

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Monday 15 May 2017 at 10.00 am at Ground Floor Meeting Room G02C - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Renata Hamvas (Chair)
Councillor Sunil Chopra
Councillor Lorraine Lauder MBE

OTHERS PRESENT: Andrew MacDonald, applicant, Dulwich Picture Gallery
Ellie Manwell, applicant, Dulwich Picture Gallery
James Dye, applicant, Dulwich Picture Gallery
Sophie Schneider, applicant, Dulwich Picture Gallery
Niall McCann, legal advisor, Dulwich Picture Gallery
Barbara Wellman, local resident
Bridget Furst, local resident
Michael Mitchell, ward councillor
Clive Rates, local resident
Steven Morely, local resident
Chris Lucas, Applicant, Herne Hill Stadium
Peter Cattermole, applicant, Herne Hill, Stadium

OFFICER SUPPORT: Debra Allday, legal officer
Helena Crossley, legal officer
Wesley McArthur, licensing 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

There were none.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

5. DULWICH PICTURE GALLERY, GALLERY ROAD, LONDON SE21 7AD

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

The applicant and their legal representative addressed the sub-committee. Members had questions for the applicant and their representative.

The local residents objecting to the application addressed the sub-committee.

All parties were given five minutes for summing up.

The meeting went into closed session at 12.01pm.

The meeting resumed at 12.57pm. The chair did not read out the decision of the sub-committee as none of the parties were present.

RESOLVED:

That the application made by Dulwich Picture Gallery, for a time limited premises licence (1 June 2017 to 31 August 2017), to be granted under the Licensing Act 2003 in respect of the premises known as Dulwich Picture Gallery, Gallery Road, London SE21 7AD is granted as follows:

Licensable activity	Hours
The supply of alcohol (for consumption on premises)	Monday 12:00 to 21:00 Tuesday and Wednesday from 12:00 to 22:00 Thursday to Saturday from 12:00 to 23:00 Sunday from 12:00 to 22:00
The provision of regulated entertainment in the form of films (indoors):	Friday and Saturday 18:00 to 23:00 Sunday from 18:00 to 22:00
The provision of regulated entertainment in the form of live music and recorded music (both indoors and outdoors):	Friday from 17:00 to 23:00 Saturday from 12:00 to 23:00 Sunday from 12:00 to 22:00

The provision of regulated entertainment in the form of performances of dance (both indoors and outdoors):	Friday from 17:00 to 23:00
Operating hours	From 1 June to 31 August 2017 Monday from 08:00 to 21:00 Tuesday to Wednesday from 08:00 to 22:00 Thursday to Saturday from 08:00 to 23:00 Sunday from 08:00 to 22:00

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 and the following additional conditions agreed by the sub-committee:

1. That the premises licence shall contain the same conditions attached to the premises licence 855319 with the exception of conditions 340, 345, 348, 350 and 351.
2. That the speakers within the Pavillion shall be directed away from residents.
3. That the College Road exit shall be closed at 21:30 each day with the exception of emergency access/ingress.
4. That the premises shall have a capacity of a maximum of 150. This 150 capacity will form part of the overall capacity of 500 of the Dulwich Picture Gallery.
5. That the premises licence will only be in operation for a maximum of six days per week.
6. That the premises licence holder shall display a dedicated mobile telephone number for local residents to contact management of the premises as and when necessary.
7. That a dispersal plan will be prepared and made available with the premises licence for inspection by the responsible authorities.
8. That all guests shall be registered with the Dulwich Picture Gallery.
9. That there shall be no promotional DJ events.
10. That the premises shall advertise parking on Gallery Road only.
11. That victors can still use visit the gallery and make full use its facilities and grounds during normal opening hours (i.e. before 5.00 p.m.) without registering.

Reasons

The reasons for the decision are as follows:

The licensing sub-committee heard from the representative for the applicant who informed the committee that the premises, the Dulwich Picture Gallery already had a premises licence (number 855319) which permitted licensable activities between 09:00 to 23:00 seven days a week. This application was for a time limited application from 1 June to 31 August 2017 for a premises licence in respect of a new temporary building, the pavilion. They advised that the applicant intended to carry out some licensable activities within the pavilion and the grounds by hosting a programme of public events including film screenings and small scale live music or performances, inspired by the gallery's existing artistic programme. The pavilion would have a small fixed bar/cafe pod which would sell and serve alcohol and snacks. The pavilion would be available for community groups in addition to being hired out for private events to generate income for the charity, using both internal and external catering companies.

The licensing sub-committee heard from four local residents objecting to the application (parties 5, 10, 13 and 15) who complained that the pavilion was extremely close to their homes and were concerned of the level of noise that would come from a structure with no walls and no sound installation. Potentially the residents would endure events taking place each night for three months. The pavilion would increase the footfall and traffic (which would result in parking issues and the use of College Road, which is a private road). Intoxicated patrons departing the premises could also produce alcohol related nuisance.

The licensing sub-committee notes the representations of the 13-local residents who were not in attendance at the meeting.

It was noted that no representations were made by any of the responsible authorities.

The licensing sub-committee considered the concerns of the local residents very carefully. Regarding the issue of noise escape, the licensing sub-committee accepted that the loud rock music was not in keeping with premises style and unlikely to be provided at the premises. The application was time limited and the environmental protection team would have a duty to serve a noise abatement notice if there was a statutory noise nuisance. This would jeopardise any future application. Residents were concerned about the frequency of events proposed to take place at the premises under the licence applied for. In response, the applicant amended the application to allow for events a maximum of six days a week. Whilst concerns of bad behaviour have been raised, the premises already have a premises licence and no complaints have ever been made when the premises has been operated under the existing licence. The parking issues raised by local residents are not a consideration for the licensing sub-committee. However, the applicant has agreed to provide a full dispersal policy, in addition to agreeing additional conditions relating to parking. In any event, none of the responsible authorities have submitted objections raising issue with this application.

Ultimately, the Dulwich Picture Gallery already had a licence which would permit the premises as a whole (and which include the external grounds) to carry out licensable activities. This includes the provision live entertainment, as a result of the Live Music Act 2012. This application was made to allow licensable activities in the pavilion, being a fixed structure. A variation of the existing premises licence or the submission of temporary event notices would not have been suitable or applicable under the Act. In the circumstances, this licensing sub-committee can not find any justifiable reason not to grant this application.

The licensing sub-committee note the concerns of the residents and recommend that there is a continued open dialogue between them and the applicant and note that the first meeting to discuss the operation of the premises is due to take place on 26 June 2017.

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.

6. LICENSING ACT 2003: HERNE HILL STADIUM, 104 BURBAGE ROAD, LONDON SE24 9HE

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

The applicant addressed the sub-committee. Members had questions for the applicant.

The local residents objecting to the application addressed the sub-committee. Members had questions for the local residents.

The ward councillor addressed the sub-committee. Members had questions for the ward councillor.

All parties were given five minutes for summing up.

The meeting went into closed session at 1.45pm.

The meeting resumed at 11.40am. The chair did not read out the decision of the sub-committee as none of the parties were present.

RESOLVED:

That the application made by Herne Hill Velodrome Trust, for a variation , granted under the Licensing Act 2003 in respect of the premises known as Herne Hill stadium, 104 Burbage Road, London SE24 9HE is granted as follows:

The proposed floor plan has been approved as per drawing number 3032 (revision Q) dated 14 May 2014 as provided on application.

Conditions

The applicant agreed with the following additional conditions agreed by the sub-committee:

1. That the premises shall operate an agecheck 'Challenge 25' policy whereby customers purchasing alcohol who look or appear to be under 25 years of age will be asked for an approved form of proof of age to verify their age. Approved forms shall include a driving licence, passport or a PASS approved proof of age card such as the Proof of Age London (PAL) card.
2. That all staff involved in the sale of alcohol shall attend a recognised training scheme which will include training in the agecheck 'Challenge 25' policy. They must obtain a certificate of competence. A record of their training, including the dates that each member of staff is trained, shall be available for inspection at the premises on request by the council's authorised officers or the police.
3. That agecheck or 'Challenge 25' signage shall be displayed at entrances to the premises, areas where alcohol is displayed for sale and at points of sale to inform customers that an agecheck 'Challenge 25' policy applies and proof of age may be required.
4. That clearly legible signage shall be prominently displayed at all patron exits, where it can be easily seen and read, requesting that patrons leave the premises in a quiet and orderly manner that is respectful to neighbours.
5. That there is no external signage advertising these licensed premises.

Reasons

The reasons for the decision are as follows:

The applicant, the two local residents and the ward councillor addressed the sub-committee.

During the course of the licensing sub-committee meeting, it was explained that the application was to update the floor plans of the new pavilion and permit licensable activities and operating hours as per licence number 858448 made in respect of these premises. As such, the licensing sub-committee could only hear representations concerning the updated floor plans and whether the granting of this variation would undermine the licensing objectives. It was accepted by the two local residents and the ward councillor that it would not. Notwithstanding this, the applicant was more than happy to have the five new conditions added to the premises 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.

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 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.

7. LICENSING ACT 2003: APPLICATION FOR A PERSONAL LICENCE

It was noted that this item had been withdrawn by the applicant.

8. LICENSING ACT 2003: APPLICATION FOR A PERSONAL LICENCE

It was noted that this item had been withdrawn by the applicant.

Meeting ended at 1.48 pm

CHAIR:

DATED: