

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Tuesday 27 June 2017 at 10.00 am at Ground Floor Meeting Room G02C - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Renata Hamvas (Chair)
Councillor Sunny Lambe
Councillor Sandra Rhule

**OTHERS
PRESENT:** Simon Cotton, premises user, 133 Copeland Road
Ian Graham, events manager, 133 Copeland Road
Adrian Ennis, premises licence holder, Charlie Chaplin
Donal Ennis, leaseholder, Charlie Chaplin
James Rankin, legal representative, Charlie Chaplin
Brian Coughran, Charlie Chaplin
Craig Morrison, manager, Charlie Chaplin
Ian Clements, Metropolitan Police Service

**OFFICER
SUPPORT:** Debra Allday, legal officer
Andrew Heron, licensing officer
Richard Kalu, licensing officer
Paul Newman, environmental protection officer
Andrew Weir, constitutional officer

1. APOLOGIES

There were none.

2. CONFIRMATION OF VOTING MEMBERS

The members present were confirmed as the voting members.

3. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT

It was agreed that the following late and urgent items would be considered:

- Licensing Act 2003: 133 Copeland Road, London SE15 3SN – Temporary Event

Notices (Item 5 of the agenda)

- Licensing Act 2003: The Charlie Chaplin, 26 New Kent Road, London SE1 6TJ – Representations Against Interim Steps (Item 6 of the agenda).

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

5. LICENSING ACT 2003: TEMPORARY EVENTS NOTICE 133 COPELAND ROAD, LONDON SE15 3SN

The licensing officer presented their report. Members had questions for the licensing officer.

The premises user addressed the sub-committee. Members had questions for the premises user.

The environmental protection officer addressed the sub-committee. Members had questions for the environmental protection officer.

Both parties were given five minutes for summing up.

The meeting went into closed session at 11.40am.

The meeting resumed at 11.46am. The chair did not read out the decision as the parties were not present.

RESOLVED:

That counter notices not be issued under Section 105 of the Licensing Act 2003 in respect of:

- Temporary event notice (859128) served by Simon Cotton in relation to an event to be held at 133 Copeland Road, London SE15 3SN (Carpark), between 12:00 and 23:00 on 22 July 2017.
- Temporary event notice (859129) served by Simon Cotton in relation to an event to be held at Bussey Building (D), Block A Roof Top Rear of D, 133 Copeland Road, London SE15 3SN between 12:00 and 23:00 on 21 July and 12:00 and 23:00 on 22 July.
- Temporary event notice (859126) served by Simon Cotton in relation to an event to be held at Copeland Gallery (9I), Unit 9L, Caravan Unit, 133 Copeland Road, London SE15 3SN on 21 July 2017 between 12:00 and 01:00 (the following day), 22 July 2017 between 12:00 and 01:00 (the following day).

Reasons

These were temporary event notices (TEN 859128, 859129 and 859126) given by Simon

Cotton, the premises user.

The licensing sub-committee heard evidence from the premises user who advised that the event was being organised by the London Beer Factory which was founded three years ago. They distribute to small pubs and clubs and have undertaken a number of small beer festivals. They informed the sub-committee that there had recently been a huge rise in craft beers in the area, but there was no substantial beer festival in South London. This was the first craft beer festival in Peckham. The event was therefore to celebrate craft breweries and use the event as a show case for the same.

The premises user agreed to amend temporary event notice (859128) in relation to the car park so that the event ends at 23:00 in 22 July 2017 in addition to removing the provision of regulated entertainment as only background music would be played. The premises user agreed to amend temporary event notice, (859126) in relation to Copeland Gallery, so that the events on 21, 22 and 23 July end at 01:00 hours.

The licensing sub-committee heard evidence from the environmental protection officer who advised that the three TENs artificially circumvented the 499 person limit for TENs by splitting what clearly was a single premises, covered by a single premises license, into multiple areas. This was a single event and in practice, it would be impossible for the premises supervisor to reasonably control the movement of potentially 1,248 people through the premises to be assured that no single area exceeded 499 people at any one time whilst licensable activities take place. The TENs would be consenting to something known to be unachievable in practice.

The officer referred to the recent House of Lords Select Committee report on the Licensing Act which covered this issue and which concluded: *'Where it appears that notices are being given for TENs simultaneously on adjacent plots of land, resulting in effect in the maximum number attending exceeding the 500 person limit, we would expect the police or environmental health officers to object, and the licensing authority to issue a counter-notice. We recommend that the section 182 guidance be amended to make this clear.'*

The licensing sub-committee considered all of the oral and written representations before it and were of the opinion that the licensing sub-committee accepted that the provision of TENs within the Licensing Act 2003 were vague as was the section 182 guidance which specifically prohibited the applicant utilising the TENs in the way sought. The sub-committee were sympathetic to concerns raised by the responsible authorities and the recommendations made by the House of Lords Select Committee and concur with their views. At this stage, the details in the report were recommendations only. Any future TENs application utilised in a similar manner (by either the premises user or others) should be decided by a licensing sub-committee. In future, events of this nature and number must be made by time limited premises licence applications.

Appeal rights

Where the relevant counter notice under Section 105(3) is given the premises user may appeal against the decision. Where counter notice is not given, the chief officer of the environmental protection team may appeal against that decision. The appeal must be made to the Magistrates' Court within a period of 21 days beginning with the day on which the applicant was notified by the licensing authority of the decision to be appealed against. No appeal may be brought later than five working days before the day on which the event begins.

6. LICENSING ACT 2003:THE CHARLIE CHAPLIN, 26 NEW KENT ROAD, LONDON SE1 6TJ - REPRESENTATIONS AGAINST INTERIM STEPS

The licensing officer presented their report. Members had no questions for the licensing officer.

The legal representative for the premises addressed the sub-committee on behalf of the management of the premises. Members had questions for the legal representative for the premises.

The Metropolitan Police Service representative addressed the sub-committee. Members had questions for the police representative.

Both parties were given five minutes for summing up.

The meeting went into closed session at 12.10pm.

The meeting resumed at 12.23pm and the chair advised all parties of the decision.

RESOLVED:

The council's licensing sub-committee, having had regard to the representations by the representatives of The Charlie Chaplin, 26 New Kent Road, London SE1 6TJ against interim steps imposed at the expedited review on 22 June 2017 has agreed to vary the interim steps:

1. That the CCTV is checked on a daily basis to ensure that operational and a log maintained of the daily checks and made available to the police and authorised council officers immediately upon request.
2. That there will always be someone on the premises at all times the premises open to the public that can operate the CCTV.
3. That the hatch/gate shall remain closed at all times save for access or ingress.
4. That on Fridays and Saturdays from 21:30 until closing there will be one SIA officer.
5. That no fruit knife (or any other knife/weapon) will be allowed within the premises and/or kept behind the bar area.

Reasons

This was a hearing to consider representations from the representatives of The Charlie Chaplin, 26 New Kent Road, London SE1 6TJ against interim steps imposed at the expedited review on 22 June 2017.

The licensing sub-committee heard from the representatives of The Charlie Chaplin who confirmed that the concerns of the Metropolitan Police Service had been conciliated. In discussion with the sub-committee the premises were agreeable to additional conditions, namely conditions 1 to 5 above.

The licensing sub-committee heard from the representative from the Metropolitan Police

Service who confirmed that their concerns regarding the premises were conciliated.

The licensing sub-committee considered all of the oral and written representations before it and were of the opinion that at the expedited review on 22 June 2017 the premises licence was suspended to allow the licence holder to install a gate/hatch at the bar, evidence of operational CCTV and documented staff training. All these matters have been addressed and additional conditions have been accepted by the premises licence holder. In these circumstances, a suspension of the licence is no longer appropriate and/or proportionate and agree as an alternative to modify the terms of the licence as detailed.

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.

Appeal rights

There is no right of appeal to a magistrates' court against the licensing authority's decision at this stage.

The premises licence holder may make representation against any interim steps imposed and a hearing to consider the representation will be held within 48 hours of receipt of the representation. The holder of the premises licence may only make further representations if there has been a material change in circumstances since the authority made its determination

Any representation should be in writing and cannot be received outside of normal office hours.

Meeting ended at 12.28 pm

CHAIR:

DATED: