

NOTICE OF DECISION**LICENSING SUB-COMMITTEE – 28 AUGUST 2018****LICENSING ACT 2003: THE CAMBERWELL SHARK, 332C CAMBERWELL NEW ROAD, LONDON SE5 0RW****1. Decision**

That the application made by Shark Micropubs Limited for a premises licence to be granted under s.17 of the Licensing Act 2003 in respect of the premises known as The Camberwell Shark, 332C Camberwell New Road, London SE5 0RW is granted as follows:

Licensing activity	Hours
Opening hours	Wednesday and Thursday 12:00 to 22:30 Friday and Saturday 12:00 to 23:00
Sale and supply of alcohol	Wednesday and Thursday 12:00 to 22:00 Friday and Saturday 12:00 to 22:30

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 trading standards during the conciliation process and the following additional conditions agreed by the sub-committee:

1. That all windows and external doors shall be kept closed at any time when regulated activity is taking place, except for the access or egress of persons.
2. That no deliveries to the premises shall be arranged between 19:00 and 09:00.
3. That the pavement outside the building and the pavement in the area to which any smokers are directed must be swept and litter collected at the close of business.
4. That the licence will have no effect until the licensing authority are satisfied that there is an assigned designated premises supervisor with a valid personal licence.

3. Reasons

The reasons for the decision are as follows:

The licensing sub-committee heard from the licensing officer who confirmed that the applicant had engaged with the authorities and had been able to conciliate conditions, such that the authorities concerned were able to withdraw their representations. The authorities concerned were licensing as a responsible authority, the Metropolitan Police Service and London Fire Brigade.

The sub-committee then heard from the applicant in this matter who explained the concept of a micropub, setting it out from the pubs which already exist in Camberwell and the surrounding area. The applicant explained that the focus for the premises would be the customers and creating a community feel. In adhering to the Campaign for Real Ale (CAMRA) definition of a micropub, no music would be played, no manufactured beers sold and that the food sold would be pre-cooked food sourced from local suppliers.

In addressing the fact that the premises fall within a cumulative impact policy area, the applicant acknowledged that there is a presumption against granting a new licence to a premises. The applicant explained to the sub-committee that they would cease trading before midnight and that they had already agreed to limit the capacity of the premises to 30, including members of staff. They submitted that the commitment to sourcing local brewed produce would mean that the prices would be such that would likely not be of interest to street drinkers.

The applicant also made reference to the licensing objectives and highlighted that they had conducted appropriate research to ensure that each of these objectives were met. In addressing the objective of crime and disorder, they explained that the premises would employ four members of staff, all of whom would have a personal licence, with two members of staff present at any time whilst a licensable activity was being conducted. They set out that the patrons would be seated and would be provided table service. In discussing the public safety objective the applicant stated that they had agreed to conditions requiring CCTV to be installed and maintained, that they had agreed to a maximum capacity in accordance with guidance from the London Fire Brigade and that they would enforce the Challenge 25 policy.

In dealing with the observations made by local residents and respondents, the applicant identified that the majority of their concerns focused on the prevention of nuisance and the cumulative impact of a further premises on the area. The applicant observed that the premises are situated on a busy road, with six residents living above. They stated that they were having a noise impact assessment the following day and that they would install insulation as recommended to avoid the residents being affected by noise originating from the premises. Furthermore the applicant agreed to the conditions that all doors and windows would be closed at all times except for access and egress, they advised that there was already air conditioning in place and as such they did not envisage any difficulties with this arrangement. They discussed the policy for smokers, stating that they would be directed to smoke on the other side of the road and finally explained that they would be happy to have staff clear outside of the premises at the close of business. Finally, dealing directly with the concerns raised by the respondents to this application, the applicant agreed to reduce the proposed opening hours and days that they would actually be open. They concluded their submission by stating that they would not add to the cumulative impact.

The residents who had responded to the application were represented by their local councillors: Councillor Williams and Councillor Dixon-Fyle. One resident was able to make arrangements to attend and explained her concerns to the sub-committee. Her concerns focused on the safety of the children in the area, not just her own family, but those who attend the school nearby and also the vulnerable residents of the supportive accommodation. She was also concerned about the cumulative impact of the noise of patrons leaving the premises as she lives directly above the premises. The councillors both agreed with these submissions and further explained that the area was densely populated and that the area was already well-served with local pubs. Councillor Williams stated that the cumulative impact is not just about noise, but the fact that this venue will likely draw more people to the area, which may exacerbate the issues with street drinking or young professionals who view Camberwell as a night-time destination.

Councillor Williams further stated that if the venue is successful that the fact it is a small pub may actually cause more problems should capacity be reached.

The licensing sub-committee considered all of the information and opinions put to it both in written and oral format. They felt reassured by the approach of the applicant, not only in the way that they had addressed each of the licensing objectives; but the fact that they had sought to address each of the concerns set out by the local residents. The licensing sub-committee were particularly pleased to hear that there had been a noise impact assessment scheduled and they hope that the applicant will be responsive to the recommendations set out in the report as well as fulfilling the requests from the environmental protection team.

The licensing sub-committee understood the concerns set out by the respondents, both in writing and orally. They also recognised that this premises falls within the cumulative impact area, however they felt that in this particular case the applicant had addressed each of the licensing objectives so as to avoid negatively contributing to the issues in the area. They also found that as this case involved a small premise operating for few hours and closing before midnight, that this case fell into the example of a case which would rebut the presumption of refusing a new application in the cumulative impact policy area.

Finally the licensing sub-committee make particular reference to Section 19 of the Licensing Act 2003 in stating that, as yet, the applicant has not obtained a personal licence and as such he is not able to be a designated premises supervisor. This licence will therefore not take effect until a variation is submitted assigning a designated premises supervisor who holds a personal licence

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: 28 August 2018