

NOTICE OF DECISION

APPENDIX F

LICENSING SUB-COMMITTEE – 16 OCTOBER 2017

LICENSING ACT 2003: AMBIGU – 58A CAMBERWELL CHURCH STREET, LONDON SE5 8QZ

1. Decision

That the application made by Farey and Ryan Ltd, for a premises licence, granted under the Licensing Act 2003 in respect of the premises known as Ambigu, 58a Camberwell Church Street, London SE5 8QZ is granted as follows:

Licensable activity	Hours
The supply of alcohol (both on and off sales)	Sunday to Thursday from 11:00 to 00:00 (midnight) Friday and Saturday from 11:00 to 01:30
The provision of late night refreshment (indoors and outdoors)	Monday to Thursday from 23:00 to 00:00 Friday to Sunday from 23:00 to 01:30
The provision of regulated entertainment in the form of recorded music (indoors)	Sunday to Thursday from 11:00 to 00:00 (midnight) Friday and Saturday from 11:00 to 01:30
Opening hours	Sunday to Thursday from 11:00 to 00:00 (midnight) Friday and Saturday from 11:00 to 01:30

2. Conditions

The operation of the premises under the licence shall be subject to relevant mandatory conditions, conditions derived from the operation schedule highlighted in Section M of the application form, The conditions agreed with the Metropolitan Police Service and the licensing responsible authority during the conciliation process and the following additional conditions agreed by the sub-committee:

1. That condition 7 of the conciliated conditions be amended to read: "That the premises shall host quarterly residents meetings for at least the first 12 months and with at least one meeting held in advance of the operation of the premises so that any issues relating to the premises' operation can be aired and responded to by the licence holder. The date and time of such meetings must be publicised on the premises' website.
2. That condition 38 of the conciliated conditions be amended to read: "That no more than six patrons shall be permitted on the Camberwell Church Street frontage to smoke at any time when the premises is open and trading".

3. That a dedicated telephone and email address for the management of the premises be clearly displayed.
4. That the dispersal policy be amended at paragraph 1c to read: "That Staff and security shall ensure that customers do not congregate or loiter outside and, particularly, on the residential street Camberwell Grove and Datchelor Place close to the premises. They will do this in a polite and friendly manner".
5. That the Dispersal Policy be amended at paragraph 1e to read: "All customers will be notified to leave quietly and to respect our local neighbours. Any customer (or other person) seen loitering on Camberwell Grove and Datchelor Place close to the premises will be asked to move on to the nearest mode of public transport or taxi office".

3. Reasons

The reasons for the decision are as follows:

The licensing sub-committee heard from the representative for the applicants who advised that the applicants had no intention on running a nightclub like Club Couture, which was previously at the premises and had its licence revoked in 2012/3. The applicants were extremely experienced and also run the Bermondsey Social Club, a discrete venue in the heart of Southwark, which in its short life since June 2015 it has become the go-to venue for private hires - hosting live music, birthday parties and corporate events for up to 120 people and received many positive reviews in both local and national publications. The applicant also called a local resident to give evidence. The resident had initially submitted an objection, but after meeting with the applicant, wholly supported the proposed operation stating that the premises would help improve the area.

The licensing sub-committee noted that all of the responsible authorities had conciliated and had agreed 40 robust licence conditions.

The licensing sub-committee then heard from two ward councillors, who welcomed the plethora of conciliated conditions. They advised that the premises has had a very long and troubled history and whilst the proposed operation was that of a restaurant, it was felt that the closing time should be no later than midnight.

The licensing sub-committee heard from the chair of the Camberwell Society who objected to the premises operating beyond midnight. They advised that none of the other premises in the area that had an operation beyond midnight.

The licensing sub-committee also noted the objections received from 39 other persons, most of whom were residents. Six of these objectors attended the meeting, objecting to the grant of the licence. Their representations related to all four licensing objectives and concerned the proximity of the premises to residential properties and the potential for associated nuisance with a licensed premises opening so late. There was an underlying fear that the premises would be run in a similar fashion to which it was and residents would be subjected to serious anti-social behaviour.

The licensing sub-committee considered all of the oral and written representations before and understood the extent of fear of the local community that the premises could revert to a nightclub style operation. However, the sheer number and detail of the conciliated conditions meant that there it would not be possible for the premises to morph into a nightclub. Whilst in a cumulative impact policy area, the policy did not extent to restaurants. The licensing sub-committee were taken through the operating hours of some of the other premises in the vicinity and a number of them were open beyond midnight. In those circumstances, the committee could not justify a terminal hour of midnight.

In reaching this decision the sub-committee had regard to all the relevant considerations and the four licensing objectives and considered that this decision was appropriate and proportionate.

4. Appeal rights

The applicant may appeal against any decision:

- a) To impose conditions on the licence
- b) To exclude a licensable activity or refuse to specify a person as premises supervisor.

Any person who made relevant representations in relation to the application who desire to contend that:

- a) The licence ought not to be been granted; or
- b) That on granting the licence, the licensing authority ought to have imposed different or additional conditions to the licence, or ought to have modified them in a different way

may appeal against the decision.

Any appeal must be made to the Magistrates' Court for the area in which the premises are situated. Any appeal must be commenced by notice of appeal given by the appellant to the justices' clerk for the Magistrates' Court within the period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.

Issued by the Constitutional Team on behalf of the Director of Law and Democracy.

Date: 16 October 2017