venue (b) all ejections of patrons (c) any complaints received concerning crime and disorder (d) any incidents of disorder (e) all seizures of drugs or offensive weapons (f) any faults in the CCTV system, searching equipment or scanning equipment (g) any refusal of the sale of alcohol (h) any visit by a relevant authority or emergency service.
34. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.
35. All windows and external doors shall be kept closed after 23:00 hours except for the immediate access and egress of persons.
36. A maximum of two types of draught beers shall be sold at the premises.

**PIV Map**

**Art of Tapas**



April 26, 2017  
★ Public House

0 0.0075 0.015 0.03 mi  
0 0.0125 0.025 0.05 km  
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