



NOTICE OF DECISION

LICENSING SUB-COMMITTEE – 27 JUNE 2017

LICENSING ACT 2003: LICENSING ACT 2003: COPELAND ROAD BEER FESTIVAL, 133 COPELAND ROAD, LONDON, SE15 3SN (CARPARK) – TEMPORARY EVENT NOTICE 859128

1. Decision

That a counter notice not be issued under Section 105 of the Licensing Act 2003 in respect of

- i. 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 12:00hrs on the 22 July 2017 and 02:00hrs on the 23 July 2017;
- ii. Temporary event notice (859128) 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 12:00hrs and 23:00hrs on the 21 July and 22 July 2017; and
- iii. 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 the 21 July 2017 between 12:00hrs – 02:00hrs. 22 July 2017 between 12:00hrs and 02:00hrs and on the 23 July 2017 between 23:00hrs and 02:00hrs.

2. Reasons

This was a temporary event notice (TEN 859128) given by, Simon Cotton, the premises user, in respect of an event to be held at 133 Copeland Road, London, SE15 3SN (Carpark), between 12:00hrs on the 22 July 2017 and 02:00hrs on the 23 July 2017 for 499 people, who also applied for a temporary event notice (TEN 859129) in respect of an event to be held at Bussey Building (D), Block A Roof Top Rear of D, 133 Copeland Road, London, SE15 3SN between 12:00hrs and 23:00hrs on the 21 July and 22 July 2017 for 250 people and finally, a temporary event notice (859126) in relation to an event to be held at Copeland Gallery (9I), Unit 9L, Caravan Unit, 133 Copeland Road, London, SE15 3SN on the 21 July 2017 between 12:00hrs – 02:00hrs. 22 July 2017 between 12:00hrs and 02:00hrs and on the 23 July 2017 between 23:00hrs and 02:00hrs for 499 people.

The licensing sub-committee heard evidence from the premises user who advised that the event was being organised by the London Beer Factory who were founded 3-years ago and distribute to small pubs and clubs and have undertaken a number of small beer festivals. 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 hours 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 s.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 either time-limited premises licence applications.

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.

3. 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.

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

Date: 27 June 2017