

LICENSING SUB-COMMITTEE

Date: Thursday 13 January 2022

Time: 7.00 pm

Venue: Microsoft Teams – please click [here](#)

Members of the Committee

Councillor Fred Cowell, Councillor Martin Tiedemann, Councillor Linda Bray, Councillor Emma Nye, Councillor Irfan Mohammed, Councillor Rezina Chowdhury, Councillor Ibrahim Dogus, Deputy Mayor, Councillor Pauline George, Councillor Becca Thackray and Councillor Philip Normal

Substitute Members

Councillor Joshua Lindsey, Councillor John Kazantzis, Councillor Jennie Mosley, Councillor Matthew Bennett, Councillor Andy Wilson, Councillor Danial Adilypour, Councillor Donatus Anyanwu, Councillor Claire Holland, Councillor Jon Davies, Councillor Liz Atkins, Councillor Marcia Cameron, Councillor Timothy Windle, Councillor Stephen Donnelly and Councillor Clair Wilcox

Members Required for this meeting will be

Councillor Fred Cowell, Councillor Irfan Mohammed and Councillor Martin Tiedemann

Further Information

If you require any further information or have any queries please contact:
Julia Skinner, Telephone: 020 7926 0147; Email: jskinner@lambeth.gov.uk

Published on: Wednesday 5 January 2022

Queries on reports

Please contact report authors prior to the meeting if you have questions on the reports or wish to inspect the background documents used. The contact details of the report author are shown on the front page of each report.

For Members of the Public

This is a Microsoft Teams Live Event meeting. If you are new to Microsoft Teams, clicking the above link will take you to the meeting page where you will be prompted to download the app or watch on the web instead. Please follow the instructions to watch on the web. On doing so, you can join our live event anonymously.

How Members of the Committee and public participants can access the meeting

Please refer to the joining instructions you have already received – do not use the link above

Digital engagement

We encourage people to use Social Media and we normally tweet from most Council meetings. To get involved you can tweet us @LBLDemocracy.

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Representation

Ward Councillors may be contacted directly to represent your views to the Council: (details via the website www.lambeth.gov.uk)

AGENDA

PLEASE NOTE THAT THE ORDER OF THE AGENDA MAY BE CHANGED AT THE MEETING

		Page Nos.
3c	The Cambria, 40 Kemerton Road London SE5 9AR (Herne Hill Ward)	1 - 12

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The slight wording has significant impact - this may not be the freeholder (applicant's) intent, but we have no idea who will be managing the pub or taking on the pub lease and their intent for the premises now or into the future.

I am very much in favour of the pub returning, but need reassurances it will work for its context. The licence conditions are one way to ensure that the pub functions, whilst respecting its locality.

This is very disingenuous. I have kept this conversation from the street whatsapp, but will be forwarding your response to the neighbours.

Best regards,

Paul

Paul Turner
RIBA Architect, Director

[Redacted]

[Redacted]

[Redacted]

On Thu, 7 Oct 2021 at 14:38, Bina Patel <BPatel@lambeth.gov.uk> wrote:

Dear Paul

Apologises if I omitted to respond back to your email. I have responded by clarifying each point further which I hope will assist

- **Current licence. Windows need to be shut and sound limiter ON for any use of the first floor (live or recorded music), at any time.**

The conditions in question on the licence that currently apply to the first floor are as follows:

1. *Noise limiter to be installed and set to the satisfaction of the noise officer before use of the function room commences.*

2. *Windows to be closed during the course of any function.*

At present, (regardless of music or not) *before the use* of function room, a noise limiter is installed and set and windows remain closed during the *course of any function* taking place in this room.

- **With the licence variations applied for**

The variation seeks to amend these conditions so that it applies only when regulated entertainment is being provided in the function room so that

- The noise limiter is set **when regulated entertainment being provided**
- Window are kept closed **when regulated entertainment being provided**

So, if *no regulated entertainment* is being provided in the function room, the limiter can be OFF and windows can be OPEN. (the premises could provide low level background music as the agent has stated)

To summarise the Act and de-regs: *Please note that the performance of Live music and playing of Recorded music are licensable activities under the Licensing Act. However, the de-regs that was introduced, sought to relax the position on regulated entertainment and allow venues to provide these activities subject to a criteria being met. So, live music and recorded music can be provided any where on the premises by virtue of the deregulation provisions which permit such activities subject to a criteria set being met. That is:*

- it takes place between 8am and 11pm AND*
- it takes place at an alcohol on-licensed premises AND*
- the audience is no more than 500 people.*

The de-regs also disapplies any conditions that relate to live music on the licence. Thus, if the de-regs are used to provide these activities, any conditions on the licence which relate to such will not apply.

Therefore, if the premises decides to utilise the de-regs, they can do so between 08:00 to 23:00 as they would meet the criteria set and thus, windows open and no limiter used. Outside of this, they would need to comply with the licence and conditions in place.

Regards

Bina

From: Paul Turner [REDACTED]
Sent: 07 October 2021 13:12
To: Bina Patel <BPatel@lambeth.gov.uk>; Ola Owojori <OOwojori@lambeth.gov.uk>
Cc: Thomas Dunn <TDunn@lambeth.gov.uk>
Subject: Re: 21/00233/PRMVAR - The Cumbria, 40 Kemerton Road, SE5 9AR

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Bina,

Thank you for your email. I do not think that the applicants agents' summary is correct. I have asked you for clarification on the 15th September but you have not replied.

I am just bringing my email back to the top of your pile as I just want clarification on the two points highlighted below. Can you please clarify.

I would appreciate if you could answer rather than forward the applicant's agents email.

Many thanks,

Paul

Paul Turner
RIBA Architect, Director

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[REDACTED]

On Wed, 15 Sept 2021 at 16:08, Paul Turner [REDACTED] wrote:

Thanks Bina,

Understood. So, in summary:

- Current licence. Windows need to be **shut** and sound limiter **ON** for any use of the first floor (live or recorded music), at any time.
- With the licence variations applied for. If granted, windows can be kept **OPEN** and the sound limiter **OFF** for any use of the first floor (live or recorded music) from 8am to 11pm [*As playing live or recorded music does not in itself constitute regulated entertainment and does not need a licence unless attended by more than 500 people and outside of the hours 8am to 11pm*].

Please confirm that this summary is correct.

Best regards,

Paul

Paul Turner
RIBA Architect, Director

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

On Wed, 15 Sept 2021 at 15:52, Bina Patel <BPatel@lambeth.gov.uk> wrote:

Dear Mr Turner

Please see my answers in red to your questions below for ease

If you require anything else, please do let me know

Regards

Miss Bina Patel

Licensing Manager

London Borough of Lambeth

Public Protection and Regulatory Services

From: Paul Turner [REDACTED]
Sent: 10 September 2021 16:53
To: Thomas Dunn <TDunn@lambeth.gov.uk>; Bina Patel <BPatel@lambeth.gov.uk>; Licensing <XDESLICENSE@lambeth.gov.uk>
Subject: Fwd: 21/00233/PRMVAR - The Cumbria, 40 Kemerton Road, SE5 9AR

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear B. Patel,

Email following autoreply from Thomas Dunn stating that he was on leave and

leaving the council:

Thank you for your email.

A few questions:

1. Can you please define 'regulated entertainment'? **In respect of the current licence for these premises, it is the performance of Live music and record music**
2. Am I correct in saying the current licence means that windows need to be kept shut (to first floor) and sound limiter turned on at all times the pub is in use for any regulated or unregulated entertainment or music? **No, the current licence states in relation to the **first floor function room ONLY**, a noise limiter is used and windows must be shut during the course of any function that takes place in this room**

The variation application in part, seeks to amend these two current conditions which relate to the function room only so that

1. **The noise limiter is set to the satisfaction of a noise officer before any reg ent takes place in the function room**
2. **Windows will be kept shut when reg ent takes place in the function room.**

Therefore, outside of the above, there is no requirement to have a noise limiter in use or the windows shut if no entertainment is taking place in the function room.

3. Am I correct in saying that if the variation to the licence is approved it means that the pub could play music or unregulated entertainment, as per below (taken from the licence), with the windows open and without a sound limiter in the hours specified as these do not need a licence, in effect it is a removal of the condition for windows being closed and sound limiter turned on, in absolute, unless after 11pm or before 8am and more than 500 people!

Live music: no licence permission is required for:

- *a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.*
- *a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.*

Recorded Music: no licence permission is required for:

- *any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500*

Irrespective of whether the variation is granted or not, the deregulated provisions allows for the performance of live music or playing of recorded music if:

- a. it takes place between 8am and 11pm AND
- b. it takes place at an alcohol on-licensed premises AND
- c. the audience is no more than 500 people.

Also, a licence is not required to put on unamplified music at any time between 8am and 11pm

Please do clarify as this will determine if Karen's note is a fair representation of the variations applied for.

Best regards,

Paul

Paul Turner
RIBA Architect, Director

[Redacted]

[Redacted]

On Fri, 10 Sept 2021 at 15:23, Thomas Dunn <TDunn@lambeth.gov.uk> wrote:

Dear Interested Party,

Further to your representation in respect of the above premises licence variation, please find below a response from the applicant's agent and attached related documents for this application. This was drafted for the first three

representations received, therefore the agent has advised they will review all additional representations and may respond further if required.

“Dear Sir or Madam,

Your representation is one of a three which has kindly been forwarded to me by the licensing authority.

Hopefully I have responded below to all the points raised.

- 1. I act for Star Pubs and Bars Ltd who are part of Heineken UK. They purchased a considerable number of premises from Punch Taverns PLC in 2017 and all those premises, for various legal reasons, are currently held in the name of Punch Partnerships (PTL) Ltd, which I appreciate is confusing. To be clear, Punch Taverns PLC and Punch Partnerships (PTL) Ltd are completely separate entities.*
- 2. The application is not seeking to extend the licensing hours currently permitted. We would like the flexibility to open earlier, but only for non-licensable activities such as the sale of tea/coffee/breakfast.*
- 3. The reason we are requesting to add late night refreshment is that the intention is to become more food led, and the law currently requires that to provide a coffee after 11pm requires late night refreshment to be added to the licence. I understand that the premises were previously operated differently to what is now intended, which may explain why late night refreshment was never requested previously.*
- 4. We are not seeking to remove the condition requiring a noise limiter. We are just asking to slightly change the wording so that it will only be required if regulated entertainment takes place (such as live or recorded music). If there is no music or only low level background music played while people eat then we would suggest a noise limiter would not be necessary. For clarification, the current condition simply requires the limiter to be installed and set ‘before use of the function room commences’. For clarification the condition is also disapplied until 11pm following deregulation.*
- 5. Again we are not asking to remove the condition requiring the ‘windows to be closed during the course of any function’. We have asked to amend*

the condition so that windows are only required to be closed when music is played, allowing the windows to be open on warm evenings when customers are dining. You will appreciate that at the current time ventilation is important and we are trying to seek a balance whereby the windows only have to be closed when there is live and/or recorded music being played.

- 6. It is the intention that the premises become a premium food led site and as such it is hoped that the condition which currently requires 'only plastic containers or toughened glass shall be provided for drinks throughout the premises' can be removed. Serving drinks with a nice meal in plastic glasses we feel simply sends the wrong message. I expect it is very unlikely that customers going out for a nice meal with family would expect to see a plastic wine glass on the table.*

- 7. I can confirm we have not requested any change to the non-standard hours, the hours mentioned in the application are taken directly from the current licence. For clarification the application process requires that the opening hours are included in the application even where no change is requested.*

- 8. The licensing process contains within it various requirements to advertise applications and does not require the authority or the applicant to individually notify local residents. In defence of the authority it seems to me that they have acted exactly as they are required by law.*

- 9. I understand from my client that prior to submission he did consult with a number of local residents who he advises were very positive about what is proposed at the site.*

Hopefully, the above comments will provide some comfort that the application will not result in any impact on the licensing objectives, however should I be able to provide any further information please don't hesitate to contact me.

My client and their ingoing Lessees are both committed to investing a significant sum of money into the Cambria with the explicit aim of re-establishing the pub as a brilliant, premium local pub for the local community. They are confident the proposed amendments should in no way have any detrimental impact on the local community, they are simply aimed at ensuring the pub operator is able to offer the best possible customer experience to those in the local area.

It is not requested for the pub to start trading any later than is currently permitted, nor will the premises be having regular high footfall events which would create a nuisance for local residents. The new Lessees do not intend to undertake any actions which will adversely impact any of their neighbours as this goes completely against what they are trying to achieve at the Cambria.

The pub will be focussed on delivering a premium food offer with an extensive drinks range, all of which will be offered in a comfortable, well-managed and high quality setting. My client and the ingoing Lessees are looking forward to being able to bring their vision for the Cambria to life whilst showing the local community that any previous negative experiences they may have had with previous incarnations of the pub are well and truly behind them.

Kind regards,

Karen”

Please let me know should the above address your concerns and therefore if you wish to withdraw your representation.

Kind regards,

Tom Dunn

Licensing Officer

London Borough of Lambeth

Public Protection and Regulatory Services

Resident Services

Lambeth Council

3rd Floor Civic Centre

6 Brixton Hill

London, SW2 1EG

Phone: 020 7926 1866

Email: tdunn@lambeth.gov.uk

Website: <http://www.lambeth.gov.uk/licensing/>

Items by post should be sent to:

London Borough of Lambeth, Public Protection, PO Box 734, Winchester SO23 5DG

Items for courier or hand delivery should be delivered to:

London Borough of Lambeth, Public Protection, Civic Centre, 6 Brixton Hill, LONDON, SW2 1EG



Public Access - for information on current licences and new applications please use the following link

<http://planning.lambeth.gov.uk/online-applications/search.do?action=simple&searchType=LicencingApplication>

We are working with our partners to build a #BetterLambeth - find out more at <http://love.lambeth.gov.uk/better>

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