

LICENSING SUB-COMMITTEE 13 JANUARY 2022

Item No: 3c

Report Title: The Cambria, 40 Kemerton Road London SE5 9AR

Applicant: Punch Partnerships (PTL) Limited

Application Type: Premises Licence (Variation)

Application Date: 18 August 2021

Wards: Herne Hill

Premises Type: Public House

Policy Context: Lambeth Statement of Licensing Policy 2019 - 2024

Report author: Mr Ola Owojori, Licensing Officer, Public Protection, Regulatory Services and Assurance, 0207 926 1649, owojori@lambeth.gov.uk

APPLICATION SUMMARY

This is an application to vary the premises licence to amend conditions, change the layout of the premises, add late night refreshment and to extend the permitted opening hours.

POLICY IMPLICATIONS

Licensing Objectives (chapter 5, pages 9 to 15 and Appendices 1 to 4, pages 41 to 45 of the policy)

The Licensing Objectives engaged by this application are:

- The Prevention of Public Nuisance

Cumulative Impact Policy (policy 7, pages 26 to 27 and appendix 10, page 58 of the policy)

The premises are not situated in the Clapham Cumulative Impact Zone.

Types of Premises and Recommend Hours (appendix 5, pages 46 to 47 and appendix 6, pages 48 to 50 of the policy)

The premises are classified within Lambeth's Licensing Policy (2019 - 2024) as a public house located in a residential area. The premises are adjacent to residential properties on Kemerton and Cambria roads.

The recommended hours within the policy for this type of premises, in a residential area are Monday to Sunday 11:00 to 23:00 hours.

Note: The hours above are not absolute and are intended as a guide for applicants to consider when completing their operating schedules. Each application will be considered on its own merits. Applicants seeking hours later than those indicated in the Policy should provide detailed evidence as to why their application will not have a negative impact on the licensing objectives.

1. APPLICATION

1.1 This is an application to vary the premises licence under section 34 of the Licensing Act 2003.

1.2 The applicant is seeking authorisation for the following:

- a) to alter the layout of the premises in accordance with the submitted plan.
- b) to extend the opening hours from 10:00 hours on Monday to Saturday, and 12:00 hours on Sunday to 08:00 hours on Monday to Sunday.
- c) to permit late night refreshment;
 - o on Monday to Sunday until 00.30 hours
 - o for one additional hour into the morning following Thursday/Friday/Saturday/Sunday/Monday of Easter weekend, Friday/Saturday/Sunday/Monday of May Bank Holiday weekend, Friday/Saturday/Sunday/Monday of Spring Bank Holiday weekend, Friday/Saturday/Sunday/Monday of August Bank Holiday weekend, Christmas Eve, Boxing Day
 - o on New Year's Eve from the end of standard permitted hours until the start of permitted hours the following day
- d) to remove condition 4 in Annex 2 which requires only plastic containers or toughened glass to be provided for drinks throughout the premises.
- e) to amend condition 1 in Annex 3.

The current condition reads:

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

The proposed amended condition would read:

A noise limiter will be installed and set to the satisfaction of the noise officer before regulated entertainment takes place in the function room.

- f) to amend condition 2 in Annex 3.

The current condition reads:

Windows to be closed during the course of any function.

The proposed amended condition would read:

Windows to be kept closed whilst regulated entertainment takes place in the function room.

1.3 A copy of the application form, the plans and supporting information are attached as **Annex A**.

1.4 A copy of the applicant's conditions are attached as **Annex F**.

2. REPRESENTATIONS

- 2.1 There were 34 representations received against the application. These were from local residents and one local councillor.
- 2.2 The representations are based on the licensing objective of the prevention of public nuisance. The representations highlight concerns in respect of the proposed variation (except the change of layout) and the likelihood of an increase in public nuisance in the area. Copies of the representations were provided to the applicant and are attached to the report as **Annex B**.
- 2.3 One representation was received in support of the application from a local resident, as they believe there was a local campaign against the proposed variation. They claimed not to have had any problem with the premises when it was opened. A copy of the representation was provided to the applicant and is attached to the report as **Annex C**.
- 2.4 The last date for making representations was on 15th September 2021.

3. CURRENT LICENCE

- 3.1 The current premises licence is attached to the report as **Annex D**.

4. BACKGROUND HISTORY

- 4.1 The premises licence was granted in 2005 following the conversation and variation of previously held Justices on Licence.
- 4.2 The premises are located at the junction of Cambria and Kemerton roads, and it is surrounded by residential properties, with no dedicated car parking for its customers.
- 4.3 The premises are within easy access to 24 hours public buses towards south and central London destinations from Coldharbour Lane.
- 4.4 Alleged breaches of the premises licence in respect of noise from the garden, trading beyond permitted hours and loud music emanating from the premises were reported to the Licensing Authority by residents and Public Protection officers in November 2014, 7 February 2016, July 2016, 25 November 2017 and 28 March 2018. The notes from a complaint received on 11 November 2014, the notes from a meeting held on 15th February 2016 and an alleged complaint on 25th November 2017 are attached to the report as **Annex E**
- 4.5 The designated premises supervisor currently named on the premises licence has been in position since March 2016.

5. OBSERVATIONS

- 5.1 The parts of the Statutory Guidance (April 2018) which are particularly relevant to this application and the representations received are Chapters:
 - 2) The Licensing Objectives;
 - 3) Licensable Activities
 - 8) Applications for Premises Licenses;
 - 9) Determining Applications; and,
 - 10) Conditions Attached to Premises Licenses and Club Premises Certificates; and,

16) Regulated Entertainment.

5.2 The parts of the Statement of Licensing Policy that are particularly relevant to this application and the representations are Sections:

Chapter 5: The Licensing Objectives

Policy 1 - Process for applications

Policy 3 - Partnership working

Policy 4 - Enforcement approach

Policy 8 – Hours of sale and locations

Policy 17 – Dispersal and entry (note, erroneously marked as Policy 16)

Appendix 3: Prevention of Public Nuisance

Appendix 5: Types of premises and recommended hours

Appendix 6: Types of premises and potential impact

Appendix 7: Major, District and Local Town Centres and South Bank Strategic Cultural Area

Appendix 8: What to expect from a Licensing Sub-Committee Hearing

6. CONCLUSION

Members are required to consider the application in light of all the relevant information, and if approval is given, may attach such conditions as are considered both appropriate and proportionate to promote the licensing objectives.

The options available to Members of the Licensing Sub Committee are:

- a. Grant the application as it currently stands;
- b. Grant the application subject to such conditions as the authority considers appropriate for the promotion of the licensing objectives.
- c. Reject the application

For this purpose the conditions of the licence are modified if any of them are altered or omitted or any new condition is added.

CONSULTATION INFORMATION

Department(s) or Organisation(s)	Consulted (Y/N)	Date Response Received	Comments summarized in report (Y/N)
Health & Safety Section (internal)	Y	-	N
Noise service (internal)	Y	-	N
Social Services (internal)	Y	-	N
Licensing Service (internal)	Y	-	N
Planning (internal)	Y	14/09/2021	N
Trading Standards (internal)	Y	-	N
Fire Authority (external)	Y	-	N
Police Licensing Unit (external)	Y	-	N
Health Authority (external)	Y	-	N

APPENDICES AND REFERENCE DOCUMENTS

Appendices	<p>Annex A – Application form, plans and supporting information</p> <p>Annex B – Representations against</p> <p>Annex C – Representation in support</p> <p>Annex D - Premises licence</p> <p>Annex E – Complaints against the premises</p> <p>Annex F – Proposed conditions</p>
<p>Reference documents</p> <p>Local Government Act 1972 – Access to information documents used in the preparation of this report</p>	<ol style="list-style-type: none"> 1. The Licensing Act 2003 (“the Act”). 2. Amended Guidance issued under Section 182 of the Licensing Act 2003 (April 2018) (“the Guidance”). 3. Lambeth Statement of Licensing Policy 2019 - 2024 (“the Policy”).