

## Licensing Sub-Committee

Monday 15 May 2017

10.00 am

Ground Floor Meeting Room G02C - 160 Tooley Street, London SE1 2QH

### Membership

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

### Reserves

Councillor Adele Morris

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### INFORMATION FOR MEMBERS OF THE PUBLIC

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#### Access to information

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#### Contact

Andrew Weir on 020 7525 7222 or email: [andrew.weir@southwark.gov.uk](mailto:andrew.weir@southwark.gov.uk)

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Members of the committee are summoned to attend this meeting

**Eleanor Kelly**

Chief Executive

Date: 5 May 2017



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RECYCLED PAPER

## Licensing Sub-Committee

Monday 15 May 2017  
10.00 am

Ground Floor Meeting Room G02C - 160 Tooley Street, London SE1 2QH

### Order of Business

Item No.	Title	Page No.
<b>PART A - OPEN BUSINESS</b>		
1.	<b>APOLOGIES</b>	
	To receive any apologies for absence.	
2.	<b>CONFIRMATION OF VOTING MEMBERS</b>	
	A representative of each political group will confirm the voting members of the committee.	
3.	<b>NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT</b>	
	In special circumstances, an item of business may be added to an agenda within five clear days of the meeting.	
4.	<b>DISCLOSURE OF INTERESTS AND DISPENSATIONS</b>	
	Members to declare any interests and dispensation in respect of any item of business to be considered at this meeting.	
5.	<b>DULWICH PICTURE GALLERY, GALLERY ROAD, LONDON SE21 7AD</b>	1 - 50
6.	<b>LICENSING ACT 2003: HERNE HILL STADIUM, 104 BURBAGE ROAD, LONDON SE24 9HE</b>	51 - 100
7.	<b>LICENSING ACT 2003: APPLICATION FOR A PERSONAL LICENCE</b>	101 - 106
	<b>ANY OTHER OPEN BUSINESS AS NOTIFIED AT THE START OF THE</b>	

**MEETING AND ACCEPTED BY THE CHAIR AS URGENT.**

**PART B - CLOSED BUSINESS**

**EXCLUSION OF PRESS AND PUBLIC**

The following motion should be moved, seconded and approved if the sub-committee wishes to exclude the press and public to deal with reports revealing exempt information:

“That the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 1-7, Access to Information Procedure rules of the Constitution.”

**8. LICENSING ACT 2003: APPLICATION FOR A PERSONAL LICENCE**

**ANY OTHER CLOSED BUSINESS AS NOTIFIED AT THE START OF THE MEETING AND ACCEPTED BY THE CHAIR AS URGENT.**

Date: 5 May 2017

<b>Item No.</b> 5.	<b>Classification:</b> Open	<b>Date:</b> 15 May 2017	<b>Meeting Name:</b> Licensing sub-committee
<b>Report Title</b>		Licensing Act 2003: Dulwich Picture Gallery, Gallery Road, London SE21 7AD	
<b>Ward(s) of group(s) affected</b>		Village Ward	
<b>From</b>		Strategic Director of Environment and Social Regeneration	

## RECOMMENDATIONS

1. That the licensing sub-committee considers an application made by Dulwich Picture Gallery (a charity registered with the UK Charity Commission) for a time limited premises licence to be granted under the Licensing Act 2003 in respect of the temporary pavilion and gardens at the premises known as Dulwich Picture Gallery, Gallery Road, London SE21 7AD from 1 June to 31 August 2017.
2. Notes:
  - a) This application forms a new application for a time limited premises licence, submitted under Section 17 of the Licensing Act 2003. The application is subject to representations from responsible authorities and is therefore referred to the sub-committee for determination.
  - b) Paragraphs 8 to 10 of this report provide a summary of the application under consideration by the sub-committee. A copy of the full application is attached as Appendix A.
  - c) Paragraphs 12 to 16 of this report deal with the representations submitted in respect of the application. Copies of the representations submitted are attached to this report in Appendices B. A map showing the location of the premises is attached to this report as Appendix D.
  - d) A copy of the council's approved procedure for hearings of the sub-committee in relation to an application made under the Licensing Act 2003, along with a copy of the hearing regulations, has been circulated to all parties to the meeting.

## BACKGROUND INFORMATION

### The Licensing Act 2003

3. The Licensing Act 2003 provides a licensing regime for:
  - The sale of and supply of alcohol
  - The provision of regulated entertainment
  - The provision of late night refreshment.
4. Within Southwark, the licensing responsibility is wholly administered by this council.

5. The Act requires the licensing authority to carry out its functions under the Act with a view to promoting the four stated licensing objectives. These are:
  - The prevention of crime and disorder
  - The promotion of public safety
  - The prevention of nuisance
  - The protection of children from harm.
  
6. In carrying out its licensing functions, a licensing authority must also have regard to
  - The Act itself
  - The guidance to the act issued under Section 182 of the Act
  - Secondary regulations issued under the Act
  - The licensing authority's own statement of licensing policy
  - The application, including the operating schedule submitted as part of the application
  - Relevant representations.
  
7. The premises licence application process involves the provision of all relevant information required under the Act to the licensing authority with copies provided by the applicant to the relevant responsible bodies under the Act. The application must also be advertised at the premises and in the local press. The responsible authorities and other persons within the local community may make representations on any part of the application where relevant to the four licensing objectives.

## **KEY ISSUES FOR CONSIDERATION**

### **The premises licence application**

8. On 15 March 2017 Dulwich Picture Gallery (a charity registered with the UK Charity Commission) for a time limited premises licence to be granted under the Licensing Act 2003 in respect of the temporary pavilion and gardens at the premises known as Dulwich Picture Gallery, Gallery Road, London SE21 7AD from 1 June to 31 August 2017. The area to be licenced is described in the application as:

*“Dulwich Picture Gallery (DPG), a public art gallery with a shop, café and gardens, has an existing premises licence (ref 855319). DPG recently submitted a planning application (ref 17/AP/0624) to build a temporary Pavilion within the grounds, east of the main entrance. It is flexible, multi-purpose space which can be configured for different purposes.*

*Subject to the planning application, the Pavilion will be in place from 1 June 2017 - 31 August 2017 and we intend to carry out some licensable activities within the Pavilion as well as in our 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*

*There will also be a small fixed bar/cafe pod in the Pavilion which will sell and serve alcohol as well as snacks. The Pavilion will be hired out for private events to generate income for our Charity, using both internal and external catering companies.*

*Typically the Pavilion will be available on Mondays for local community groups to hire, Tuesday – Thursday and Saturday evenings it will be available for private hire, and on*

*Fridays and Sundays a series of cultural public events e.g. film screenings. As well, on Saturday and Sunday daytimes there will be a family offer.*

*The days and hours requested in this licence are intentionally broad to allow us flexibility whilst we continue to shape our public programme and events; however it is not envisaged that it will be used for all licensable activities across all days and times applied for.*

*The general proposed opening times of the Pavilion are Monday to Wednesday from 08:00 to 22:00 and Thursday to Sunday (and Bank holidays) from 08:00 to 23:00.”*

9. The application and is summarised as follows:

The supply by retail of alcohol (on sales only)

- Monday to Wednesday - 12:00 to 22:00
- Thursday to Sunday - 12:00 to 23:00
- Bank Holiday Monday 28 August 2017 - 12:00 to 23:00.

The provision of regulated entertainment in the form of films (indoors):

- Friday and Sunday - 18:00 to 23:00
- Bank Holiday Monday 28 August 2017 - 18:00 to 23:00.

The provision of regulated entertainment in the form of live music and recorded music (both indoors and outdoors):

- Friday - 17:00 to 23:00
- Saturday and Sunday - 12:00 to 23:00
- Bank Holiday Monday 28 August 2017 - 12:00 to 23:00.

The provision of regulated entertainment in the form of performances of dance (both indoors and outdoors):

- Friday - 17:00 to 23:00
- Bank Holiday Monday 28 August 2017 - 12:00 to 23:00.

Opening hours from 1 June to 31 August 2017

- Monday to Wednesday - 08:00 to 22:00
- Friday to Sunday - 08:00 to 23:00
- Bank Holiday Monday 28 August 2017 - 08:00 to 23:00.

10. The proposed designated premises supervisor of the premises is Mark Hone who has been granted a personal licence by London Borough of Camden.
11. The premises licence application form provides the applicant's operating schedule. Parts A, B, C, E, F, G, H, I, J, K, L, and M of the operating schedule set out the proposed licensable activities, operating hours and operating control measures in full, with reference to the four licensing objectives as stated in the Licensing Act 2003. Should a premises licence be issued in respect of the application the information provided in part M of the operating schedule will form the basis of conditions that will be attached to any licence granted subsequent to the application. A copy of the application is attached to this report in Appendix A.

### Representations from responsible authorities

12. No representations have been made by any of the responsible authorities. A comment was received from the planning authority stating:

*“There is a current planning application for this temporary building (17ap0624). A decision has not yet been made.*

*I understand that licensable activities up until 11pm are applied for. Given that the site is not particularly close to residential neighbours, and the building would be retained for a temporary period, I do not consider that there are grounds to object raising licensing matters.”*

13. A copy of this has been included as Appendix C.

### Representations from other persons

14. Representations have been received from 17 local addresses, some with multiple occupants. A representation has also been received from the College Gardens Residents Association, which represents 22 households. One of those households has contacted the licensing authority to advise that the representation made by the association does not represent their views. This individual has made their own written representation. Having viewed the constitution of the association and the minutes from that meeting, the relevant quorum was present at the meeting to make written representation on behalf of the association. Copies of the constitution and minutes will be made available to members at the hearing, should they request to see them.

15. Copies of all representations are available in Appendix B.

16. Objectors disagree on the final outcome of the application, some preferring the application to be dismissed in full, others seeking a curtailment of hours. All representations however, carry similar concerns in relation to the application, in summary:

- Noise egress from the premises (whether a noise impact assessment has been completed and whether noise limiters have been considered)
- The potential lack of sound insulation at the installation
- The potential frequency of evening events over the summer
- The proximity of the premises to residential addresses
- Increased footfall and traffic
- Access and egress problems, including limited parking facilities and the use of a private road
- The behaviour of intoxicated patrons departing the premises and alcohol-related nuisance
- The potential disruption to the sleep of local children
- The granting of this licence forming a potential precedent for future applications.

### Conciliation

17. Copies of all representations (with personal details redacted) were provided to the applicant throughout the application, with a full bundle presented on 18 April 2017. No further contact had been made by the applicant at the point of publication of this report.

## Premises history

18. The Dulwich Picture Gallery is a long-standing gallery within the borough. At present, only the main building is licensed. This is a time limited application for the summer months.

## Deregulation of entertainment

19. On 6 April 2015 entertainment became deregulated and as a result:
- Live unamplified music is deregulated between 08:00 and 23:00 on any premises.
  - Live amplified music is deregulated between 08:00 and 23:00 at on-licensed premises provided the audience does not exceed 500 people, however, live music can become licensable in on-licensed premises if the licensing authority removes the effect of the deregulation following a licence review ('licence review mechanism').

## Map

20. A map showing the location of the premises is attached to this report as Appendix D. There are not many licensed premises in the immediate vicinity, the following similarly licensed premises in the area are:

- **Dulwich Picture Gallery, College Road SE21 7GB** licenced for:

The sale of alcohol (on sales only)

Monday to Friday - 11:00 to 23:30

Saturday - 10:00 to 23:30

Sunday - 12:00 to 23:30.

The provision of late night refreshment (indoors)

Monday to Sunday - 23:00 to 01:30 (the following day)

The provision of regulated entertainment in the form of films, plays, performances of dance, live and recorded music (all indoors)

Monday to Sunday - 09:00 to 23:00.

- **The Edward Alleyn Club, Burbage Road SE24 9HD** licenced for:

The sale of alcohol (on sales only)

Monday to Sunday - 10:00 to 23:30

The provision of late night refreshment (indoors)

Monday to Friday - 23:00 to 23:30

Saturday and Sunday - 23:00 to 23:59.

The provision of regulated entertainment in the form of performances of dance, live and recorded music (all indoors)



Monday to Saturday - 10:00 to 23:30  
 Sunday - 12:00 to 22:30.

- **Old College Lawn Tennis and Croquet Club, 10 Gallery Road SE21 7AB** licensed for a club licence for:

The sale of alcohol (to member indoors)

Monday to Sunday - 12:00 to 23:00.

### **Southwark council statement of licensing policy**

21. Council assembly approved Southwark's statement of licensing policy 2011-14 on 12 October 2011. Council assembly approved Southwark's statement of licensing policy 2016 - 20 on 25 November 2015. The policy came into effect on 1 January 2016.
22. Further sections of the statement that are considered to be of particular relevance to the sub-committee's consideration are:
  - Section 3 - Purpose and scope of the policy. This reinforces the four licensing objectives and the fundamental principles upon which this authority relies in determining licence applications
  - Section 5 – Determining applications for premises licences and club premises certificates. This explains how the policy works and considers issues such as location; high standards of management; and the principles behind condition setting.
  - Section 6 – Local cumulative impact policies. This sets out this authority's approach to cumulative impact and defines the boundaries of the current special policy areas and the classifications of premises to which they apply. To be read in conjunction with Appendix B to the policy
  - Section 7 – Hours of operation. This provides a guide to the hours of licensed operation that this Authority might consider appropriate by type of premises and (planning) area classification.
  - Section 8 – The prevention of crime and disorder. This provides general guidance on the promotion of the first licensing objective
  - Section 9 – Public safety. This provides general guidance on the promotion of the second licensing objective
  - Section 10 – The prevention of nuisance. This provides general guidance on the promotion of the third licensing objective
  - Section 11 – The protection of children from harm. This provides general guidance on the promotion of the fourth licensing objective.
23. The purpose of Southwark's statement of licensing policy is to make clear to applicants what considerations will be taken into account when determining applications and should act as a guide to the sub-committee when considering the applications. However, the sub-committee must always consider each application on

its own merits and allow exceptions to the normal policy where these are justified by the circumstances of the application.

24. Within Southwark's statement of licensing policy, the premises are identified as being within the Dulwich Village local town centre area, which is outside of any of Southwark's cumulative impact zones. Therefore relevant closing times recommended in the Statement of Licensing Policy for licensed premises in residential areas are as follows:

Closing time for restaurants and cafes:

- Sunday to Thursday is 23:00 and for Friday and Saturday is 00:00 (midnight)

Closing time for public houses, wine bars or other drinking establishments:

- 23:00 daily.

### **Resource implications**

25. A fee of £100.00 has been paid by the applicant company in respect of this application being the statutory fee payable for premises within non-domestic rateable value bands D/E.

### **Consultations**

26. Consultation has been carried out on this application in accordance with the provisions of the Licensing Act 2003. A public notice was published in a local newspaper and similar notices were exhibited outside of the premises for a period of 28 consecutive days.

### **Community impact statement**

27. Each application is required by law to be considered upon its own individual merits with all relevant matters taken into account.

## **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

### **Director of Law and Democracy**

28. The sub-committee is asked to determine the application for a premises licence under section 17 of the Licensing Act 2003.
29. The principles which sub-committee members must apply are set out below.

### **Principles for making the determination**

30. The general principle is that applications for premises licence applications must be granted unless relevant representations are received. This is subject to the proviso that the applicant has complied with regulations in advertising and submitting the application.
31. Relevant representations are those which:
- Are about the likely effect of the granting of the application on the promotion

- of the licensing objectives
  - Are made by an interested party or responsible authority
  - Have not been withdrawn
  - Are not, in the opinion of the relevant licensing authority, frivolous or vexatious.
32. If relevant representations are received then the sub-committee must have regard to them, in determining whether it is necessary for the promotion of the licensing objectives to:
- to grant the licence subject to:
    - The conditions mentioned in section 18 (2)(a) modified to such extent as the licensing authority considers necessary for the promotion of the licensing objectives
    - Any condition which must under section 19, 20 or 21 be included in the licence
  - to exclude from the scope of the licence any of the licensable activities to which the application relates
  - to refuse to specify a person in the licence as the premises supervisor
  - to reject the application.

### **Conditions**

33. The sub-committee's discretion is thus limited. It can only modify the conditions put forward by the applicant, or refuse the application, if it is necessary to do so. Conditions must be necessary and proportionate for the promotion of one of the four licensing objectives, and not for any other reason. Conditions must also be within the control of the licensee, and should be worded in a way which is clear, certain, consistent and enforceable.
34. The four licensing objectives are:
- The prevention of crime and disorder
  - Public safety
  - The prevention of nuisance
  - The protection of children from harm.
35. Members should note that each objective is of equal importance. There are no other licensing objectives, and the four objectives are paramount considerations at all times.
36. Conditions will not be necessary if they duplicate a statutory position. Conditions relating to night café and take away aspect of the license must relate to the night time operation of the premises and must not be used to impose conditions which could not be imposed on day time operators.
37. Members are also referred to the Home Office revised guidance issued under section 182 of the Licensing Act 2003 on conditions, specifically section 10.

## Reasons

38. If the sub-committee determines that it is necessary to modify the conditions, or to refuse the application for a premises licence application, it must give reasons for its decision.

## Hearing procedures

39. Subject to the licensing hearing regulations, the licensing committee may determine its own procedures. Key elements of the regulations are that:

- The hearing shall take the form of a discussion led by the authority. Cross examination shall not be permitted unless the authority considered that it is required for it to consider the representations.
- Members of the authority are free to ask any question of any party or other person appearing at the hearing.
- The committee must allow the parties an equal maximum period of time in which to exercise their rights to:
  - Address the authority
  - If given permission by the committee, question any other party.
  - In response to a point which the authority has given notice it will require clarification, give further information in support of their application.
- The committee shall disregard any information given by a party which is not relevant to the particular application before the committee and the licensing objectives.
- The hearing shall be in public, although the committee may exclude the public from all or part of a hearing where it considers that the public interest in doing so outweighs the public interest in the hearing, or that part of the hearing, taking place in private.
- In considering any representations or notice made by a party the authority may take into account documentary or other information produced by a party in support of their application, representations or notice (as applicable) either before the hearing or, with the consent of all the other parties, at the hearing.

40. This matter relates to the determination of an application for a premises licence under section 17 of the Licensing Act 2003. Regulation 26(1) (a) requires the sub-committee to make its determination at the conclusion of the hearing.

## Council's multiple roles and the role of the licensing sub-committee

41. Sub-committee members will note that, in relation to this application, the council has multiple roles. Council officers from various departments have been asked to consider the application from the perspective of the council as authority responsible respectively for environmental health, trading standards, health and safety and as the planning authority.
42. Members should note that the licensing sub-committee is meeting on this occasion solely to perform the role of licensing authority.

43. The sub-committee sits in quasi-judicial capacity, and must act impartially. It must offer a fair and unbiased hearing of the application. In this case, members should disregard the council's broader policy objectives and role as statutory authority in other contexts. Members must direct themselves to making a determination solely based upon the licensing law, guidance and the council's statement of licensing policy.
44. As a quasi-judicial body the licensing sub-committee is required to consider the application on its merits. The sub-committee must take into account only relevant factors, and ignore irrelevant factors. The decision must be based on evidence, that is to say material, which tends logically to show the existence or non-existence of relevant facts, or the likelihood or unlikelihood of the occurrence of some future event, the occurrence of which would be relevant. The licensing sub-committee must give fair consideration to the contentions of all persons entitled to make representations to them.
45. The licensing sub-committee is entitled to consider events outside of the premises if they are relevant, i.e. are properly attributable to the premises being open. The proprietors do not have to be personally responsible for the incidents for the same to be relevant. However, if such events are not properly attributable to the premises being open, then the evidence is not relevant and should be excluded. Guidance is that the licensing authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public, living, working or engaged in normal activity in the area concerned.
46. Members will be aware of the council's code of conduct which requires them to declare personal and prejudicial interests. The code applies to members when considering licensing applications. In addition, as a quasi-judicial body, members are required to avoid both actual bias, and the appearance of bias.
47. The sub-committee can only consider matters within the application that have been raised through representations from other persons and responsible authorities. Other persons must live in the vicinity of the premises. This will be decided on a case to case basis.
48. Under the Human Rights Act 1998. The sub-committee needs to consider the balance between the rights of the applicant and those making representations to the application when making their decision. The sub-committee has a duty under section 17 Crime and Disorder Act 1998 when making its decision to do all it can to prevent crime and disorder in the borough.
49. Other persons, responsible authorities and the applicant have the right to appeal the decision of the sub-committee 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.

### **Guidance**

50. Members are required to have regard to the Home Office guidance in carrying out the functions of licensing authority. However, guidance does not cover every possible situation, so long as the guidance has been properly and carefully understood, members may depart from it if they have reason to do so. Full reasons must be given if this is the case.

**BACKGROUND DOCUMENTS**

<b>Background Papers</b>	<b>Held At</b>	<b>Contact</b>
Licensing Act 2003 Home Office Revised Guidance to the Act Secondary Regulations Southwark statement of licensing Policy Case file	Southwark Licensing, c/o Community Safety and Enforcement, 160 Tooley Street, London SE1 2QH	Kirty Read Tel: 020 7525 5748

**APPENDICES**

<b>Name</b>	<b>Title</b>
Appendix A	Application for a premises licence
Appendix B	Representations by local residents and a residents' association
Appendix C	Representation from responsible authority
Appendix D	Map of the local area

**AUDIT TRAIL**

<b>Lead Officer</b>	Deborah Collins, Strategic Director of Environment and Social Regeneration	
<b>Report Author</b>	Andrew Heron, Principal Licensing Officer	
<b>Version</b>	Final	
<b>Dated</b>	20 April 2017	
<b>Key Decision?</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments sought</b>	<b>Comments included</b>
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	No	No
<b>Cabinet Member</b>	No	No
<b>Date final report sent to Constitutional Team</b>		3 May 2017

15/03/2017

Business - Application for a premises licence to be granted under the Licensing Act 2003

Ref No. 780485

## Name of Applicant

Please enter the name(s) who is applying for a premises licence under section 17 of the Licensing Act 2003 and am making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

	Dulwich Picture Gallery (Sophie Schneider, Head of Operations)
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## Premises Details

Non-domestic rateable value of premises in order to see your rateable value click here (opens in new window)

£	0
	Band D and E only applies to premises which uses exclusively or primarily for the supply of alcohol for consumption on the premises
	No

## Premises trading name

	Dulwich Picture Gallery
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Postal address of premises or, if none, ordnance survey map reference or description

Address Line 1	Dulwich Picture Gallery (temporary Pavilion and Gardens)
Address Line 2	Gallery road
Town	London
County	
Post code	SE217AD
Ordnance survey map reference	
Description of the location	
Telephone number	██████████

## Applicant Details

Please select the capacity in which you are applying to convert your existing licence

	a charity
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## Other Applicants

## Personal Details - First Entry

Name	Dulwich Picture Gallery (Sophie Schneider)
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## Address - First Entry

Street number or building name	Dulwich Picture Gallery
Street Description	Gallery road
Town	London
County	
Post code	SE21 7AD
Registered number ( where applicable )	1040942
Description of applicant ( for example, partnership, company, unincorporated association etc )	Charity registered with the UK Charity Commission

## Contact Details - First Entry

Telephone number	[REDACTED]
Email address	[REDACTED]

## Operating Schedule

When do you want the premises licence to start?

	01/06/2017
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If you wish the licence to be valid only for a limited period, when do you want it to end?

	31/08/2017
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General description of premises ( see guidance note 1 )

	Dulwich Picture Gallery (DPG), a public art gallery with a shop, café and gardens, has an existing premises licence (ref 855319). DPG recently submitted a planning application (ref 17/AP/0624) to build a temporary Pavilion within the grounds, east of the main entrance. It is flexible, multi -purpose space which can be configured for different purposes.
--	--



	<p>Subject to the planning application, the Pavilion will be in place from 1 June 2017- 31 August 2017 and we intend to carry out some licensable activities within the Pavilion as well as in our 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.</p> <p>There will also be a small fixed bar/cafe pod in the Pavilion which will sell and serve alcohol as well as snacks. The Pavilion will be hired out for private events to generate income for our Charity, using both internal and external catering companies.</p> <p>Typically the Pavilion will be available on Mondays for local community groups to hire, Tuesday – Thursday and Saturday evenings it will be available for private hire, and on Fridays and Sundays a series of cultural public events e.g. film screenings. As well, on Saturday and Sunday daytimes there will be a family offer.</p> <p>The days and hours requested in this licence are intentionally broad to allow us flexibility whilst we continue to shape our public programme and events; however it is not envisaged that it will be used for all licensable activities across all days and times applied for.</p> <p>The general proposed opening times of the Pavilion are Monday – Wednesday, 8am – 10pm Thursday – Sunday and Bank holidays, 8am – 11pm.</p>
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Please select the range of the number of people expected to attend the premises at any one time.

	Less than 5000
If 5,000 or more people are expected to attend the premises at any one time. Please state the number expected to attend	

Operating Schedule part 2

What licensable activities do you intend to carry on from the premises?

	(Please see sections 1 and 14 of the Licensing Act 2003 and schedule 1 and 2 to the Licensing Act 2003)
--	---

Provision of regulated entertainment

	b) films
	e) live music
	f) recorded music
	g) performance of dance

Provision of late night refreshment

--	--

Supply of alcohol

	j) Supply of alcohol
--	----------------------

B- Films

Will the exhibition of films take place indoors or outdoors or both? ( Please read guidance note 2 )

	Indoors
--	---------

Please give further details here ( Please read guidance note 3 )

	Film screenings on some Fridays and Sundays in the Pavilion. Given the need to create a darker space for film screenings, the Pavilion will be configured as a more enclosed space and therefore 'indoors' has been selected above. Although a small number of panels may be open for air flow and access.
--	--

Standard days and timings for Films ( Please read guidance note 6 )

Day	Start	Finish
Mon		
Tues		
Wed		
Thur		
Fri	18:00	23:00
Sat		
Sun	18:00	23:00

State any seasonal variations for the exhibition of films ( Please read guidance note 4 )

	1 June 2017- 31 August 2017
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Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed. ( Please read guidance note 5 )

	Bank Holiday Monday 28 August 2017 18.00-23.00
--	--

E - Live Music

Will the performance of live music take place indoors or outdoors or both? ( Please read guidance note 2 )

	Both
--	------

Please give further details here ( Please read guidance note 3 )

	Small scale live music performance. Given the Pavilion structure can be configured in a variety of ways, both indoors and outdoors has been selected.
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Standard days and timings for Live Music ( Please read guidance note 6 )

Day	Start	Finish
Mon		
Tues		
Wed		
Thur		
Fri	17:00	23:00
Sat	12:00	23:00
Sun	12:00	23:00

State any seasonal variations for the performance of live music ( Please read guidance note 4 )

	1 June 2017- 31 August 2017
--	-----------------------------

Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed. ( Please read guidance note 5 )

	Bank Holiday Monday 28 August 2017 12.00-23.00
--	--

F - Recorded Music

Will the playing of recorded music take place indoors or outdoors or both? ( Please read guidance note 2 )

	Both
--	------

Please give further details here ( Please read guidance note 3 )

	Small scale recorded music performance. Given the Pavilion structure can be configured in a variety of ways, both indoors and outdoors has been selected.
--	---

Standard days and timings for Recorded Music ( Please read guidance note 6 )

Day	Start	Finish
Mon		
Tues		

Wed		
Thur		
Fri	17:00	23:00
Sat	12:00	23:00
Sun	12:00	23:00

State any seasonal variations for playing recorded music ( Please read guidance note 4 )

	1 June 2017- 31 August 2017
--	-----------------------------

Non standard timings. Where you intend to use the premises for the playing of recorded music entertainment at different times to those listed. ( Please read guidance note 5 )

	Bank Holiday Monday 28 August 2017 12.00-23.00
--	--

G - Performances of Dance

Will the performances of dance take place indoors or outdoors or both? ( Please read guidance note 2 )

	Both
--	------

Please give further details here ( Please read guidance note 3 )

	Small scale dance performance. Given the Pavilion structure can be configured in a variety of ways, both indoors and outdoors has been selected.
--	--

Standard days and timings for Performance of dance ( Please read guidance note 6 )

Day	Start	Finish
Mon		
Tues		
Wed		
Thur		
Fri	17:00	23:00
Sat		
Sun		

State any seasonal variations for the performance of dance ( Please read guidance note 4 )

	1 June 2017- 31 August 2017
--	-----------------------------

Non standard timings. Where you intend to use the premises for the performance of dance entertainment at different times to those listed. ( Please read guidance note 5 )

	Bank Holiday Monday 28 August 2017 12.00-23.00
--	--

## J - Supply of Alcohol

Will the supply of alcohol be for consumption ( Please read guidance note 7 )

	On the premises
--	-----------------

Standard days and timings for Supply of alcohol ( Please read guidance note 6 )

Day	Start	Finish
Mon	12:00	22:00
Tues	12:00	22:00
Wed	12:00	22:00
Thur	12:00	23:00
Fri	12:00	23:00
Sat	12:00	23:00
Sun	12:00	23:00

State any seasonal variations for the supply of alcohol ( Please read guidance 4 )

	1 June 2017- 31 August 2017
--	-----------------------------

Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed. Please list, ( Please read guidance note 5 )

	Bank holiday Monday 28 August 2017 12.00- 23.00
--	---

Please upload the consent form completed by the proposed premises supervisor

	<a href="#">DPS-consent.pdf</a>
--	---------------------------------

## Premises Supervisor

Full name of proposed designated premises supervisor

First names	Mark
Surname	Hone

Address of proposed designated premises supervisor

Street number or	██████
------------------	--------

Building name	
Street Description	████████████████████
Town	██████
County	
Post code	██████

Personal licence number of proposed designated premises supervisor, if any,

Personal licence number ( if known )	██████████
Issuing authority ( if known )	London Borough of Camden

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children ( Please read guidance note 8 )

	n/a
--	-----

L - Hours premises are open to public

Hours premises are open to the public ( standard timings Please read guidance note 6 )

Day	Start	Finish
Mon	08:00	22:00
Tues	08:00	22:00
Wed	08:00	22:00
Thur	08:00	23:00
Fri	08:00	23:00
Sat	08:00	23:00
Sun	08:00	23:00

State any seasonal variations ( Please read guidance note 4 )

	1 June 2017- 31 August 2017
--	-----------------------------

Non standard timings. Where you intend to use the premises to be open to the public at different times from those listed. Please list, ( Please read guidance note 5 )

	Bank holiday Monday 28 August 2017 08.00-23.00
--	--

M - Steps to promote four licencing objectives

a) General - all four licensing objectives (b,c,d,e) ( Please read guidance note 9 )

	<p>Typically the Pavilion will be available on Mondays for local community groups to hire, Tuesday – Thursday and Saturday evenings it will be available for private hire to generate income for the Charity, and on Fridays and Sundays a series of small scale, cultural events will take place. On Saturday and Sunday daytimes there will also be a family offer.</p> <p>The Gallery takes a responsible approach to licencing and is experienced in running indoor and outdoor events. All activity is carefully planned by our experienced and competent Gallery staff to ensure it is safe and enjoyable for participants and we are conscious of our neighbours and the local community and therefore consider carefully how we promote the licencing objectives.</p>
--	---

b) the prevention of crime and disorder

	<p>The Gallery’s regular and robust security arrangements will apply throughout with security personnel contributing to the prevention of crime and disorder. From 17.00 – 09.00 the Gallery has a security guard on site at all times who does regular external patrols, and additional security personnel will be brought in for specific events if deemed appropriate. There is extensive CCTV coverage across the site and an out of hours intruder alarm in the Gallery and offices. The Gallery has a strong relationship with the local Metropolitan Police who also do patrols in the area.</p> <p>During public opening times and during events a Duty Manager will be on site as well as a Supervisor and /or Events Organiser. Staff will be rostered according to the requirements of each event required. Some events will be ticketed and/or private.</p>
--	---

c) public safety

	<p>The Pavilion will be built to a standard safe for use by the public and a building regulations inspector has been appointed to manage the process and ensure compliance. We will use a reputable construction company along with our appointed CDM consultants.</p> <p>The flexible, open design of the Pavilion is such that visitors can enter and exit directly from the Pavilion into the landscape, as well as from the ramp and step marked on the plan attached to this application. Two of the panels are fixed, with the other panels being moveable depending on event configuration. DPG staff will be trained in the safe moving and fixing of panels. An exit will be maintained at all times with at least 1 x 2m width panel being open at all times to allow ingress/egress.</p> <p>The site itself already has a robust evacuation procedure in place and we carry out regular testing and drills, with all members of the public requested to leave the main site via the 3 exits (2 on Gallery road and 1 on College road). This procedure will remain in place throughout the Pavilion 3 month lifespan.</p> <p>DPG is in the process of tendering for a bar/catering company and once appointed the building regulations inspector will work closely with the caterer to ensure compliance. Electrical wiring will be installed by a qualified electrician and any portable electric appliances in the Pavilion will show evidence of PAT testing.</p> <p>Dulwich Picture Gallery already has a comprehensive Health and Safety policy in place with risk assessments being carried out as appropriate. This rigour will be extended to include the activity of the Pavilion within our grounds.</p> <p>Depending on event capacity an appropriate number of first aid trained staff will be present on site for the duration of events. The Gallery also has first aid points at the Gallery admissions desk and Sackler Art room.</p> <p>Emergency service access- the attendance of emergency services will be coordinated by the event officer and Duty Manager and the Gallery car park will be kept accessible for emergency vehicles to use.</p>
--	---

	<p>Slips, trips and falls- there is external lighting within the grounds and if appropriate to the event the staff will carry torches.</p> <p>Food poisoning- only reputable caterers will be used at the events and traders will be required to provide copies of their employees food hygiene certificates and food safety management system.</p>
--	---

d) the prevention of public nuisance

	<p>Staff working at the events will be alert and ready to spot any trouble makers and defuse tense situations. They will be equipped with radios and able to call for assistance.</p> <p>The Gallery will ensure that it only works with reputable catering companies and that a policy is in place so that customers buying alcohol that look under the age of 18 will be asked for verification and if they cannot prove their age the sale will be refused and the refusal logged in a refusal register. Drinks will not be served to those obviously under the influence.</p> <p>Staff and signage will encourage visitors to leave the premises quietly and in respect of our local neighbours, and visitors will be encouraged to leave via the Gallery road entrance at night where there are fewer residents.</p>
--	---

e) the protection of children from harm

	<p>The admission of children to films will be restricted in accordance with the recommendations of the British Board of Film Classification. Where the programme includes a film in the 12a, 15, or 18 category then no person appearing to be under the age of 12 (and unaccompanied in that case), 15 or 18 as appropriate will be admitted. The Gallery shall display in a conspicuous position a sign in the following terms – 'persons under the age of (insert appropriate age) cannot be admitted'</p>
--	---

Please upload a plan of the premises

	<a href="#">Pavilion-proposed-plans-and-boundary.pdf</a>
--	--

Please upload any additional information i.e. risk assessments

	<a href="#">Pavilion-Plans.pdf</a>
--	------------------------------------

Checklist

	<p>I have enclosed the plan of the premises.          I understand that I must now advertise my application.          I understand that if I do not comply with the above requirements my application will be rejected.</p>
--	---

Declaration

I agree to the above statement



	I agree
PaymentDescription	, ,
AuthCode	██████
LicenceReference	██████████
PaymentContactEmail	

The information you provide will be used fairly and lawfully and Southwark Council will not knowingly do anything which may lead to a breach of the Data Protection Act 1998.

<b>Notes</b>	<b>7</b>	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>
<p>The proposed building is a new addition to the existing building. It is a two-story building with a total floor area of 1,000 sqm. The building is designed to be a sustainable building, with a focus on energy efficiency and environmental friendliness. The building is designed to be a sustainable building, with a focus on energy efficiency and environmental friendliness. The building is designed to be a sustainable building, with a focus on energy efficiency and environmental friendliness.</p>						
<b>Reference</b>	Issued for Planning	9/2027				
<b>Comments</b>						
<b>App No</b>						
<b>IF-DO</b>						
R-20 ARCHITECTS & DESIGN 10017 Kingsway Court, Northwood London HA8 2JF Tel: 020 8996 1000 www.r20.co.uk						
<b>Project</b>	Glenhilly 1, Dublin					
<b>Client</b>	Dublin City Council					
<b>Showing the Proposed Plans</b>						
<b>Scale</b>	1:500 / 1:100 (A1)					
<b>Date</b>	17/01/2017					
<b>Drawn by</b>	PL01					
<b>Checked by</b>						



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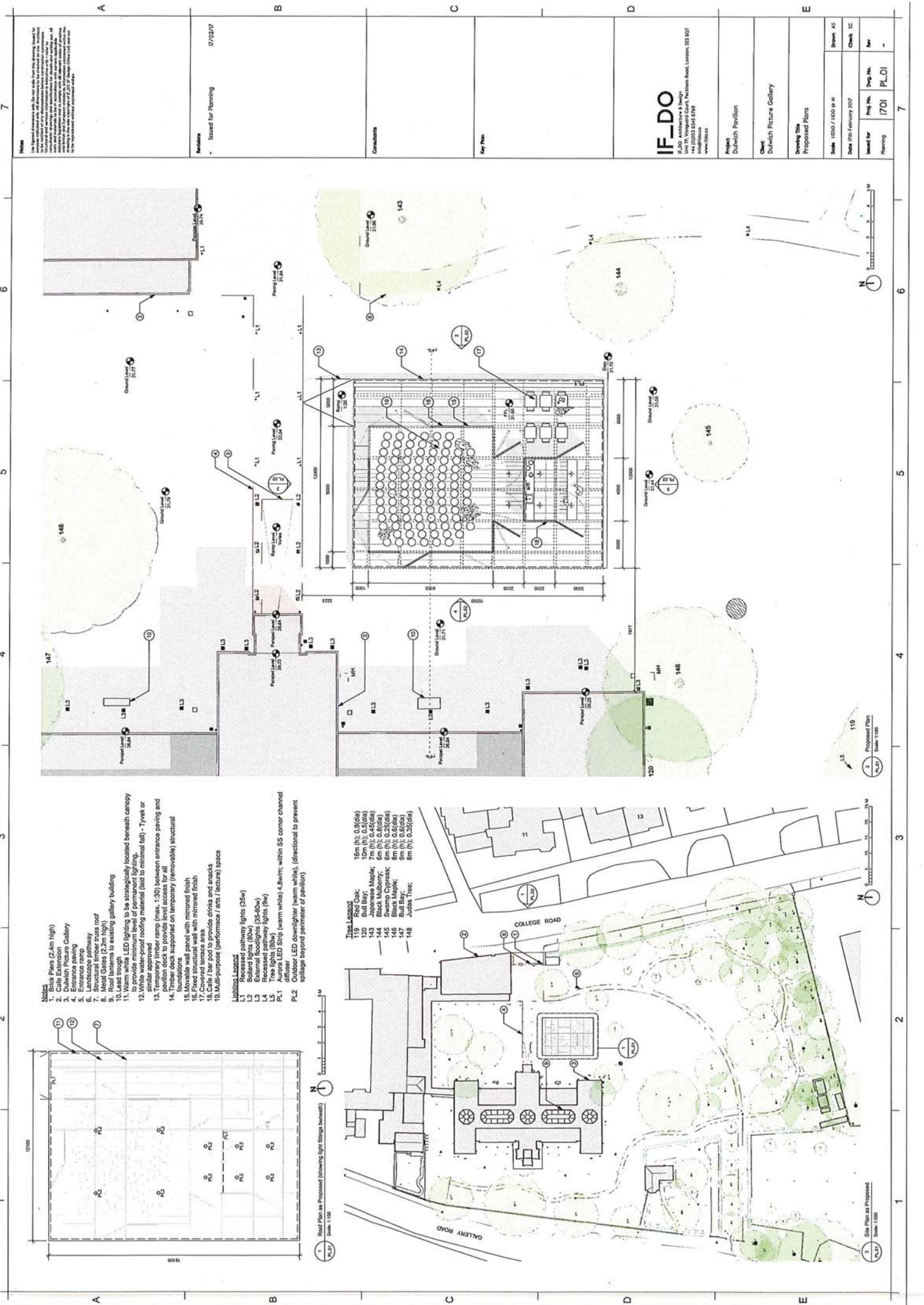
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**Notes**  
 Use figure dimensions only. Do not scale from this drawing board for the construction of any part of the building. All dimensions are to be taken from the building lines unless otherwise stated. All dimensions are to be taken from the building lines unless otherwise stated. All dimensions are to be taken from the building lines unless otherwise stated. All dimensions are to be taken from the building lines unless otherwise stated.

**Revisions**  
 Issued for Planning 07/02/19

**Comments**

**Key Plan**

**IF-DO**  
 IF-DO Architecture & Design  
 41 Finsbury Park, Finsbury Road, London, SE5 8EF  
 020 7463 6545  
 info@if-do.co.uk  
 www.if-do.co.uk

**Project**  
 Dulwich Pavilion

**Client**  
 Dulwich Picture Gallery

**Drawing Title**  
 Proposed Plans

Scale: 1:1000 / 1:500 (or A1)	Drawn: AJ
Date: 07th February 2019	Check: SC
Issued for Planning	Proj. No. 1701
	Draw. No. PL_01

- Notes**
1. Back Plans (2.4m high)
  2. Cafe Extension
  3. Dulwich Picture Gallery
  4. Entrance ramp
  5. Entrance ramp
  6. Landscape pathway
  7. Structural timber truss roof
  8. Roof lanterns (2m high)
  9. Roof lanterns to existing gallery building
  10. Lead trough
  11. Warm white LED lighting to be strategically located beneath canopy to provide minimum level of permanent lighting.
  12. Temporary timber ramp (max. 1:30) between entrance paving and pavilion deck to provide level access for all
  13. Temporary timber ramp (max. 1:30) between entrance paving and pavilion deck to provide level access for all
  14. Movable wall panel with mirrored finish
  15. Fixed structural wall with mirrored finish
  16. Covered terrace area
  17. Covered terrace area
  18. Multi-purpose (performance / arts / lecture) space

- Lighting Legend**
- L1 Recessed pathway lights (35w)
  - L2 Recessed lights (80w) (35-50w)
  - L3 Recessed lights (80w) (35-50w)
  - L4 Recessed pathway lights (9w)
  - L5 Tree lights (80w)
  - PL1 Aurora LED Strip (warm white) 4.8m; within SS corner channel
  - PL2 Outdoor LED downlighter (warm white), (directional to prevent spillage beyond perimeter of pavilion)

- Tree Legend**
- 120 Bull Oak: 10m (h); 0.25(dia)
  - 121 Bull Oak: 7m (h); 0.25(dia)
  - 143 Japanese Maple: 7m (h); 0.45(dia)
  - 144 Black Mulberry: 6m (h); 0.45(dia)
  - 145 Swamp Cypress: 8m (h); 0.25(dia)
  - 146 Sweetgum: 9m (h); 0.45(dia)
  - 147 Bull Bay: 8m (h); 0.45(dia)
  - 148 Judas Tree: 8m (h); 0.35(dia)

**Road Plan as Proposed (showing light fittings harness)**  
 Scale: 1:500

**Site Plan as Proposed**  
 Scale: 1:500

**Site Plan as Proposed**  
 Scale: 1:500

**Site Plan as Proposed**  
 Scale: 1:500

**Site Plan as Proposed**  
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**Site Plan as Proposed**  
 Scale: 1:500

**Site Plan as Proposed**  
 Scale: 1:500

Home Tel. : [REDACTED]  
 Office Tel. : [REDACTED]  
 Office Fax : [REDACTED]  
 E-mail : [REDACTED]

MRZ



6 April 2017



Licensing Service  
 C/o Southwark Environmental Health & Trading Standards  
 Third Floor, Hub 2  
 160 Tooley Street  
 London SE1 5LX

Dear Sirs

**Licensing Application for Dulwich Picture Gallery**

I write as Secretary of the [REDACTED] and therefore on behalf of 22 households which are immediately next door to the Dulwich Picture Gallery, which now seeks permission to provide alcohol every night of the week during the summer and entertainment on several nights. This submission is made following a resolution passed at the recent AGM of the Association and is, in effect, the consolidation of 22 separate representations.

On the basis that the proposed licence is for a short period only, and not on the basis that it is some sort of trial for permanent permission, we do not oppose the application in principle. However, on the grounds of nuisance in particular, we strongly object to the end time for the supply of alcohol as being 11.00pm on four nights a week and that entertainment could be provided until 11.00pm on three nights a week.

Dulwich Village is a very quiet area with little public transport. The proposal would be very disruptive to all 22 households in College Gardens as it is clear that the reality of extensions to 11.00pm is that noise and disturbance will continue until 11.30pm or later.

If licences are to be granted for every night of the week then they should be for no later than 10.00pm at weekends and 9.00pm midweek, allowing general noise and disturbance to continue until 10.00pm on school and working days.

Yours sincerely



30<sup>th</sup> March 2017

To whom it may concern:

## **Licensing Register - Applications for Premises Licences, Club Registrations, and Reviews Details for Licence Number: 858115**

I am writing to strongly object to the Application above for The Dulwich Picture Gallery. We have tolerated the various live events in the Gallery garden because the Gallery is currently limited on the number they can hold in the garden. However when they do hold these live events it has a huge impact on us and our children. For example, the film nights where a film is shown in the garden. The sound carries to our house and even with all the doors and windows shut our children cannot get to sleep until after the film has finished (usually around 10.30 to 11pm).

This application would be for the Gallery to be able to hold live events 3 days a week for several hours at a time. The Gallery is situated in a built up area and has very close neighbours. It is unacceptable that we may have our peace disturbed for such long periods and at such frequent intervals. In fact it would make our garden unusable at these times and as I have mentioned the sound carries and can be heard inside our house.

The 'building' where these events would take place does not have any walls and therefore will have absolutely no sound proofing. If the Gallery were to fully utilise this Licence it would be the equivalent of having an outdoor live music venue outdoors, metres from our house, 3 days a week and for several hours of the day. I cannot see how this is compliant with The Licensing Act 2003 which states one of its objectives as "The prevention of nuisance". Live music/recordings and/ or films will create a huge nuisance for all the close neighbours of the Gallery.

I am also concerned that the provision of alcohol in an outdoor venue could put at risk "Public Safety" and "The prevention of crime and disorder" (The Licensing Act 2003). How can the Gallery adequately ensure the safety inside the Gallery gardens, and the surrounding area when providing alcohol 12 noon till 11pm on most days?

This Application takes absolutely no consideration of where the Gallery is situated and how the noise in particular will affect the neighbours of the Gallery.

I would like to know has a Noise Impact Assessment Report been conducted?

**Party 2**

Yours faithfully,

A solid black rectangular box used to redact a signature.

## Party 2 Cont...

**Heron, Andrew**

---

**From:** [REDACTED]  
**Sent:** 06 April 2017 09:47  
**To:** Heron, Andrew  
**Subject:** Re: Objection Licensing Register - Applications for Premises Licences, Club Registrations, and Reviews Details for Licence Number: 858115

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Dear Mr Heron,

I see a letter has been sent from [REDACTED]  
[REDACTED] I was not an this AGM and please understand this letter does not represent my views. I have sent my letter outlining my objections.

Regards,

[REDACTED]

---

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

---

[REDACTED]

[REDACTED]

[REDACTED]

**Heron, Andrew**

---

**From:** [REDACTED]  
**Sent:** 11 April 2017 09:42  
**To:** Heron, Andrew  
**Subject:** FW: 858115 - Licensing application objection Dulwich Picture Gallery

fyi

---

**From:** [REDACTED]  
**Sent:** Monday, April 10, 2017 9:06 PM  
**To:** Regen, Licensing  
**Subject:** Re: 858115 - Licensing application objection Dulwich Picture Gallery

On 10 Apr 2017, at 21:00, [REDACTED] wrote:

I wish to object to the application by Dulwich Picture Gallery to have both 'indoor' and outdoor music in their proposed temporary pavilion on the basis of:

3. The prevention of nuisance
4. The protection of children from harm

The playing of music or other amplified sound (for example films) on every Friday, Saturday and Sunday is an unacceptable noise nuisance which will significantly reduce the peaceable enjoyment by residents of their environment throughout the summer.

The proposed temporary structure has no sound insulation and therefore all amplified sound is outdoors. The proposed structure lies no more than 50 metres from households and as the sound is to all intents and purposes outside will disturb residents.

The licence is inconsistent with the current art gallery usage.

High volumes of late night pressure on the limited local public transport system (P4 bus) will cause additional nuisance.

Previous events in temporary buildings at the gallery have prevented children from sleep and hence the objection on the grounds of 'protection of children from harm'. The harm over the Summer months is unacceptable.

I attach an example of previous disruption on 4th September 2014.

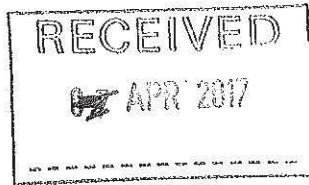
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I would like the committee to reject all amplified sound in the outdoor structure unless a special licence is sought for each event.



**Party 3**





7 April 2017

Dear Sirs,

Re: Licence application 858115, Dulwich Picture Gallery.

We write to object to the above licence application on the grounds of nuisance. Our specific objections and the reasons therefor are as follows:

1. Outdoor activities

The application proposes live and recorded music outdoors, on Fridays, Saturdays and Sundays.

Such activities are wholly inappropriate in our view in an otherwise residential area, and the noise will cause nuisance to residents.

2. Indoor activities

The application proposes live and recorded music and films indoors, again on Fridays, Saturdays and Sundays. Whilst one might expect the noise arising from indoor activities to be significantly less, we understand that the proposed temporary pavilion will be constructed from materials which will not provide any significant sound insulation, and again in our view therefore the noise will cause nuisance to residents.

3. Sale of alcohol to be consumed on the premises

We do not understand why the Gallery's existing alcohol licence arrangements are insufficient. Our concern is that the alcohol licence applied for will if granted allow large numbers of people to consume alcohol in the Gallery grounds, as well as in the poorly insulated pavilion, seven days a week from 1200 to 2200/2300. This gives rise inherently to a significant likelihood of nuisance to residents.

4. We have a general concern that the licence application envisages a breadth, scale and frequency of events consistent with an entertainment venue, not an art gallery. Previous experience of Gallery events strongly indicates that the Gallery does not have the expertise or resources to manage the wider risks associated with operating an entertainment venue.

We object therefore to the licence application and recommend that it is refused.

Yours faithfully,

[Redacted signature block]

**Party 4**

**Heron, Andrew**

---

**From:** Regen, Licensing  
**Sent:** 30 March 2017 08:29  
**To:** Tahir, Sarah; Heron, Andrew  
**Subject:** FW: 858115

**Party 5**

**From:** [REDACTED]  
**Sent:** Wednesday, March 29, 2017 6:35 PM  
**To:** Regen, Licensing  
**Subject:** 858115

Dulwich Picture Gallery application

"Pavilion Use Throughout June, July and August, the Dulwich Pavilion will host a varied programme of public events drawing in new audiences through talks, film screenings, art activities and **small scale live music or performance**. All programming will draw upon the Gallery's core exhibition and permanent collection programme for inspiration. The Pavilion will be **open every weekend as an engaging addition to the Gallery's** core visitor offer: permanent collection, temporary exhibition and café. It will have a **beverage and basic food offer available to all visitors** to purchase. Additionally a **series of later openings on Fridays and Sundays** will draw in **new audiences** to enjoy **themed cultural evenings**. A **family daytime offer will occupy the Pavilion on various Saturdays and Sundays throughout August**. The Pavilion will also be used for **private hire to generate income towards our charitable activities**. **Weekday evenings Tuesday – Thursday as well as Saturdays will be reserved for this**. **Monday evenings will be open for use** by interested community groups by prearrangement with the Gallery. The Dulwich Picture Gallery is in consultation with the Licensing Team at Southwark Council to discuss submission of an application in order for us to carry out any proposed licensable activities that will not be covered under our existing premises licence no 840820. The Dulwich Picture Gallery will work closely with Southwark Council to suggest measures that will reduce **any potential disturbance to our local neighbours**."

I am commenting on the application Licence 858115 for Dulwich Picture Gallery, the above paragraph is from their literature.

I have highlighted the areas that most concern me.

As I live [REDACTED] or so away I will not be able to avoid any of the noise, cars, party sounds and music that the plans suggest may happen.

The hours of potential opening will be an imposition on all of us in the locality. For three months!

The sounds from Belair House and also the Dulwich Park Cinema had no problem getting through our walls and the thought of frequent live or recorded music and parties till late in the evening **during the week and on Saturdays** is a bit much for all of us and especially I suspect, the residents of the Edward Alleyn flats.

The bar may close at 23.30 but it doesn't mean the partygoers leave at that time and that can be just as noisy.

Where are all the loo facilities for the expected guests and attenders going to be?

The Pavilion has no insulation so on a still summer evening I suppose those within a kilometre radius can expect to hear everything.

Packed out with people if the Gallery is successful in renting the space for these 'private hire' events, where are all these people going to park?

This is a big and important application and a much wider group of residents should have been asked for opinions.

It is a precedent because if this Pavilion is successful it may be brought back for subsequent years - if it ever goes away.

I am not against the application but I do object to the potential late opening hours, the fact there are no down days and that some people round here need their rest. We discovered with Belair House that their clients really didn't understand that it was week after week of noise for us, for them it was one night and they couldn't understand the fuss. Now we have a venue being created in what I thought was a local historical gem.



11 April 2017

Dear Sir or Madam

Re: License application number: 858115

I would like to raise the following concerns both on behalf of myself and my family who reside at 16 College Gardens.

Whilst we want to support the Dulwich Picture Gallery in their enterprises, we do wish to air our concerns which are as follows:

1. This new venture is untested and may impact significantly on the noise levels in the evenings of those houses closest to the Picture Gallery of which we are one of the closest.
2. We note that the hours have been specified and would like to ensure that music and alcohol are only available during normal pub closing hours. This seems in the main to be inline with the application made with the exception of Sunday evenings which appear to be requesting opening hours, the sale of alcohol and outdoor films until 23:00 on a Sunday where as pub hours are until 22:30, this is a cause for concern.
3. As close neighbours we would like to know that late night events are not going to be too frequent and suggest that a maximum of 8 evenings over the period of this temporary events structure.
4. We hope to be able to contact someone at the Gallery should there be any immediate concerns about an event, this should be available for out of hours concerns.
5. We request that the private road of College Gardens in not used by guests of an event at the Gallery and that at the end of any event guests are reminded to leave quietly and promptly.
6. We believe it is possible to have noise limiters on equipment and request that these are used to ensure noise levels are kept at an acceptable limit to ensure our home life is not too impacted by these additional events.

Finally, the application states that this is a temporary structure but there is no mention of this license being temporary, I am keen to know and understand how temporary this structure is. As I have stated this is an untested structure and its impact can only be speculated on, there needs to be an opportunity for constant and ongoing discussion about its impact on the local residents who may be adversely affected by this in respect of noise and increased parking and traffic issues.

I hope to meet with representatives of the Picture Gallery to ensure effective communication and to establish a neighbourly approach to these concerns and requests.

Yours faithfully

**Party 6**

**Heron, Andrew**

---

**From:** [REDACTED]  
**Sent:** 29 March 2017 08:31  
**To:** Heron, Andrew  
**Subject:** FW: Licensing Register - Applications for Premises Licences, Club Registrations, and Reviews Details for Licence Number: 858115

-----Original Message-----

**From:** [REDACTED]  
**Sent:** Tuesday, March 28, 2017 9:13 PM  
**To:** Regen, Licensing  
**Subject:** Licensing Register - Applications for Premises Licences, Club Registrations, and Reviews Details for Licence Number: 858115

I live at [REDACTED] and always appreciate the sound of the chapel bell in the Old College. If I can hear an old bell, I cannot imagine being spared the noise of outside events as suggested in this application.

I am sure the Picture Gallery is perfectly soundproofed indoors, but I cannot think the same can be said of a "Pavilion", particularly a temporary one.

Has the Gallery given any thought to increased evening foot and car traffic and consequent increase in noise as people come and go to these events: there's no parking in the Park at night.

We have occasional summer outside film screenings which while noisy are just that, occasional. There's no assurance in this application as to the regularity of outside events- most likely over the warmer months - in what is essentially a residential area: there are houses directly across from the Gallery on College Road and my neighbours.

Therefore, on grounds of noise (loss of peaceful amenity) with no quantification of frequency, I object to this broad-brush all encompassing application. For one off events, such as a wedding, I would not object, but this application - if approved and used - gives them permission to stage events any or many nights of a given week with no consideration of the neighbours. Many of whom (myself included) will have children of school age. Schools being something Dulwich does very well.

Thanks

[REDACTED]

Sent from my iPad

**Party 7**

**Heron, Andrew**

---

**From:** [REDACTED]  
**Sent:** 05 April 2017 13:56  
**To:** Heron, Andrew  
**Subject:** FW: Application 858115

-----Original Message-----

**From:** [REDACTED]  
**Sent:** Wednesday, April 05, 2017 1:36 PM  
**To:** Regen, Licensing  
**Subject:** Application 858115

I live [REDACTED] Whilst I support the Dulwich Picture Gallery's pavilion in principle, I am concerned about the licensing application for recorded and live music on three evenings a week to the extent the music is played outdoors. Playing music outdoors has a serious effect on the amenity of near neighbours, particularly those with young children or who want to sleep before 11pm (including older children in the exam season).

Whilst all neighbours accept a degree of inconvenience, 3 evenings a week is excessive for the whole summer. I would ask that the total number of evenings when music is played outdoors be limited to say 10 evenings per annum.

[REDACTED]  
Sent from my iPhone

**Party 8**

**Heron, Andrew**

---

**From:** [REDACTED]  
**Sent:** 29 March 2017 08:38  
**To:** Heron, Andrew  
**Subject:** FW: Objection to licence application 858115 - 17/AP/0624 | Construction of a detached single storey temporary pavilion building. | DULWICH PICTURE GALLERY, GALLERY ROAD, LONDON, SE21 7AD)

---

**From:** [REDACTED] [com\]](#)  
**Sent:** Tuesday, March 28, 2017 5:44 PM  
**To:** Regen, Licensing  
**Subject:** Objection to licence application 858115 - 17/AP/0624 | Construction of a detached single storey temporary pavilion building. | DULWICH PICTURE GALLERY, GALLERY ROAD, LONDON, SE21 7AD)

I object to this application on the following grounds: –

Notification.

I have been informed of this application by one of my neighbours, who found out through a chance conversation with another local resident, and would query why local residents such as myself were not informed.

In the event of any further applications in relation to this site, please add me to the list of consultees and confirm that this has been done.

Noise

I live within 150 yards of the proposed site and, apart from a few trees, there is nothing to block unwanted sound from travelling that short distance.

Over the years, we have had major problems with loud and late music from Belair House, which is much further away, such that my neighbour, who has young children, went across in the early hours of the morning to ask them to lower the noise, with minimal/no result. We have double glazing, but even with the windows shut, it was still audible.

We have also had significant problems with the noise from the cinema in the park, and I have had to complain on numerous occasions, e.g. after hearing foulmouthed language from "Wolf of Wall Street" coming directly towards my window after 10:45 pm. Again, closing the windows did not stop the noise being audible.

A tent/marquee will not be able to achieve any level of soundproofing. We had problems with internal sound/music reaching us loud and clear from Belair House, and I have no doubt that this will be worsened by the much closer proximity.

Antisocial behaviour

It is unrealistic to expect that guests and those attending, especially after a few drinks, will be respectful of the local community and their amenity. The longer the period of drink availability, the higher the risk of antisocial behaviour. This is not just noise, but includes inconsiderate parking and inadequate toilet training!

Duration

I understand that the previous Norwegian pavilion was again only given temporary permission, but still has not been removed over 12 months later.

On this basis, I am concerned that this temporary pavilion will become a long-term fixture, or at least a regular fixture during the summer months, when we would be expected to open our windows for fresh air, and not for unwanted noise and antisocial behaviour.

I also concerned at the possibility that, if granted, then there will be one-off applications for extensions of the hours of opening/service of drink of which we will be given inadequate/no notice. The same applies to an extension of the present suggested period of operation.

Sale of drink/showing films

I object to the proposal that drink will be served until 23.00 hours on Thursday, Friday, Saturday and Sunday.

Friday, is a school day, and the risk of sleep disruption to school-going and exam-taking young children is completely unacceptable. Even the serving of drink until 22.00 hours on Monday Tuesday and Wednesday creates similar

problems. I understood that the gallery was previously closed on Mondays, and would query whether this indicates an extension in the proposed use on this site.

The application would have more credibility if the music, showing of films and serving of drink was until e.g. 21.00 hours (9.00 pm) each night. If people want to continue drinking, there is (expected to be) an expensively refurbished pub/hotel just down the road. If they want to see films, there is a recently opened cinema in Lordship Lane. If they want to get married, there are myriad venues all over the country.

General

I would add that we have supported the aims of the Dulwich Picture Gallery over the years and have previously been members of the "Friends of Dulwich Gallery". I accept that fundraising is essential and constant, but this is an inappropriate way of raising money, particularly given the risk of significantly inconveniencing and alienating local residents and supporters such as myself.

Please acknowledge receipt and let me know if there are any meetings where this application is being considered, and the result in due course.

Thank you in anticipation.

Yours sincerely

  
Tuesday 28 March 2017

**Party 9**



**Heron, Andrew**

---

**From:** [REDACTED]  
**Sent:** 30 March 2017 15:53  
**To:** Heron, Andrew  
**Subject:** FW: Objection to License number 858115

Objection received

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**From:** [REDACTED]  
**Sent:** Thursday, March 30, 2017 3:49 PM  
**To:** Regen, Licensing  
**Subject:** Objection to License number 858115

Dear Sir/Madam

I live at [REDACTED] and I would like to object to the License Application number 858115 made by Dulwich Picture Gallery.

The Gallery is situated in the middle of a residential area including the adjacent Alms Houses for Old People.

There is already considerable disruption to residents from noise and parking problems when late night events are held at the Gallery. The granting of an Alcohol and Entertainment License for more frequent use will only increase the disruption and distress to the area as well compounding the parking problems in the street which can only be to the detriment of cyclists, the buses and pedestrians who use the street. This Gallery is a building for arts and culture not for dancing and the consumption of alcohol. This will only detract from the reputation of the Gallery and surrounding area.

Your faithfully

[REDACTED]

**Party 10**

**Heron, Andrew**

---

**From:** [REDACTED]  
**Sent:** 05 April 2017 16:26  
**To:** Heron, Andrew  
**Subject:** FW: objection to license application 858115

---

**From:** [REDACTED]  
**Sent:** Wednesday, April 05, 2017 4:14 PM  
**To:** Regen, Licensing  
**Subject:** objection to license application 858115

[REDACTED]

3 April 2017

**Re: OBJECTION to license application**

Applicant license number: 858115  
Applicant name: Dulwich Picture Gallery

Please accept this email as a **formal objection** to the license application noted above. As a very close neighbor to the Picture Gallery, I am concerned that the granting of the above license would cause a **nuisance** to local residents.

College Road and College Gardens are quiet residential streets with no current entertainment venues operating after 5 or 6pm. The activities listed in the license application (sale of alcohol, music, dancing, movies) would without doubt create a major **nuisance** relative to the current residential environment.

In addition, the boundary of the Picture Gallery grounds are approximately 15 meters from my house. Again, the activities listed in the license application would cause significant **nuisance** levels to our family directly. With three children in the house, increased noise levels beyond 8pm are unacceptable.

Please feel free to contact me should you require any further information.

Faithfully  
[REDACTED]

[REDACTED]

[REDACTED]

**Party 11**

**From:** [REDACTED]  
**Sent:** Wednesday, April 12, 2017 11:25 AM  
**To:** Jerrom, Charlie  
**Cc:** Mitchell, Michael; Lyons, Jane  
**Subject:** DPG no. 858 115

## Party 12

Dear Mr Jerrom

**Re:-** <http://app.southwark.gov.uk/licensing/LicPremisesAppliedDetails.asp?systemkey=858115>

**17/AP/0624 | Construction of a detached single storey temporary pavilion building. | DULWICH PICTURE GALLERY, GALLERY ROAD, LONDON, SE21 7AD**

The amenity of many in the vicinity will be affected in one way or another such as those in the alms houses of Edward Alleyn House, as well residents in Woodyard Lane (who heard the outdoor Belair House and Park Cinema noise on summer evenings in the past), College Gardens and College Road, Dulwich village and Burbage Rd.

The Pavilion plan is said to be a temporary idea but there is no date given for its removal. A very ugly wooden cabin was constructed in the gallery garden, over a year ago and was supposed to be temporary - but remains- did this need planning permission?

The Gallery are apparently looking for any hirers for summer parties and commercial events. Cinema, dance, live and recorded music, a bar and other events are listed under the headings of the application and I and others are very concerned that this could be a regular noisy intrusion on this residential area. This application raises serious concern for all who live nearby, throughout June, July and August, every weekend as well as evenings in the week. I would suggest very strict limitations on the numbers of events allowed, as well as the times, and above all the decibel level, and that music should not be transmitted outdoors..

The Pavilion would have no insulation against noise, just as a marquee.

There are local precedents where noise at anti-social times has impinged - eg. at the Edward Alleyn Club, the Velodrome, as well as those above mentioned.

Yours sincerely,

[REDACTED]

The email you received and any files transmitted with it are confidential, may be covered by legal and/or professional privilege and are intended solely for the use of the individual or entity to whom they are addressed. If you have received this in error please notify us immediately. If you are not the intended recipient of the email or the person responsible for delivering it to them you may not copy it, forward it or otherwise use it for any purpose or disclose its contents to any other person. To do so may be unlawful. Where opinions are expressed in the email they are not necessarily those of Southwark Council and Southwark Council is not responsible for any changes made to the message after it has been sent.

**Heron, Andrew**

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**From:** Regen, Licensing  
**Sent:** 11 April 2017 15:52  
**To:** Jerrom, Charlie  
**Cc:** Heron, Andrew  
**Subject:** FW: Licence application 858115 - objection

**Party 13**

-----Original Message-----

**From:** [REDACTED]  
**Sent:** Tuesday, April 11, 2017 3:49 PM  
**To:** Regen, Licensing  
**Cc:** carol rates  
**Subject:** Licence application 858115 - objection

Dear Sirs,

I am writing to object in the strongest possible terms to the application by the Dulwich Picture Gallery for a license to erect a pavilion in its grounds and then to serve alcohol and play live or recorded music into the night for various nights each week over the summer.

We live [REDACTED] from the Picture Gallery. Various 'events' including live music and films have been put on in the Picture Gallery grounds in prior years and the noise carries straight into our house. One live music event left us unable to hear each other speak - in our own home. We have also had to put up with deafening noise from the Cinema in the park and from Belair House - the latter, much further away from us than the Picture Gallery.

The noise and nuisance extends to the merriment of event goers especially when they have been drinking.

It is intolerable to think that this arrangement is being institutionalised at the Picture Gallery via this licensing application.

We have young children who need to sleep, have homework and like us have lives to live.

The Dulwich Picture Gallery has no shortage of inside space so if they want to host event of this nature, they should do so indoors.

Yours faithfully

[REDACTED]

Sent from my iPad

Sent from my iPad



Licensing Services

Southwark Council  
PO BOX 64529  
London SE1P 5LX

**Reference: Applications for Premises Licences, Club Registrations, and Reviews Details for Licence Number: 858115**

To whom it may concern,

I am writing to lodge an objection to the application for Premises Licences, Club Registrations, and Reviews Details for Licence Number: 858115

The reasons for my objection relate to:

1. The prevention of crime and disorder

Increased alcohol consumption in and around the neighbourhood – particularly late at night - creating the likelihood of disorder and the preconditions for increased levels of criminality

2. Public safety

Caused by increased traffic levels in the neighbourhood particularly at night with no visible mechanism in the application to properly mitigate and manage these

3. The prevention of nuisance

As well as the possibility of alcohol related nuisance, the application for indoor and outdoor music throughout the day and at night in this highly residential neighbourhood including many families with young children

4. The protection of children from harm

Where the likelihood of harm to children is increased through: increased alcohol consumption; increased levels of traffic (including air quality); and noise through a large portion of children's bed times being detrimental to their well being.

I would be grateful if you might acknowledge receipt of my objection to this application (license: 858115).

Yours faithfully



**Party 14**

## Party 15



24<sup>th</sup> March 2017

Dear Sirs,

**Licence number:**

858115

DULWICH PICTURE GALLERY

**Trading name and address:**

Dulwich College Picture Gallery

College Road

SE21 7BG

We wish to object to the above licensing application on the grounds that, if granted, it would result in significant nuisance for the immediate neighbours of the Gallery. Specifically, we object to the proposed number of days and hours of operation for which the licence is requested. The grounds for our objection are as follows:

- 1 **The proposed open pavilion will have poor noise insulation properties which would be inadequate to accommodate or contain the impact on neighbours of the proposed licensed activities.**

The proposed temporary structure is to be constructed of light-weight materials with a fabric roof and light movable screening in place of walls. These materials are inherently unlikely to contain the noise and disturbance resulting from operation of a bar, musical entertainment and film shows within the structure. The separate Planning Application for the pavilion refers to it being used for weddings, corporate and other private events, concerts, film-shows and lectures. Furthermore, the licence application also refers to all of these activities also taking place outdoors as well as within the pavilion.

- 2 **There is scope for significant increase in frequency & duration of noisy events, with loud PA & amplified music which the Gallery has controlled poorly in the past.**

For several years, the Gallery has hosted weddings and other events within its grounds. These have taken place mostly in marquees with occasional outdoor events and have generally occurred on Fridays or Saturdays. While the neighbours have tolerated these events, it is fair to say that they frequently generate an unreasonable level of noise and disruption about which we have complained to the Gallery staff. In particular, the mobile discotheques and PA systems have operated more loudly and for longer into the night than is reasonable. The disturbance has frequently continued beyond the hours indicated by Gallery staff but this has not been well enforced by any Gallery staff who may have been on-site while the nuisance was occurring. On several occasions we and other neighbours have found it necessary to call in the Southwark noise abatement service to intervene with the event operators.

This level of disturbance is already excessive and poorly policed. Even at events which have been organised by the Gallery itself or its Friends' Association, there have not always been senior staff on hand to whom we could complain. It would be intolerable to suffer the same level of noise, potentially throughout the afternoon and into the late evening, on each of the three days of every weekend over a 3 month period. At its extreme, over the course of a weekend we might be subjected to disturbance from live or recorded music for as long as 11 hours from 12.00 to 23.00 on Saturday evenings with almost the same on the Sunday following and perhaps an additional 6 hours on the Friday before.

3 **There is no need for additional facilities for the sale of alcohol and provision of music & entertainment on the Gallery site since the modern annexes are already licensed and are more appropriate for these uses.**

We believe that there is no need for alcohol and entertainment licences to be granted for the temporary space. The Gallery Cafe and its associated rooms are located barely 30 metres from the proposed structure. The Gallery Cafe and the associated permanent facilities were completed relatively recently and the Cafe already has the necessary alcohol, music and entertainment licences. The annexes around the quadrangle were well designed and constructed mainly in brick and therefore have much better sound insulation than the proposed temporary pavilion. We see no reason why the new structure should require 7-day 10-11 hours daily bar facilities in addition to those already existing. Furthermore, there are several other spaces in the existing buildings where entertainment and other Gallery events are already held. We presume that these buildings around the quadrangle will need to be opened whenever the temporary structure is in use since we understand that the temporary structure will have no lavatory facilities of its own.

For these reasons we would request the licensing authority to refuse the requested licences.

If, despite our and other objections, the authority is minded to grant licences, we would alternatively request that the time restrictions should be much tighter than those requested by the Gallery - particularly with respect to the number of permitted weekdays and to the closing times imposed for both weekday and Sunday evenings.

Yours faithfully



**Party 16**

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

12.04.2017

Dear Southwark Council,

**Re: Licensing Register - Applications for Premises Licences, Club Registrations, and Reviews Details for Licence Number: 858115**

We note the blue notice at the Picture Gallery.

We wish to object as the noise will be too much.

We have had occasional events at the Gallery before summer and there have also been issues with loud music and parking issues.

We have also noted that after the parties, the guests do not leave quietly.

Yours sincerely,

[REDACTED]  
[REDACTED]



**Heron, Andrew**

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**From:** Regen, Licensing  
**Sent:** 13 April 2017 08:36  
**To:** [REDACTED]  
**Cc:** Heron, Andrew  
**Subject:** FW: Licences for Dulwich Gallery

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**From:** [REDACTED]  
**Sent:** Wednesday, April 12, 2017 11:22 PM  
**To:** Regen, Licensing  
**Subject:** Licences for Dulwich Gallery

[REDACTED]

Subject: Pavilion at Dulwich Picture Gallery.

Date: 12 April 2017 at 22:48:55 BST

To: [licensing@southwark.gov.uk](mailto:licensing@southwark.gov.uk)

[REDACTED] [REDACTED]  
[REDACTED] [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED] [REDACTED]

**Party 17**

Dear Sir/Madam

My wife and I object to the granting of the presently applied for licence(s) for music and alcohol for The Gallery.

As residents of College Gardens since 1974 we have always been enthusiastic supporters of the Gallery and a Friends for all but about 1 - 2 years of that time. We are, however, firmly against the proposal for the

music and alcohol licence sought. The Gallery is first and foremost an art gallery in what is and I hope will remain one of the quieter parts of a very active city.

Music from 5pm to 11pm on Fridays, 12 noon to 11pm on Saturdays and 12 noon to 10.30pm on Sundays outdoors will be considerably disruptive for those of us who live locally and could well ruin our evenings and weekends. It would be a considerable nuisance and likely to cause considerable unrest. I (JLW) accepted the Gallery's invitation to view the plans of The Pavilion and it was made clear that it was meant to be an "open" structure with air flowing free through. Music generated within it is wholly unlikely to be "enclosed".

When I attended the Gallery's presentation for the pavilion the impression given was that it was to be a display and daytime tea drinking area. No mention of music and alcoholic drink. Had we known of the latter we certainly would not have been willing to support it.

The Gallery restaurant is a valuable facility and because of its restricted opening times it does not intrude. It provides a valuable useful facility for weekday morning, lunchtime and afternoon patrons of The Gallery. There is no similar demand for evenings. The purpose of having a licence for The Pavilion would appear to be to create such a demand. We are not aware of any surveys having been done to assess demand nor the impact of having such facilities available in the terms sought. These must be reasonable minimal requirements before such licences are sought in neighbourhoods such as ours. As Friends we have not been asked what we think about this and many Friends not living in the immediate area are unlikely to know of the intention to have extended music and alcohol consumption on the premises.

Those considering these applications ought also to have in mind the fact that unless locals able and intending to walk there are the expected clientele, those visiting will likely arrive by car with all the problems of parking and noise that such will entail. Parking in College Road has become an increasing problem with the development of Bell House and as you will readily know, parking in Dulwich is very much at a premium. When the "Dog" reopens parking is likely to become an even more serious problem than it is now and anyone seeking refreshment will be able to go there.

We all know, too, that even with the best of intentions drink and disorder can go hand in hand and it is inevitable that there will be disturbance especially later in the evenings.

For these reasons we object on the bases that nuisance, crime, disorder and public safety, the latter not least by increased traffic, together with adverse disruption to the neighbourhood are inevitable consequences of granting the licence(s) in the terms sought.

This is an unnecessary development. Should the Committee decide to allow a restricted licence or licences we would respectfully suggest that such should be granted on the basis that such is/are considerably

restricted in time and that it should be made clear that this temporary structure, which is how it has been presented to us, must not be regarded as a precedent for any permanent facility.

Yours sincerely

[Redacted signature]

[Redacted name]

**Chief executive's department**

Planning division

5th floor, hub 2

PO Box 64529

LONDON SE1P 5LX

EH & TS Licensing Unit  
Hub 2 3rd Floor Tooley Street

X

**Your Ref:** 858115**Our Ref:** 17-CE-00398**Contact:** Alison Brittain**Telephone:** 020 7525 5427**Fax:** 020 3357 3101**E-Mail:** [planning.enquiries@southwark.gov.uk](mailto:planning.enquiries@southwark.gov.uk)**Web Site:** <http://www.southwark.gov.uk>**Date:** 03/04/2017

Dear Sir/Madam

**Premises Licensing re:**

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

**Summary description:** Time limited**Date Received:** 16/03/2017

Thank you for the consultation.

There is a current planning application for this temporary building (17ap0624). A decision has not yet been made.

I understand that licensable activities up until 11pm are applied for. Given that the site is not particularly close to residential neighbours, and the building would be retained for a temporary period, I do not consider that there are grounds to object raising licensing matters.

Yours faithfully

Alison Brittain

DC Group Manager - East -Team 1



# Dulwich Picture Gallery



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19-Apr-2017

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<b>Item No.</b> 6.	<b>Classification:</b> Open	<b>Date:</b> 15 May 2017	<b>Meeting Name:</b> Licensing sub-committee
<b>Report title:</b>		Licensing Act 2003: Herne Hill Stadium, 104 Burbage Road, London SE24 9HE	
<b>Ward(s) or groups affected:</b>		Village Ward	
<b>From:</b>		Strategic Director of Environment and Social Regeneration	

## RECOMMENDATIONS

1. That the licensing sub-committee considers an application made by Herne Hill Velodrome Trust to vary the premises licence granted under the Licensing Act 2003 in respect of the premises known as: Herne Hill Stadium, Burbage Road, London SE24 9HE.
2. Notes:
  - The application seeks to vary the premises licence held under current legislation in respect of the premises known as: Herne Hill Stadium, 104 Burbage Road, London SE24 9HE, under section 34 of the Licensing Act 2003. Existing permitted licensable activities are not under consideration at this meeting. The variation application is subject to outstanding representations submitted by local residents and is therefore referred to the sub-committee for determination.
  - Paragraph 7 of this report provides a summary of the existing premises licence. A copy of the existing premises licence is attached at Appendix A.
  - Paragraphs 8 to 10 of this report provide a summary of the application under consideration by the sub-committee. A copy of the full application is attached as Appendix B. A map showing the location of the premises is attached as Appendix E.
  - Paragraphs 12 to 15 of this report deal with the representations submitted in respect of the application. (Copies of the representations and related correspondence are attached in Appendix C and D).

## BACKGROUND INFORMATION

### The Licensing Act 2003

3. The Licensing Act 2003 provides a new licensing regime for:
  - The sale of and supply of alcohol
  - The provision of regulated entertainment
  - The provision of late night refreshment.

Within Southwark, this council wholly administers the licensing responsibility.

4. The Act requires the licensing authority to carry out its functions under the Act with a view to promoting the four stated licensing objectives. These are:

- The prevention of crime and disorder
  - The promotion of public safety
  - The prevention of nuisance
  - The protection of children from harm.
5. In carrying out its licensing functions, a licensing authority must also have regard to:
- The Act itself
  - The guidance to the act issued under Section 182 of the Act
  - Secondary regulations issued under the Act
  - The Licensing authority's own statement of licensing policy
  - The application, including the operating schedule submitted as part of the application
  - Relevant representations.
6. The premises licence application process involves the provision of all relevant information required under the Act to the licensing authority with copies provided by the applicant to the relevant responsible bodies under the Act. The application must also be advertised at the premises and in the local press. The responsible authorities and other interested parties within the local community may make representations on any part of the application where relevant to the four licensing objectives.

## **KEY ISSUES FOR CONSIDERATION**

### **The current premises licence**

7. The current premises licence issued in respect of the premises known as Herne Hill Stadium, Burbage Road, London SE24 9HE was issued on 18 April 2017 and allows the following licensable activities:
- The sale of alcohol to be consumed on the premises:  
Monday to Saturday from 10:00 to 23:00  
Sunday from 12:00 to 22:30
  - The sale of alcohol to be consumed off the premises:  
Monday to Saturday from 10:00 to 23:00  
Sunday from 12:00 to 22:30
  - The provision of late night refreshment (indoors)  
Monday to Saturday from 23:00 to 23:30
  - Opening hours:  
Monday to Sunday from 09:00 to 23:00

A copy of the existing premises licence is attached as Appendix A.

### **The variation application**

8. On 6 March 2017 the Herne Hill Velodrome Trust applied under section 34 of the Licensing Act 2003 to this council to vary the premises licence issued in respect of the premises known as Herne Hill Stadium, 104 Burbage Road, London SE24 9HE.
9. The application is summarised as follows:

To update the floor plans of the new pavilion and permit licensable activities and operating hours as per paragraph 7 of this report.

10. A copy of the application is attached to this report as Appendix B.

#### **Designated premises supervisor**

11. The designated premises supervisor (DPS) under the existing premises licence is Peter Cattermole.

#### **Representations from responsible authorities**

12. A representation was originally made by the licensing authority. This was subsequently withdrawn through mediation. The applicant agreed to have a condition on the operating schedule of the premises licence stating:

*“The premises shall have a capacity limit of 140 persons.”*

13. A copy of the responsible authority representation is available in Appendix C. Subsequent email exchanges are also exhibited.
14. The planning authority made a comment in relation to the application, but did not make representation. This too is available in Appendix C.

#### **Representations from other persons**

15. Representations have been received from five individual local residents and a sixth from a local residents association. These are available in Appendix D. There appear to be concerns regarding the times for the sales of alcohol, however, there is no application to change these.

#### **Conciliation**

16. The applicant was sent copies of the representations received. A conciliation meeting was held on 2 May 2017 at the stadium grounds. The Herne Hill Velodrome Trust attended as did representatives from the Burbage Road Residents Association. However, not all those who made representation were in attendance.
17. It was agreed that members of the association and trust would look to draw up some potential conditions for the premises licence’s operating schedule that would restrict the use of the premises in a way that would be preferable to both parties. Once agreed upon, these conditions would be submitted to the local authority for attention of the licensing sub-committee.

#### **Operating history**

18. The current premises licence in respect of the premises was issued on 18 April 2017.
19. On 6 March 2017 the Herne Hill Velodrome Trust applied under section 34 of the Licensing Act 2003 to this council to vary the premises licence issued in respect of the premises known as Herne Hill Stadium, Burbage Road, London SE24 9HE.
20. No complaints have been received by the licensing unit in regards to the premises.



## Map

21. A map of the area is attached to this report as Appendix E. There is only one other premises in the immediate vicinity:

- Griffin Sports Club – 12 Dulwich Village SE21 7AL

Late Night Refreshment (indoors):

- Monday to Saturday from 23:00 to 23:30 (the following day).

The sale by retail of alcohol (on sales):

- Monday to Saturday from 10:00 to 23:00 (midnight)
- Sunday 12:00 to 22:30.

The sale by retail of alcohol (off sales):

- Monday to Saturday from 10:00 to 23:00 (midnight)
- Sunday 12:00 to 22:30.

## Southwark council statement of licensing policy

22. Council assembly approved Southwark's statement of licensing policy 2016 - 2020 on 25 November 2015. The policy came into effect on 1 January 2016. Sections of the statement that are considered to be of particular relevance to the sub-committee's consideration are:

- Section 3 - Purpose and scope of the policy. This reinforces the four licensing objectives and the fundamental principles upon which this authority relies in determining licence applications
- Section 5 – Determining applications for premises licences and club premises certificates. This explains how the policy works and considers issues such as location; high standards of management; and the principles behind condition setting.
- Section 6 – Local cumulative impact policies. This sets out this authority's approach to cumulative impact and defines the boundaries of the current special policy areas and the classifications of premises to which they apply. To be read in conjunction with Appendix B to the policy
- Section 7 – Hours of operation. This provides a guide to the hours of licensed operation that this authority might consider appropriate by type of premises and (planning) area classification.
- Section 8 – The prevention of crime and disorder. This provides general guidance on the promotion of the first licensing objective
- Section 9 – Public safety. This provides general guidance on the promotion of the second licensing objective
- Section 10 – The prevention of nuisance. This provides general guidance on the promotion of the third licensing objective

- Section 11 – The protection of children from harm. This provides general guidance on the promotion of the fourth licensing objective.
23. The purpose of Southwark’s statement of licensing policy is to make clear to applicants what considerations will be taken into account when determining applications and should act as a guide to the sub-committee when considering the applications. However, the sub-committee must always consider each application on its own merits and allow exceptions to the normal policy where these are justified by the circumstances of the application.

### **Cumulative impact zone (CIZ)**

24. The premises are not in a cumulative impact zone. The premises are situated in a residential area.
25. Under the Southwark Statement of Licensing policy 2016 - 2020 the following closing times are recommended as appropriate within this area for these categories of premises:

Closing time for restaurants and cafes:

- Monday to Sunday 23:00.

Closing time for public houses, wine bars or other drinking establishments:

- Monday to Sunday 23:00.

### **Resource implications**

26. A fee of £190.00 being the statutory fee payable for premises within non-domestic rateable value band A has been paid by the applicant company in respect of this application.

### **Consultation**

27. Consultation has been carried out in respect of this application in accordance with the provisions of the Licensing Act 2003. A public notice was published in a local newspaper and a similar notice exhibited at the premises for a period of 28 consecutive days.

### **Community impact statement**

28. Each application is required by law to be considered upon its own individual merits with all relevant matters taken into account.

## **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

### **Director of Law and Democracy**

29. The sub-committee is asked to determine the application to vary the premises licence under Section 34 of the Licensing Act 2003.
30. The principles which sub-committee members must apply are set out below.

### Principles for making the determination

31. Section 35 of the Licensing Act 2003 sets out the licensing authority's powers and duties in considering the determination of an application for variation.
32. The general principle is that applications for variation must be granted unless relevant representations are received. This is subject to the proviso that the applicant has complied with regulations in advertising and submitting the application.
33. Relevant representations are those which
  - Are about the likely effect of the granting of the application on the promotion of the licensing objectives
  - Are made by an other party or responsible authority
  - Have not been withdrawn
  - Are not, in the opinion of the relevant licensing authority, frivolous or vexatious.
34. If relevant representations are received then the sub-committee must have regard to them, in determining whether it is necessary for the promotion of the licensing objectives to:
  - Add to, omit, and/or alter the conditions of the licence or,
  - Reject the whole or part of the application for variation.

### Conditions

35. The sub-committee's discretion is thus limited. It can only modify the conditions put forward by the applicant, or refuse the variation, if it is necessary to do so. Conditions must be necessary and proportionate for the promotion of one of the four licensing objectives, and not for any other reason. Conditions must also be within the control of the licensee, and should be worded in a way which is clear, certain, consistent and enforceable.
36. The four licensing objectives are
  - The prevention of crime and disorder
  - Public safety
  - The prevention of nuisance
  - The protection of children from harm.
37. Members should note that each objective is of equal importance. There are no other licensing objectives, and the four objectives are paramount considerations at all times.
38. Conditions will not be necessary if they duplicate a statutory position. Conditions relating to late night refreshment and take away aspect of the licence must relate to the night time operation of the premises and must not be used to impose conditions which could not be imposed on day time operators.
39. The Licensing Act requires mandatory conditions in respect of supply of alcohol, the exhibition of films and in respect of door supervisors. The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2003 introduced 3 new conditions in respect of irresponsible promotions, the oral dispensing of alcohol and free tap water. In October 2010 an additional 2 conditions will come into force; age verification policy and smaller measures for alcoholic drinks.

40. Members are also referred to the Home Office guidance on conditions.

### **Reasons**

41. If the sub-committee determines that it is necessary to modify the conditions, or to refuse the application for to vary the premises licence, it must give reasons for its decision.

### **Hearing procedures**

42. Subject to the licensing hearing regulations, the licensing committee may determine its own procedures. Key elements of the regulations are that:

- The hearing shall take the form of a discussion led by the authority. Cross examination shall not be permitted unless the authority considered that it is required for it to consider the representations
- Members of the authority are free to ask any question of any party or other person appearing at the hearing
- The committee must allow the parties an equal maximum period of time in which to exercise their rights to:
  - Address the authority
  - If given permission by the committee, question any other party.
  - In response to a point which the authority has given notice it will require clarification, give further information in support of their application.
- The committee shall disregard any information given by a party which is not relevant to the particular application before the committee and the licensing objectives
- The hearing shall be in public, although the committee may exclude the public from all or part of a hearing where it considers that the public interest in doing so outweighs the public interest in the hearing, or that part of the hearing, taking place in private.
- In considering any representations or notice made by a party the authority may take into account documentary or other information produced by a party in support of their application, representations or notice (as applicable) either before the hearing or, with the consent of all the other parties, at the hearing

43. This matter relates to the determination of an application to vary a premises licence under section 34 of the Licensing Act 2003. Regulation 26(1) (a) requires the sub-committee to make its determination at the conclusion of the hearing.

### **The council's multiple roles and the role of the licensing sub-committee**

44. Sub-committee members will note that, in relation to this application, the council has multiple roles. Council officers from various departments have been asked to consider the application from the perspective of the council as authority responsible respectively for environmental health, trading standards, health and safety and as the planning authority.

45. Members should note that the licensing sub-committee is meeting on this occasion solely to perform the role of licensing authority. The sub-committee sits in quasi-judicial

capacity, and must act impartially. It must offer a fair and unbiased hearing of the application. In this case, Members should disregard the council's broader policy objectives and role as statutory authority in other contexts. Members must direct themselves to making a determination solely based upon the licensing law, guidance and the council's Statement of Licensing Policy.

46. As a quasi-judicial body the licensing sub-committee is required to consider the application on its merits. The sub-committee must take into account only relevant factors, and ignore irrelevant factors. The decision must be based on evidence, that is to say material, which tends logically to show the existence or non-existence of relevant facts, or the likelihood or unlikelihood of the occurrence of some future event, the occurrence of which would be relevant. The licensing sub-committee must give fair consideration to the contentions of all persons entitled to make representations to them.
47. The licensing sub-committee is entitled to consider events outside of the premises if they are relevant, i.e. are properly attributable to the premises being open. The proprietors do not have to be personally responsible for the incidents for the same to be relevant. However, if such events are not properly attributable to the premises being open, then the evidence is not relevant and should be excluded. Guidance is that the licensing authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public, living, working or engaged in normal activity in the area concerned.
48. Members will be aware of the council's code of conduct which requires them to declare personal and prejudicial interests. The code applies to members when considering licensing applications. In addition, as a quasi-judicial body, members are required to avoid both actual bias, and the appearance of bias.
49. Under the Human Rights Act 1998, the sub committee needs to consider the balance between the rights of the applicant and those making representations to the application when making their decision. The sub-committee has a duty under section 17 Crime and Disorder Act 1998 when making its decision to do all it can to prevent crime and disorder in the borough.
50. Other persons, responsible authorities and the applicant have the right to appeal the decision of the sub-committee to the magistrate's 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.

### **Guidance**

51. Members are required to have regard to the Home Office guidance in carrying out the functions of licensing authority. However, guidance does not cover every possible situation, so long as the guidance has been properly and carefully understood, members may depart from it if they have reason to do so. Full reasons must be given if this is the case.

### **Strategic Director of Finance and Governance**

52. The head of regulatory services has confirmed that the costs of this process over and above the application fee are borne by the service.

### **BACKGROUND DOCUMENTS**

Background Papers	Held at	Contact
Licensing Act 2003 Home Office Guidance to the Act Secondary Regulations Southwark statement of licensing policy Case file	Southwark Licensing, c/o Community Safety and Enforcement, 160 Tooley Street, London SE1 2QH	Mrs Kirty Read Tel: 020 7525 5748

## APPENDICES

Name	Title
Appendix A	Copy of the existing premises licence
Appendix B	Copy of the application
Appendix C	Copies of the representation submitted by environmental health and subsequent email exchanges
Appendix D	Representations from local residents and a local residents association
Appendix E	Map of the local area

## AUDIT TRAIL

<b>Lead Officer</b>	Deborah Collins, Strategic Director of Environment and Social Regeneration	
<b>Report Author</b>	Andrew Heron, Principal Licensing Officer	
<b>Version</b>	Final	
<b>Dated</b>	25 April 2017	
<b>Key Decision?</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments sought</b>	<b>Comments included</b>
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
<b>Cabinet Member</b>	No	No
<b>Date final report sent to Constitutional Team</b>		3 May 2017

# Licensing Act 2003 Premises Licence

## APPENDIX A



Regulatory Services  
Licensing Unit  
Hub 1, 3rd Floor  
PO Box 64529  
London, SE1P 5LX

Premises licence number

858448

### Part 1 - Premises details

<b>Postal address of premises, or if none, ordnance survey map reference or description</b>	
HERNE HILL STADIUM Herne Hill Stadium Burbage Road London SE24 9HE  Ordnance survey map reference (if applicable), 174202532781	
<b>Post town</b> London	<b>Post code</b> SE24 9HE
<b>Telephone number</b> [REDACTED]	

**Where the licence is time limited the dates**

**Licensable activities authorised by the licence**

Late Night Refreshment - Indoors  
Sale by retail of alcohol to be consumed on premises  
Sale by retail of alcohol to be consumed off premises

**The opening hours of the premises**

For any non standard timings see **Annex 2**

**Where the licence authorises supplies of alcohol whether these are on and/ or off supplies**

Sale by retail of alcohol to be consumed on premises  
Sale by retail of alcohol to be consumed off premises

**The times the licence authorises the carrying out of licensable activities**

For any non standard timings see Annex 2 of the full premises licence

**Late Night Refreshment - Indoors**

Monday	23:00 - 23:30
Tuesday	23:00 - 23:30
Wednesday	23:00 - 23:30
Thursday	23:00 - 23:30
Friday	23:00 - 23:30
Saturday	23:00 - 23:30

**Sale by retail of alcohol to be consumed on premises**

Monday	10:00 - 23:00
Tuesday	10:00 - 23:00
Wednesday	10:00 - 23:00
Thursday	10:00 - 23:00
Friday	10:00 - 23:00
Saturday	10:00 - 23:00
Sunday	12:00 - 22:30

**Sale by retail of alcohol to be consumed off premises**

Monday	10:00 - 23:00
Tuesday	10:00 - 23:00
Wednesday	10:00 - 23:00
Thursday	10:00 - 23:00
Friday	10:00 - 23:00
Saturday	10:00 - 23:00
Sunday	12:00 - 22:30



**Part 2****Name, (registered) address, telephone number and email (where relevant) of holder of premises licence**

Herne Hill Velodrome Trust  
153 Turney Road  
London  
SE21 7JU  
[REDACTED]

**Registered number of holder, for example company number, charity number (where applicable)**

07458529

**Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol**

Peter Richard Cattermole  
[REDACTED]

**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol**

[REDACTED]

Licence Issue date 18/04/2017

[REDACTED]  
Head of Regulatory Services  
Hub 2, 3rd Floor  
PO Box 64529  
London, SE1P 5LX  
020 7525 5748  
[licensing@southwark.gov.uk](mailto:licensing@southwark.gov.uk)

## **Annex 1 - Mandatory conditions**

**100** No supply of alcohol may be made under the Premises Licence -

- a. At a time when there is no Designated Premises Supervisor in respect of the Premises Licence; or
- b. At a time when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended

**101** Every supply of alcohol under the Premises Licence must be made, or authorised by, a person who holds a Personal Licence

**485** (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises -

(a) games or other activities which require or encourage, or are designed to require, encourage, individuals to -

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional poster or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner; and

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

**487** The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

**488** (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either

(a) a holographic mark; or

(b) an ultraviolet feature.

**489** The responsible person shall ensure that -

(a) Where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -

(i) Beer or cider: 1/2 pint;

(ii) Gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) Still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available,

**491** 1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purpose of the condition set out in paragraph (1):

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) "permitted price" is the price found by applying the formula  $P = D + (D \times V)$ , where-

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

(i) the holder of the premises licence;

(ii) the designated premises supervisor (if any) in respect of such a licence; or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(iv) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(v) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax;

(2) the permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

## **Annex 2 - Conditions consistent with the operating Schedule**

**109** Alcohol shall not be sold or supplied except during permitted hours. In this condition permitted hours means

- a. On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 1000 to 2300 hours
- b. On Sundays, other than Christmas Day or New Year's Eve, 1200 to 2230 hours
- c. On Good Friday, 1200 to 2230 hours
- d. On Christmas Day, 1200 to 1500 hours, and 1900 to 2230 hours
- e. On New Year's Eve, except on a Sunday, 1000 to 2300 hours
- f. On New Year's Eve on a Sunday, 1200 to 2230 hours
- g. On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

The above restrictions do not prohibit;

- i) During the first twenty minutes after the above hours the consumption of the alcohol on the premises;
- ii) During the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- iii) During the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking meals there if the alcohol was supplied for consumption as ancillary to the meals;
- iv) Consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises;
- v) The ordering of alcohol to be consumed off the premises, or the dispatch by the vendor of the alcohol so ordered;
- vi) The sale of alcohol to a trader or club for the purposes of the trade or club;
- vii) The sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- viii) The taking of alcohol from the premises by a person residing there; or
- ix) The supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by the persons so supplied; or
- x) The supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of alcohol so supplied, if the alcohol is supplied at the expense of their employer or the person carrying on, or in charge of, the business on the premises

**110** No statutory regulations for music and dancing shall apply so as to require any licence for the provision in the premises of public entertainment by the reproduction of wireless (including television) broadcasts or of programmes included in any programme service (within the meaning of the Broadcasting Act 1990) other than a sound or television broadcasting service, or of public entertainment by way of music and singing only which is produced solely by the reproduction of recorded sound

**111** This licence provides for the provision of private music and dancing entertainment that is promoted for private gain

**122** No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies

a. He is the child of the holder of the premises licence

b. He resides in the premises, but is not employed there

c. He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to and from which there is no other convenient means of access or egress

d. The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary. In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as ancillary to their table meals

**127** Alcohol shall not be sold or supplied unless it is paid for before or at the time when it is sold or supplied, except alcohol sold or supplied:

a. With and for consumption at a meal supplied at the same time, consumed with the meal and paid for together with the meal;

b. For consumption by a person residing in the premises or his guest and paid for together with his accommodation;

c. To a canteen or mess

**340** Intoxicating liquor to be sold on the occasion of organised athletic functions at the stadium to members of the public.

**Annex 3 - Conditions attached after a hearing by the licensing authority**

**Annex 4 - Plans - Attached**

Licence No. 858448

Plan No. N/A

Plan Date 4 August 2005



05/03/2017

Business - Application to vary a premises licence under the Licensing Act 2003

Ref No. 773899

Please enter the name(s) of the premises licence holders who is applying to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

	Herne Hill Velodrome Trust
Premises licence number	857807

Non-domestic rateable value of premises in order to see your rateable value click here (opens in new window)

£	25000
---	-------

Postal address of premises or, if none, ordnance survey map reference or description

Address Line 1	HERNE HILL STADIUM
Address Line 2	104 BURBAGE ROAD
Town	LONDON
County	
Post code	SE24 9HE
Ordnance survey map reference	
Description of the location	
Telephone number	██████████

Please select the capacity in which you are applying to convert your existing licence

Daytime contact telephone number	██████████
Email address	██████████
Postal Address if different from premises address	
Town / City	
Postcode	

Do you want the premises licence to have effect as soon as possible?

Please tick	Yes
-------------	-----

If not from what date do you want the variation to take effect?

(DD/MM/YYYY)	
--------------	--

Please describe briefly the nature of the proposed variation ( see guidance note 2 )

	Updating floor plan to the new Pavilion.
--	--

If 5,000 or more people attend the premises at any one time, please state the number

Please select number from range	Less than 5000
If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time. Please state the number expected to attend	

What licensable activities do you intend to carry on from the premises?

	(Please see sections 1 and 14 of the Licensing Act 2003 and schedule 1 and 2 to the Licensing Act 2003)
--	---

Provision of regulated entertainment


Provision of late night refreshment

	i) Late night refreshment
--	---------------------------

Supply of alcohol

	j) Supply of alcohol
--	----------------------

Will the provision of late night refreshment take place indoors or outdoors or both? ( Please read guidance note 3 )

	Indoors
--	---------

Please give further details here ( Please read guidance note 4 )

	Snacks provided over the counter.
--	-----------------------------------

Standard days & timings for Late night refreshment (Late night start time is from 23.00, see guidance notes 7)

Day	Start	Finish
Mon	23:00	23:30
Tues	23:00	23:30
Wed	23:00	23:30
Thur	23:00	23:30
Fri	23:00	23:30
Sat	23:00	23:30
Sun	23:00	23:30

State any seasonal variations for the provision of late night refreshment ( Please read guidance note 5 )

--	--

Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed. Please list, ( Please read guidance note 6 )

--	--

Will the supply of alcohol be for consumption ( Please read guidance note 8)

	Both
--	------

Standard days and timings for Supply of alcohol ( Please read guidance note 7 )

Day	Start	Finish
Mon	10:00	23:00
Tues	10:00	23:00
Wed	10:00	23:00
Thur	10:00	23:00
Fri	10:00	23:00
Sat	10:00	23:00
Sun	12:00	10:30

State any seasonal variations for the supply of alcohol ( Please read guidance 5 )

--	--

Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed. Please list, ( Please read guidance note 6 )

--	--

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children ( Please read guidance note 9 )

	None
--	------

Hours premises are open to the public ( standard timings Please read guidance note 7 )

Day	Start	Finish
Mon	10:00	23:00
Tues	10:00	23:00
Wed	10:00	23:00
Thur	10:00	23:00
Fri	10:00	23:00
Sat	10:00	23:00
Sun	12:00	22:30

State any seasonal variations ( Please read guidance note 5 )

	None
--	------

Non standard timings. Where you intend to use the premises to be open to the public at different times from those listed. Please list, ( Please read guidance note 6 )

--	--

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

	We are not seeking to change any of our conditions.
--	---

a) General - all four licensing objectives (b,c,d,e) ( Please read guidance note 10 )

	We propose to take on all conditions from the previous license.
--	---

b) the prevention of crime and disorder

	We propose to take on all conditions from the previous license.
--	---

c) public safety

	We propose to take on all conditions from the previous license.
--	---

d) the prevention of public nuisance

	We propose to take on all conditions from the previous license.
--	---

e) the protection of children from harm

	We propose to take on all conditions from the previous license.
--	---

If the plan of the premises are varying please upload a plan of the premises,

Upload proposed plans	<a href="#">HHV-3032-Rev-Q-Pavilion-First-Floor-Plan-RECORD-DRAWING.pdf</a>
Upload existing plans	

Checklist

	I understand that I must now advertise my application. I understand that if I do not comply with the above requirements my application  will be rejected.
--	---

I agree to the above statement

	I agree
PaymentDescription	200003450927, ,
AuthCode	003909
LicenceReference	LPV-94212-58
PaymentContactEmail	

Please provide name of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 12). If completing on behalf of the applicant, please state in what capacity.

Full name	Phillip Wright
Date (DD/MM/YYYY)	03/03/2017
Capacity	Herne Hill Velodrome Trust Trustee

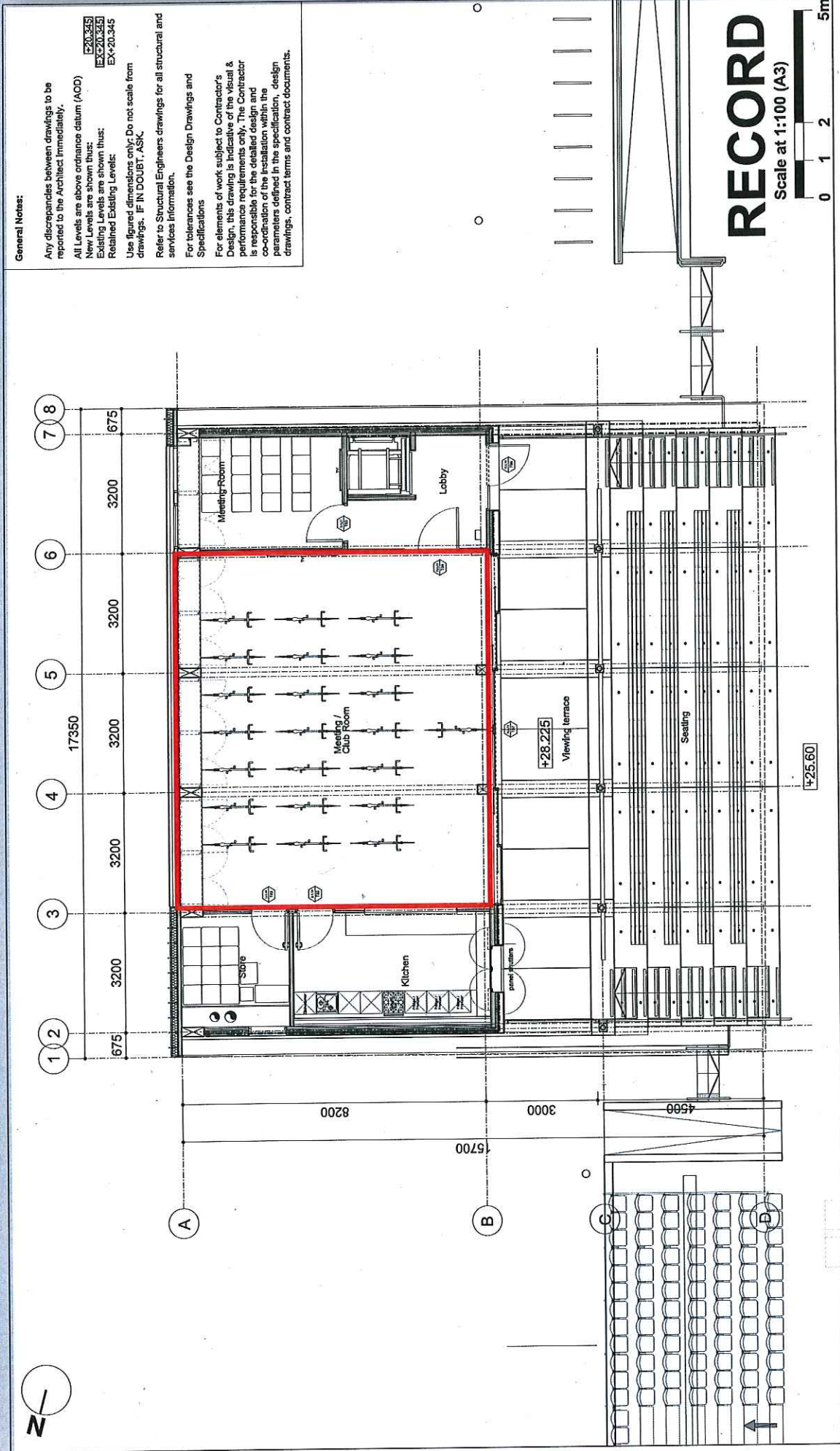
Where the premises licence is jointly held, please enter the 2nd applicants name (the current premises licence holder) or 2nd solicitor or other authorised agent (please read guidance note 13). If completing on behalf of the applicant, please state i

Full name	
Date (DD/MM/YYYY)	
Capacity	

Contact name (where not previously given) an address for correspondence associated with this application (please read guidance note 14)

Contact name and address for correspondence	Chris Lucas
Telephone No.	██████████
If you prefer us to correspond with you by e-mail, your email address (optional)	██████████

The information you provide will be used fairly and lawfully and Southwark Council will not knowingly do anything which may lead to a breach of the Data Protection Act 1998.



**General Notes:**

Any discrepancies between drawings to be reported to the Architect immediately.  
 All Levels are above Ordnance Datum (AOD)  
 New Levels are shown thus: 20.345  
 Existing Levels are shown thus: EX-20.345  
 Retained Existing Levels: EX-20.345  
 Use figured dimensions only. Do not scale from drawings. IF IN DOUBT, ASK.  
 Refer to Structural Engineers drawings for all structural and services information.  
 For tolerances see the Design Drawings and Specifications  
 For elements of work subject to Contractor's Design, this drawing is indicative of the visual & performance requirements only. The Contractor is responsible for the detailed design and co-ordination of the installation within the parameters defined in the specification, design drawings, contract terms and contract documents.

**RECORD**  
 Scale at 1:100 (A3)



Date	Rev.	Description	Approved By	Project	Heme Hill Velodrome	Rev.
16.03.2015	J	Issued under IN: 0015 revised drawings for planning application - addition of scale bar and sheet annotation	TK			
24.07.2015	K	Coordination Issue	TK			
31.07.2015	L	Stage D Issue	MT			
07.08.2015	M	Stage D Tender Issue	MT			
08.04.2016	N	Issued under IN: 0022 for Construction	TK			
07.10.2016	P	Updated to show HESS CLT sizes and furniture layout	TK			
27.07.2017	Q	Record Drawing Issued Under Memo 0119	TK			
			Sort Code	Drawing Number		Rev.
			A/HVN	3032		Q
			Date	Scale		
			14.05.2014	1:100 at A3 1:50 at A1		

## MEMO: Licensing Unit

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To	Licensing Unit	Date	3 April 2017	
Copies				
From	Jayne Tear	Telephone	020 7525 0396	Fax
Email	[REDACTED]			

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Subject Re: Herne Hill Stadium, Burbage Road, London, SE24 9HE  
– Application to vary a premises licence

I write with regards to the above application to vary the premises licence submitted by Herne Hill Velodrome Trust under the Licensing Act 2003, which seeks:

- To update the floor plan to the new Pavillion

This premises is situated within a residential area.

My representation is based on the Southwark Statement of Licensing policy 2016 – 2020 and relates to the licensing objectives for the prevention of crime and disorder and the prevention of public nuisance.

Due to the limited information on the application and to promote the licensing objectives I ask the applicant to provide the following information:

- An accommodation limited for the Pavillion (to be conditioned)

I therefore submit this representation and welcome any discussion with the applicant

Southwark's Statement of Licensing Policy 2016 – 2020 can be found on the following link:

[http://www.southwark.gov.uk/downloads/download/4399/licensing\\_act\\_2003 -  
\\_southwark\\_statement\\_of\\_licensing\\_policy\\_2016 - 2020](http://www.southwark.gov.uk/downloads/download/4399/licensing_act_2003_-_southwark_statement_of_licensing_policy_2016_-_2020)

Jayne Tear  
Principal Licensing officer  
In the capacity of the Licensing Responsible Authority



**Heron, Andrew**

---

**From:** Franklin, David  
**Sent:** 18 April 2017 15:34  
**To:** Heron, Andrew  
**Cc:** Tear, Jayne  
**Subject:** RE: Herne Hill Stadium - Variation

Hi Andrew,

Yes I withdraw the representation from Licensing as an RA.

Regards

David

David Franklin  
Team Leader Licensing  
Regulatory Services

---

**From:** Heron, Andrew  
**Sent:** Tuesday, April 18, 2017 3:33 PM  
**To:** Franklin, David  
**Subject:** RE: Herne Hill Stadium - Variation

Dear David,

The consultation is now complete. Can you please confirm that the Licensing Authority representation is now withdrawn since the applicant has agreed to the condition requested.

Many thanks,

Regards,

Andrew Heron  
Principal Licensing Officer  
London Borough of Southwark  
Regulatory Services – Environment & Leisure  
020 7525 5767

**Address:** Licensing Unit, Hub 1, Floor 3, 160 Tooley Street, London, SE1 2QH  
**Switchboard:** 020 7525 5000  
**Website:** [www.southwark.gov.uk](http://www.southwark.gov.uk)

---

**From:** Heron, Andrew  
**Sent:** Friday, April 07, 2017 11:38 AM  
**To:** Franklin, David  
**Subject:** FW: Herne Hill Stadium - Variation

Regards,

Andrew Heron  
Principal Licensing Officer  
London Borough of Southwark  
Regulatory Services – Environment & Leisure  
020 7525 5767

**Address:** Licensing Unit, Hub 1, Floor 3, 160 Tooley Street, London, SE1 2QH

**Switchboard:** 020 7525 5000

**Website:** [www.southwark.gov.uk](http://www.southwark.gov.uk)

---

**From:** Chris Lucas [REDACTED]  
**Sent:** Friday, April 07, 2017 11:37 AM  
**To:** Heron, Andrew  
**Subject:** Re: Herne Hill Stadium - Variation

Dear Andrew,

Yes we are ready to accept that as a condition on our Operating Schedule.

Regards  
Chris

Sent from my iPhone

On 7 Apr 2017, at 10:20, Heron, Andrew [REDACTED] wrote:

Dear Chris,

Please see below and confirm that you agree to have this capacity as a condition on the Operating Schedule.

I look forward to hearing from you.

Regards,

Andrew Heron  
Principal Licensing Officer  
London Borough of Southwark  
Regulatory Services – Environment & Leisure  
020 7525 5767

**Address:** Licensing Unit, Hub 1, Floor 3, 160 Tooley Street, London, SE1 2QH

**Switchboard:** 020 7525 5000

**Website:** [www.southwark.gov.uk](http://www.southwark.gov.uk)

---

**From:** Franklin, David  
**Sent:** Friday, April 07, 2017 10:19 AM  
**To:** Heron, Andrew

**Cc:** Tear, Jayne  
**Subject:** RE: Herne Hill Stadium - Variation

Hi Andrew,

I am happy to withdraw the representation from the Licensing RA on the understanding that the capacity limit for the licensed area of 140 will be conditioned on the premises licence.

Regards

David

David Franklin  
Team Leader Licensing  
Regulatory Services

---

**From:** Heron, Andrew  
**Sent:** Friday, April 07, 2017 8:55 AM  
**To:** Franklin, David  
**Subject:** FW: Herne Hill Stadium - Variation

Dear David,

Please see the attached response to the representation from the Licensing Authority.

Please advise if you will withdraw.

Regards,

Andrew Heron  
Principal Licensing Officer  
London Borough of Southwark  
Regulatory Services – Environment & Leisure  
020 7525 5767

**Address:** Licensing Unit, Hub 1, Floor 3, 160 Tooley Street, London, SE1 2QH  
**Switchboard:** 020 7525 5000  
**Website:** [www.southwark.gov.uk](http://www.southwark.gov.uk)

---

**From:** Chris Lucas [REDACTED]  
**Sent:** Thursday, April 06, 2017 11:07 PM  
**To:** Heron, Andrew  
**Subject:** Re: Herne Hill Stadium - Variation

Dear Andrew,

Regarding the accommodation limit, we think it is reasonable for the space to have 140 person limit. This is 2 people per square meter of floor area which still allows for plenty of movement through a crowd. Can you please submit this.

Regarding the planning permission. Thanks for passing on the notice and we are certainly grateful the Planning Department have not raised an objection. From our perspective we feel as the planning permission would of course take precedence over the Premises Licence. There is however provision for us with the residents to open later into the evening on select occasions where the Premises Licence could be used. I am happy to field any more questions you may have on this topic.

Best regards

Chris Lucas

**Chief executive's department**

Planning division

5th floor, hub 2

PO Box 64529

LONDON SE1P 5LX

EH & TS Licensing Unit  
Hub 2 3rd Floor Tooley Street

X

**Your Ref:****Our Ref:** 17-CE-00306**Contact:** Alison Brittain**Telephone:** 020 7525 5427**Fax:** 020 3357 3101**E-Mail:** [planning.enquiries@southwark.gov.uk](mailto:planning.enquiries@southwark.gov.uk)**Web Site:** <http://www.southwark.gov.uk>**Date:** 08/03/2017

Dear Sir/Madam

**Premises Licensing re:**

HERNE HILL STADIUM, 104 BURBAGE ROAD, LONDON, SE24 9HE

**Summary description:** major variation**Date Received:** 06/03/2017

Thank you for your consultation on the above.

Planning permission ref 15ap0790 has been granted for a new pavilion here. There is a club room and kitchen included.

The permission is subject to a condition requiring compliance with a Code of Conduct submitted by the applicant. This sets out hours that the site will be used. It indicates that the site will be empty by 10pm.

I note that the licence has longer hours than this (to 11.30pm). This would be a breach of the planning permission.

No objections are raised to the licence application on licensing grounds but the applicant should be reminded of the need to comply with the terms of the planning permission.

Yours faithfully

Alison Brittain

DC Group Manager - East -Team 1

**APPENDIX D**  
**PARTY A**11<sup>th</sup> April 2017

Mrs K Read  
Southwark Licensing Team  
Hub 2, 3rd Floor  
PO BOX 64529  
London  
SE1P 5LX

Application NO 858002 – Village Ward - OBJECTION

HERNE HILL STADIUM  
Herne Hill Stadium Burbage Road  
SE24 9HE

Dear Mrs. Read

I am writing as a Village Ward resident in [REDACTED] and as a long standing former resident of [REDACTED] SE21 to object to the above licence application by the Herne Hill Velodrome.

I am very familiar with the Herne Hill Velodrome and the development that has taken place over recent years, and I have worked closely with the Burbage Road Residents' Association on Velodrome issues in my capacity as a member of the Turney Road Residents' Association committee.

I have been very supportive of the Herne Hill Velodrome Trust (HHVT) and their initiatives to enhance the Velodrome. However the current licence application runs counter to the arrangements that have been put in place at the Velodrome to ensure the amenity of adjacent residents and which are enshrined in a Code of Conduct drawn up between the HHVT and local residents:

<https://turneyandburbage.org.uk/sports-clubs-2/herne-hill-velodrome-and-residents-code-of-conduct-sept-2013/>

In particular, section 2 on Times of Use requires the Site Manager to ensure that the gates are closed by 9.30pm and the site cleared and empty by 10pm with no vehicles accessing the site after this time. Professional staff and participants are made aware by the management team of the need to respect the amenity of local residents by minimizing noise and disturbance.

Any arrangement whereby the sale of alcohol on and off the premises is permitted until 11.30pm does not comply with the agreed Code of Conduct and would create unacceptable levels of noise disturbance to the households backing onto the Velodrome. This would be

particularly the case for those households on Burbage Road who border the narrow single-track entrance to the Velodrome as attendees leave up to midnight as well as causing traffic disturbance in Burbage and Turney Roads as vehicles arrive and depart beyond the normal current hours of use. It would also create parking problems in the immediate area as there is limited parking on site and planning consent conditions require that visitors make their way onto the site on foot or on a bike.

Residents understood as we drew up the Code of Conduct that there would be a small number of major cycling events (no more than 10) and that Temporary Event Licences would be applied for to cover these events (see Section 3 of the Code of Conduct "Major Events"). If (as we assume) these are the only occasions on which the licence would be required, then we see no reason why these cannot be catered for by means of TEN licences, as provided for in the Code of Conduct. This will entail the prior notification of those nearby and will therefore limit the use on successive nights. We are sure that the goodwill that has always been extended to the organisers will continue on this basis.

Permitting the creation of a permanently licensed facility would fundamentally change the nature of the site as a sports facility and would jeopardise the agreed position, whereby the facility would be empty by 10pm every night, with a limited number of exceptions.

When planning permission was granted for the construction of a new pavilion, the Decision Notice (**15/AP/0790**) made clear that the proposal must comply with the terms set out in the Velodrome Code of Conduct.

***Compliance condition(s) - the following condition(s) impose restrictions and/or other requirements that must be complied with at all times once the permission has been implemented.***

*Section 10: "The proposal shall be carried out in accordance with the terms set out within the **Herne Hill Velodrome Trust Code of Conduct** submitted as part of the application, including the specified limit on hours of use.*

*Reason : The area surrounding the velodrome is residential and the operation of a Management Strategy will reduce any potential for inconvenience and disruption to the general amenity of local residents, by way of disturbance, increased congestion and parking. In accordance with Strategic Policy 13 High environmental standards of the Core Strategy 2011 and Saved policy 3.2 Protection of amenity of The Southwark Plan 2007."*

See <http://planbuild.southwark.gov.uk/documents/?casereference=15/AP/0790&system=DC>

**I would object most strongly to any extension of licensing arrangement beyond the limits specified in section 3, Major Events of the Velodrome Code of Conduct, and required in the Planning Decision Notice of 15/AP/0790.**

Kind regards

██████████

**PARTY B****Heron, Andrew**

---

**From:** Jerrom, Charlie  
**Sent:** 12 April 2017 09:58  
**To:** Heron, Andrew  
**Subject:** FW: Re Licensing application No. 858002 (Herne Hill Velodrome) - prevention of nuisance

Objection Received

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**From:** Jerrom, Charlie **On Behalf Of** Regen, Licensing  
**Sent:** Wednesday, April 12, 2017 9:24 AM  
**To:** Jerrom, Charlie  
**Subject:** FW: Re Licensing application No. 858002 (Herne Hill Velodrome) - prevention of nuisance

---

**From:** [REDACTED]  
**Sent:** Tuesday, April 11, 2017 8:39 PM  
**To:** Regen, Licensing  
**Subject:** Re Licensing application No. 858002 (Herne Hill Velodrome) - prevention of nuisance

I am a nearby resident of the Velodrome, living at [REDACTED] and, while I wish the Velodrome every success, I wish to request that the license be amended to reduce the number of evenings on which the late drinking will take place. The application is for opening hours up to 2330 every night except Sunday and then up to 2230. I think this is excessive, and could lead to a risk of nuisance. I also wonder why alcohol will be sold for consumption off the premises, which is arguably even more likely to lead to nuisance if people drink in the street outside.

I would like the application to sell alcohol for consumption off the premises to be rejected entirely, and for there to be a minimum of two nights a week when late night licensing (beyond 2200) is not granted, for the sake of the residents in what is normally a reasonably quiet area.

Yours

[REDACTED]



**PARTY C****Heron, Andrew**

---

**From:** [REDACTED]  
**Sent:** 12 April 2017 12:09  
**To:** Heron, Andrew  
**Subject:** FW: Application no 858002

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

-----Original Message-----

**From:** Jerrom, Charlie On Behalf Of Regen, Licensing  
**Sent:** Wednesday, April 12, 2017 11:42 AM  
**To:** [REDACTED]  
**Subject:** FW: Application no 858002

-----Original Message-----

**From:** [REDACTED]  
**Sent:** Wednesday, April 12, 2017 10:59 AM  
**To:** Regen, Licensing  
**Subject:** Application no 858002

Dear Mrs Read

I wish to object to Application no 858002 which seeks to extend the licensing hours of the Herne Hill Velodrome.

I agree entirely with the objections raised by the Burbage Road Residents Association in a letter submitted to you by Louise Wood on April 12:

'the hours of licensing proposed are considerably outside the scope and use of this sports facility and in particular are out of line with the hours of use of the site as agreed in the Code of Conduct operating between the Herne Hill Velodrome Trust and local residents.'

I would like to emphasise that the we on Village Way already experience severe impact whenever the velodrome use their sound system to amplify voices and utterly irrelevant music. Any extension of velodrome activities, especially with the addition of alcohol would be a further unfair encroachment on our lives whilst doing nothing for the advancement of cycling.

Best wishes

[REDACTED]

[REDACTED]

**PARTY D**[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
13<sup>th</sup> April 2017

Southwark Council Licensing Department

To whom it may concern,

**Licence application 858002**

I'm writing to object to the above licence application on the following grounds.

**The prevention of nuisance**

As a resident of Burbage Road whose garden backs onto the velodrome site I'm concerned about the nuisance by way of music, lights and sound, as well as increased parking and traffic, both private vehicles and taxis, arising from the proposed licensing of the premises, whether for the provision of private music and dancing entertainment that is promoted for private gain, for broadcast entertainment within the terms applied for or for the sale of intoxicating liquor to the public during athletic events. Sound travels very effectively from the site, due to its open nature and topography, and of course this is much more so in the evenings when it's otherwise quieter. This applies both to sound from the site, and from those leaving the site after such events. Such usage would also potentially cause nuisance through consequential unmanaged and unsupervised access to the site,

**Prevention of crime and disorder**

The pavilion building is set towards the far side of the site, and as it is not possible to limit access of visitors to the pavilion only, access to the events to which the licence application relates would expose the entire site to unsupervised public access, including during the hours of darkness. It would not be practicable to ensure the site was vacant before being secured at the end of such events. This would materially increase the risk of unlawful entry into the gardens and outbuildings of residents, as well as noise and nuisance. There have been isolated burglaries over the years where access has been gained from the rear of the property, and these could increase. This could affect the ability of residents to leave rear windows and doors open, to allow children to play unsupervised, and generally affect the quiet enjoyment of residents' homes and gardens. The nature of the site is such that it is not practicable even in daylight for those running events and sessions to monitor movements either in and out of the site or around it.

The usage specified in the licence would be at odds with the Code of Conduct agreed between the HHV and local residents. I'm surprised, further, not to see those agreed conditions reflected in the licence application conditions, along the lines of the comparable Dulwich Sports Club licence (number 8619).



Yours sincerely  
[REDACTED]  
[REDACTED]

**PARTY E**

NOTICE OF OBJECTION: LICENCE APPLICATION BY HERNE HILL VELODROME  
TRUST No 858002



Dear Sir,

I write in relation to the application for a premises Licence for the Herne Hill Velodrome, partly as a means of seeking reassurance on several points.   


- A. I object to the license being sought for **sale by retail to be consumed OFF premises**. This is a sports pavilion, not an off-licence. Plainly in good weather people may wish to take a drink into the velodrome grounds: but I think the conditions should limit off sales to the grounds of the velodrome or preferably, like most pubs, the immediate surrounds of the pavilion.
- B. I object to the proposed **extra half-hour** for sales as a late night refreshment licence. Condition 109 allows for 20 minutes drinking up time already, and 30 minutes if a meal is served. I see no justification for a sports pavilion to have an extension to 2330 as a matter of course, as opposed to a special licence for an event.
- C. From past experience, I wish to object to the open-ended nature of Condition 111, to establish that it permits music only **within the premises** ie the pavilion itself, and not the grounds of the velodrome eg using a sound system. I would like the Condition to have a rider about containing sound within the built premises.

Condition 340 does not seem to make any sense, there is no verb. Presumably it is intended to be permissive of such sales.

Yours etc  
  
  


**PARTY F**

Southwark Licensing Team  
Hub 2, 3rd Floor  
PO BOX 64529  
London  
SE1P 5LX

Application NO 858002

Village Ward

HERNE HILL STADIUM  
Herne Hill Stadium Burbage Road  
SE24 9HE

Dear Mrs. Read

Thank you for asking for our opinion on this pending licensing application.

I am responding on behalf of the Burbage Road Residents' Association and in conjunction with this I attach the minutes of our recent Committee Meeting as evidence that I am authorized to respond on behalf of the Association.

We have one of the most long-established, thriving and well-respected residents' associations in Dulwich and are recognized by The Dulwich Estate. We represent 200 households, including those in Courtmead, Donne Court, Royston and Cobb Courts. We foster communication within the road and with other local organisations with the aims of preserving the utility of our environment, the security of homes and the safety of all those using our road and pavements whilst also supporting neighbourly help and socialising.

We would like to object to the above application as it currently stands on the basis that the hours of licensing proposed are considerably outside the scope and use of this sports facility and in particular are out of line with the hours of use of the site as agreed in the Code of Conduct operating between the Herne Hill Velodrome Trust and local residents.

I attach the Code of Conduct, (which was recognized and incorporated in the recent planning application to Southwark for Floodlighting at the Velodrome).

<https://turneyandburbage.org.uk/sports-clubs-2/herne-hill-velodrome-and-residents-code-of-conduct-sept-2013/>

The key provision is section 2, where it is agreed as follows:

## Times of use

The Cycling Development Manager will aim to limit access to the site to after 7am on weekdays, 8am on Saturday and 8.30am on Sundays. He will also aim to ensure that the gates are closed by 9.30pm and the site is empty by 10pm with no vehicles accessing the site after this time. Professional staff and participants are made aware by the management team of the need to respect the amenity of local residents by minimising noise and disturbance.

Clearly, any arrangement whereby the sale of alcohol on and off the premises was permitted every night of the week until 11.30pm would drive a coach and horses through the agreed provisions of the Code of Conduct and would create wholly unacceptable levels of:

Noise disturbance to the 70 households backing onto the Velodrome, this being a residential area with many school age families;

Excessive noise disturbance to the households either side of the narrow, single-track entrance to the Velodrome at 106 and 104 Burbage Road as attendees leave up until midnight;

Traffic disturbance at the narrow entrance to the Velodrome and to local residential streets (particularly Burbage, Turney Road and Dulwich Village) as vehicles arrive and depart beyond normal current hours of use.

It would also give rise to:

Road and pedestrian safety issues as the entrance is poorly visible, particularly at night;

The risk of further crime to the equipment and premise of the Velodrome but also local homes as the site will be open, accessible and unmanned during the hours of darkness;

Parking problems as there is very limited parking on the site and it was a condition of planning consent that participants will make their way to this site on foot or bike.

More generally, the creation of a fully and permanently licensed facility would fundamentally change the nature of this site, which is a sports facility of which the majority of users are young people and children.

We assume therefore (although it is entirely unclear from the application) that the license would in practice only be utilised for the purposes of what section 3 of the Code of Conduct describes as:

*“A small number of major cycling events (typically 5/6 but no more than 10) [which] are [to be] held throughout the year...These events are all cycling related and chosen to be compatible with the*

*amenity of the local area. Temporary Events licenses will also be notified to residents as and when they are granted.'*

This carefully balanced position, whereby the facility would be empty by 10pm every night, with a limited number of exceptions, was arrived at following extensive discussions between representatives of the Velodrome and residents, and the residents remains willing to proceed on that agreed basis.

However, if (as we assume) these are the only occasions on which the license would be required, then we see no reason why these cannot be catered for by means of Special Events Licenses, as provided for in the Code of Conduct. This will entail the prior notification of those nearby and will therefore limit the use on successive nights. We are sure that the goodwill that has always been extended to the organisers will continue this basis.

Alternatively, if it is felt to be administratively easier for there to be one license, rather than a series of special events licenses, then it needs to be made clear that the license will only apply to Special Events as defined in the Code of Conduct and that adequate notice of all such events will be provided to residents.

We would object in the strongest terms to any extension of licensing arrangements beyond the Special Events.

If we can provide any further information in conjunction with this objection, please do not hesitate to contact me.

Kind regards

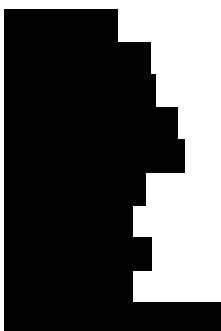
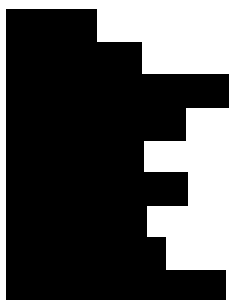
[REDACTED]

[REDACTED]

Burbage Road Residents' Association

## BURBAGE ROAD RESIDENTS' ASSOCIATION

Minutes of a Committee Meeting on Sunday, 2<sup>nd</sup> April 2017  
6pm, 67 Burbage Road, SE24



<p><b>1. BRRR Organisation</b></p> <p>Minutes of last meeting: 15th, January 2017</p> <ul style="list-style-type: none"> <li>• Agreed subject to the following outstanding actions:             <ul style="list-style-type: none"> <li>○ AGM minutes and action points</li> <li>○ LW to meet with John Smith of SCST (&amp; chase keys)</li> <li>○ Chase Southwark for details of their tree replacement programme due for implementation by April.</li> </ul> </li> </ul>	<p>SH LW LW</p>
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<p><b>1. Communication &amp; Liaison</b></p> <p>Sports facilities</p> <p>HHVT</p> <ul style="list-style-type: none"> <li>• A liaison meeting took place on <u>15<sup>th</sup> February</u> and it was agreed, pending further consultation with residents, to allow the extension of floodlighting to 9.30pm during the week, on a <u>trial</u> basis, and provided that the site is cleared by 10pm to minimise disruption to neighbours.</li> <li>• A number of other commitments were also made by HHVT (re gates, sound system, Dernys, Knotweed) and these are provided as an addendum to these minutes.</li> <li>• HHVT have subsequently however <u>failed to inform us of a late night event on 31<sup>st</sup> March and a licensing application, which includes drinks on and off the premises till 11/11.30pm on all nights</u></li> <li>• It was noted that the lines of communication previously agreed are clearly not working and it is our fear this may deteriorate as the management team transitions.</li> <li>• The Chair was asked to write to Southwark and OBJECT to the times of licensing and to ask for these to be brought in line with the agreed hours of use of the site as covered in the Code of Conduct.</li> <li>• Individual events can then be licensed according to a Special Events Licence, which will require HHVT to inform residents of each major event planned.</li> <li>• The general understanding when floodlighting had been discussed at planning level was that HHVT is not just another sports club but primarily a sports facility aimed at young people.</li> <li>• The latest Code of Conduct is on the Turney &amp; Burbage website and will need to be updated for the above, and for the new contact points.</li> </ul> <p>EAC</p> <ul style="list-style-type: none"> <li>• The last meeting took place on 28<sup>th</sup> October 2015. Simon will arrange another ASAP.</li> <li>• Dulwich Estate has agreed to a lower entrance fence but the Committee believes strongly that this is insufficient for sight lines for pedestrian safety and asked the Chair to go back to The Estate, with the support of The Police, The Dulwich Society and Alleyn's school. Sarah will sketch our proposals for low planting and a picket fence.</li> </ul> <p>Community Organisations</p> <p>Dulwich Estate (&amp; Scheme of Management Advisory Committee)</p> <ul style="list-style-type: none"> <li>• Next SOM meeting is on <u>Tuesday, 13<sup>th</sup> June.</u> Louise will nominate a committee member to attend in her absence.</li> <li>• Louise will invite Karen Wood, the new PR specialist to meet her and Yvonne and raise the EAC entrance issue.</li> <li>• Rosalind asked for advice on a fruit tree, which is causing concern amongst neighbours and these are not covered by Estate restrictions.</li> </ul> <p>Herne Hill/Dulwich planning zones</p> <ul style="list-style-type: none"> <li>• Tireless and timely work by Linda, Peter, Andrew and Tyrrell has confirmed our concern that the mid section of Burbage road should not be included in the Herne Hill Planning zone, as currently proposed by the HHH Team. It is the view of the Committee that the Herne Hill Velodrome should also fall</li> </ul>	<p>LW</p> <p>LW/AC</p> <p>SW</p> <p>LW</p> <p>LW</p> <p>LW</p>
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<p>within the Dulwich planning zone and Louise will write to the Herne Hill and Dulwich teams with the evidence and reasons.</p>	
<p><b>2. Residents' news and queries</b></p> <p>Dulwich Picture Gallery</p> <ul style="list-style-type: none"> <li>Residents have asked us to object to the extensive licencing hours proposed for the Summer Pavilion. Tyrrell helpfully provided further details. Louise will liaise with those nearby and alert individual residents to object in the next newsletter.</li> </ul>	LW
<p><b>3. Environment</b></p> <ul style="list-style-type: none"> <li>Simon raised the issue of swarming bees/wasps and Louise agreed to provide details of neighbours with expertise in this.</li> </ul>	LW
<p><b>4. Road and Traffic Issues</b></p> <ul style="list-style-type: none"> <li>No issues raised</li> </ul>	
<p><b>5. Security and safety</b></p> <ul style="list-style-type: none"> <li>No issues raised</li> </ul>	
<p><b>6. Neighbourly help and socialising</b></p> <p>Summer Party</p> <ul style="list-style-type: none"> <li>Proposed date 2-4pm Sunday <u>18<sup>th</sup> June</u> to tie in with a nationwide street party weekend and Father's Day. Pedder and Nellys to be approached for sponsorship. A planning meeting with Turney takes place on 5<sup>th</sup> April.</li> </ul> <p>St Christopher's 50<sup>th</sup> Anniversary campaign</p> <ul style="list-style-type: none"> <li>Tyrrell briefed us on this and we agreed to support a summer event at his home to raise awareness in Burbage Road and identify sources of substantial funding. Louise will also promote legacies through the newsletter/website. Date to be agreed.</li> </ul>	LW/AF  TE/LO
<p><b>7. Finances</b></p>	

<ul style="list-style-type: none"><li>• No issues raised</li></ul> <p><b>8. Next meeting</b></p> <ul style="list-style-type: none"><li>• Sunday 23<sup>rd</sup> July at 6pm</li></ul>	Please confirm availability
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Final 11 April 2017

# Herne Hill Velodrome and Residents: Code of Conduct

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The purpose of this Code is to set out some key guidelines to support the continuing good relationship between the management of the Herne Hill Velodrome and its neighbouring residents.

## 1. Use of the site

The Herne Hill Velodrome will continue to be used for cycling and cycling related activities with an emphasis on youth and accessibility for all. Residents and their families are encouraged to become involved in this community run facility by becoming Friends of the Velodrome, by participating in the sessions run there for all ages and abilities and by joining in the special events run throughout the year.

## 2. Times of use

Normal outdoor activities are scheduled to take place between 8.30am and 9pm throughout the year (starting no earlier than 9am on Sundays). The Cycling Development Manager will aim to limit access to the site to after 7am on weekdays, 8am on Saturday and 8.30am on Sundays. He will also aim to ensure that the gates are closed by 9.30pm and the site is empty by 10pm with no vehicles accessing the site after this time. Professional staff and participants are made aware by the management team of the need to respect the amenity of local residents by minimising noise and disturbance.

The majority of events take place during the cycling season (March to October) but training and youth activities continue throughout the year. The new junior track and MUGA will be used predominantly for young cyclists, those with disabilities and community groups during the weekdays. The new lighting will enable cycling to take place on the track during winter evenings but this will be less intensive than the summer and much more weather dependent.

## 3. Major events

A small number of major cycling events (typically 5/6 but no more than 10) are held throughout the year and a schedule of these will be provided to residents organisations to circulate at the beginning of each year. These events are all cycling related and chosen to be compatible with the amenity of the local area. Temporary Events licenses will also be notified to residents as and when they are granted. Details of all activities are available on the website:

[www.hernehillvelodrome.com](http://www.hernehillvelodrome.com)

#### **4. Site Access**

Participants, spectators, volunteers and staff are encouraged to travel to the Velodrome on foot, bicycle, bus or train. For visitors arriving by car, minimal parking facilities are available on site and on street parking on local roads is strongly discouraged, including the blocking of driveways. Staff, volunteers and notices on the Herne Hill Velodrome website reinforce this. The Cycling Development Manager will aim to enforce the speed limit on this road for vehicles and to limit use of the onsite parking spaces to situations of exceptional need.

#### **5. Noise management**

The management of the Velodrome are aware of the need to minimise noise disturbance at all times but particularly in the evenings and at weekends.

Derny bikes (traditional motorised pacer bicycles) are generally used for special racing event days and Thursday evening racing in the summer. Derny bikes will not be used before 9am or after 9pm and will not be used under floodlight on winter evenings. These will not be used before 9am.

The Management Team will monitor to ensure:

- 2 hours per work day (9am – 6pm), max 10 hours total out of 45 hours a week.
- 4 hours per work day evenings (6pm – 9pm) Max 4 hours total out of 15 hours a week
- Weekend and Bank Holidays – 20 days out of all weekends in the year. No time limit.

Regular use of the PA system is limited to Wednesday night and weekend/Bank Holiday racing in summer. During special events sound systems may be brought in by the event organisers and the management will ensure that these are not used for continuous music and that announcements are appropriate and polite.

Any noise complaints should be made to the Herne Hill Velodrome Cycling Development Manager, in the first instance and thereafter with the Southwark Environmental Services 24 hour helpline: 020 7525 5777 asking for a reference number and sending a note of this to the residents' representative of the Burbage Road Residents' Association (see below). The level of complaints will be monitored at the regular liaison meetings to review the Code.

#### **6. Lighting**

The track lighting will be turned off by 9pm in the evening and will not be used in the morning. It is recognised that this will occasionally be extended to 9.15pm to allow

for the clearance of the track following training sessions. The Multi Use Games Area has no lighting and will be used during daylight hours only.

## **7. Third party users**

All of those conducting training sessions and events at the site are under the direct control of the management team. They are briefed in the general rules of safety and behaviour of the Velodrome. For special events a member of the management team is directly on hand to ensure that the same standards of behaviour apply.

## **8. Security**

The management team of the Velodrome is responsible for the security of the site. This includes the securing of the entrance to the site and taking reasonable steps to ensure that the site is completely cleared after use. People enter the site at their own risk. Residents who see any suspicious behaviour should contact the Herne Hill Velodrome Cycling Development Manager on the number below or, if concerned, the Police on 999.

## **9. Communication**

Any concerns from residents can be communicated to:

The Herne Hill Cycling Development Manager, Iain Cook: mobile 07837757986 (week days only); email [info@hernehillvelodrome.com](mailto:info@hernehillvelodrome.com)

Or Phil Wright, HHVT Trustee on behalf of the Friends of the Velodrome on 07940 805 507

[philinhernehill@yahoo.co.uk](mailto:philinhernehill@yahoo.co.uk)

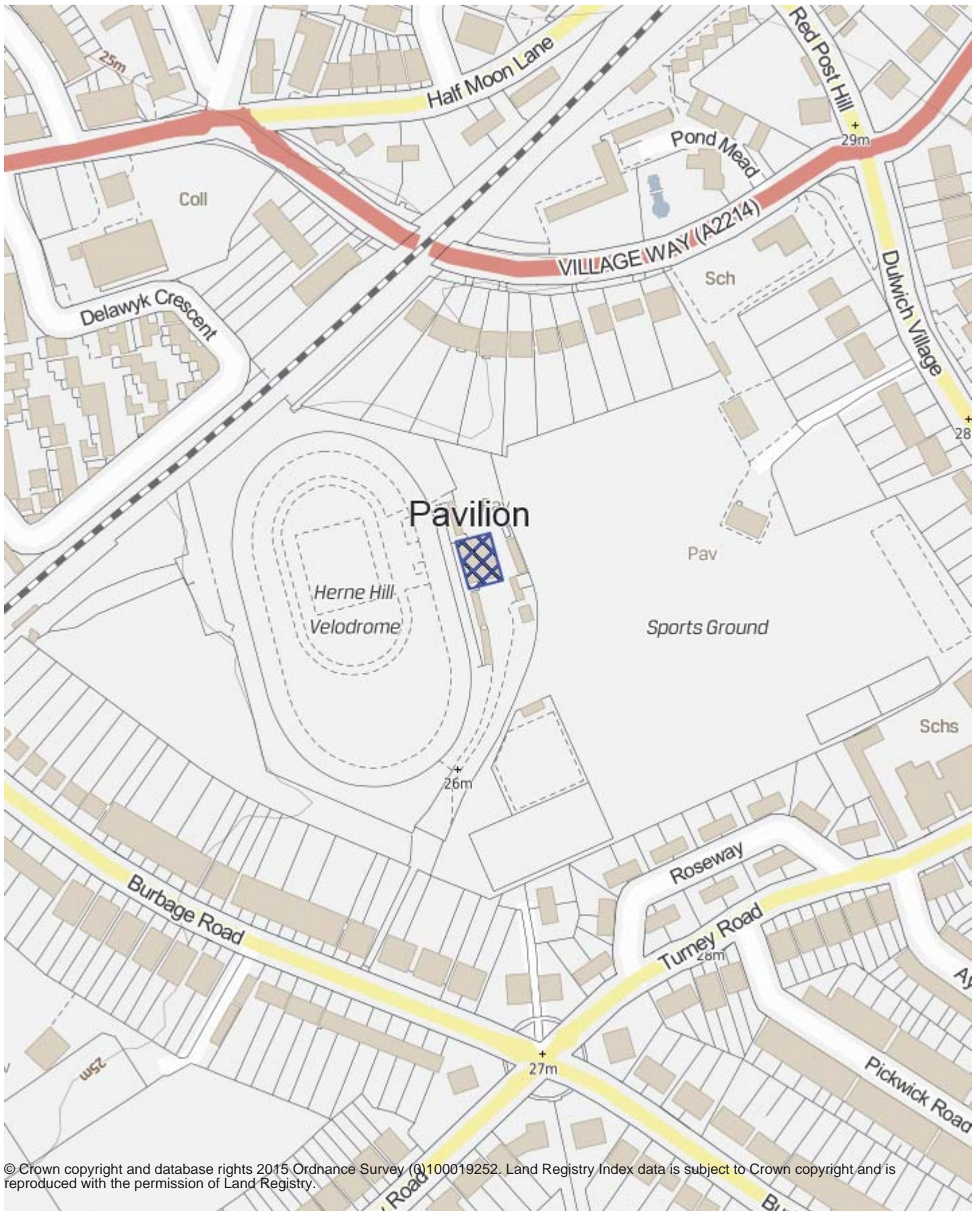
The contact point for residents is Simon White, Burbage Road Residents' Association on 07958 546 577

[simon.white@man.com](mailto:simon.white@man.com)

## **10. Residents' conduct**

Residents whose homes back on to the Velodrome are reminded that exiting directly on to the premises can be extremely dangerous if cyclists are passing on the Cyclo-Cross track. The dumping of rubbish, littering and any other antisocial behaviours are strictly prohibited for the safety and amenity of all users.

11<sup>th</sup> September, 2013



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<b>Item No.</b> 7.	<b>Classification:</b> Open	<b>Date:</b> 15 May 2017	<b>Meeting Name:</b> Licensing sub-committee
<b>Report Title:</b>		Licensing Act 2003: Application for a personal licence	
<b>Ward(s) or groups affected:</b>		None	
<b>From:</b>		Strategic Director of Environment and Social Regeneration	

## RECOMMENDATIONS

1. That the licensing sub-committee decide whether to grant the application for a personal licence made under section 117 of the Licensing Act 2003 to the individual specified in the closed report.
2. Notes:
  - a) The representations have been made in respect of this application by the Commissioner of Police for the Metropolis.
  - b) Due to the level of personal data in relation to this application, personal details have been omitted from this report. A closed version will be available to relevant participants at the hearing.

## BACKGROUND INFORMATION

### The Licensing Act 2003

3. The Licensing Act 2003 received royal assent on 10 July 2003. The Act provides a licensing regime for the sale of alcohol; the provision of regulated entertainment; and the provision of late night refreshment.
4. This new licensing regime became effective as of 24 November 2005. From this date, licensable activities under the Act can only be carried on under the appropriate combination of personal and premises licences, club premises certificates and temporary event notices.
5. Except for circumstances where the police raise representations, properly made applications will be granted.

## KEY ISSUES FOR CONSIDERATION

### The personal licence application process

6. A personal licence is required under the Act by any person who intends to operate in a position where they will authorise the sale or supply of alcohol in conjunction with a premises licence. Applications for personal licences are made to the local authority for



the area in which the applicant normally resides. Licences do not expire and are portable.

7. Individuals seeking a personal licence must:
  - Possess an accredited licensing qualification or be a person of a prescribed description
  - Have had no personal licence held by them forfeited in the period of five years ending with the day the application was made
  - Provide a criminal records disclosure (or certified copy of it)
  - Provide a photograph of him or herself, endorsed to the effect that it is a true likeness
  - Provide a statement (by way of a form entitled “disclosure of convictions and declaration”) giving details of any relevant or foreign offence of which they have been convicted
  - Provide a copy of the application to the police within 48 hours of the application being made
  - Pay the appropriate fee of £37.
  
8. Where the applicant has been convicted of a relevant offence or foreign offence and the chief officer of police is satisfied that the exceptional circumstances of the case are such that granting the application would undermine the crime prevention objective, the chief officer of police must give an “objection notice” no later than 28 days after the day on which a copy of the application is provided. Unless this “objection notice” is withdrawn, the local authority must hold a hearing to consider the objection and must determine the matter within a period of three months beginning on the day on which the authority receives the application.

#### **The application under consideration**

9. On the 4 April 2017, the applicant applied to this council under section 117 of the Licensing Act 2003 for a personal licence. The application was accompanied by the additional documentation and information outlined in paragraph seven above.
10. A copy of the application and the disclosure certificates are attached as Appendix A of the closed report.

#### **Police notice of objection**

11. On 5 April 2017 the Commissioner of Police for the Metropolis made objection in respect of the original application. A copy of the objection notice is attached as Appendix B of the closed report.

12. The police propose that the information provided in the objection notice be taken into consideration and the matter is put to the licensing sub-committee accordingly.

**The Licensing Act 2003 and the Southwark Council statement of licensing policy**

13. The Licensing Act 2003 requires the licensing authority to carry out its functions under the Act with a view to promoting the four stated licensing objectives, which are:

- The prevention of crime and disorder
- Public safety
- The prevention of nuisance
- The protection of children from harm.

14. In carrying out its functions, a licensing authority must also have regard to:

- The Act itself
- The guidance to the Act issued under section 182 of the Act
- Secondary regulations issued under the Act
- The licensing authority's own statement of licensing policy
- The application
- Relevant representations.

15. Council assembly approved the Southwark Council statement of licensing policy on 25 November 2015. Sections of the statement that are considered to be of particular relevance to this application are:

- Section three which sets out the purpose and scope of the policy and reinforces the four licensing objectives.
- Section four covering administration, exercise and delegation of function which deals with the licensing process.
- Appendix C details other relevant council and government policies including the relevant Articles under the Human Rights Act 1998.

16. The purpose of Southwark's licensing statement of policy is to make clear to applicants what considerations will be taken into account when determining applications and should act as a guide to the sub-committee when considering applications placed before it. However, the sub-committee must always consider each application on its own merits and allow exceptions to the normal policy where these are justified by the circumstances of the application.

**Resource implications**

17. A fee of £37 has been paid by the applicant, being the statutory fee payable in respect of an application for a personal licence. The fee makes a contribution toward the cost of processing the application.

## **Consultation**

18. The provisions of the Licensing Act 2003 do not provide for any consultation beyond that with the Commissioner of Police for the Metropolis.

## **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

### **Director of Law and Democracy**

19. The sub-committee is asked to determine the application for a grant of personal licence. The application for a personal licence should normally be granted without the need for a hearing if no relevant objections were received from the police on crime and disorder grounds.
20. It is important to distinguish the application for grant/renewal of a personal licence under the Licensing Act 2003 from the type of applications previously heard by the sub-committee, where a licence was renewed or an applicant sought to vary. The principles that apply are significantly different in many respects (although the requirement to give all parties a fair, unbiased hearing remains).
21. The principles which sub-committee members must apply are set out below.

### **Principles for making the determination**

22. The general principle is that applications must be granted unless relevant representation is received. This is subject to the proviso that the applicant has not been convicted of, or committed any of the relevant offences as contained in Schedule 4 of the Licensing Act 2003.

### **Determination of application for grant of personal licence**

23. The sub-committee's discretion is thus limited. It can only grant, or refuse the personal licence, if it is necessary to do so in regards to the promotion of the prevention of crime and disorder.

### **Hearing procedures**

24. Subject to the licensing hearing regulations, the licensing committee may determine its own procedures. Key elements of the regulations are that
- The hearing shall take the form of a discussion led by the authority. Cross examination shall not be permitted unless the authority considered that it is required for it to consider the representations.
  - Members of the authority are free to ask any question of any party or other person appearing at the hearing.
  - The committee must allow the parties an equal maximum period of time in which to exercise their rights to:
    - Address the authority

- If given permission by the committee, question any other party
- In response to a point which the authority has given notice it will require clarification, give further information in support of their application.
- The committee shall disregard any information given by a party which is not relevant:
  - To the particular application before the committee
  - The licensing objectives.
- The hearing shall be in public, although the committee may exclude the public from all or part of a hearing where it considers that the public interest in doing so outweighs the public interest in the hearing, or that part of the hearing, taking place in private.
- In considering any representations or notice made by a party the authority may take into account documentary or other information produced by a party in support of their application, representations or notice (as applicable) either before the hearing or, with the consent of all the other parties, at the hearing.

### **Council's multiple roles and the role of the licensing sub-committee**

25. Members should note that the licensing sub-committee is meeting on this occasion solely to perform the role of licensing authority. The sub-committee sits in quasi-judicial capacity, and must act impartially. It must offer a fair and unbiased hearing of the application. In this case, members should disregard the council's broader policy objectives and role as statutory authority in other contexts. Members must direct themselves to making a determination solely based upon the licensing law, guidance and the council's statement of licensing policy.
26. As a quasi-judicial body the licensing sub-committee is required to consider the application on its merits. The sub-committee must take into account only relevant factors, and ignore irrelevant factors. The decision must be based on evidence, that is to say material, which tends logically to show the existence or non-existence of relevant facts, or the likelihood or unlikelihood of the occurrence of some future event, the occurrence of which would be relevant. The licensing sub-committee must give fair consideration to the contentions of all persons entitled to make representations to them.
27. The licensing sub-committee is entitled to consider other information not contained in this document if they are relevant, i.e. are properly attributable to the suitability of the applicant to hold a licence. Guidance is that the licensing authority will primarily focus on the direct impact of granting the personal licence to the applicant on members of the public, living, working or engaged in normal activity in the area concerned.
28. Members will be aware of the council's code of conduct that requires them to declare personal and prejudicial interests. The code applies to members when considering licensing applications. In addition, as a quasi-judicial body, members are required to avoid both actual bias, and the appearance of bias.

## Guidance

29. Members are required to have regard to the Secretary of State's guidance in carrying out the functions of licensing authority. However, guidance does not cover every possible situation, so long as the guidance has been properly and carefully understood, members may depart from it if they have reason to do so. Full reasons must be given if this is the case.

## Strategic Director of Finance and Governance

30. The head of regulatory services has confirmed that the costs of this process over and above the application fee are borne by the service.

## BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Licensing Act 2003 Home Office guidance Secondary Regulations Southwark statement of licensing policy Case file	Southwark Licensing, Hub 1, Floor 3, 160 Tooley Street, London SE1 2QH	Kirty Read 0207 525 5748

## APPENDICES

No.	Title
N/A	No appendices to the open version of the report.

## AUDIT TRAIL

<b>Lead Officer</b>	Deborah Collins, Strategic Director of Environment and Social Regeneration	
<b>Report Author</b>	Alexander Lisowski, Licensing Officer	
<b>Version</b>	Final	
<b>Dated</b>	12 April 2017	
<b>Key Decision?</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments sought</b>	<b>Comments included</b>
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
<b>Cabinet Member</b>	No	No
<b>Date final report sent to Constitutional Team</b>		3 May 2017

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