

Licensing Sub-Committee

Tuesday 27 March 2018

10.00 am

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

Membership

Councillor Renata Hamvas (Chair)
Councillor Sunny Lambe
Councillor Bill Williams

Reserves

Councillor Maria Linforth-Hall

INFORMATION FOR MEMBERS OF THE PUBLIC

Access to information

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Contact

Andrew Weir on 020 7525 7222 or email: andrew.weir@southwark.gov.uk

Members of the committee are summoned to attend this meeting

Eleanor Kelly

Chief Executive

Date: 19 March 2018



Licensing Sub-Committee

Tuesday 27 March 2018
10.00 am

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

Order of Business

Item No.	Title	Page No.
	PART A - OPEN BUSINESS	
1.	APOLOGIES	
	To receive any apologies for absence.	
2.	CONFIRMATION OF VOTING MEMBERS	
	A representative of each political group will confirm the voting members of the committee.	
3.	NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT	
	In special circumstances, an item of business may be added to an agenda within five clear days of the meeting.	
4.	DISCLOSURE OF INTERESTS AND DISPENSATIONS	
	Members to declare any interests and dispensation in respect of any item of business to be considered at this meeting.	
5.	LICENSING ACT 2003: ELEPHANT PARK, ELEPHANT ROAD, LONDON SE17 1UB	1 - 59
6.	LICENSING ACT 2003: DULWICH PICTURE GALLERY, GALLERY ROAD, LONDON SE21 7BG	60 - 94
7.	LICENSING ACT 2003: SIR ROBERT PEEL, 7 LANGDALE CLOSE, LONDON, SE17 3UF	95 - 135

ANY OTHER OPEN BUSINESS AS NOTIFIED AT THE START OF THE 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.”

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

Date: 19 March 2018

Item No. 5.	Classification: Open	Date: 27 March 2018	Meeting Name: Licensing Sub-Committee
Report Title		Licensing Act 2003: Elephant Park, Elephant Road, London SE17 1UB	
Ward(s) of group(s) affected		East Walworth	
From		Strategic Director of Environment and Social Regeneration	

RECOMMENDATION

1. That the licensing sub-committee considers an application made by Elephant Park Estate Management Company Limited for a premises licence to be granted under the Licensing Act 2003 in respect of the premises known as Elephant Park, Elephant Road, London, SE17 1UB.
2. Notes:
 - a) This application forms a new application for a 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 11 to 14 of this report deal with the representations submitted in respect of the application. Copies of the representation submitted by the environmental protection team in their role as a responsible authority is attached to this report in Appendix 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 7 November 2017 Elephant Park Estate Management Company Limited applied for a premises licence to be granted under the Licensing Act 2003 in respect of the premises known as Elephant Park, Elephant Road, London SE17 1UB after it was found that the previous licence had become void. The premises are described in the application as being:

“The premises is a park within a new development in Elephant & Castle. As part of the operation of the park it is anticipated that the following types of events will take place from time to time: community festivals; film screenings; stalls; community fetes; fireworks displays; sporting activities/displays; product launches; art displays; cooking/food/catering/gardening/sport demonstrations; small scale fairs; outdoor theatre; exhibitions; garden (and similar) shows; charity events and auctions; live and recorded music (family-friendly); performance of dance (family-friendly); sports activities and classes.

An indicative programme overview setting out a sample of what planned activity could be for a period of 12 months is included in support of the application.”

9. The application and is summarised as follows:
- The provision of regulated entertainment in the form of films (both indoors and outdoors)
 - Monday to Sunday from 09:00 to 23:30
 - The provision of regulated entertainment in the form of live and recorded music, plays, performances of dance and anything of a similar description (both indoors and outdoors)
 - Monday to Sunday from 09:00 to 22:30
 - Opening hours
 - Monday to Sunday from 07:30 to 00:00 (midnight)

10. 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 and premises plan is attached to this report in Appendix A.

Representations from responsible authorities

11. A representation has been submitted by the council's environmental protection team. The representation is concerned with the proximity of residential dwellings to noise emanating from the park leading to the potential for public nuisance.

Representations from other persons

12. There are no representations from other persons.

Conciliation

13. The applicant's legal representative has been sent a copy of the representation. The legal representative has advised that the application will have to proceed to a hearing as music is integral to the application and as a result, their client had indicated that there was no willingness to withdraw any aspect of the application.
14. On 14 March 2018, the applicant's legal representative provided an acoustic report for the Park, which has been supplied to the objector within the EPT team. The acoustic report is available at Appendix C.

Premises history

15. The area has not had a full time premises licence previously. There has been extensive change in the area, with the regeneration of the entirety of Elephant and Castle.
16. The area has been granted a number of temporary event notices:

Applicant	Activities	Dates
John Whelan	Sale by retail of alcohol to be consumed on the premises	12/08/2017 to 12/08/2017 11:00 - 19:00
Robert Middleton	Sale by retail of alcohol to be consumed on & off the premises	12/08/2017 to 12/08/2017 11:00 - 19:00
Ian Coll	Sale by retail of alcohol to be consumed on & off the premises	12/08/2017 to 12/08/2017 07:00 - 23:00
Andre Marmot	Provision of Regulated Entertainment	06/09/2017 to 06/09/2017 1800-2000
Andre Marmot	Provision of Regulated Entertainment	30/08/2017 to 30/08/2017 18:00 - 20:00

Applicant	Activities	Dates
Robert MacDougall Wray	Sale by retail of alcohol to be consumed on the premises Provision of Regulated Entertainment	02/09/2017 to 02/09/2017 12:00 - 21:30
Jazz Rodrigues De Sousa	Provision of Regulated Entertainment	13/09/2017 to 13/09/2017 18:00 - 20:00
Jazz Rodrigues De Sousa	Provision of Regulated Entertainment	20/09/2017 to 20/09/2017 18:00 - 20:00
Jazz Rodrigues De Sousa	Provision of Regulated Entertainment	27/09/2017 to 27/09/2017 18:00 - 20:00
John Whelan	Sale by retail of alcohol to be consumed on the premises Provision of Regulated Entertainment	30/09/2017 to 30/09/2017 12:00 - 17:00
Lucy Bawden	Provision of Regulated Entertainment	05/11/2017 to 05/11/2017 17:00 - 19:00
Lucy Bawden	Provision of Regulated Entertainment	09/12/2017 to 09/12/2017 10:00 - 15:00

17. There is no history of complaints in relation to this premises resulting from licensable activities.

Deregulation of entertainment

18. 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 provided the audience does not exceed 500 people.
19. 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. The following are a list of similarly licensed premises are in the immediate vicinity of the premises application:

Chatkhara Restaurant, 84 Walworth Road, London SE17 1JL, licenced for:

- Late night refreshment (indoors):
 - Monday to Sunday from 23:00 to 02:00.

Dragon Castle, 100 Walworth Road, London SE17 1JL, licensed for:

- The sale by retail of alcohol (on sales):
 - Monday to Sunday from 11:00 to 23:30
- Late night refreshment (indoors):
 - Monday to Sunday from 23:00 to 00:00.

The Trunk, The Artworks, London SE17 1AY, licensed for:

- The sale by retail of alcohol (both on and off sales)
 - Sunday to Thursday from 11:00 to 23:00
 - Friday and Saturday from 11:00 to 00:30
- Late night refreshment (indoors)
 - Sunday to Thursday from 23:00 to 23:30
 - Friday and Saturday from 23:00 to 00:00
- The provision of regulated entertainment in the form of films (indoors):
 - Sunday to Thursday from 08:30 to 23:30
 - Friday and Saturday from 28:30 to 00:00
- The provision of regulated entertainment in the form of live music and recorded music, films, plays and performances of dance (indoors):
 - Sunday to Thursday from 23:00 to 23:30
 - Friday and Saturday from 23:00 to 00:00.

Bola 8, Railway Arch 113 and 122, London SE17 1LB, licensed for:

- The sale by retail of alcohol (on sales):
 - Sunday to Wednesday from 11:00 to 02:30
 - Thursday to Saturday from 11:00 to 04:30.
- The provision of late night refreshment (indoors and outdoors):
 - Sunday to Wednesday from 23:00 to 02:30
 - Thursday to Saturday from 11:00 to 05:00.
- The provision of regulated entertainment in the form of live music and recorded music and anything similar (indoors):
 - Sunday to Wednesday from 11:00 to 02:30
 - Thursday to Saturday from 11:00 to 05:00.

Longwave Bar and Café, The Artworks, London SE17 1AY, licensed for:

- The sale by retail of alcohol (on and off sales):
 - Monday to Sunday from 11:00 to 00:30
- The provision of late night refreshment (indoors and outdoors):

- Monday to Sunday from 23:00 to 00:30
- The provision of regulated entertainment in the form of live music and recorded music and anything similar (indoors):
 - Sunday to Wednesday from 11:00 to 02:30
 - Thursday to Saturday from 11:00 to 05:00.

Marcel and Sons, 18 The Artworks, London SE17 1LB, licensed for:

- The sale by retail of alcohol (on and off sales):
 - Tuesday to Saturday from 12:00 to 22:00
 - Sunday from 12:00 to 17:00.

Naranjo Restaurant, 113 Elephant Road, London SE17 1LB, licensed for:

- The sale by retail of alcohol (on sales):
 - Monday to Sunday from 07:00 to 22:30.

May Stores Limited, 28 Unit A, Arch Street, London SE1 6AS, licensed for:

- The sale by retail of alcohol (off sales):
 - Monday to Sunday from 07:00 to 02:00.

Grow Elephant Community Garden, 100 New Kent Road, London SE17 1SL, licensed for:

- The sale by retail of alcohol (on and off sales)
 - Monday to Sunday from 11:00 to 23:30
- The provision of regulated entertainment in the form of live music, films and plays (indoors):
 - Monday to Sunday from 09:00 to 23:00
- The provision of regulated entertainment in the form of recorded music (indoors):
 - Monday to Sunday from 08:00 to 00:00.

Crown and Anchor, 116 New Kent Road, London SE1 6TU, licensed for:

- The sale by retail of alcohol (on and off sales)
 - Monday to Thursday from 10:00 to 01:00
 - Friday and Saturday from 10:00 to 02:00
 - Sunday from 12:00 to 00:00
- The provision of late night refreshment (indoors and outdoors):
 - Monday to Saturday from 23:00 to 23:30

- The provision of regulated entertainment in the form of live and recorded music (indoors):
 - Monday to Thursday from 12:00 to 01:00
 - Friday and Saturday from 12:00 to 02:00
 - Sunday from 12:00 to 00:00.

Five Star Fish Bar, 118-122 New Kent Road, London SE1 6TU, licenced for:

- Late night refreshment (indoors):
 - Monday to Thursday from 23:00 to 01:00
 - Friday and Saturday from 23:00 to 03:00
 - Sunday from 23:00 to 00:00.

Six Yard Box, 6 The Artworks, London SE17 1LB, licensed for:

- The sale by retail of alcohol (on and off sales):
 - Sunday to Thursday from 12:00 to 23:00
 - Friday and Saturday from 12:00 to 00:00
- The provision of regulated entertainment in the form of recorded music (indoors):
 - Sunday to Thursday from 12:00 to 23:00
 - Friday and Saturday from 12:00 to 00:00.

Lost Rivers, Elephant Road, London SE17 1AY, licensed for:

- The sale by retail of alcohol (on and off sales):
 - Sunday to Thursday from 11:00 to 23:00
 - Friday and Saturday from 11:00 to 00:30
- The provision of late night refreshment (indoors and outdoors):
 - Monday to Thursday from 23:00 to 23:30
 - Friday and Saturday from 23:00 to 00:30
- The provision of regulated entertainment in the form of live and recorded music, plays, films, performances of dance and anything of a similar description (indoors and outdoors)
 - Sunday to Thursday from 11:00 to 23:00
 - Friday and Saturday from 11:00 to 00:30.

Sainsbury's, 40 New Kent Road, London SE1 6TJ, licensed for:

- The sale by retail of alcohol (off sales):
 - Monday to Sunday from 06:00 to 00:00.

Southwark council statement of licensing policy

21. 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.
22. 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.
23. Within Southwark's statement of licensing policy, the premises are identified as being outside of a cumulative impact policy area but within the Elephant and Castle major town centre area. Under the Southwark statement of licensing policy 2016 - 2020 the premises within this application would not fall into any of the definitions of premises with recommended closing times.

Resource implications

24. 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.

Consultation

25. 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

26. 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

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

Principles for making the determination

29. 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.
30. 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.
31. 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

32. 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.

33. The four licensing objectives are:
- The prevention of crime and disorder
 - Public safety
 - The prevention of nuisance
 - The protection of children from harm.
34. 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.
35. 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.
36. 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

37. 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

38. 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.
39. 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

40. 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.
41. 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.
42. 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.
43. 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.
44. 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.
45. 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.
46. 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.

47. 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

48. Members are required to have regard to the Home Office Revised 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

49. The head of community safety and enforcement has confirmed that the costs of this process are borne by the service.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
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 & Enforcement, 160 Tooley Street, London, SE1 2QH	Kirby Read Tel: 020 7525 5748

APPENDICES

Name	Title
Appendix A	Application for a premises licence
Appendix B	Representations submitted by environmental protection team
Appendix C	Map of the locality
Appendix D	Acoustic Report

AUDIT TRAIL

Lead Officer	Deborah Collins, Strategic Director of Environment and Social Regeneration		
Report Author	Andrew Heron, Principal Licensing Officer		
Version	Final		
Dated	14 March 2018		
Key Decision?	No		
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER			
Officer Title	Comments sought	Comments included	
Director of Law & Democracy	Yes	Yes	
Strategic Director of Finance and Governance	Yes	Yes	
Cabinet Member	No	No	
Date final report sent to Constitutional Team		15 March 2018	

APPENDIX A

07/11/2017

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

Ref No. 920939

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

	Elephant Park Estate Management Company Limited
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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

Premises trading name

	Elephant Park
--	---------------

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

Address Line 1	Elephant Park
Address Line 2	Elephant Road
Town	London
County	
Post code	SE17 1UB
Ordnance survey map reference	
Description of the location	
Telephone number	N/A

Applicant Details

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

	a person other than an individual (limited company, partnership, etc)
--	---

If you applying as an individual or non-individual please select one of the following:-

	I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
--	--

Other Applicants

Personal Details - First Entry

Name	Elephant Park Estate Management Company Limited
------	---

Address - First Entry

Street number or building name	20
Street Description	Triton Street
Town	London
County	
Post code	NW1 3BF
Registered number (where applicable)	09917192
Description of applicant (for example, partnership, company, unincorporated association etc)	Private Limited Company

Contact Details - First Entry

Telephone number	
Email address	

Operating Schedule

When do you want the premises licence to start?

--	--

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

--	--

General description of premises (see guidance note 1)

	<p>The premises is a park within a new development in Elephant & Castle. As part of the operation of the park it is anticipated that the following types of events will take place from time to time: community festivals; film screenings; stalls; community fetes; fireworks displays; sporting activities/displays; product launches; art displays; cooking/food/catering/gardening/sports demonstrations; small scale fairs; outdoor theatre; exhibitions; garden (and similar) shows; charity events and auctions; live and recorded music (family-friendly); performance of dance (family-friendly); sports activities and classes.</p> <p>An indicative programme overview setting out a sample of what planned activity could be for a period of 12 months is included in support of the application.</p>
--	---

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)
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Provision of regulated entertainment

	a) plays
	b) films
	e) live music
	f) recorded music
	g) performance of dance
	h) anything of a similar description to that falling within (e), (f) or (g)

Provision of late night refreshment

--	--

Supply of alcohol

--	--

A - Plays

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

	Both
--	------

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

	Occasional performance of a play may take place either within an enclosed structure (such as a tent) or in the open.
--	--

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

Day	Start	Finish
Mon	09:00	22:30
Tues	09:00	22:30
Wed	09:00	22:30
Thur	09:00	22:30
Fri	09:00	22:30
Sat	09:00	22:30
Sun	09:00	22:30

State any seasonal variations for performing plays (Please read guidance note 4)

--	--

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

--	--

B- Films

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

	Both
--	------

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

	Occasional film showings may take place either within an enclosed structure (such as a tent) or in the open.
--	--

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

Day	Start	Finish
Mon	09:00	23:30
Tues	09:00	23:30
Wed	09:00	23:30
Thur	09:00	23:30
Fri	09:00	23:30
Sat	09:00	23:30
Sun	09:00	23:30

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

--	--

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)

--	--

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)

	Occasional live music performances may take place either within an enclosed structure (such as a tent) or in the open.
--	--

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

Day	Start	Finish
Mon	09:00	22:30
Tues	09:00	22:30
Wed	09:00	22:30
Thur	09:00	22:30
Fri	09:00	22:30
Sat	09:00	22:30
Sun	09:00	22:30

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

--	--

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)

--	--

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)

	Occasional playing of recorded music may take place either within an enclosed structure (such as a tent) or in the open.
--	--

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

Day	Start	Finish
Mon	09:00	22:30
Tues	09:00	22:30
Wed	09:00	22:30
Thur	09:00	22:30
Fri	09:00	22:30
Sat	09:00	22:30
Sun	09:00	22:30

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

--	--

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)

--	--

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)

	Occasional performances of dance may take place either within an enclosed structure (such as a tent) or in the open.
--	--

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

Day	Start	Finish
Mon	09:00	22:30
Tues	09:00	22:30
Wed	09:00	22:30
Thur	09:00	22:30
Fri	09:00	22:30
Sat	09:00	22:30
Sun	09:00	22:30

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

--	--

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)

--	--

H - Anything of a similar description to that falling within (e), (f) or (g)

Please give a description of the type of entertainment you will be providing

	Anything of a similar description to live or recorded music or performance of dance.
--	--

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

	Both
--	------

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

	Other occasional performances may take place either within an enclosed structure (such as a tent) or in the open.
--	---

Standard days and timings for Anything of a similar description to that falling within (e), (f) or (g) (Please read guidance note 6)

Day	Start	Finish
Mon	09:00	22:30

Tues	09:00	22:30
Wed	09:00	22:30
Thur	09:00	22:30
Fri	09:00	22:30
Sat	09:00	22:30
Sun	09:00	22:30

State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (Please read guidance note 4)

--	--

Non standard timings. Where you intend to use the premises for the entertainment of similar description to that falling within (e), (f) or (g) at different times to those listed. (Please read guidance note 5)

--	--

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	07:30	00:00
Tues	07:30	00:00
Wed	07:30	00:00
Thur	07:30	00:00
Fri	07:30	00:00
Sat	07:30	00:00
Sun	07:30	00:00

State any seasonal variations (Please read guidance note 4)

	<p>When licensable activities are taking place the park will be open from 07:30 to 23:00 (midnight where a film finishes at 23:30)</p> <p>Generally the opening hours of the park will be from 07.30 to 21:00 during British Summer Time and from 07:30 to 17:00 at other times.</p>
--	--

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)

--	--

M - Steps to promote four licencing objectives

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

	Please refer to the attached schedule of conditions for the promotion of all four licensing objectives.
--	---

b) the prevention of crime and disorder

	Please refer to box a) above.
--	-------------------------------

c) public safety

	Please refer to box a) above.
--	-------------------------------

d) the prevention of public nuisance

	Please refer to box a) above.
--	-------------------------------

e) the protection of children from harm

	Please refer to box a) above.
--	-------------------------------

Please upload a plan of the premises

	licence-plan.pdf
--	----------------------------------

Please upload any additional information i.e. risk assessments

	conditions-supporting-docs.pdf
--	--

Checklist

	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.
--	--

Home Office Declaration

Please tick to indicate agreement

	I am a company or limited liability partnership
--	---

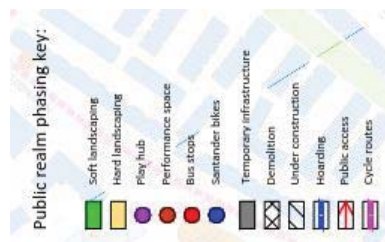
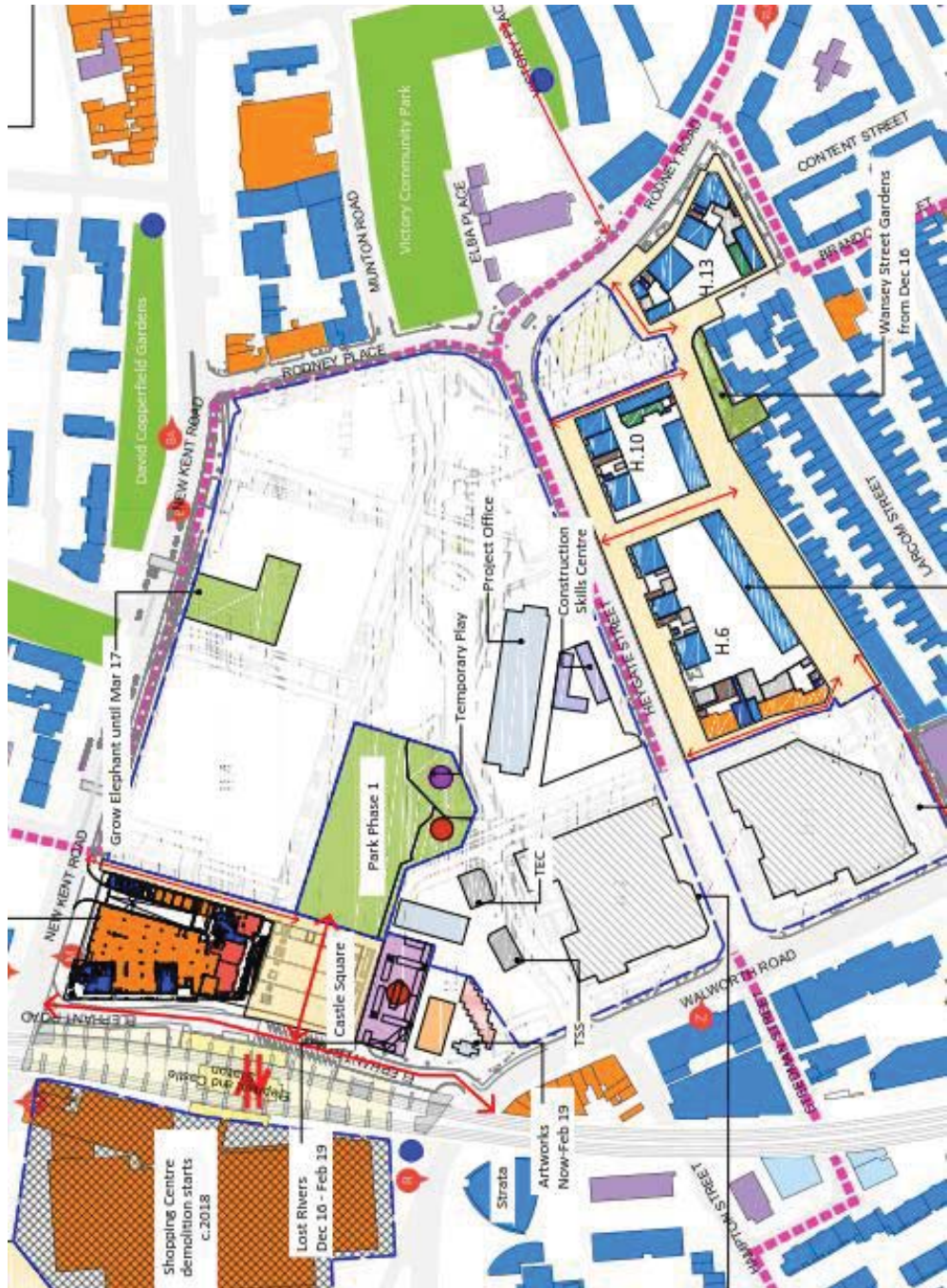
Declaration

I agree to the above statement

	Yes
PaymentDescription	, ,
AuthCode	026914
LicenceReference	ks102 94212
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.

Elephant Park Location





ELEPHANT PARK

APPLICATION FOR A PREMISES LICENCE

PROPOSED CONDITIONS

1. The maximum capacity of the premises shall not exceed 1500 persons (not including staff and performers).
2. For each event where licensable activities are taking place, a risk assessment shall be undertaken to assess the need for:
 - a) SIA registered door supervisors;
 - b) a noise impact assessment;
 - c) Emergency evacuation procedures
3. Litter will be collected and removed from the site as soon as practicably possible after all events.
4. The Licensee shall ensure that external operators providing licensable activities at the premises are issued with an agreement for use of the premises, or part thereof. This agreement shall include the conditions attached to the Premises Licence.
5. Where the number of persons predicted to attend the event (excluding security, staff, performers and employees) exceeds 499, unless otherwise agreed with the Environmental Health Team, the licence holder shall produce:
 - a) A Noise Management Action Plan detailing control measures for anything associated with the event for example (but not necessarily limited to) amplified sound levels at source and the facades of residential properties likely to be affected, stage erection / dismantling times, generator locations and operating levels / times, vehicle movements for each event / function;
 - b) The Noise Management Action plan shall be implemented and adhered to prior to and during the event.
6. The event organiser or security representative thereof shall make regular patrols at no less than hourly intervals around the perimeter of the premises when regulated entertainment is taking place. Noise levels shall be adjusted to ensure local residents are not disturbed by excessive noise break out.
7. All stewards and SIA registered door supervisors must be readily identifiable when working at the venue.
8. When SIA registered door supervisors or security staff are to be employed, they will be employed in a minimum ratio of 1 per 250 customers.

9. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
10. No sound emanating from regulated entertainment shall be audible a metre from the façade of the nearest noise sensitive premises between 2300 and 0700 hours.
11. An incident record shall be maintained by the park management company that details incidents that occur in or in the immediate vicinity of the premises. This shall include any incidents of disorder, seizures of drugs or offensive weapons, any faults in the CCTV system, and ejections from the premises as a minimum.
12. The incident record shall be kept on the premises and be available for inspection by the police or an authorised officer of the Licensing Authority at all times the premises is open.
13. A telephone number for the premises, or a responsible member of staff on duty, shall be displayed so that it is visible from the public highway for members of the public to lodge complaints.
14. Deliveries and collections (including refuse and / or recycling collections) associated with the premises shall be arranged between the hours of 08:00 to 22:00 only. Empty bottles and non-degradable refuse shall remain in the premises at the end of trading hours and will not be taken out to the refuse point between the hours of 22:00 and 08:00.
15. The Licence Holder shall take all reasonable steps to ensure that there is no unauthorised advertising of events to be held at the premises.

PROGRAMME OVERVIEW





Example Calendar to Summer 2018

ACTIVITY	Jul-17	Aug-17	Sep-17	Oct-17	Nov-17	Dec-17	Jan-18	Feb-18	Mar-18	Apr-18	May-18	Jun-18	Jul-18	Aug-18	Sep-18
	24 31	7 14 21 28	4 11 18 25	2 9 16 23 30	6 13 20 27	4 11 18 25	1 8 15 22 29	5 12 19 26	5 12 19 26	2 9 16 23 30	7 14 21 28	4 11 18 25	2 9 16 23 30	6 13 20 27	3 10 17 24
LAUNCH YEAR															
EP - What's in the Trunk?															
The Elephant Never Forgets															
ANNUALLY RECURRING															
Free Fitness Classes															
Elefest															
London Design Festival															
Summer Art, Music & Dance Series															
Children's Book Club/Readings															
Bengali Celebration															
Little Elephants Grow & Cook															
Outdoor Film Screenings															
Walworth Society Festival															
The Elephant's Got Talent															
Halloween															
Guy Fawkes Night															
Winter Lights/Sound															
Easter															
Big Elephant Eat															
Outdoor Sport Screenings															
Carnaval del Pueblo															

Major Events



Programme Overview

ACTIVITY	CONCEPT	DELIVERY PARTNER	TIMING / FREQUENCY
LAUNCH YEAR			
EP - What's in the Trunk?	Three-day preview of annual programme	John Whelan (as above)/ Jason Brown (JusPlay, Mercato Metropolitano cooking classes for children)	August 4 - 6
The Elephant Never Forgets	An animated history piece using actors & music with links to Cumming Museum, Walworth Society & John Harvard Local History Library	John Whelan (Local Arts Events Organiser, has worked extensively with Walworth Society)	Proposed One-off Event
RECURRING EVENTS			
Elefest	Celebration of The Elephant & Castle	Rob Wray (Director of Elefest, owner of Shortwave Cinema, Longwave Bar)	Yearly / September
Free Fitness Classes	Tai chi, superheroes fitness, yoga, capoeira, family-friendly, mums and babies yoga	Our Parks (Runs community exercises classes throughout London using local talent. Won Community Programme of the Year BT Sports Industry Awards.)	6 classes/week across 4 days
London Design Festival	Park design research and installation	London College of Communication (Tara Hanrahan, Mo-Ling Chui, Valerie Mace Sarah Temple)	Yearly / September
The Summer Series Music, Dance, Art	Weekly evening free music concerts, dance and art over summer, showcasing local talent	MUSIC: Africa Centre, Community Choir, Lost Rivers, London Youth Jazz Orchestra, London Centre of Contemporary Music, Carnivale de Pueblo ART: Hotel Elephant, Londn College of Communication, Magic Me, Blackfriars Settlement DANCE: Super Arts, Siobhan Davies, Carnivale de Pueblo	Weekly Summer evenings
Children's Book Club/Readings	Story-telling under the trees	Newington Library	Summer monthly
Little Elephant Grow & Cook	Cooking & food growing w/ local children and their parents/carers.	Jason Brown (as above)/Paul McGann (Grow Elephant)	Bi-monthly 6 months/year.
Outdoor Film Screenings	Films that have a broad connection to the area.	Cinema Museum/Africa Centre/Rob Wray (as above)	Three nights in summer
Walworth Society Festival	Final of four history events celebrating local area	John Whelan (as above)/Jeremy Leach (Walworth Society)	1 day / Yearly
The Elephant's Got Talent	Talent contest for local children (dance, music, poetry, creative writing)	Susan Hayes (Director of SuperArts)	1 day / Yearly
Halloween	Creepy Halloween event with theatrical storyteller. Children dress up in spooky costumes on their way to trick or treating	Gareth Murphy (Theatrical Storyteller)	1 day / Oct
Guy Fawkes Night	Fireworks & street food	Titanium Fireworks (Mayor of London's New Years Eve display, Hogmanay), local food operators.	1 day / Nov
Winter Lights & Sound Installation	Sound/light installation. Castle Sq Xmas tree. Local choir launch	LCC(as above), Stow Projects (Castle Square), Community Choir	Dec/Jan Yearly
Easter	Theatrical, Easter Themed Treasure Hunt	Jo Sadler-Lovett (Co-Artistic Director, Blue Elephant Theatre)	1 day
Carnaval del Pueblo	Parade start at Elephant Park	Nuala Riddell Morales (CEO Carnaval del Pueblo)	Annual
Outdoor Sport Screenings	Summer of Live Sporting Events (Wimbeldon, Tour de France)		Two weeks each,

Programme Overview – Other Possibilities

ACTIVITY	CONCEPT	DELIVERY PARTNER	TIMING / FREQUENCY
Toybox	Interactive play installation	Pedro Gill	One off
Hoarding Timeline Launch		Walworth Society	One off
LCC Degree Shows	Exhibition	LCC, Sarah Temple	3 days
National Tree Week	Elephant park protected trees talk and walk.		1 day
Hot Pod Yoga			Jan/Feb
Lost Rivers	Use of park in summer for outdoor events.	Laura Perkins	
Bengali Celebration	Lunch and culture day (including dancing).	Bengali Womens Group	Once a year
Plaza Latina		Carnival del Pueblo	Once a year
Friday BBQ		Jason Brown	Summer monthly



Major Events

Elefest - Sat, Sept 2

- Focusing the Elephant's most successful cultural festival in one new location - Elephant Park & Castle Square
- EP – family-friendly programming
Afternoon music stage, evening film screening, story-telling in play area
- LL financial contribution directed towards family-friendly programming
- Castle Square – DJ, markets, food
- Plus late night events at Corsica Studios & Hotel Elephant



Major Events

Free Fitness

- By Our Parks, BT Sport 2017 Community Award Winner
- 6 classes each weekweek
 - Sat a.m. – 2 x family-friendly
 - Sun a.m. – 1 x 3 to 7-year-olds (dress up as Super Heroes), 1 x 8 to 12-year-olds
- 2 x weekday classes for older people
- Work with local trainers
- Utilises booking app; excellent data capture
- After first year £4.99/month for two classes a week or unlimited for £49/year



Major Events

Walworth Society Festival

- Sat Sept 23
- Final of four history events celebrating local area
- Delivered by local events expert, John Whelan
- Somewhat of a coup for the event to be held 'so far north'



Major Events

London Design Festival - LCC

- Design research project about park design, resulting in an outdoor art installation during London Design Festival
- To be coordinated with LSE 'Achieving Publicness' research

Winter Lights & Sound Installation - LCC

- Activation for the Park over the darker months
- LCC sound department to create a site specific work



Major Events

Guy Fawkes Night

- Highly successful community drawcard
- Fireworks set to music; by the company behind NYE fireworks on the Thames & Olympic Games closing ceremony
- Includes street food and potential for candles or lighting installation on the ground
- Excellent winter activation opportunity for the Park



MEMO: Environmental Protection Team

To	Regen.licensing;	Date	05/12/17	
Copies	[REDACTED]			
From	Ken Andrews	Telephone	020 7525 54258	Fax 020 7525 5728
Email	ken.andrews@southwark.gov.uk			

Subject **Elephant Park, Elephant Road SE17 1UB New Premises Licence application-CMU 866312**

Environment Protection Responsible Authority (EPRA), has considered a New Premises licence application for the above address and would like to make representation, under the prevention of public nuisance licensing objectives.

The premises is a park area in close proximity to residential premises. There is currently no physical structure for the proposed events. The type of events likely to take place in that area are community festivals; film screenings; stalls; community fetes; fireworks displays; sporting activities/displays; product launches; art displays; cooking/food/catering; gardening/sports demonstrations; small scale fairs; outdoor theatre; exhibitions; garden (and similar) shows; charity events and auctions; live and recorded music (family-friendly); performance of dance (family-friendly); sports

The timings for live music is 0900-22:30 Mon-Sun and up to 23:30 for films.

This department has received complaints from noise emitted from venue in that area and EPRA is concern that live and amplified music and films undertaken in open air or under a tent can cause a statutory or public nuisance to nearby residences.

The applicant has not provided any assessment report in support of their application for the prevention of public nuisance. EPRA noted that the applicant shall undertake risk assessment to assess the need for a noise impact assessment. They also proposed a Noise management Action plan. However EPRA is of the opinion that irrespective of noise impact assessment any live and amplified music being played in that area will be uncontrollable and likely to cause a public nuisance

Taking the above into consideration, EPRA believes that by permitting the use of the premises for live amplified music and sound. EPRA therefore recommends that the committee/Licensing restrict the proposed uses for this new premises licence. If the committee is minded to grant such permission EPRA recommends that the condition for live and amplified music should not be permitted

Kind regards

Ken

SANDY BROWN*Consultants in Acoustics, Noise & Vibration***APPENDIX C****18040-R02-A****14 March 2018**

Elephant Park: event licensing

Noise assessment report

55 Charterhouse Street, London EC1M 6HA
68 Sackville Street, Manchester M1 3NJ
2 Walker Street, Edinburgh EH3 7LA
87 Caroline Street, Birmingham B3 1UP

T: +44 (0)20 7549 3500
T: +44 (0)161 771 2020
T: +44 (0)131 235 2020
T: +44 (0)121 227 5020

post@sandybrown.com
www.sandybrown.com

Sandy Brown Associates LLP

Registered in England & Wales

No. OC 307504

Registered Office: 55 Charterhouse Street, London EC1M 6HA

SANDY BROWN

Consultants in Acoustics, Noise & Vibration

Version	Date	Comments	Author	Reviewer
A	14 Mar 18		Jonathan Riley	Jason Swan and Alex Fryer

SANDY BROWN

Consultants in Acoustics, Noise & Vibration

Summary

Sandy Brown has been commissioned by Elephant Park Estate Management Ltd to provide acoustic advice in relation to an events license at Elephant Park, London SE17.

Continuous environmental noise measurements have been undertaken at the site as part of the ongoing construction noise monitoring at the site. The data from these have been used as the basis of this assessment.

The report sets out the noise levels measured at the site, a discussion of the relevant noise criteria pertaining to external events, and a summary of the allowable noise levels for the events at the site. Three different phases have been assessed, in line with the phased activation of the Heygate Regeneration scheme and thus nearest residential developments.

The assessment aims to achieve the limits in the Institute of Acoustics' *Good Practice Guide on the Control of Noise from Pubs and Clubs*. Limits are set such that they can be measured at a point 5 m from the centre line of the stage.

During Phase 1 of the development (nearest residences Elephant One and MP2 H2), the maximum allowable noise level due to the entertainment is $L_{Aeq,15min}$ 75 dB, as assessed 5 m in front of the stage.

During Phase 2 of the development (nearest residences MP2 H2 and MP3 H4), the maximum allowable noise level due to the entertainment is $L_{Aeq,15min}$ 70 dB, as assessed 5 m in front of the stage.

During Phase 3 of the development (nearest residences H1 and MP3 H4), the maximum allowable noise level due to the entertainment is $L_{Aeq,15min}$ 63 dB, as assessed 5 m in front of the stage.

This is based on there being no more than 12 noisy events in a year.

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1	Introduction	5
2	Site description	5
3	Noise measurement surveys.....	7
4	Unattended noise monitoring results.....	8
5	Assessment criteria	9
6	Assessment	10
7	Conclusion.....	20

1 Introduction

Sandy Brown has been commissioned by Elephant Park Estate Management Ltd to provide acoustic advice in relation to an events license at Elephant Park, London SE17.

Continuous environmental noise measurements have been undertaken at the site as part of the ongoing construction noise monitoring at the site. The data from these has been used as the basis of this assessment.

The report sets out the results of the monitoring at the site, a discussion of the relevant noise criteria pertaining to external events, and a summary of the allowable noise levels at the site during various phases of the development.

2 Site description

The site location in relation to its surroundings is shown in Figure 1. Elephant Park is outlined in blue. Owing to the construction work taking place of the rest of the site (red boundary), only the western portion of the park highlighted in red is currently active.

The site is located to the southeast of the central area of Elephant and Castle, within the administrative boundary of Southwark Council (SC). The A201 (New Kent Road) runs to the north of the site. The National Rail railway line runs north/south to the west of the site.

The nearest existing residences to the site are Elephant One (to the northwest), Strata (to the west) and Block H2 of the Heygate Regeneration (to the south). Block H2 is currently under construction and will be occupied in the coming months. These are highlighted in yellow in Figure 1.

Block H4 of the Heygate Regeneration will be located directly to the north of the park and is highlighted in green in Figure 1. This will be occupied from 2020.

Block H1 will be to the immediate south of the park and will be occupied from 2022. This is indicated in blue in Figure 1.

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Figure 1 The site location in relation to its surroundings (courtesy of Google Earth Pro)

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3 Noise measurement surveys

Continuous unattended noise logging was undertaken by Lendlease simultaneously at four different locations at the site as part of the ongoing construction noise monitoring regime. The four unattended noise monitoring positions are indicated in Figure 1 by the letters A-D. The time-period extracted for analysis in this report is the daytime levels (07:00-23:00) from 1 July 2016 to 31 July 2016.

Whilst this period is over 1 and a half years ago, it is not thought that the noise environment at the site has changed drastically in the intervening period, as the main background noise sources, the surrounding roads, have not changed. Therefore, this noise data is still considered to be valid.

In all cases, the microphone was positioned at least 3.0 m above the ground and at least 3 m from any other reflective surface. For location A, shown in the Figure 2, the noise is dominated by traffic on New Kent Road, and not significantly affected by construction noise. For location B, shown in Figure 3, the noise is dominated by traffic on Heygate Street and Rodney Road.



Figure 2 Monitoring location A on south side of New Kent Road

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Figure 3 Monitoring location B on north side of junction between Heygate Street and Rodney Road

4 Unattended noise monitoring results

4.1 Lend Lease noise monitoring

The results of the unattended noise monitoring performed on behalf of Lend Lease at positions A to D are summarised in Table 1.

In order to assess a representative scenario, the average measured $L_{A90,15min}$ over the measurement period has been taken.

Table 1 Average background noise levels measured during the survey – 1-30 July 2016

Location (see Figure 1)	Description	Daytime (07:00-23:00)
		$L_{A90,15min}$ (dB)
A	A201 (New Kent Road)	58
B	School Heygate	52
C	Wansey Street	40
D	Walworth Road	55

5 Assessment criteria

5.1 Code of practice on environmental noise control at concerts

Noise criteria for this assessment has been drawn from the *Code of Practice on Environmental Noise Control at Concerts* issued in 1995 by the Noise Council. This sets out proposed criteria for entertainment noise.

Criteria vary according to the number of events and their location, as set out in Table 1 of the document. The relevant criteria are repeated in Table 2.

Table 2 Noise level guidelines, Table 1 of *Code of practice on environmental noise control at concerts* (1995)

Event days per calendar year	Guideline
1-3	The music noise level should not exceed L_{Aeq} 65 dB over a 15-minute period.
4-12	The music noise level should not exceed the background noise level by more than 15 dB over a 15-minute period.

5.2 Basis of assessment

The proposed schedule of events in the park for 2018 indicates 4 potentially noisy events over the year, consisting of parades, small scale music festivals and fireworks displays. This means the guidelines in the bottom row of Table 2 apply for the site.

Other, small events also occur throughout the year, including screenings of films and sports events, children's talent shows, and book readings. However, owing to the small scale of these types of event, they have not been specifically considered as part of this assessment.

The 2018 schedule of events has been taken as a typical scenario which can be assessed for all future years. If there are fewer events in following years, there may be scope to relax the criteria.

It should be noted that it may be difficult to establish compliance with the criteria at the noise sensitive premises, as the limiting noise level refers to the level of the entertainment noise only, ie in the absence of background noise. However, establishing a measurement location at 5 m from the stage front will help make this easier.

6 Assessment

6.1 Assessment approach

A phased approach to the assessment has been undertaken to reflect the phased activation of the residential buildings surrounding the park, with noise levels assessed to the nearest residential building at each phase of the development. Each phase is detailed below. In each case, the background noise levels were established (ie, without event noise), as well as the maximum allowable noise level from the events.

- 2018-2019
 - Nearest residential developments to the site are Elephant One, Strata and Block H2 of the Heygate Regeneration scheme
- 2020-2021
 - As above, plus Block H4 of the Heygate Regeneration scheme
- 2022 onwards
 - As above, plus Block H1 of the Heygate Regeneration scheme.

3D modelling software CadnaA has been used to assess the maximum allowable noise level to be generated by events in the park. This noise level has been defined in terms of a measurement position 5 m directly in front of the stage.

The stage has been modelled as a raised platform, with a loudspeaker to both sides. A photograph of the stage is shown in Figure 4.



Figure 4 Stage at Elephant Park

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6.2 Assessment results

6.2.1 Phase 1 – background

The L_{A90} background noise levels experienced at the facades of the nearest residential buildings overlooking the park during Phase 1 are indicated in Figure 5.

To comply with the criteria, the $L_{Aeq,15min}$ due to event noise should not exceed these levels by more than 15 dB.

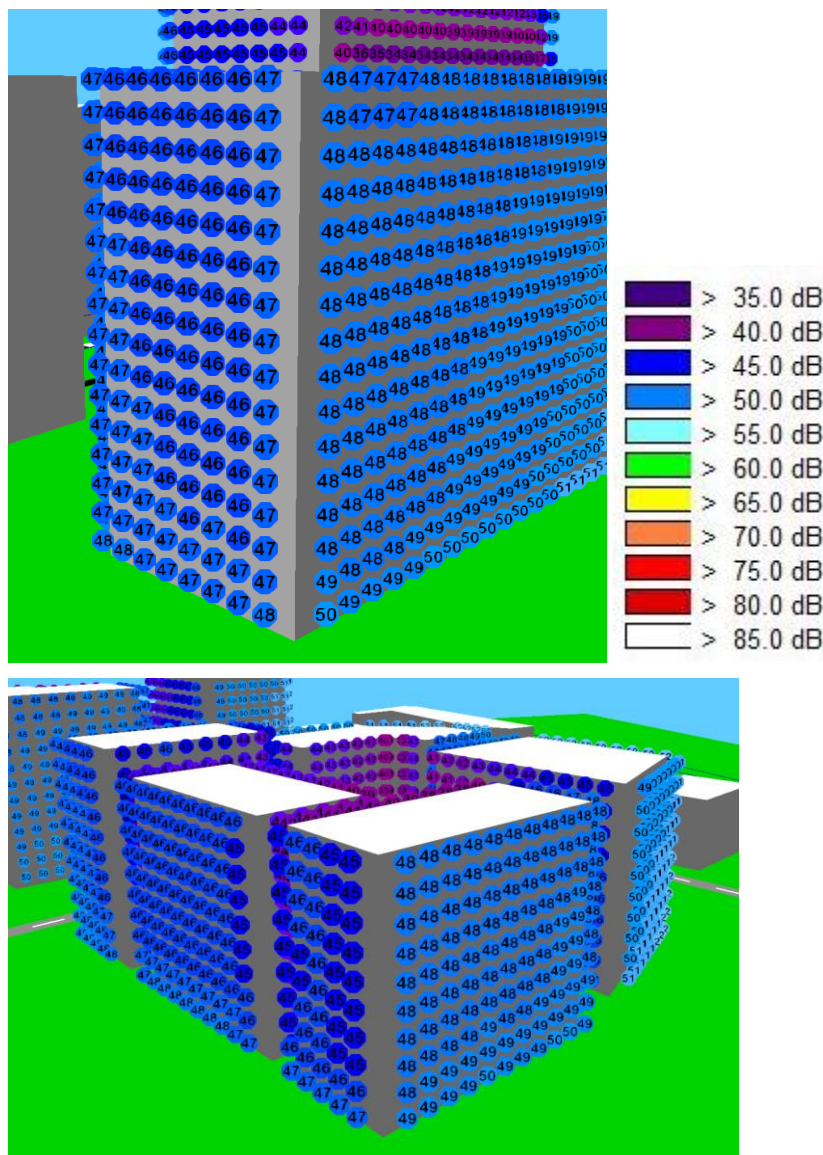


Figure 5 Predicted noise levels at facades facing the park during Phase 1 with no entertainment noise, Elephant One (top) and H2 (bottom)

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6.2.2 Phase 1 – event noise

During Phase 1, a maximum noise level from the event of $L_{Aeq,15min}$ 75 dB at 5 m in front of the stage is allowed while achieving the criteria.

Figure 6 shows the noise levels in the park due only to the entertainment. Figure 7 shows the levels experienced at the facades of the residential building overlooking the park.

It can be seen from Figure 6 that the facade noise level at H2 and Elephant Park at the nearest and worst affected apartment is not more than 15 dB higher than the background scenario without entertainment noise.

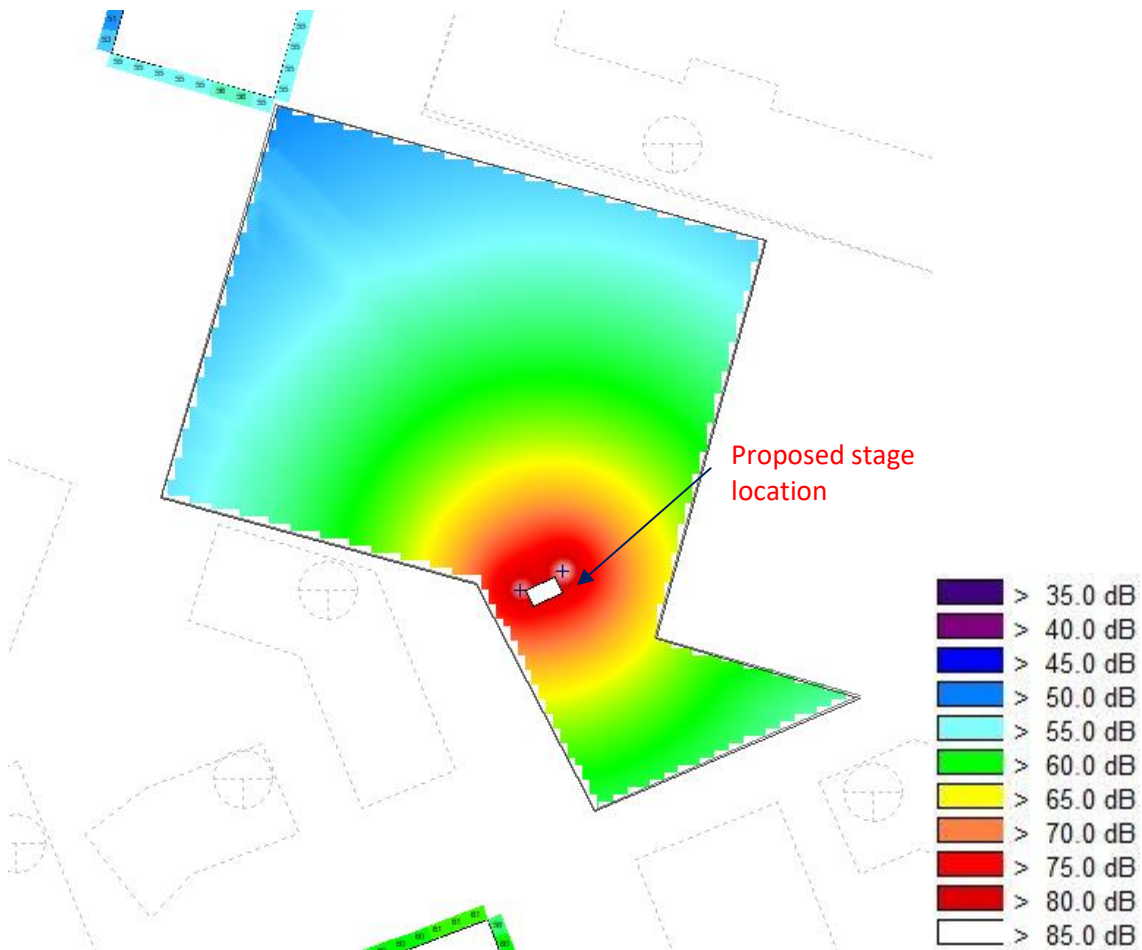


Figure 6 Noise levels across the park due to event noise during Phase 1 (L_{Aeq})

SANDY BROWN

Consultants in Acoustics, Noise & Vibration

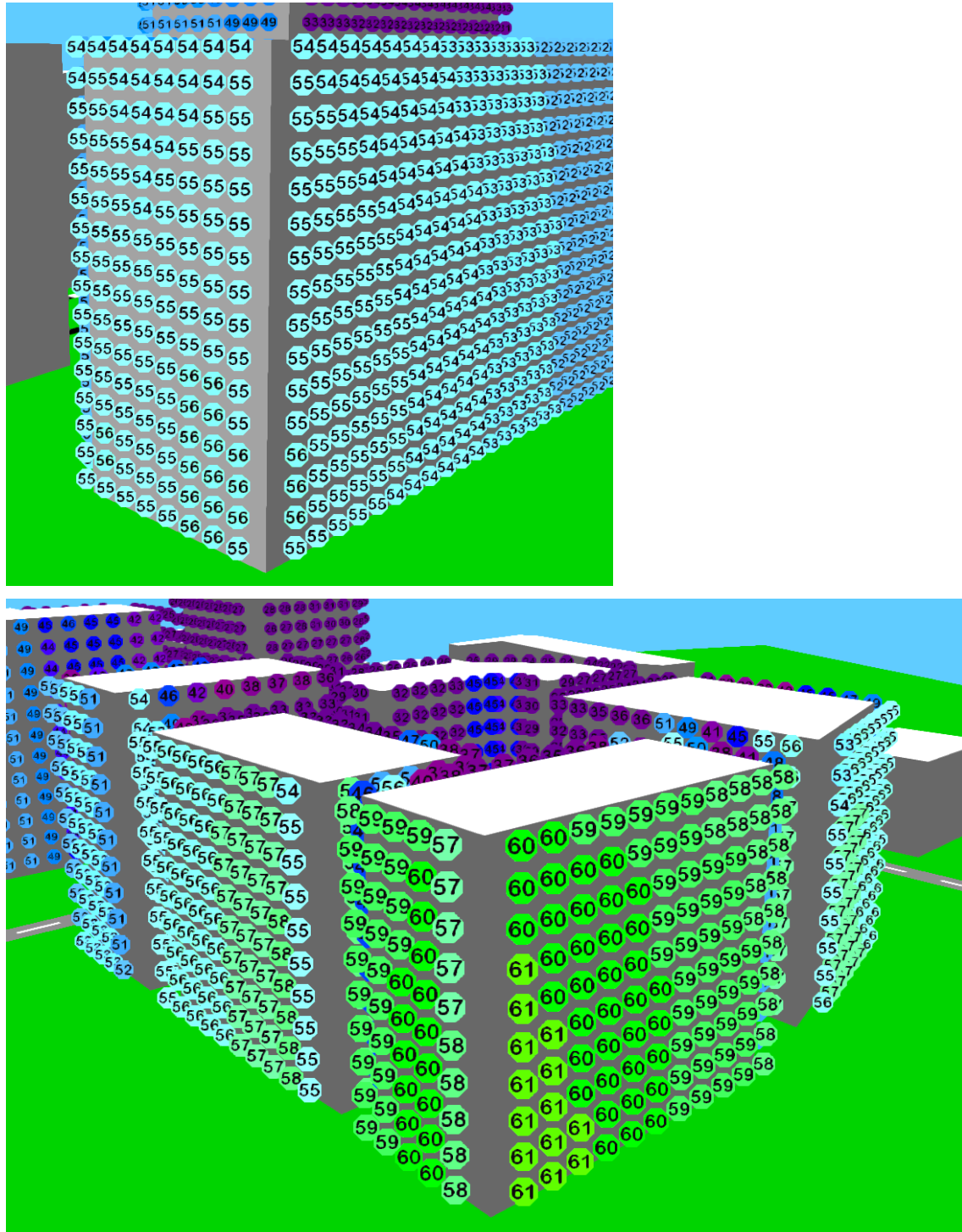


Figure 7 Predicted noise levels at facades facing the park during Phase 1 due to entertainment noise, Elephant One (top) and H2 (bottom)

SANDY BROWN

Consultants in Acoustics, Noise & Vibration

6.2.3 Phase 2 – background

The L_{A90} background noise levels experienced at the facades of the nearest residential buildings overlooking the park during Phase 2 are indicated in Figure 8.

To comply with the criteria, the $L_{Aeq,15min}$ due to event noise should not exceed these levels by more than 15 dB.

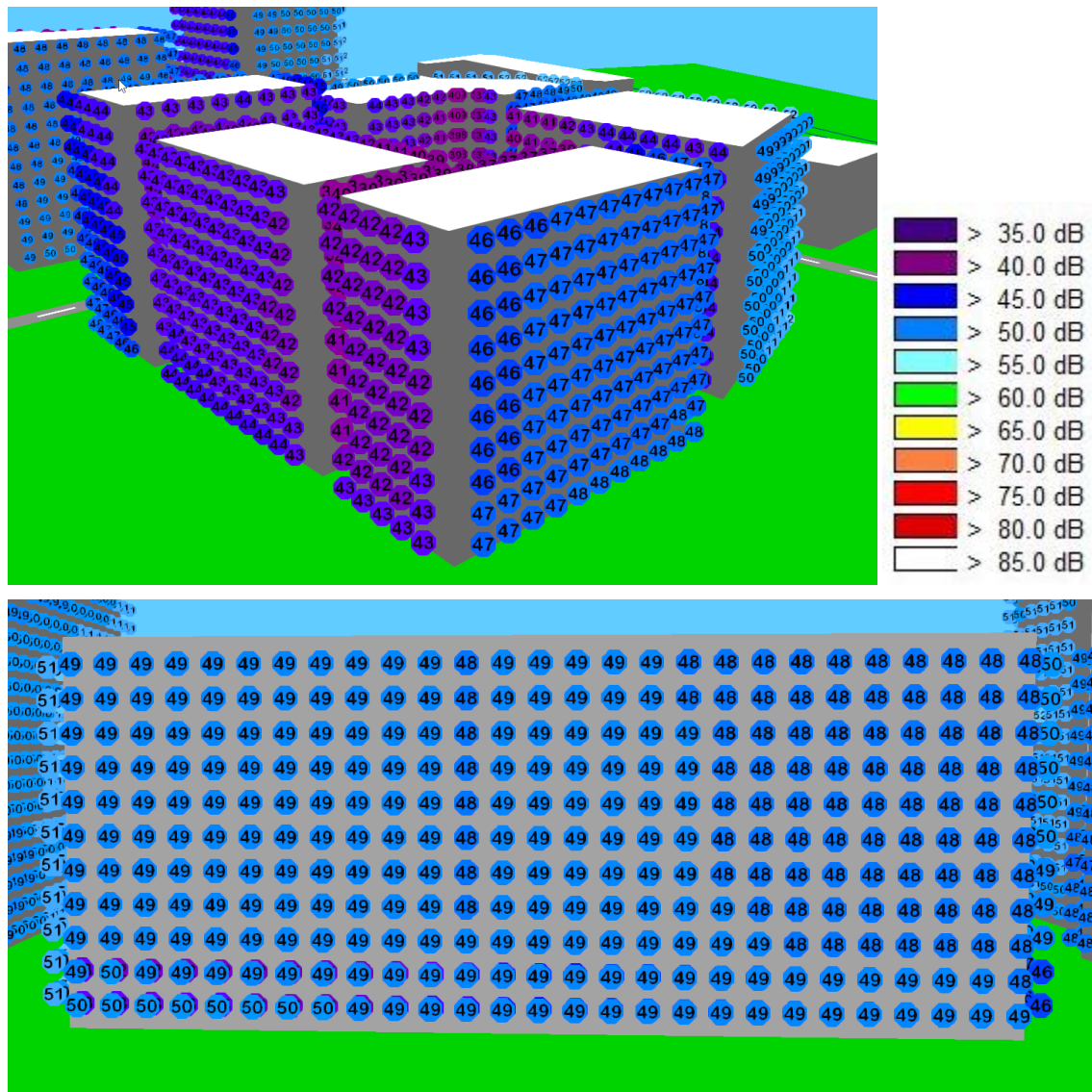


Figure 8 Predicted noise levels at facades facing the park with no entertainment noise, H2 (top) and H4 (bottom)

SANDY BROWN

Consultants in Acoustics, Noise & Vibration

6.2.4 Phase 2 – event noise

During Phase 2, a maximum noise level from the event of $L_{Aeq,15min}$ 70 dB at 5 m in front of the stage is allowed while achieving the criteria.

Figure 9 shows the noise levels in the park due only to the entertainment. Figure 10 shows the levels experienced at the facades of the residential building overlooking the park.

It can be seen from Figure 10 that the facade noise level at H2 and H4 at the nearest and worst affected apartment is not more than 15 dB higher than the background scenario without entertainment noise.

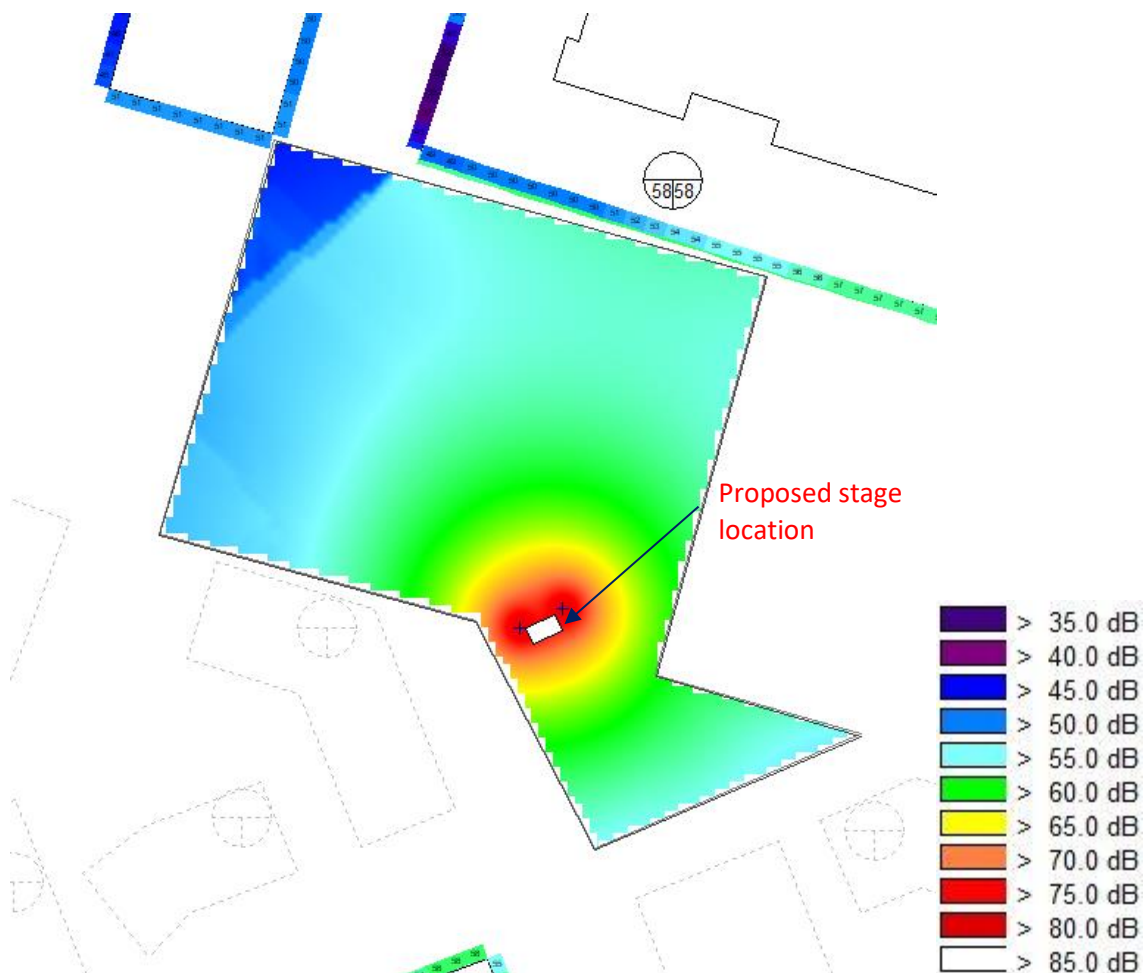


Figure 9 Noise levels across the park due to event noise during Phase 2 (L_{Aeq})

SANDY BROWN

Consultants in Acoustics, Noise & Vibration

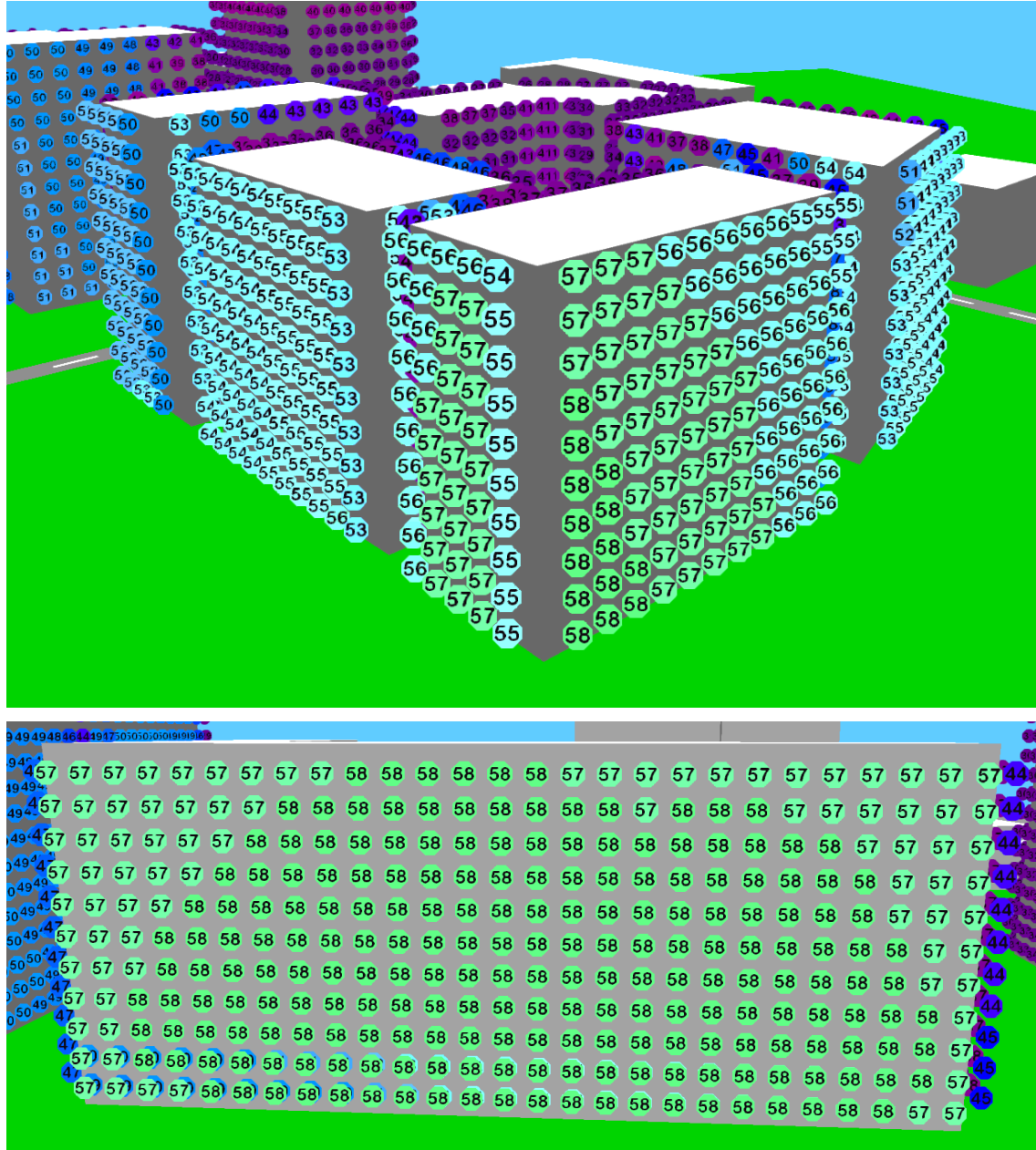


Figure 10 Predicted noise levels at facades facing the park during Phase 2 due to entertainment noise, H2 (top) and H4 (bottom)

SANDY BROWN

Consultants in Acoustics, Noise & Vibration

6.2.5 Phase 3 – background

The L_{A90} background noise levels experienced at the facades of the nearest residential buildings overlooking the park during Phase 3 are indicated in Figure 11.

To comply with the criteria, the $L_{Aeq,15min}$ due to event noise should not exceed these levels by more than 15 dB.

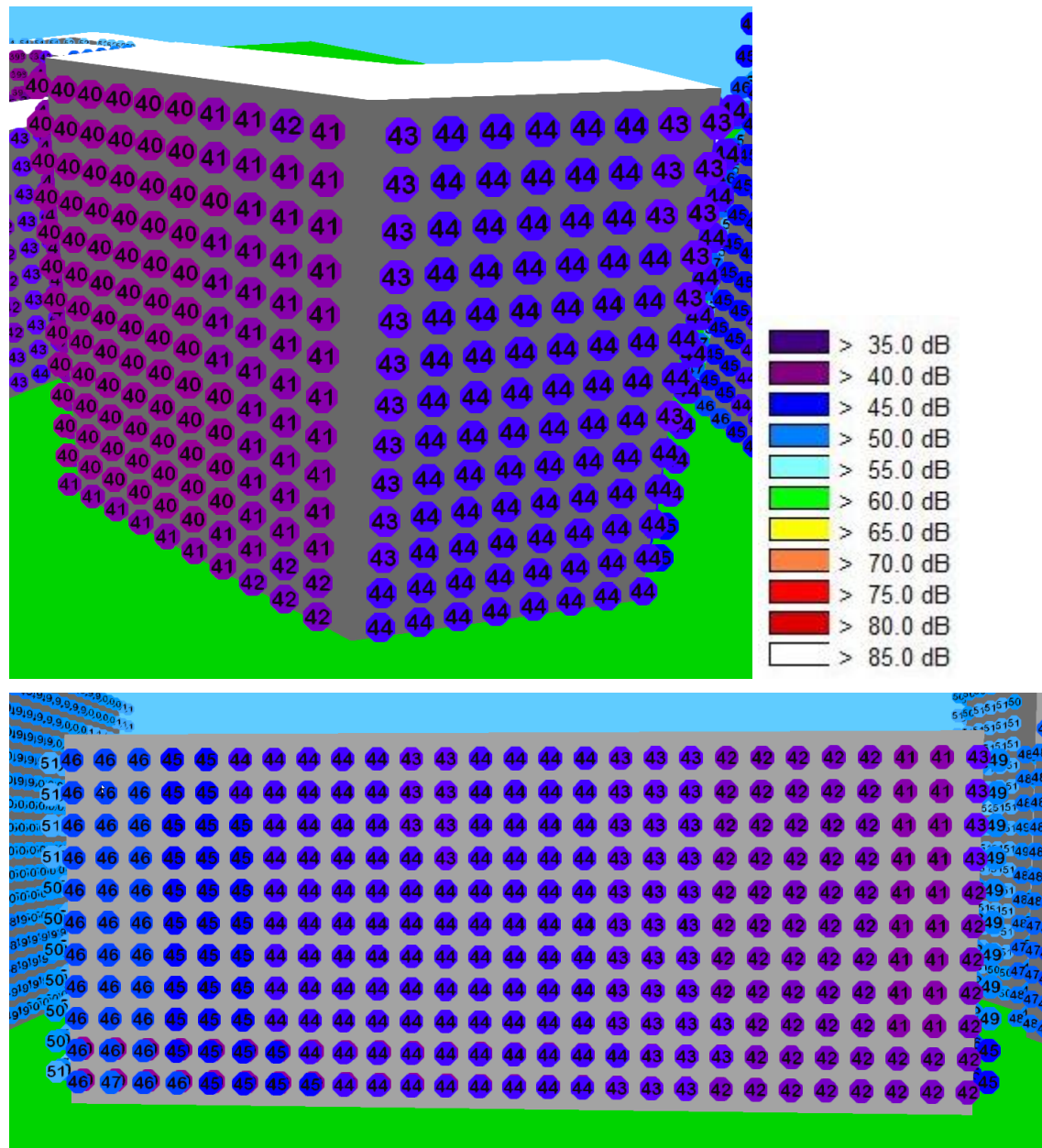


Figure 11 Predicted noise levels at facades facing the park with no entertainment noise, H1 (top) and H4 (bottom)

SANDY BROWN

Consultants in Acoustics, Noise & Vibration

6.2.6 Phase 3 – event noise

During Phase 3, a maximum noise level from the event of $L_{Aeq,15min}$ 63 dB at 5 m in front of the stage is allowed while achieving the criteria.

Figure 12 shows the noise levels in the park due only to the entertainment. Figure 13 shows the levels experienced at the facades of the residential building overlooking the park.

It can be seen from Figure 13 that the facade noise level at H1 and H4 at the nearest and worst affected apartment is not more than 15 dB higher than the background scenario without entertainment noise.

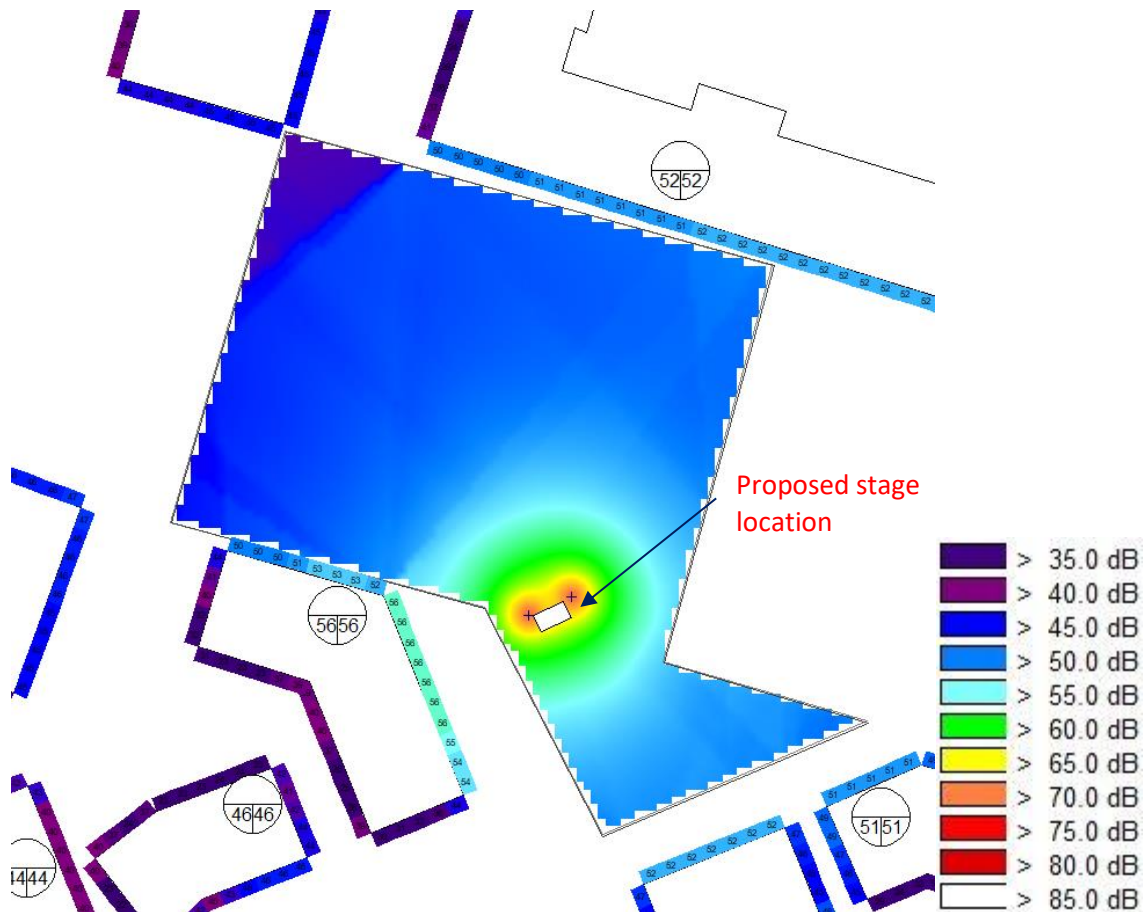


Figure 12 Noise levels across the park due to event noise during Phase 3 (L_{Aeq})

SANDY BROWN

Consultants in Acoustics, Noise & Vibration

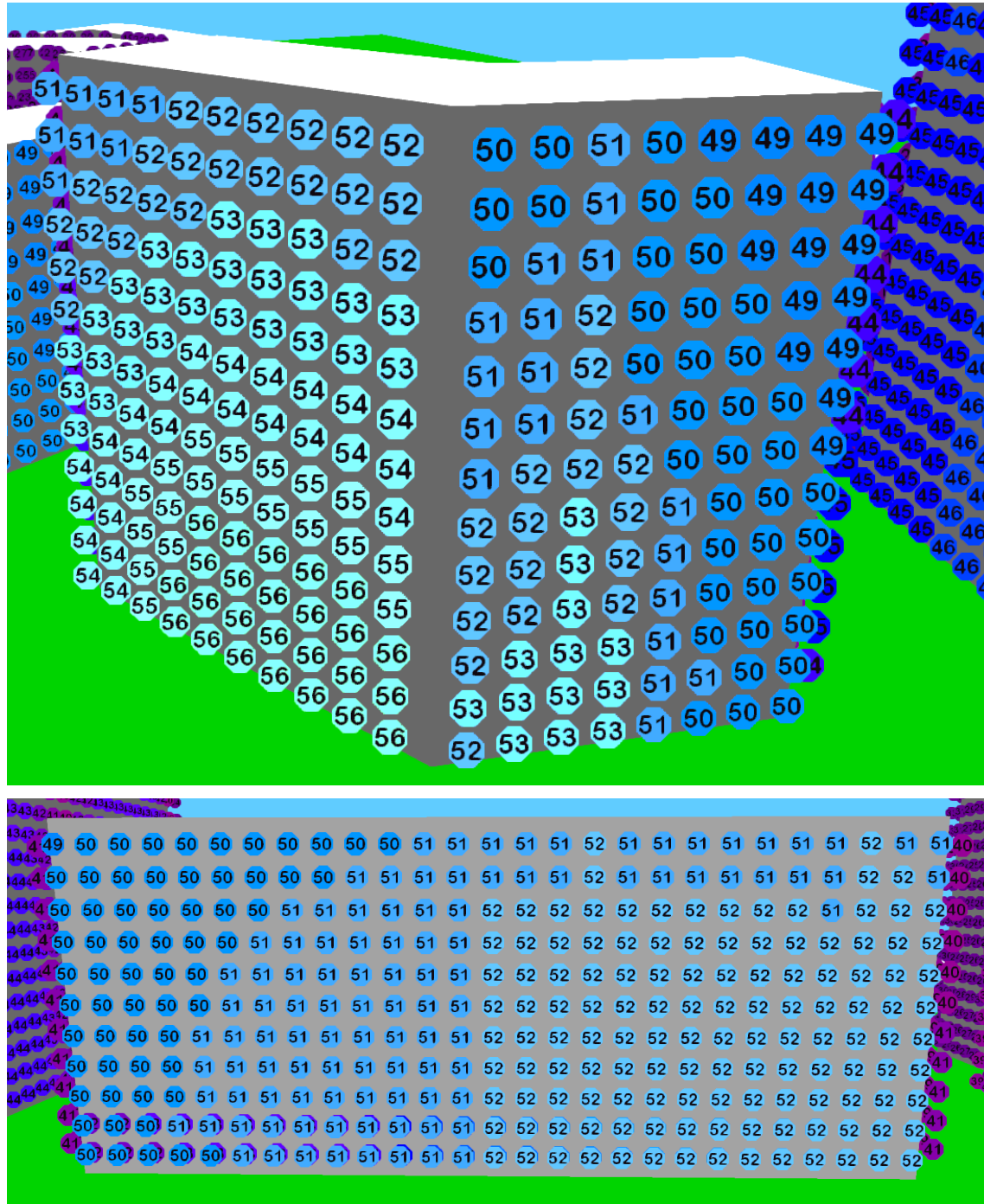


Figure 13 Predicted noise levels at facades facing the park during Phase 3 due to entertainment noise, H1 (top) and H4 (bottom)

7 Conclusion

A noise assessment has been undertaken in support of license application for music events in Elephant Park. Criteria have been drawn from the Institute of Acoustics' *Good Practice Guide on the Control of Noise from Pubs and Clubs*. The assessment is based on background noise levels measured around the site as part of the ongoing construction monitoring at the site. The assessment is based on background noise levels measured at 4 locations around the site as part of the ongoing construction monitoring at the site.

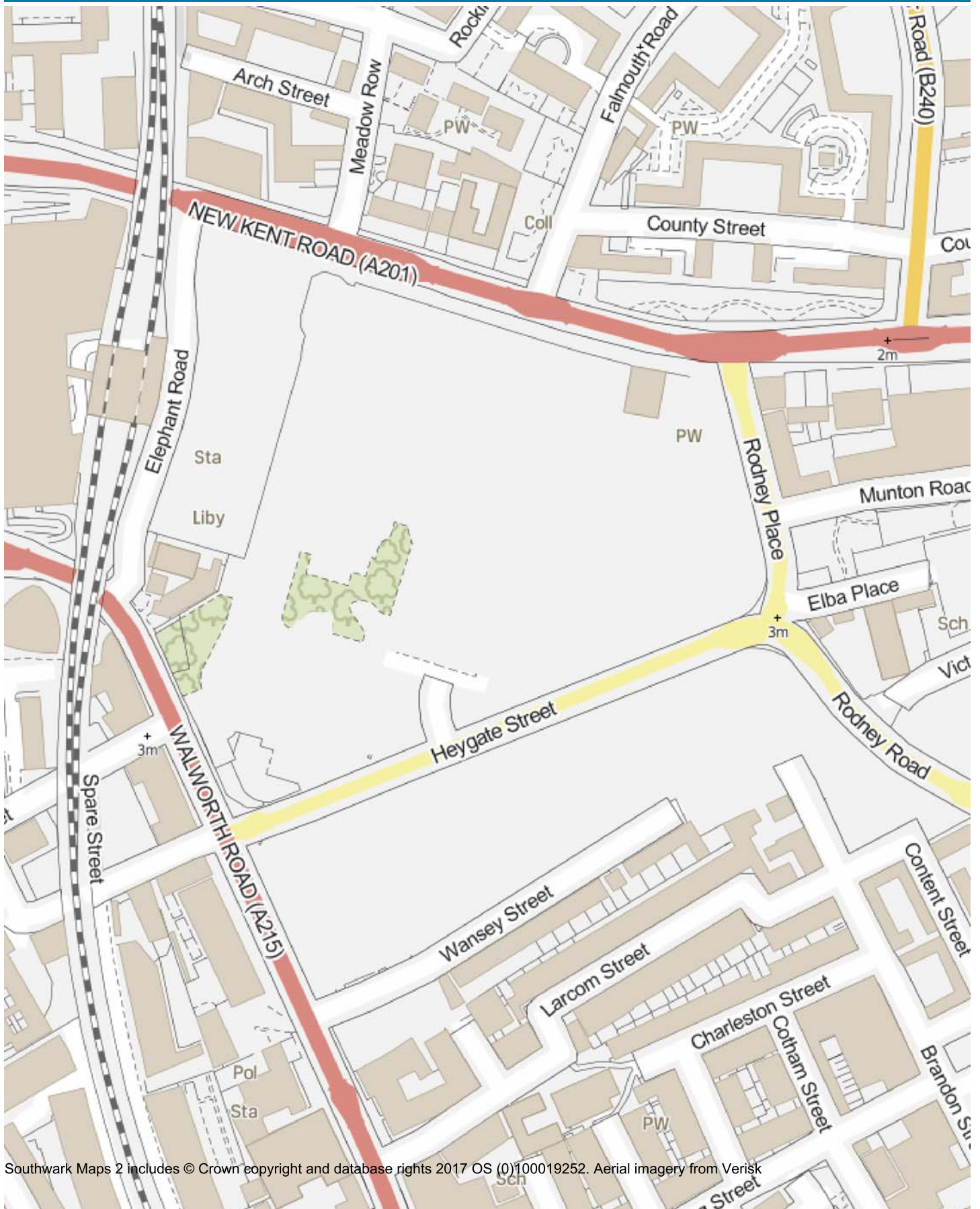
Three different phases have been assessed, in line with the phased activation of the Heygate Regeneration scheme and thus nearest residential developments.

During Phase 1 of the development (nearest residences Elephant One and H2), the maximum allowable noise level due to the entertainment is $L_{Aeq,15min}$ 75 dB, as assessed 5 m in front of the stage.

During Phase 2 of the development (nearest residences H2 and H4), the maximum allowable noise level due to the entertainment is $L_{Aeq,15min}$ 70 dB, as assessed 5 m in front of the stage.

During Phase 3 of the development (nearest residences H1 and H4), the maximum allowable noise level due to the entertainment is $L_{Aeq,15min}$ 63 dB, as assessed 5 m in front of the stage.

This is based on there being no more than 12 noisy events in a year, which reflects the 2018 events schedule. If there are fewer events in future years there may be scope to adopt a higher noise level criteria than presented in this assessment.



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50 m

18-Dec-2017

Scale = 1 : 2646.000

Item No. 6.	Classification: Open	Date: 27 March 2018	Meeting Name: Licensing sub-committee
Report title:		Licensing Act 2003: Dulwich Picture Gallery, Gallery Road, London SE21 7BG	
Ward(s) or groups affected:		Village	
From:		Strategic Director of Environment and Social Regeneration	

RECOMMENDATION

1. That the licensing sub-committee decide whether or not to issue counter notices in respect of temporary event notice (TEN) 861824 served by Mr. David Anthony Michael, in regards to an event to be held in the Gallery main gardens at Dulwich Picture Gallery, Gallery Road, London SE21 7BG on 15 September 2018 from 15:00 to 00:00 (midnight)

BACKGROUND INFORMATION

The Licensing Act 2003

2. On 24 November 2005 the Licensing Act 2003 came into effect establishing a licensing regime for the following licensable activities:
 - a) The retail sale of alcohol
 - b) The supply of alcohol to club members or on behalf of a club
 - c) The provision of regulated entertainment
 - d) The provision of late night refreshments.
3. The Act established a process for the giving of "temporary event notices" (TENs).
4. Amendments to the Licensing Act 2003 were brought about by way of the Police Reform and Social Responsibility Act 2011 as of 25 April 2012.
5. A premises user may serve a TEN, where it is proposed to use the premises concerned to provide one or more licensable activities for a period not exceeding 168 hours for less than 500 persons.
6. A person holding a personal license issued under the Act may serve up to 50 TENs in a calendar year. Non personal licence holders may serve up to five TENs in the same period. No premises may be used for more than 12 TENs in a calendar year or for more than 21 days in a calendar year.
7. No premises may be used for temporary events that are less than 24 hours apart.
8. The police or environmental health authority may intervene to prevent such an event taking place or agree a modification of the proposed arrangements, and their

intervention may in some cases result in the licensing authority imposing conditions on a TEN.

9. If the police or environmental health team believe that allowing the premises to be used in accordance with the TEN will undermine the licensing objectives, they must give the premises user and the licensing authority an objection notice. This must be given within three working days of the receipt of the TEN.
10. A TEN does not relieve the premises user from any requirements under planning law for appropriate planning permission where it is required.
11. The police or environmental health may contact the premises user to discuss their objections and attempt to come to an agreement which will allow the proposed licensable activities to proceed. The TEN can be modified. If there is no agreement, the licensing authority must hold a hearing to consider the notice.
12. If the licensing authority receives an objection notice from the police or environmental health that is not withdrawn, it must (in the case of a standard TEN only) hold a hearing to consider the objection (unless all parties agree that this is unnecessary). The licensing committee may decide to allow the licensable activities to go ahead as stated in the notice. If the notice is in connection with licensable activities at licensed premises, the licensing authority may also impose one or more of the existing licence conditions on the TEN if it considers that this is appropriate for the promotion of the licensing objectives. If the authority decides to impose conditions, it must give notice to the premises user which includes a statement of conditions, and provide a copy to each relevant party. Alternatively, it can decide that the event would undermine the licensing objectives and give a counter notice. This prohibits the event from taking place.

KEY ISSUES FOR CONSIDERATION

The temporary event notices

13. On 16 January 2018 a standard TEN was served by Mr. David Anthony Michael (the designated premises supervisor of the premises) in respect of an event intended to be held at Dulwich Picture Gallery, Gallery Road, London SE21 7BG. A copy of the application for the TEN is attached to this report as Appendix A.
14. The TEN is summarised as follows:
 - To allow the sale of alcohol and the provision of regulated entertainment between 15:00 and 00:00 (midnight) on 15 September 2018. The maximum number of people expected at any one time at the premises is 220. The activities are to take place on the premises only, specifically in a marquee within the grounds.

The objection notices

15. On 12 January 2018 the environmental health responsible authority served an objection notice in respect of the TEN.

16. The objection notice states that a similar TEN has been granted previously for a marquee in the grounds. Complaints were received regarding amplified music at the event.
17. The objector believes that the venue is not suitable for amplified music beyond 22:00.
18. A copy of the objection notice is attached to this report in Appendix B. There have been a number of communications since between the applicant and the objector and these are available (in reverse chronological order) as part of Appendix B.

TENs history

19. The premises has received many TENs in the past. Below is a list of TENs held by the premises in the last 12 months listed in the order in which they were applied.

No.	Premises user	Time and Date of event	Licensable activities
1	David Anthony Michel	From 29/07/2017 to 29/07/2017 12:00 - 17:00	<ul style="list-style-type: none"> • Sale by retail of alcohol to be consumed on the premises • Provision of Regulated Entertainment
2	David Anthony Michel	From 09/07/2017 to 09/07/2017 15.00-18.30	<ul style="list-style-type: none"> • Sale by retail of alcohol to be consumed on the premises • Provision of Regulated Entertainment
3	Sally Muckley	From 13/06/2017 to 13/06/2017 18:00 - 23:00	<ul style="list-style-type: none"> • Sale by retail of alcohol to be consumed on the premises • Provision of Regulated Entertainment
4	David Anthony Michel	From 11/06/2017 to 11/06/2017 12:00 - 17:00	<ul style="list-style-type: none"> • Sale by retail of alcohol to be consumed on the premises • Provision of Regulated Entertainment
5	David Anthony Michel	From 19/08/2017 to 19/08/2017 12.00-00.00	<ul style="list-style-type: none"> • Sale by retail of alcohol to be consumed on the premises • Provision of Regulated Entertainment
6	Mark Stephen Hone	From 10/06/2017 to 10/06/2017 15:00 - 00:00	<ul style="list-style-type: none"> • Sale by retail of alcohol to be consumed on the premises • Provision of Regulated Entertainment
7	Sophie Schneider	From 15/07/2017 to 15/07/2017 12:00 - 23:00	<ul style="list-style-type: none"> • Sale by retail of alcohol to be consumed on the premises • Provision of Regulated Entertainment
8	Sophie Schneider	From 07/07/2017 to 07/07/2017 17:00 - 00:00	<ul style="list-style-type: none"> • Sale by retail of alcohol to be consumed on the premises • Provision of Regulated Entertainment

No.	Premises user	Time and Date of event	Licensable activities
9	Sophie Schneider	From 24/06/2017 to 24/06/2017 15:00 - 00:00	<ul style="list-style-type: none"> • Sale by retail of alcohol to be consumed on the premises • Provision of Regulated Entertainment
10	Sophie Schneider	From 27/05/2017 to 27/05/2017 15:00 - 00:00	<ul style="list-style-type: none"> • Sale by retail of alcohol to be consumed on the premises • Provision of Regulated Entertainment

20. It should also be noted that another application for a TEN (for the same hours as the current application) has been applied for and not received an objection and will therefore go ahead.

No.	Applicant	Date of event	Time of event and activities
1	David Anthony Michel on 06/02/2018	From 28/07/2018 to 28/07/2018 15:00 - 00:00	Sale by retail of alcohol to be consumed on the premises Provision of Regulated Entertainment

Premises history

21. There is a licence in place at Dulwich Picture Gallery, Gallery Road, London SE21 7BG. A copy is attached for Member's information at Appendix C. The TEN applied for here is in the grounds of the premises and therefore not covered by the existing licence.
22. The premises has had a history of time-limited premises licences in place for a temporary pavilion structure in the grounds for which a series of music events are held on a bi-annual basis throughout the summer months.
23. The licensing authority has received the following complaints regarding the premises in the past 12 months:

Complaint Date	Complainant	Complaint Details
18/09/2017	Local Resident: Address 1	Complaint of noise from amplified music during TENs and use of the pavilion
10/08/2017	Local Resident: Address 2	Complaint regarding the consultation for the time-limited pavilion and also noise from DJ-led events
12/07/2017	Local Resident: Address 1	Complaint of loud music
16/06/2017	Local Resident: Address 2	Complaint of amplified music until midnight resulting from a TEN on 10/06/2017
13/06/2017	Local Resident: Address 3	Complaint of amplified music until midnight resulting from a TEN on 10/06/2017
13/06/2017	Local Resident: Address 4	Complaint of amplified music until midnight resulting from a TEN on 10/06/2017
13/06/2017	Local Resident:	Complaint of amplified music until midnight

	Address 5	resulting from a TEN on 10/06/2017
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Licensing visit history

24. The following visits have been conducted by the Licensing Authority

Date	Visit	Outcome
25/01/2018	Meeting to discuss TENs and future applications	Hearing
04/11/2017	19:20 Night Time Economy Visit	Premises closed and in darkness
11/08/2017	22:40 Night Time Economy Visit	Observations of external area – no music, no noise. Some people leaving via College Road

The local area

25. A map showing the location of the premises is attached to this report as Appendix D. The premises are identified at the centre of the circle on the map.

Policy considerations

26. Section 4 of the Southwark statement of licensing policy on “administration, exercise and delegation of function” deals with the parameters under which TENs may be considered.

Consideration by the sub-committee

27. The sub-committee is asked to consider whether the issue of a counter notice is necessary for the promotion of the prevention of public nuisance and protection of public safety licensing objectives.

Community impact statement

28. Members are advised that under the Act, the matters to which consideration may be given in this instance are the crime and disorder and public nuisance objectives.
29. In considering the TENs in terms of community impact the sub-committee must restrict its considerations to this matter.

Resource implications

30. A fee of £21.00 has been paid by the applicant in respect of the TEN, this being the statutory fee payable.

Consultation

31. The Act provides for no consultations to take place other than the process outlined in this report.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Democracy

32. The sub-committee is asked to determine the notification of this temporary event under Section 105 of the Licensing Act 2003 and to consider whether or not counter notice should be issued in the circumstance. It must only issue a counter notice if they believe the event would undermine the crime prevention objective set out in the Act
33. The principles which sub-committee members must apply are set out below.

Principles for making the determination

34. The general principle is that temporary event notices must be accepted unless a relevant objection is received from the police. This is subject to the proviso that the premises user has complied with regulations and submitted the notice within a prescribed time.
35. A relevant objection is that which:
 - Is about the likely effect of the TEN on the promotion of the crime prevention of the licensing objectives
 - Is made by the metropolitan police
 - Has not been withdrawn
 - Are not, in the opinion of the relevant licensing authority, frivolous or vexatious.
36. If a relevant objection notice is received then the sub-committee must have regard to it in determining whether it is necessary for the promotion of the prevention of crime prevention and the prevention of public nuisance licensing objectives of the Licensing Act to:
 - Issue a counter notice by adding to, omit, and/or alter the conditions of the licence or
 - Reject the whole or part of the application for TEN.

Conditions

37. The sub-committee may attach conditions on the carrying on of permitted licensable activities. The sub-committee's function is to determine whether a counter notice should be issued
38. Members are also referred to the Department for Culture, Media and Sport (DCMS) guidance on conditions, specifically section 7, and Annexes D, E, F and G.

Reasons

39. The sub-committee must give reasons for its decision to issue or not to issue a counter notice.

Hearing procedures

40. 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 objection.
 - 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 submission.
 - The committee shall disregard any information given by a party which is not relevant:
 - To the particular submission before the committee
 - To the licensing objectives prevention of crime and disorder.
 - 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 the objection and notice the authority may take into account documentary or other information produced by a party in support of their objection or notice (as applicable) either before the hearing or, with the consent of all the other parties, at the hearing.
41. This matter relates to the determination of a notification for a temporary event notice under section 105 of the Licensing Act 2003. Regulation 26(1) (c) requires the sub-committee to make its determination at the conclusion of the hearing.
42. 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.
43. As a quasi-judicial body the licensing sub-committee is required to consider the temporary event notice 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 the police objection.

44. 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.
45. Under the Human Rights Act 1998, the sub committee needs to consider the balance between the rights of the applicant and those making the objection 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.
46. Where the relevant counter notice under section 105(3) is given the premises user may appeal against that decision. Where a counter notice is not given, the chief officer of police may appeal against that decision. The appeal must be made to the Magistrates' Court within a period of 21 days beginning with the day on which the applicant was notified by the licensing authority of the decision to be appealed against. No appeal may be brought later than five working days before the day on which the event begins.

Guidance

47. Members are required to have regard to the Home Office revised 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

48. 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 revised guidance Secondary Regulations Statement of Licensing Policy Various papers from the premises file.	Licensing Unit Hub 2 Third Floor 160 Tooley Street SE1 2TZ	Kirty Read (020 7525 5748)

APPENDICES

No.	Title
Appendix A	The temporary event notice application
Appendix B	The environment heath responsible authority objection
Appendix C	Copy of current premises licence – for information only
Appendix D	Map of area

AUDIT TRAIL

Lead Officer	Deborah Collins, Strategic Director of Environment and Social Regeneration		
Report Author	Andrew Heron, Principal Licensing Officer		
Version	Final		
Dated	14 March 2018		
Key Decision?	No		
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER			
Officer Title	Comments sought	Comments included	
Director of Law and Democracy	Yes	Yes	
Strategic Director of Finance and Governance	Yes	Yes	
Cabinet Member	No	No	
Date final report sent to Constitutional Team		15 March 2018	

APPENDIX A

11/01/2018

Business - Temporary events notices

Ref No. 954506

Before completing this notice please read the guidance notes at the end of the form.

You should keep a copy of the completed notice for your records. You must send at least one copy of this notice to the licensing authority and additional copies must be sent to the chief officer of police and the local authority exercising environmental health functions for the area in which the premises are situated. The licensing authority will give to you written acknowledgement of the receipt of the notice.

I, the proposed premises user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry on a temporary activity at the premises described below.

1. Your name

Title	Mr
If other, Please state	
Surname	Michel
Firstname(s)	David Anthony

2. Previous names

Title	
If other, Please state	
Surname	
Firstname(s)	

3. Your date of birth

--	--

4. Your place of birth

--	--

5. National Insurance Number

--	--

6. Your current address (We will use this address to correspond with you unless you complete the separate correspondence box below)

Address Line 1	
Address Line 2	
Town	

County	
Post code	

Note 1

A temporary event notice may only be given by an individual and not, for example, by an organisation or club or business. The individual giving the notice is the proposed "premises user". Within businesses, clubs or organisations, one individual will therefore need to be identified as the proposed premises user. If you include an e-mail address in section 1(7) or 1(9), the licensing authority may send to this the acknowledgement of receipt of your notice or any notice or counter notice it is required to give under sections 104A, 106A or 107 of the Licensing Act 2003.

7. Other contact details

	Telephone numbers:
Daytime	
Evening (optional)	
Mobile (optional)	
Fax number (optional)	
E-Mail Address	events@dulwichpicturegallery.org.uk

8. Alternative address for correspondence (If you complete the details below, we will use this address to correspond with you)

Address Line 1	Dulwich Picture gallery
Address Line 2	Gallery Road
Town	London
County	Greater London
Post code	SE21 7AD

9. Alternative contact details (if applicable)

	Telephone numbers:
Daytime	
Evening (optional)	
Mobile (optional)	
Fax number (optional)	
E-Mail Address	

Please do not apply to us if your premises are not in Southwark. See link find local council

Please give the address of the premises where you intend to carry on the licensable activities or if it has no address give a detailed description (including the Ordnance Survey references) (Please read note 2)

Address Line 1	DULWICH PICTURE GALLERY GALLERY ROAD
----------------	--------------------------------------

Address Line 2	
Town	LONDON
County	
Post code	SE21 7AD

Ordnance Survey grid reference

--	--

If there is no recognised Post code, please enter the address for the premises

Address Line 1	Dulwich Picture gallery
Address Line 2	Gallery Road
Town	London
County	Greater London

Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)? If so, please enter the licence or certificate number below.

Premises licence number	
Club premises certificate number	

If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details below. (Please read note 3)

	Gallery Main Gardens
--	----------------------

Please describe the nature of the premises below. (Please read note 4) *

	Art Gallery with premises licence issued by Southwark Council to hold entertainment
--	---

Please describe the nature of the event below. (Please read note 5)

	<p>Wedding Reception - Marquee in main gardens to the side of the Gallery for the full event, including pre-dinner drinks, wedding breakfast and post dinner dancing. Live & Recorded Music - a wedding band tbc Alcohol Served & sold by retail of alcohol Marquee set up on the Friday 14th September and pack down on Monday 17th September 2018. Event from 15:00 till Midnight on the 15th September 2018 with guests departed by 01:00am.</p>
--	---

If the event is situated in a park or in part of a larger premises, please upload the site location plans. Other documents such as risk assessments can also be uploaded here

Document 1	
Document 2	
Document 3	
Document 4	
Document 5	

Note 2

For the purposes of the Licensing Act 2003, “premises” means any place. Premises will therefore not always be a building with a formal address and postcode. Premises can include, for example, public parks, recreation grounds and private land.

If a premises licence or club premises certificate has effect in relation to the premises (or any part of the premises) which you want to use to carry on licensable activities, it is possible that any conditions which apply to the licence or certificate may be imposed on the temporary event notice if certain pre-conditions are met. These pre-conditions are that the police or the local authority exercising environmental health functions object to the notice and the licensing authority decides:

- not to give a counter notice under section 105 of the Licensing Act 2003;
- the conditions apply to the licence or certificate; and
- the imposition of the conditions on the notice would not be inconsistent with the carrying on of the licensable activities under the notice.

Note 3

A temporary event notice can be given for part of a building, such as a single room or a plot within a larger area of land. You should provide a clear description of the area in which you propose to carry on licensable activities. This is important as any licensable activities conducted outside the area of the premises protected by the authority of this temporary event notice would be unlawful and could lead to prosecution. In addition, when holding the proposed event, the premises user would need to be able to restrict the number of people on the premises at any one time when licensable activities are taking place to less than 500.

If more than 499 are on the premises when licensable activities are being carried on, the licensable activities would be unlawful and the premises user would be liable to prosecution. The maximum figure of 499 includes, for example, staff, organisers, stewards and performers.

Note 4

A description of the nature of the premises assists the chief officer of police and local authority exercising environmental health functions in deciding if any issues relating to the licensing objectives are likely to arise. You should state clearly that the premises to be used are, for example, a public house, a restaurant, an open field, a village hall or a beer tent.

Note 5

A description of the nature of the event similarly assists the chief officer of police and local authority exercising environmental health functions in making a decision as to whether or not to make an objection. You should state clearly that the event taking place at the premises would be, for example, a wedding with a pay bar, the supply of beer at a particular farmers’ market, a discotheque, the performance of a string quartet, a folk group or a rock band.

Please state the licensable activities that you intend to carry on at the premises (please check next to the licensable activities you intend to carry on). (Please read note 6)

	The sale by retail of alcohol The provision of regulated entertainment
--	---

Please state the dates on which you intend to use these premises for licensable activities. (Please read note 8)

	Saturday 15th September 2018
--	------------------------------

Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock). (Please read note 9)

	15:00 until 00:00 (Midnight)
--	------------------------------

Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers. (Please read note 10)

	220
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If the licensable activities will include the supply of alcohol, please state whether the supplies will be for consumption on or off the premises, or both (please check next to the appropriate box). (Please read note 11)

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

Note 6

The licensable activities are:

- the sale by retail of alcohol;
- the supply of alcohol by or on behalf of a club to, or to the order of, a member of a club;
- the provision of regulated entertainment; and
- the provision of late night refreshment.

Please refer to Schedules 1 and 2 to the Licensing Act 2003 for fuller details of the definitions and exemptions relating to regulated entertainment and late night refreshment.

Regulated entertainment, subject to specified conditions and exemptions, includes:

- (a) a performance of a play;
- (b) an exhibition of a film;
- (c) an indoor sporting event;
- (d) a boxing or wrestling entertainment;
- (e) a performance of live music;
- (f) any playing of recorded music;
- (g) a performance of dance;
- (h) entertainment of a similar description to that falling within (e), (f) or (g).

Regulated entertainment also includes the provision of “entertainment facilities” for:

- (a) making music;
- (b) dancing; and
- (c) entertainment of a similar description to that falling within (a) or (b).

If you are uncertain whether or not the activities that you propose are licensable, you should contact your licensing authority for further advice.

Note 7 (not including the date that the form is submitted and the date of the Event)

Late notices can be given no later than 5 working days but no earlier than 9 working days before the event in relation to which the notice is given. A late notice given later than 5 working days before the event to which it relates will be returned as void and the activities described in it will not be authorised.

The number of late notices that can be given in any one calendar year is limited to 5 for personal licence holders and 2 for non-personal licence holders. These count towards the total number of temporary event notices (i.e. 50 temporary event notices per year for personal licence holders and 5 temporary event notices for non-personal licence holders).

If there is an objection from either the police or local authority exercising environmental health functions, the event will not go ahead and a counter notice will be issued.

Note 8

The maximum period for using premises for licensable activities under the authority of a temporary event notice is 168 hours (seven days).

Note 9

You should state here the times during the event period, for example 48 hours, when you intend to carry on licensable activities. For example, you may not intend to carry on licensable activities throughout the entire 48 hour event period, and may intend to sell alcohol between 8.00 hrs and 23.00 hrs on each of the two days.

Note 10

No more than 499 may be on the premises for a temporary event at any one time when licensable activities are being carried on. If you intend to have more than 499 attending the event, you should obtain a premises licence for the event. Your licensing authority should be able to advise you. The maximum figure of 499 does not just include the audience, spectators or consumers and includes, for example, staff, organisers, stewards and performers who will be present on the premises.

Note 11

If you indicate that alcohol will be supplied only for consumption on the premises, you would be required to ensure that no person leaves the premises with alcohol supplied there.

If such a supply takes place, the premises user may be liable to prosecution for carrying on an unauthorised licensable activity. Similarly, if the premises user gives notice that only supplies of alcohol for consumption off the premises will take place, he/she must ensure that alcohol supplied is not consumed on the premises. The premises user is free to give notice that he/she intends to carry on both types of supplies. For this purpose the supply of alcohol includes both of the first two licensable activities listed in note 6 above.

Do you currently hold a valid personal licence?

	Yes
--	-----

If "Yes", please provide the details of your personal licence below.

Issuing licensing authority	
Licence number	
Date of issue	
Date of expiry	
Any further relevant details	

Note 12

The holder of a valid personal licence issued under the Licensing Act 2003 may give up to 50 temporary event notices in any calendar year subject to the other limitations in the 2003 Act. A proposed premises user who holds such a licence should give the details requested.

Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?

	No
--	----

If answering yes, please state the number of temporary event notices you have given for events in that same calendar year

--	--

Have you already given a temporary event notice for the same premises in which the event period:

a) ends 24 hours or less before; or	No
b) begins 24 hours or less after	No

Note 13

As stated under Note 12, a personal licence holder (issued under the Licensing Act 2003) may give up to 50 temporary event notices (including 5 late notices) in any calendar year. An individual who does not hold a personal licence may only give 5 temporary event notices (including 2 late notices) in England and Wales in any calendar year. A calendar year is the period between 1 January to 31 December inclusive in any year. If an event straddles two calendar years, it will count against the limits on temporary event notices (12 for each premises, 21 days for each premises, 50 per personal licence holder and 5 for non-holders) for each year, however, only one notice needs to be given.

For the purposes of determining the overall limits of 50 temporary event notices per personal licence holder (in a calendar year) and of 5 for a non-personal licence holder (in a calendar year), temporary event notices given by an associate or a person who is in business with a premises user (and that business involves carrying on licensable activities) count towards those totals. Note 14 below sets out the definition of an "associate".

If a temporary event notice has been given for the same premises, by the same premises user, and would have effect within 24 hours before the start of the event period under the current proposal or within 24 hours after the end of that period, the temporary event notice given would be void and any licensable activities carried on under it would therefore be unlicensed.

For the purposes of determining whether or not the required gap of 24 hours is upheld, temporary event notices given by an associate or a person who is in business with a premises user (and that business involves carrying on licensable activities) count as if they had been given by the premises user himself. Note 14 below sets out the definition of an "associate".

Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

	No
--	----

If answering yes, please state the total number of temporary event notices your associate(s) have given for events in the same calendar year

--	--

Has any associate of yours already given a temporary event notice for the same premises in which the event period:

a) ends 24 hours or less before; or	No
b) begins 24 hours or less after	No

Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

	No
--	----

If answering yes, please state the total number of temporary event notices your business colleague(s) have given for events in the same calendar year.

--	--

Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period:

a) ends 24 hours or less before; or	No
b) begins 24 hours or less after	No

Note 14

An “associate” of the proposed premises user is:

- a. the spouse of that person;
- b. a child, parent, grandchild, grandparent, brother or sister of that person;
- c. an agent or employee of that person; or
- d. the spouse of a person within (b) or (c).

For these purposes, a person living with another as that person's husband or wife is to be treated as that person's spouse.

These provisions will be subject to amendment by the Civil Partnerships Act. These amendments are due to take effect from 5th December 2005.

I shall

	<p>If the premises are situated in one or more licensing authority areas, send at least one copy
 of this notice to each additional licensing authority</p> <p>If the premises are situated in one or more police areas, send a copy of this notice
 to each additional chief officer of police</p> <p>If the premises are situated in one or more local authority areas, send a copy of this notice to each additional
 local authority exercising environmental health functions</p>
--	---

Note 15

It is a requirement that you send at least one copy of this notice to the licensing authority at least ten working days (not including the date that the form is submitted and the date of the Event) (or five working days for a late notice) (not including the date that the form is submitted and the date of the Event) before the commencement of the proposed licensable activities.

The authority will give you written acknowledgement of the receipt of the notice. This will be important proof that you gave the notice and when you gave it for the purposes of the Act. Some premises may be situated in two licensing authority areas, for example, where a building or field straddles the local authority boundary.

Where this is the case, at least one copy of the notice must be sent to each of the licensing authorities identified, together with the appropriate fee in each case. In such circumstances, you will receive acknowledgements from all the relevant licensing authorities.

One copy must be sent to each of the chief officer of police and the local authority exercising environmental health functions for the area in which the premises is situated at least ten working days for a standard notice (or five working days for a late notice) before the commencement of the proposed licensable activities. Where the premises are situated in two police areas or environmental health areas, a further copy will need to be sent to the second police force and local authority exercising environmental health functions.

The information contained in this form is correct to the best of my knowledge and belief.

I understand that it is an offence:

- (i) to knowingly or recklessly make a false statement in connection with this temporary event notice and that a person is liable on conviction for such an offence to a fine up to level 5 on the standard scale; and
- (ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on conviction for any such offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both

I agree to the above statement

	I agree
PaymentDescription	DULWICH PICTURE GALLERY GALLERY ROAD, , SE21 7AD
PaymentAmountInMinorUnits	2100
AuthCode	004850
LicenceReference	LTN-94212-2595
PaymentContactEmail	events@dulwichpicturegallery.org.uk

Note 17

It is an offence knowingly or recklessly to make a false statement in, or in connection with, a temporary event notice. (A person is to be treated as making a false statement if he produces, furnishes, signs or otherwise makes use of a document that contains a false statement). To do so could result in prosecution and a fine not exceeding level 5 on the standard scale.

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.

Heron, Andrew

From: Regen, Licensing
Sent: 13 March 2018 15:45
To: Heron, Andrew
Subject: FW: TEN (LDR 16 January 2018) "DULWICH PICTURE GALLERY", Gallery Road TEN Ref 954506, EPT Ref 869950 REPRESENTATION

From: Newman, Paul
Sent: Friday, January 12, 2018 4:02 PM
To: Regen, Licensing
Cc: 'events@dulwichpicturegallery.org.uk'
Subject: TEN (LDR 16 January 2018) "DULWICH PICTURE GALLERY", Gallery Road TEN Ref 954506, EPT Ref 869950 REPRESENTATION

Dear David

I am considering your TEN reference number 954506 on behalf of the Environmental Health Responsible Authority, and I am copying this email to the Licensing Authority as a formal representation against your TEN, because in my view, the arrangements presently sought will have a negative impact on the prevention of public nuisance Licensing Objective.

You will recall that I wrote to you on 23 October 2017 about a TEN you served on Southwark Council on 4 September for an event that took place on Saturday 21 October. This was for a wedding in a marquee in the grounds, until 11 pm, when complaints were received about amplified music at the event.

In response, you provided me with some comments about how you manage events at this venue, saying you have constant communication with your neighbours group, informing them of upcoming events, and working with them on a code of conduct, and your commitment to noise management.

You have also mentioned that you have offered the details of Dave Walker, a mediator, to your neighbourhood group, if they wish to contact him.

However this does not go far enough to address my concerns that these style events may lead to further justified noise complaints. As the venue is a marquee and therefore acoustically transparent, it is not suitable for amplified music after 10pm. I also think music should not be loud after 9pm.

Kind regards, and happy to discuss further

Paul Newman

Principal Environmental Health Officer

Postal address: Southwark Council | Environmental Protection Team | Regulatory Services | 3rd Floor Hub 1 | PO Box 64529 | London | SE1P 5LX.

Office address (By appointment only) : Southwark Council | Environmental Protection Team | Regulatory Services | 3rd Floor Hub 1 | 160 Tooley Street | London | SE1 2QH

Tel: 020 7525 3551: | Fax: 020 7525 5705 | e mail: paul.newman@southwark.gov.uk

visit: to <http://www.southwark.gov.uk/air-quality>



Heron, Andrew

From: Newman, Paul
Sent: 09 March 2018 10:35
To: 'Chantelle Culshaw'; Heron, Andrew
Cc: David Michel; Jennifer Scott; Simon Cranmer; Magbadelo, Peter; Mcgeever, Jackie; Littleton, David
Subject: RE: Dulwich Picture Gallery

Hi Chantelle

Thank you for your email. I am reluctant to agree to midnight. This suggestion takes us beyond what I am comfortable with agreeing to in these circumstances, and in my view any additional flexibility over what I have already suggested would be somewhat generous.

However, to avoid the inconvenience to all parties of a hearing, I propose that you ensure the volume further reduces sharply at 11pm (in addition to the 10pm reduction already requested below), and all amplification is off by 11.30.

If the couple are not willing to agree to this, then I will ask the sub-committee to determine the representation.

Please let me know as soon as you have had the opportunity for a further discussion with the couple.

Kind regards and I look forward to hearing from you

Paul Newman
 Team Leader - Environmental Protection Team Environmental Protection Team | Regulatory Services | 3rd Floor
 Hub 1 | 160 Tooley Street
 e: paul.newman@southwark.gov.uk
 Ext: 53551

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

From: Chantelle Culshaw [mailto:c.culshaw@dulwichpicturegallery.org.uk]
 Sent: Friday, March 09, 2018 9:44 AM
 To: Heron, Andrew; Newman, Paul
 Cc: David Michel; Jennifer Scott; Simon Cranmer; Magbadelo, Peter; Mcgeever, Jackie; Littleton, David
 Subject: RE: Dulwich Picture Gallery

Dear Andrew and Paul

I hope you are both well.

We have spoken to the couple who are getting married on 15 September, they are happy with all the restrictions, apart from the amplified music being switched off at 11pm, they ideally would like this to continue until midnight. And have asked us to see if this might be possible? Their ideal music schedule is as follows:

8pm - 9pm - band set
 9pm - 10pm - recorded dancing playlist
 10pm - 11pm - band set
 11pm - Midnight - recorded dancing playlist

They are also looking with us at any other ways to mitigate the sound on the evening. I am more than happy to have a chat today if that would be helpful? I appreciate this is a tricky situation for all of us and know you have put in a lot of time already to helping us with this.

Best wishes

Chantelle

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

From: Heron, Andrew [mailto:Andrew.Heron@southwark.gov.uk]

Sent: 07 March 2018 14:44

To: Chantelle Culshaw; Newman, Paul

Subject: RE: Dulwich Picture Gallery

Importance: High

Dear Paul,

Can I please have an update on this application please - I am unaware whether you have response to this email from 1st March. The report for the Hearing is due this Friday.

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

<https://www.southwark.gov.uk/community-safety/let-s-talk-about-women-s-safety>

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

From: Chantelle Culshaw [mailto:c.culshaw@dulwichpicturegallery.org.uk]

Sent: Thursday, March 01, 2018 1:43 PM

To: Newman, Paul

Cc: Magbadelo, Peter; Heron, Andrew; Mcgeever, Jackie; Littleton, David; Jennifer Scott; Binya, Raymond; David Michel

Subject: Re: Dulwich Picture Gallery

Dear Paul

Thank you for your email, this is hugely helpful. We really appreciate you putting in so much time to looking at this, and for trying to find a way to make it work for everyone.

Before we speak to the clients about your email I just wanted to confirm that you would still be happy for the event to go on until midnight, although amplified music would stop at 11pm and they would be restricted to just background music?

Happy to have a chat on the telephone, my number is [REDACTED]

Best wishes

Chantelle

Sent from my iPad

On 27 Feb 2018, at 15:18, "Newman, Paul"

<Paul.Newman@southwark.gov.uk<mailto:Paul.Newman@southwark.gov.uk>> wrote:

Hi Chantelle

Further to my last email, and having received further details about Peter's proposed involvement, and having been informed that a noise officer will be available on the evening of this event, I have reviewed the EPT representation, and I am prepared to withdraw if you can please agree to all of the following;

- * You will have a further site meeting with Peter Magbadelo to assess what further noise mitigation may be possible;
- * Amplified music volume will be reduced from 10pm, and there will be no amplified speech after 10pm;
- * Amplified music will be switched off at 11pm;
- * A noise officer will visit and will assess to the statutory noise nuisance standard whether any complaint is justified, by observations from residents' premises where access is given;
- * The person in control of the amplified sound system will agree to follow any directions from the noise officer, if they determine there is a noise nuisance or borderline noise nuisance;
- * Guests will park on and leave via the Bellair Park side of the venue.

Please kindly confirm whether you can agree to all these points. In the absence of your agreement, I will maintain the EPT representation so that the matter will be decided by the Licensing Sub Committee. You may wish to note that your agreement does not create an enforceable 'condition' on the TEN, however please note that if you agree, but the matters agreed are not implemented on the evening so that complaints arise, then EPT will consider this failing when we are consulted on any future TENS.

Happy to discuss further, and I look forward to hearing from you

Kind regards

Paul Newman

Principal Environmental Health Officer

Postal address: Southwark Council | Environmental Protection Team | Regulatory Services | 3rd Floor Hub 1 | PO Box 64529 | London | SE1P 5LX.

Office address (By appointment only) : Southwark Council | Environmental Protection Team | Regulatory Services | 3rd Floor Hub 1 | 160 Tooley Street | London | SE1 2QH

Tel: 020 7525 3551: | Fax: 020 7525 5705 | e mail:

paul.newman@southwark.gov.uk<mailto:paul.newman@southwark.gov.uk>

visit: to <http://www.southwark.gov.uk/air-quality>

<image001.jpg>

Please consider the environment - do you really need to print this email?

From: Newman, Paul

Sent: Friday, February 23, 2018 11:14 AM

To: 'Chantelle Culshaw'
 Cc: Magbadelo, Peter; Heron, Andrew; Mcgeever, Jackie; Littleton, David; 'Jennifer Scott'
 Subject: RE: Dulwich Picture Gallery

Hi Chantelle

Thank you for the email and update on mediation.

It is helpful to hear about the input from Peter Magbadelo, and if there is any existing or further correspondence setting out mitigation and/or controls that have been suggested and/or agreed, please may I have copies forwarded to me, or be copied in as appropriate, as this will help me to keep the EPT representation under review.

In the same way, if you have had any further thoughts yourselves about what you will do on the evening of this event to ensure it does not cause a noise nuisance to neighbours, then this will also be helpful.

As it is not convenient for you to wait for the neighbour to come back from extended holiday in order to obtain certainty over whether the TEN will be upheld, I will ask Andrew Heron to arrange the hearing to take place at the next opportunity, so that you can put the points you have set out to the decision makers.

With regard to the complaint about the 15th September, while it was not substantiated by an officer, it contains details (I.e. the lyrics of the song being played) that the complainant would not have known, unless the complaint was valid. The only other explanation would be if they had gone to some considerable lengths to fabricate a vexatious complaint. As they agreed to me sharing the complaint with you, I consider it is unlikely they fabricated the complaint. It comes back to the point Andrew made at our meeting, that you will always get resident complaints in these circumstances, and my point that the reason you will always get resident complaints in these circumstances is that you can't put amplified music in an acoustically transparent marquee near residential property late at night, without causing some level of annoyance to someone.

It is therefore proportionate and fair to fully consider the extent to which the benefits to you, and the cultural benefits to the wider community, should be balanced against the environmental impact of putting on the event.

I hope that is helpful, and happy to discuss further

Kind regards

Paul Newman
 Principal Environmental Health Officer
 Postal address: Southwark Council | Environmental Protection Team | Regulatory Services | 3rd Floor Hub 1 | PO Box 64529 | London | SE1P 5LX.
 Office address (By appointment only) : Southwark Council | Environmental Protection Team | Regulatory Services | 3rd Floor Hub 1 | 160 Tooley Street | London | SE1 2QH
 Tel: 020 7525 3551: | Fax: 020 7525 5705 | e mail:
 paul.newman@southwark.gov.uk<mailto:paul.newman@southwark.gov.uk>
 visit: to <http://www.southwark.gov.uk/air-quality>
 <image001.jpg>
 Please consider the environment - do you really need to print this email?

From: Chantelle Culshaw [mailto:c.culshaw@dulwichpicturegallery.org.uk]
 Sent: Thursday, February 22, 2018 4:49 PM
 To: Newman, Paul
 Cc: Jennifer Scott; Mcgeever, Jackie; Heron, Andrew; Magbadelo, Peter; Littleton, David
 Subject: Dulwich Picture Gallery

Dear Paul

I hope this email finds you well.

Niall forwarded your correspondence to me and I thought it might be helpful to respond directly.

Dave Walker was appointed by Jackie McGeever in November as a mediator between the Gallery and our very local neighbours. At this point we stopped communicating with the neighbours directly under advice from Dave that it was better for communication to go via him. Dave has now held two meetings with the neighbours (we were not present at these) he feels a mutual agreement is possible and that in general the neighbours are supportive of the Gallery and want to find a mutually agreeable way forward. He explained that the neighbours have had some positive suggestions and thinks that a limit on the number of late night events in the garden is likely to be something received positively. Dave is now trying to find a date which works for the neighbours to meet with representatives from the Gallery and the Council. We have provided a number of dates and expressed a desire for the meeting to happen as soon as possible, however the neighbours have said to Dave that they want to ensure a key neighbour can attend who is on an extended holiday until the end of March. Dave's advice has been that we should try and find a date which the neighbours are happy with. This is obviously far from ideal for us but outside of our control.

This now leaves us in an tricky situation. As a registered charity, with only 22% of our income raised through ticket sales, we rely on the income from commercial hire to sustain the organisation and run our community and education programmes. It is also imperative that we demonstrate we are maximising opportunities to generate our own income in order for us to meet the criteria for other charitable funding sources. We have been having weddings in the grounds of the Gallery in marquees for over 20 years and a history of obtaining TENs and of very few complaints. As I understand it, the representation against the TEN application for 15 September is based on an unsubstantiated complaint from one household. It would be good to understand further why it is felt this is a proportionate and fair response.

The event on 15 September is a wedding and as such an important event for the couple (who are College Road residents, so also very local neighbours) and also for the Gallery. Not being able to confirm the TEN is stressful for everyone involved. It is a large wedding so there is no option to move it to an indoor section of the Gallery as nowhere is large enough, the only option is a marquee. It is not realistic that for a wedding they would not be able to have any amplified music. If this is the case they are most likely to cancel their booking.

So far this year we have already lost one wedding booking when we explained we were having a hearing on a TEN, the couple didn't want to take the risk so we have returned their deposit. We are concerned the same thing will happen to the wedding on 15 September. Currently when selling venue hire we are having to be cautious about what we say is possible to do here, given we have an issue with this TEN. This has meant far fewer people are confirming the hire the space compared to last year. The impact of this situation is having a very real financial impact on the organisation, which does not feel proportionate to the one complaint.

Peter Magbadelo from Noise Management has been back down to the Gallery and met with David Michel, Commercial Events Manager, to look at ways to reduce noise for the neighbours. Peter has also suggested that he could come down for the event on 15 September to work with David and monitor the noise. Dave Walker has also suggested that the event could be used as a test with the neighbours to look at what can be done which seems like a fair and constructive step forwards.

As you know, we have a commitment to noise management at the gallery and that moving forwards we have proposed that we limit the number of evening events with amplified music. We will not have a Pavilion in 2018 (and have significantly shifted the brief for a Pavilion in 2019 to minimise any disturbance to the neighbours) so the impact of Gallery evening events will be far less than in 2017.

I would be more than happy to speak about this on the telephone if that is helpful.

Best wishes

Chantelle

Licensing Act 2003 Premises Licence



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

Premises licence number

859681

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
DULWICH PICTURE GALLERY (ART GALLERY) Dulwich College Picture Galler College Road London SE21 7BG Ordnance survey map reference (if applicable), 173624533077	
Post town London	Post code SE21 7BG
Telephone number	

Where the licence is time limited the dates
--

Licensable activities authorised by the licence Plays - Indoors Films - Indoors Live Music - Indoors Recorded Music - Indoors Performance of Dance - Indoors Entertainment Similar to live/recorded music - Indoors Late Night Refreshment - Indoors Sale by retail of alcohol to be consumed on premises
--

The opening hours of the premises For any non standard timings see Annex 2 <table> <tr> <td>Monday</td> <td>09:00 - 01:30</td> </tr> <tr> <td>Tuesday</td> <td>09:00 - 01:30</td> </tr> <tr> <td>Wednesday</td> <td>09:00 - 01:30</td> </tr> <tr> <td>Thursday</td> <td>09:00 - 01:30</td> </tr> <tr> <td>Friday</td> <td>09:00 - 01:30</td> </tr> <tr> <td>Saturday</td> <td>09:00 - 01:30</td> </tr> <tr> <td>Sunday</td> <td>09:00 - 01:30</td> </tr> </table>	Monday	09:00 - 01:30	Tuesday	09:00 - 01:30	Wednesday	09:00 - 01:30	Thursday	09:00 - 01:30	Friday	09:00 - 01:30	Saturday	09:00 - 01:30	Sunday	09:00 - 01:30
Monday	09:00 - 01:30													
Tuesday	09:00 - 01:30													
Wednesday	09:00 - 01:30													
Thursday	09:00 - 01:30													
Friday	09:00 - 01:30													
Saturday	09:00 - 01:30													
Sunday	09:00 - 01:30													

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

The times the licence authorises the carrying out of licensable activities

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

Plays - Indoors

Monday	09:00 - 23:00
Tuesday	09:00 - 23:00
Wednesday	09:00 - 23:00
Thursday	09:00 - 23:00
Friday	09:00 - 23:00
Saturday	09:00 - 23:00
Sunday	09:00 - 23:00

Films - Indoors

Monday	09:00 - 23:00
Tuesday	09:00 - 23:00
Wednesday	09:00 - 23:00
Thursday	09:00 - 23:00
Friday	09:00 - 23:00
Saturday	09:00 - 23:00
Sunday	09:00 - 23:00

Live Music - Indoors

Monday	09:00 - 23:00
Tuesday	09:00 - 23:00
Wednesday	09:00 - 23:00
Thursday	09:00 - 23:00
Friday	09:00 - 23:00
Saturday	09:00 - 23:00
Sunday	09:00 - 23:00

Recorded Music - Indoors

Monday	09:00 - 23:00
Tuesday	09:00 - 23:00
Wednesday	09:00 - 23:00
Thursday	09:00 - 23:00
Friday	09:00 - 23:00
Saturday	09:00 - 23:00
Sunday	09:00 - 23:00

Performance of Dance - Indoors

Monday	09:00 - 23:00
Tuesday	09:00 - 23:00
Wednesday	09:00 - 23:00
Thursday	09:00 - 23:00
Friday	09:00 - 23:00
Saturday	09:00 - 23:00
Sunday	09:00 - 23:00

Entertainment Similar to live/recorded music - Indoors

Monday	09:00 - 23:00
Tuesday	09:00 - 23:00
Wednesday	09:00 - 23:00
Thursday	09:00 - 23:00
Friday	09:00 - 23:00
Saturday	09:00 - 23:00
Sunday	09:00 - 23:00

Late Night Refreshment - Indoors

Monday	23:00 - 01:30
Tuesday	23:00 - 01:30
Wednesday	23:00 - 01:30
Thursday	23:00 - 01:30
Friday	23:00 - 01:30
Saturday	23:00 - 01:30
Sunday	23:00 - 01:30

Sale by retail of alcohol to be consumed on premises

Monday	11:00 - 23:30
Tuesday	11:00 - 23:30
Wednesday	11:00 - 23:30
Thursday	11:00 - 23:30
Friday	11:00 - 23:30
Saturday	10:00 - 23:30
Sunday	12:00 - 23:30

Part 2

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

DULWICH PICTURE GALLERY
 Gallery Road
 London
 SE21 7AD

Registered number of holder, for example company number, charity number (where applicable)
 1171287

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

David Michel

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

Licence Issue date 20/07/2017

Head of Regulatory Services
 Hub 1, 3rd Floor
 PO Box 64529
 London, SE1P 5LX
 020 7525 5748
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.

102 The admission of children to films given under this licence must be restricted in accordance with the recommendations of the British Board of Film Classification or of the licensing authority itself

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

255 Fire extinguishers and equipment shall be efficiently maintained in satisfactory working order and kept available for instant use.

326 That all appropriate staff shall be trained in the age identification scheme required at the premises and records of training shall be kept and made available for inspection by authorised officers of the Council

334 That an age identification scheme shall be established and maintained. The scheme shall Require the production of evidence of age (comprising any PASS accredited card or passport or driving licence) from any person appearing to staff engaged in selling or supplying alcohol to be under the age of 18 and who is attempting to buy alcohol

340 A SIA trained security guard will monitor the whole of the site daily from 17:00 to 08:00 the following morning.

341 That all staff are to be trained in fire and emergency procedures.

342 That there must be a first aider on site always.

343 That guests must be encouraged to leave by Gallery Road entrance at night at night away from neighbours.

344 That any amplified sound must be directed away from residents.

345 A Neighbours Group will be set up for residents living within 250m of the Gallery building. The Gallery will keep the group informed by regular emails of events taking place outside normal opening hours and ensure members of the group have the means to register any issues with the Gallery. A direct telephone number for the manager at the Gallery will be made available to residents who are members of the Neighbours Group.

346 That taxis shall be encouraged to park on Gallery Road not College Road.

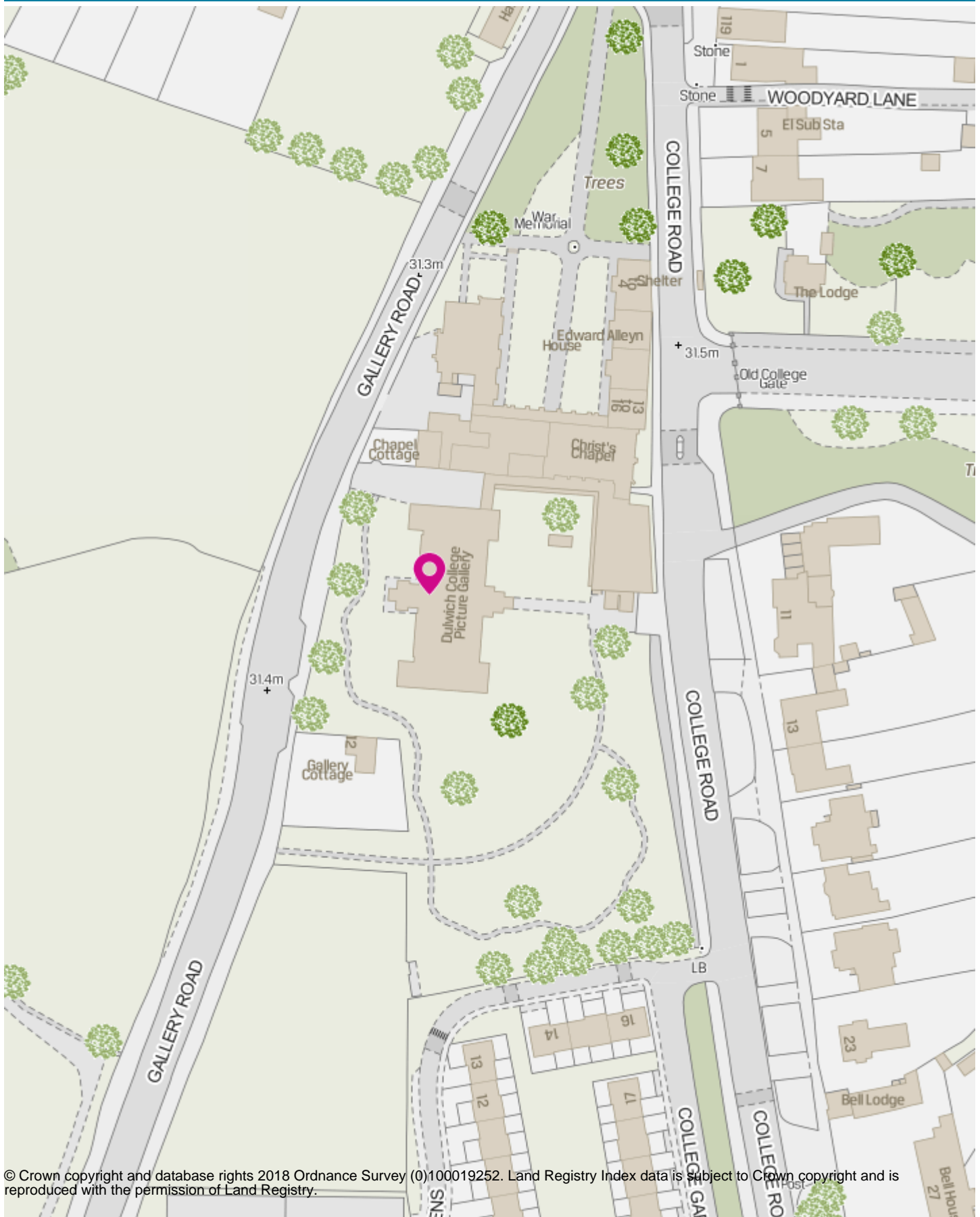
347 That guest must be told to wait quietly.

349 That staff, cafe and restaurant managers are to be made aware of licensing laws.

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

Annex 4 - Plans - Attached

Licence No. 859681
Plan No. 1863/106 A1
Plan Date September 1998



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13-Mar-2018

Scale = 1 : 1323.000

Item No. 7.	Classification: Open	Date: 27 March 2018	Meeting Name Licensing Sub-Committee
Report title:		Licensing Act 2003: Sir Robert Peel, 7 Langdale Close, London, SE17 3UF	
Ward(s) or groups affected:		East Walworth	
From:		Strategic Director of Environment and Social Regeneration	

RECOMMENDATIONS

1. That the licensing sub-committee considers an application made under Section 53C of the Licensing Act 2003 by the chief of police for the metropolitan police for a summary review of the premises licences in respect of the premises known as Sir Robert Peel, 7 Langdale Close, London SE17 3UF.
2. **Notes:**
 - a) A copy of the current premises licences issued in respect of the premises are attached to this report as Appendix A.
 - b) The grounds for the review are stated in paragraphs 15 to 25 of this report. A copy of the full application and certificate are provided as Appendix B.
 - c) A copy of the notice of decision from the previous hearing held on 2 March 2018 is in Appendix C.
 - 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 summary review powers under sections 53A to 53C of the Act allow the police to trigger a fast track process to review a premises licence where the police consider that the premises are associated with serious crime or serious disorder (or both); and the licensing authority to respond by taking interim steps quickly, where appropriate, pending a full review.

KEY ISSUES FOR CONSIDERATION

The premises licence

8. The premises in respect of the premises licence consists of a public house on the ground floor called the Sir Robert Peel, 7 Langdale Close, London SE17 3UF.
9. The premises licence was carried over from the justices' licence in the 2005.
10. The premises licence was originally applied with premises licence holder Garry MacCarthy. The designated premises supervisor role was varied to Mr. MacCarthy on 22 August 2017.
11. The premises licence has not been subject to a previous review and there is no history of temporary events notices.
12. The details of the current premises licence that applies to both areas are:
- Opening hours:
 - Monday to Sunday: no restrictions.
 - Regulated entertainment in the form of live music and recorded music (indoors), anything similar (indoors) and performances of dance (indoors):

Monday to Thursday from 09:00 to 23:00:

 - Friday and Saturday from 09:00 to 00:30 (the following day)
 - Sunday from 09:00 to 22:30.
 - Late night refreshment (indoors):
 - Monday to Saturday from 23:00 to 23:30.
 - Sale of alcohol for consumption both on and off the premises:
 - Monday to Saturday from 10:00 to 23:00
 - Sunday from 12:00 to 22:30.
13. A copy of the current premises licence is attached as Appendix A.

Designated premises supervisor

14. The designated premises supervisor (DPS) is Garry MacCarthy who has been DPS since August 2017 and holds a personal licence issued by the London Borough of Southwark.

The review application and certificate

15. On 28 February 2018 the Metropolitan Police Service applied to the licensing authority for a summary review of the premises licence issued in respect of the premises known as Sir Robert Peel, 7 Langdale Close, London, SE17 3UF.
16. On 28 February 2018 a Superintendent for the Metropolitan Police Service force certified that in his opinion the premises are associated with serious crime or serious disorder or both.
17. The application is concerned with a serious incident that took place on Sunday 25 February 2018. The Police attended the premises in which a male had suffered a serious stab wound. The suspect, a regular patron, has also been arrested.
18. CCTV has been seized and sent for analysis.
19. It is believed that the events took place during a time when the premises should have been closed.
20. The police requested that following interim steps are taken to prevent further incidents from occurring:
 - The licence is suspended until such time as the full hearing is determined
21. The licensing sub-committee were not restricted to just considering this step.
22. A copy of the application and certificate are attached to this report as Appendix B.
23. The premises licence was subsequently reviewed at a hearing held on 2 March 2018. A copy of the Notice of Decision is available in Appendix C.
24. As a result, the licensing sub-committee put a number of measures in place, namely:
 - That the premises licence be suspended.
 - That the designated premises supervisor be removed.
25. On 9 March 2017 at 19:15, the licensing authority attended the premises as part of their night time economy visits. The premises was not open to the public. Mr Clancy and Mr O'Carroll were present and were carrying out refurbishment measures on the premises.

Representations from responsible authorities

26. A representation as been provided by this council's licensing authority supporting the review brought by the police. The representation is based on the four licensing objectives, namely the prevention of crime and disorder, the prevention of public nuisance, health & safety and the protection of children from harm. Despite receiving a prior written warning (which is exhibited), the violent incident which led to the review occurred during times where no premises licence was in place.
27. The representation from the Licensing Authority is available in Appendix D.

Representations from other persons

28. Representations have not been made by other persons.

Operating history

29. On 24 October 2008, the premises was inspected. It was found to be in breach of six conditions of the premises licence and a copy of the licence was unavailable, neither was there a fire risk assessment in place. A warning letter was sent.
30. On 27 February 2010, the premises was inspected and found to be compliant in regards to the premises licence, however, a fire risk assessment could not be produced.
31. On 1 February 2014, the premises was visited at 01:34, whilst it was closed to the public, with the door locked, people were found to be consuming alcohol inside.
32. On 20 August 2017, the premises was visited at 01:15 and found to be full of customers.
33. On 17 December 2017, the premises was visited at 00:45, there was music playing and people consuming alcohol. A Mr Clancy was present and claimed to be the licence holder.
34. A complaint was received that the premises was operating beyond its hours. A warning letter was sent to the premises and Officers visited at 00:44 on 27 August 2017 at which point the premises was found to be full of customers.
35. The following visits have been carried out at the premises during night time economy visits in relation to the entrance area.

Date of Visit	Time of Visit	Outcome Comments
17/12/2016	00:45	Allegations that it is staying open until 03:00hrs on the weekends. Arrived outside at 00.25hrs and did observations from outside. Music from pub was still playing, and audible from outside, at 00.45hrs. When Officers entered, there 6 customers at the bar. Behind the bar was Mr. Clancy. He claimed the customers were his friends and that he was giving them free drinks. He was advised that his till should be switched off and no money should change hands. The music was turned off at the request of the Officers. Although the premises licence doesn't show Mr. Clancy as the premises licence holder, he claims to have been the licensee for 2years and that his closing time is 01.00hrs. Mr. Clancy was unable to produce a copy of the licence. Further enquiries to follow as to who is the premises licence holder and designated premises supervisor.
20/08/2017	00:15	Loud music audible; Officers could hear a DJ playing inside speaking on microphone. A man came out from the pub to speak to Officer and said "Is it the noise" Officers said "YES" he then walked in and turned it down.
20/08/2017	01:15 (one hour after visit)	Pub open lots of customers inside seen through glass window, no sign of closing people drinking inside. Officers called NTE Police Sgt. Keith Dempster and asked them to visit there is concern that the management appears to be aggressive.
27/08/2017	00:44	Premise open, full of customers inside drinking no signs of closing. Officers called NTE Police to attend with then, but no answer.
09/03/2018	19:15	Premises closed to public, refurbishment works taking place. My Clancy and Mr O'Carroll present.

The local area

36. A map of the local area is attached at Appendix E. There is only one other licensed premises in the immediate vicinity, namely:

Orbit Brewing – Arches 224 to 227, Fielding Street, SE17 3HD

- The sale by retail of alcohol (both on and off sales):
 - Wednesday to Friday from 17:00 to 22:30
 - Saturday and Sunday from 12:00 to 22:30

Southwark Council statement of licensing policy

37. Council assembly approved Southwark's statement of licensing policy 2016 to 20 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.

38. 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. Within Southwark's Statement of Licensing Policy, the premises are identified as being outside of a cumulative impact zone but situated in a residential area. Relevant closing

times recommended in the Statement of Licensing Policy for licensed premises in residential areas are as follows:

- Closing time for public houses, wine bars or other drinking establishments is 23:00.

Resource implications

39. There is no fee associated with this type of application.

Consultation

40. The premises licence holder has been informed of the application for review and of the details of the interim hearing.

Community impact statement

41. 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

42. The sub-committee is asked to determine, under Section 53C of the Licensing Act 2003, an application, made under Section 53A of the same act, for a review of premises licence. At any stage, following the grant of a premises licence, a responsible authority or any other person may ask the licensing authority to review the licence because of a matter arising at the premises in connection with any of the four licensing objectives.

43. The principles, which sub-committee members must apply, are set out below.

Principles for making the determination

44. Under Section.53 (A)(2) the licensing authority must determine a review application within 28 days of receipt of the application and reach a determination on that review.

45. The four licensing objectives are:

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

46. Each objective must be considered to be of equal importance. The authority must, having regard to the application and any relevant representations, take such of the following steps as it considers appropriate for the promotion of the licensing objectives. The steps are to:

- Modify the conditions of the licence by altering, omitting or adding any condition
- Exclude a licensable activity from the scope of the licence
- Remove the designated premises supervisor
- Suspend the licence for a period not exceeding three months
- Revoke the licence.

47. For the purpose of determining a relevant representation under section 52 of the Act a "relevant representation" means representations which:

- Are relevant to one or more of the licensing objectives
 - Are made by the holder of the premises licence, a responsible authority or an other person within the prescribed period
 - Have not been withdrawn
 - If made by an other person (who is not also a responsible authority), that they are not, in the opinion of the relevant licensing authority frivolous or vexatious.
48. Modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months.
49. The authority may decide that no action is necessary if it finds that the review does not require it to take any steps appropriate to promote the licensing objectives.
50. In deciding what remedial action if any it should take, the authority must direct its mind to the causes or concerns that the representations identify. The remedial action should generally be directed at these causes and should always be no more than an appropriate and proportionate response.
51. It is of particular importance that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives in the circumstances that gave rise to the application for review.

Reasons

52. Where the authority takes interim steps an application for review it must notify the determination and reasons why for making it to:
- The holder of the licence
 - The chief officer of police for the area (or each police area) in which the premises are situated.

Hearing procedures

53. 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
 - To 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.

54. This matter relates to the review of the premises licence under section 53A of the Licensing Act 2003.

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

55. 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.
56. 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.
57. 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.
58. 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.
59. 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.
60. The sub-committee can only consider matters within the application that have been raised through representations from interested parties and responsible authorities. Interested parties must live in the vicinity of the premises. This will be decided on a case to case basis.
61. 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.

62. There is no right of appeal to a magistrates' court against the licensing authority's decision regarding the setting of interim steps at this Stage.

Guidance

63. Members are required to have regard to the Home Office revised 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

64. The head of community safety and enforcement has confirmed that the costs of this process are borne by the service.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Licensing Act 2003 Home Office Revised Guidance to the Act Secondary Regulations Southwark Statement of Licensing Policy Case file	C/O Southwark Licensing, Community Safety & Enforcement, 3rd Floor Hub C, 160 Tooley Street PO Box 64529 SE1 5LX	Mrs Kirty Read Tel:02075255748

APPENDICES

Name	Title
Appendix A	The current premises licence
Appendix B	Copy of review application
Appendix C	Copy of the Notice of Decision from 2 March 2018
Appendix D	Representation from the Licensing Authority
Appendix E	Map of local area

AUDIT TRAIL

Lead Officer	Deborah Collins, Strategic Director of Environment Social Regeneration		
Report Author	Andrew Heron, Principal Licensing Officer		
Version	Final		
Dated	15 March 2018		
Key Decision?	No		
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER			
Officer Title	Comments sought	Comments included	
Director of Law and Democracy	Yes	Yes	
Strategic Director of Finance and Governance	Yes	Yes	
Cabinet Member	No	No	
Date final report sent to Constitutional Team		15 March 2018	

APPENDIX A

Licensing Act 2003 Premises Licence



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

Premises licence number

860152

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
SIR ROBERT PEEL 7 Langdale Close London SE17 3UF Ordnance survey map reference (if applicable), 177858532249	
Post town London	Post code SE17 3UF
Telephone number 020 7708 3277/078998	

Where the licence is time limited the dates
--

Licensable activities authorised by the licence
Recorded Music Live Music - Indoors Recorded Music Forr Recorded Music see Condition 110 Performance of Dance - Indoors Entertainment Similar to live/recorded music - Indoors 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

Recorded Music

Monday: 09:00 - 23:00
 Tuesday: 09:00 - 23:00
 Wednesday: 09:00 - 23:00
 Thursday: 09:00 - 23:00
 Friday: 09:00 - 00:30
 Saturday: 09:00 - 00:30
 Sunday: 09:00 - 22:30

Live Music - Indoors

Monday 09:00 - 23:00
 Tuesday 09:00 - 23:00
 Wednesday 09:00 - 23:00
 Thursday 09:00 - 23:00
 Friday 09:00 - 00:30
 Saturday 09:00 - 00:30
 Sunday 09:00 - 22:30

Recorded Music Forr Recorded Music see Condition 110

Monday 09:00 - 23:00
 Tuesday 09:00 - 23:00
 Wednesday 09:00 - 23:00
 Thursday 09:00 - 23:00
 Friday 09:00 - 23:00
 Saturday 09:00 - 23:00
 Sunday 12:00 - 22:30

Performance of Dance - Indoors

Monday 09:00 - 23:00
 Tuesday 09:00 - 23:00
 Wednesday 09:00 - 23:00
 Thursday 09:00 - 23:00
 Friday 09:00 - 00:30
 Saturday 09:00 - 00:30
 Sunday 09:00 - 22:30

Entertainment Similar to live/recorded music - Indoors

Monday 09:00 - 23:00
 Tuesday 09:00 - 23:00
 Wednesday 09:00 - 23:00
 Thursday 09:00 - 23:00
 Friday 09:00 - 00:30
 Saturday 09:00 - 00:30
 Sunday 09:00 - 22:30

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**

Garry Martin MacCarthy
 139 Queens Road
 London
 SE15 2ND
 020 7277 8279

Registered number of holder, for example company number, charity number (where applicable)**Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol**

Garry Martin MacCarthy
 41 Ryder Drive
 London
 SE16 3BB

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

Licence No. 9012
 Authority L.B. Southwark

Licence Issue date 24/08/2017



Head of Regulatory Services
 Hub 1, 3rd Floor
 PO Box 64529
 London, SE1P 5LX
 020 7525 5748
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 which 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, 10.00.a.m. to 11.00.p.m.
- b. On Sundays, other than Christmas Day or New Year's Eve, 12 noon to 10.30.p.m.
- c. On Good Friday, 12 noon to 10.30.p.m.
- d. On Christmas Day, 12 noon to 3.00.p.m. and 7.00.p.m. to 10.30.p.m.
- e. On New Year's Eve, except on a Sunday, 10.00.a.m. to 11.00.p.m.
- f. On New Year's Eve on a Sunday, 12 noon to 10.30.p.m.
- 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 is permitted.

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.

143 The premises shall not open to the public before 9.00.a.m. On Sundays, Good Fridays and Christmas Day the premises shall not open before 2.00.p.m. for the performance of plays.

145 a. The relevant licence or a copy of it shall be prominently exhibited in a position where the public can easily read it. For the purpose of this condition the licence shall be interpreted to mean the licence document containing the conditions specific to the premises, including any accommodation limits.

b. A copy of the standard licence conditions shall be readily available to the Duty Manager.

c. The premises shall not be used for any purpose for which a licence is required unless specifically licensed for that purpose.

146 Authorised officers who carry written authorizations and proof of identity, which they will produce on request, shall be admitted immediately to all parts of the premises at all reasonable times.

147 The Licensee shall not permit any exhibition, demonstration or performance of hypnotism, mesmerism or any similar act or process which produces or is intended to produce in any person any form of induced sleep or trance in which susceptibility of the mind of that person to suggestion or direction is increased or intended to be increased. This condition does not apply to exhibitions given under the provisions of Section 2(1a) and 5 of the Hypnotism Act 1952.

148 a. The Licensee shall not permit an entertainment that involves special risks except with consent.

b. The Licensee shall not permit any performances especially for children except with consent.

c. The licensee shall not permit explosives or highly flammable substances to be brought onto the premises except with consent.

149 a. The Licensee shall not permit the use of special effects, except with consent.

b. The Licensee shall give to the Council at least 10 days notice in writing of any proposal to use special effects. The notice shall include, save in exceptional circumstances, exact details of the proposal including the date and time when the special effects can be demonstrated.

150 Compressed or liquefied gases shall not be used except with consent. At least 10 days notice in writing shall be given to the Council of any proposal to bring storage cylinders into the premises

151 a. The Licensee shall ensure that the premises continue to comply with the Council's Technical Regulations.

b. No alterations shall be made to the approved arrangements without consent.

c. The Licensee shall, except with consent, retain control over all parts of the premises.

d. Either the licensee or the Duty Manager shall be in charge of and within the premises whenever the public are present. However, the Licensee remains responsible for the observance of all licensing conditions.

152 The Licensee may authorize in writing a Duty Manager, who shall be at least 18 years old, to deputise for him. This written authorization shall be kept on the premises and shall be readily available for examination by any Authorised Officer. The Licensee must be satisfied that anyone appointed as a Duty Manager understands the need to comply with the conditions of the licence and is competent to perform the functions of Duty Manager.

153 The Licensee (if an individual) and any Duty Manager shall

a. Have undertaken an approved training course leading to the possession of the BIIAAB Level 2 National Certificate for Entertainment Licensees, or

b. Possess an equivalent qualification, for example for concert halls, the National Vocational Qualification in Cultural Venue Administration (Level 3) or

c. Be able to demonstrate to the satisfaction of the Council that he possess all relevant knowledge and experience

154 a.The Licensee / Duty Manager shall ensure that he has sufficient trained staff on duty to ensure the safe evacuation of the premises in an emergency. Such staff shall have been specifically instructed on their duties in the event of an emergency by the Licensee or by a person nominated by him. The instruction given to staff shall include training on the safe and efficient running of the premises and the safe evacuation of the premises.

b.A nominated member of staff in addition to the Duty Manager shall have responsibility for fire prevention measures and for ensuring that all escape routes including exit doors are fully available.

c.No Door Supervisor shall be employed at premises outside London except with consent. Any employment shall be in accordance with additional conditions set by the Council.

d.Staff with specific responsibilities in the event of fire or other emergency, together with deputies, shall receive training and written instruction appropriate to their role. The Licensee / Duty manager shall, once he is satisfied as to the competence of each member of staff, record this in the Fire log book.

155 a.The Licensee shall cause a Fire log-book to be kept.

b.Any authorized officer shall be entitled to obtain a photocopy of any page(s) of the log-book.

156 The Licensee / Duty manager shall maintain a register indicating the numbers of staff, including any Door Supervisors and all performers, who are present when the public are present. This register shall be produced immediately on the request of an Authorized Officer. This Condition does not apply to any premises that are being used for a closely seated audience.

157 Dancing shall be restricted to the areas designated by the Council.

158 a.The Licensee / Duty Manager shall ensure that no nuisance is caused by noise emanating from the premises or by vibration transmitted through the structure of the premises.

b.If required, legible notices shall be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and area quietly.

159 1.The approved arrangements shall be maintained in good condition and in full working order. Fire fighting equipment, the fire alarm warning system and any smoke ventilators shall be maintained as follows:-

i)Fire Fighting Equipment.

a)The approved fire -fighting equipment shall be kept in the approved positions and be maintained in satisfactory working order, unobstructed and available for immediate use;

b)All fire fighting equipment shall be checked weekly. Note: The Council may consent to the variation of the frequency of checks where the premises are used infrequently and this will not endanger safety;

c)Portable fire-fighting equipment shall be inspected at least once a year in accordance with BS 5306-3 and recharged where necessary in compliance with the manufacturer's instructions. The date of inspection shall be clearly marked on the appliance or a stout tag securely attached to it and recorded in the fire log book;

d)Hose reels, drenchers and sprinklers shall be inspected in accordance with BS 5306 once a year to ensure that they are in working order. The date of the inspection shall be clearly marked on the control valves and recorded in the fire log book; and

e) For details of the certificates to be provided see condition 4045.

ii) Fire alarm warning system

a) Any fire alarm warning system shall be maintained in satisfactory working order;

b) The system shall be tested weekly. Note: The Council may consent to the variation of frequency of tests where the premises are used infrequently and this will not endanger safety;

c) All checks, tests and inspections shall be recorded in the fire log book; and

d) For details of the certificates to be provided see condition 4045.

iii) Smoke ventilators

a) Any smoke ventilators shall be maintained in satisfactory working order;

b) Any smoke ventilators shall be tested at least every 3 months;

c) For details of the certificates to be provided see condition 4045.

2. No alterations (including temporary alterations) shall be made except with the consent of the Council.

160 The Licensee shall ensure that all performances or activities minimize any danger to the public.

161 The Licensee / Duty manager shall ensure that, whenever disabled people are present, adequate arrangements are made to enable their safe evacuation in the event of an emergency and that they are made aware of those arrangements.

162 The Licensee / Duty Manager shall ensure that all necessary safety checks have been carried out before the admission of the public. Details of the checks shall be entered in the Fire log-book; this may be by use of a separate check list.

163 a. All escape routes and exits including external exits shall be maintained unobstructed, in good order with non-slippery and even surfaces, free of trip hazards and clearly identified in accordance with the approved arrangements.

b. All exits door shall be available and easily operable without the use of a key, card, code or similar means. Only approved fastenings shall be used.

c. Any removable security fastening shall be removed from the doors prior to opening the premises to the public. All such fastenings shall be kept in the approved positions.

d. If required, exit doors shall be secured in the fully open position when the public are present.

e. All fire doors shall be maintained effectively self-closing and shall not be held open other than by approved devices.

f. Fire-resisting doors to ducts, service shafts and cupboards shall be kept locked shut.

g. The edges of treads of steps and stairways shall be maintained so as to be conspicuous.

164 a. Hangings, curtains and temporary decorations shall be maintained fire-retarded

b. Any upholstered seating shall continue to meet the pass criteria for smouldering ignition source 0, flaming ignition source 1 and crib ignition source 5 when tested in accordance with section 5 of

BS5852:1990

165 a. Any scenery shall be maintained flame-retarded in accordance with Additional Conditions S

b. Temporary decorations shall not be provided except with consent. When seeking consent for temporary decorations the Licensee shall advise the Council of the period for which it is desired to retain them

c. Curtains, hangings and temporary decorations shall be arranged so as not to obstruct exits, fire safety signs or fire-fighting equipment.

166 The Licensee / Duty manager shall ensure that the accommodation limit(s) specified on the licence are not exceeded and shall be aware of the number of the public on the premises. This information shall be provided to any authorized officer immediately on request.

167 Notices detailing the actions to be taken in the event of fire or other emergencies, including how the fire brigade can be summoned, shall be prominently displayed and shall be protected from damage or deterioration.

168 The fire brigade shall be called at once to any outbreak or suspected outbreak of fire, however, slight, and the details recorded in the fire log-book.

169 The Licensee / Duty manager shall have readily available the telephone number of the local Fire Control Centre. The Licensee / Duty Manager shall notify the local Fire Control Centre as soon as possible if he is aware that the water supply to any hydrant, hose reel, sprinkler, drencher or other fire extinguishing installation is cut-off or restricted.

170 Refuse receptacles shall be emptied regularly.

171 Access for emergency vehicles shall be kept clear and free from obstruction.

172 a. The Licensee / Duty Manager shall ensure that an adequate and appropriate supply of first aid equipment and materials is available on the premises.

b. If required, at least one suitably trained first aider shall be on duty when the public are present. If more than one suitably trained first-aider is present, each person's responsibilities shall be clearly identified.

173 a. Toilet accommodation shall be provided free of charge and be kept clean and in proper working order.

b. An adequate supply of hot and cold (or warm) water, toilet paper in holders or dispensers, soap and suitable hand and face drying facilities shall be provided in toilet accommodation.

174 Where free drinking water is provided for the public, it shall, except with the consent of the Council, only be provided in a supervised area.

175 a. Heating apparatus shall be maintained in a safe and functioning condition.

b. Portable heating or cooking appliances shall not be used except with consent.

176 If required, a competent person shall be in charge of the electrical or other installation.

177 a. In the absence of adequate daylight the management lighting in any area accessible to the public shall be fully in operation whilst the public are present.

b. Except as permitted under d. below there shall be adequate illumination to enable people to see their way out of the premises

c. Fire safety signs shall be adequately illuminated except as permitted under d. below.

d. of essential to the entertainment and subject to consent, the management lighting in the entertainment area may be reduced or extinguished provided

- (i) the lighting be controlled from a position with a clear view of the entertainment area; and
- (ii) An operator remain by the controls whilst the lighting is reduced or extinguished; and
- (iii) The operator restore the management lighting at once in the event of any emergency; and
- (iv) The escape route signs remain adequately illuminated.

178 a. The emergency lighting battery shall be fully charged before the admission of the public.

b. The emergency lighting battery shall be fully charged before the admission of the public

c. In the event of failure of the normal lighting

- (i) If the emergency lighting battery has a one hour capacity the public shall leave the premises within 20 minutes unless within that time the normal lighting has been restored and the battery is being re-charged; or
- (ii) If the emergency lighting battery has a 3 hour capacity the public shall leave the premises within one hour unless within that time the normal lighting has been restored and the battery is being re-charged.

d. The public shall not be re-admitted to the premises until the normal lighting has been fully restored and the battery fully recharged except

- (i) Where the emergency lighting battery has a one hour capacity and if the failure of the normal lighting was fully rectified within 20 minutes of failure and the battery is being re-charged; or
- (ii) Where the emergency lighting battery has a 3 hour capacity and if the failure of the normal lighting was fully rectified within one hour of failure and the battery is being re-charged.

179 a. Temporary electrical wiring and distribution systems shall not be provided without notification being given to the Council at least 10 days before the commencement of the work.

b. Temporary electrical wiring and distribution systems shall be inspected and certified before they are put in use. A copy of the certificate shall be sent to the Council as soon as possible.

c. Temporary electrical wiring and distribution systems shall be provided only for a period of up to 3 months. This period may be extended subject to a satisfactory electrical test and inspection report being submitted to the Council at the end of each 3 month period.

180 a. The premises shall be effectively ventilated.

b. Where the ventilation system is designed to maintain a positive air pressure within that part of the premises, that pressure shall be maintained whenever the public are present in that part of the premises.

181 a. Ventilation ducting and other shafts shall be kept clean.

b. Any air filters shall be periodically cleaned or replaced so as to maintain a satisfactory air supply.

c. All interior surfaces of extract ventilation ducting serving kitchens and serveries shall be thoroughly cleaned as frequently as necessary to prevent the accumulation of grease and fat and at least once per year.

d. Grease filters in extract ventilation hoods in kitchens and serveries shall be cleaned weekly or at other intervals as required.

182 a) The following certificates shall be submitted to the Council at least once a year unless stated otherwise below. Note: Where a certificate covers a period of more than one year it will be sufficient to submit a photocopy of the certificate each year th at the certificate remains valid.

i) Battery - The emergency lighting battery (including any self contained units) and associated control equipment. The inspection of the battery and controlo equipment shall be in accordance with BS 5266-1. The certifica te shall be signed by a Corporate Member of the Institution of Electrical Engineers or a member of the Electrical Contractors Association or by a contractor enrolled with the National Inspection Council for Eletrical Installation Contracting or, with cons ent, another competent person.

ii) Electrical installation - The entire electrical installation (including the emrgency lighting installation but excluding any battery). The inspection shall be in accordance with Guidance Note 3 to BS 7671. In large or complex premises the electrical installation shall be visually inspected once a year and at least 20% of the installation tested in accordanvce with a programme appoeved by the Council such that the whole installation istested every 5 years. The certificate shall be signed by a Corporate Member of the Institution of Electrical Engineers or a member of the Electrical Contractors Association or by a contractor enrolled with the National Inspection Council for Eletrical Installation Contracting or, with consent, another competent person.

iii) Boilers and calorifiers - Any steam boiler, any electrode boiler working on a closed water system or any calorifier incorporating a steam receiver. A boiler insurance company shall issue the certificate of thorough examination and test;

iv) Fire alarm warning system - Confirmation from a fire alarm company or, with consent, another competent person that the fire alarm warning system continues to satisfy the requirements of BS 5839;

v) Fire fighting equipment - All portable fire-fighting equipment together with any hose reels or sprinklers in accordance with BS 5306;

vi) Mechanical installations - Any passenger lifts or escalators. All lifting equipment and permanently suspended equipment (These certificates shoul d be copies of the records of examination provided under the Lifting Operations and Lifting Equipment Regulations 1998. Any permanently suspended loads, such as permanently installed stage lighting luminaires or loudspeakers or flown cinema screens, shall be treated as forming part of the lifting equipment installation and be examined by the competent person making the examination). The safety curtain, its operating gear and controls, the smoke ventilators and drencher. Any other mechanical installation (for example, stage, orchestra or organ lifts, revolving or moving platforms) if required.

vii) Lasers - Any permanently installed lasers, other than Class 1 and Class 2 lasers;

viii) Special effects - Permanently installed smoke machines, fog generators and strobe lighting;

ix) Ceilings - Ceilings and ornamental plaster; and

x) Gas installation - Any gas installation and gas appliances, if required. A member of the Council for registered Gas installers (CORGI) shall complete the certificate.

203 The Licensee shall not permit conduct on the premises that is likely to cause disorder or a breach of the peace or drug misuse. In particular the licensee shall ensure that none of the following shall take place

- a) indecent behaviour, including sexual intercourse, except as permitted by the Theatres Act 1968;
- b) the offer of any sexual or other indecent service for reward;
- c) acts of violence against person or property and / or the attempt or threat of such acts; and
- d) unlawful possession and / or supply of drugs controlled by the Misuse of Drugs Act 1971.

307 That the maximum number of persons that may be accommodated at any one time on the premises shall not exceed 100

308 That there shall be no new admission, or re-admission, of the public to the premises after 23.15 on the days Friday and Saturday

309 All audio and musical equipment on the premises shall be played through the approved sound limiting device

311 That notices shall be displayed and announcements made requesting that customers leave the premises in a quiet and orderly manner with due regard to local residents

340 The inner doors fitted to the lobbies of the main entrance doors shall be kept closed, except for access and egress, whenever entertainment is being provided at the premises

341 All openable windows shall be kept locked shut whenever entertainment is being provided under this licence

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

Annex 4 - Plans - Attached

Licence No. 860152

Plan No. N/A

Plan Date 27 July 2005


**METROPOLITAN
POLICE**
TOTAL POLICING

Form for Applying for a Summary Licence Review

Application for the review of a premises licence under section 53A of the Licensing Act 2003
(premises associated with serious crime, serious disorder or both)

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing the form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink.

Use additional sheets if necessary.

Insert name and address of relevant licensing authority and its reference number:

Name: **London Borough of Southwark**

Address:

160 Tooley Street

Post town: **London**

Post code: **SE17 3UF**

Ref. No.:

I **PC Graham White 288MD (Licensing Officer)**

on behalf of the chief officer of police for the Metropolitan Police area apply for the review of a premises licence under section 53A of the Licensing Act 2003.

1. Premises details

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

Sir Robert Peel, 7 Langdale Close,

Post town: **London**

Post code:
(if known) **SE17 3UP**

2. Premises licence details

Name of premises licence holder or club holding club premises certificate (if known):

Gary McCarthy

Number of premises licence or club premises certificate (if known):

860152

3. Certificate under section 53A(1)(b) of the Licensing Act 2003 (Please read guidance note 1)

I confirm that a certificate has been given by a senior member of the police force for the police area above that in his opinion the above premises are associated with serious crime or serious disorder or both, and the certificate accompanies this application.

Please tick the box to confirm: ☒

4. Details of association of the above premises with serious crime, serious disorder or both (Please read guidance note 2)

PROTECTIVE MARKING

The premises has been certified by a Chief superintendent as being associated with serious crime.

On Sunday the 25th February 2018 at about 01.45hrs police were called to male stabbed inside the Sir Robert Peel Public House. The victim at time of writing is still in a critical condition in hospital and is believed may not survive only initial actions of police officers and medical staff on arrival saved his life at this time.

A regular customer of the pub has been charged with attempted murder and another customer has been arrested for assisting an offender details of which are still under investigation and cannot be disclosed at this time.

The Licence allows for sale of alcohol till 23.00hrs, last entry 23.15hrs and music till 00.30hrs.

During the investigation the following has been disclosed to police and at this time we are still awaiting CCTV to be viewed as the hard drive was seized and sent for analysis.

A member of bar staff stated the Victim entered the pub at about 23.00hrs and a statement from her to investigating officers says the victim entered "at around 11pm, but may have been a bit later" He then sat at the bar and purchased a pint. She then states he had a couple more drinks after this.

The manager Mr [REDACTED] made a witness statement to police stating that the DJ Finished at exactly 1am and that a little less than 30 people were still in the premises at 1.15am. This is over 2 hours after last drinks should be served and 45 minutes after the last licensable activities. Mr [REDACTED] also states that the victim entered the pub at 11.30pm which is 15 minutes after last entry (Condition 308).

Both statements given to police show clear breaches of the premises licence and a total disregard to conditions on the licence and appear to be common practice within the premises. Had the premises stopped serving alcohol and allowing customers into the premises this incident would not have occurred.

On arrival of the first police unit a number of people were still inside the pub at just before 2am some appear intoxicated due to their behaviour and slurred speech requests were made by officer to turn lights on to assist and this did not happen. No first aid kit was being used by staff or appear to be anybody first aid trained as per condition 172 on the licence.

The premises received a warning letter dated 21st August 2017 regarding operation outside the licensed hours after a complaint and a compliance visit by council licensing officers. Also during this visit it was claimed Mr [REDACTED] the licence holder had not been involved in the running of the business for three and half years and DPS Mr [REDACTED] was no longer at the premises. A DPS Variation was submitted and varied to show Mr McCarthy as the DPS event though it was claimed that he had not been involved in the running of the venue for a number of years. A statement has been obtained from [REDACTED] stating that he is the owner of the Sir Robert peel public house yet he is not shown as Licence holder or director of company owning building. Police Have serious concerns over the management of the premises on the night and the management structure of the premises as a whole. The property is owned by the Wellington Pub Company which has a controlling interest by Wellington Investments Limited which has a controlling interest by investors in private capital limited. All of these companies have had a number of officers and a large number have resigned.

We would like for all possibilities to be available to the subcommittee including revocation if we are not satisfied that the management can operate the premises safely and within the limits of the premises licence in future. There should also be a clear and transparent management structure in place to allow police and council to have constructive cooperation in future.

A suspension is sort as an interim step to allow 28 days consultation to establish management structure and possible steps to allow the premises to continue to trade. This could include conditions placed on the licence to allow for a safe environment for staff and customers removal of management and all available options.

Copies of documents and statements have not been submitted with this application as they are subject to an ongoing criminal investigation and should not be in the public domain but will be available at the hearing.

PROTECTIVE MARKING

Signature of applicant			
Signature:	 <i>HC 288M</i>	Date:	28 th February 2018
Capacity:	Police Licensing Officer		
Contact details for matters concerning this application			
Surname:	White	First Names:	Graham
Address:			
Southwark Police Station, 323 Borough High Street			
Post town:	London	Post code:	SE1 1JL
Tel. No.:		Email:	SouthwarkLicensing@met.police.uk

Notes for guidance

1. A certificate of the kind mentioned in the form must accompany the application in order for it to be valid under the terms of the Licensing Act 2003. The certificate must explicitly state the senior officer's opinion that the premises in question are associated with serious crime, serious disorder or both.
Serious crime is defined by reference to section 81 of the Regulation of Investigatory Powers Act 2000. In summary, it means:
 - conduct that amounts to one or more criminal offences for which a person who has attained the age of eighteen and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of three years or more; or
 - conduct that amounts to one or more criminal offences and involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.
 Serious disorder is not defined in legislation, and so bears its ordinary English meaning.
2. Briefly describe the circumstances giving rise to the opinion that the above premises are associated with serious crime, serious disorder, or both.


**METROPOLITAN
POLICE**
TOTAL POLICING

Form 693A

Certificate under Section 53A(1)(b) of the Licensing Act 2003

Metropolitan Police Service | New Scotland | Yard 8-10 Broadway | London | SW1H 0BG

I hereby certify that in my opinion the premises described below are associated with:
serious crime

Premises (Include business name and address and any other relevant identifying details):

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

Sir Robert Peel P/H, 7 Langdale Close,

Post town: London

Post code:
(if known)

SE17 3UF

Premises licence number (if known):

860152

Name of premises supervisor (if known):

Garry Martin MacCarthy

I am a Chief Superintendent* in the Metropolitan Police Service.

*Insert rank of officer giving the certificate, which must be superintendent or above.

I am giving this certificate because I am of the opinion that other procedures under the Licensing Act are inappropriate in this case because:

(Give a brief description of why other procedures such as a standard review process are thought to be inappropriate, e.g. the degree of seriousness of the crime and/or disorder, the past history of compliance in relation to the premises concerned)

On Sunday the 25th February 2018 at about 01.45hrs police were called to male stabbed inside the pub and he is still in a critical condition in hospital, a customer of the pub has been charged with attempted murder. The Licence allows for sale of alcohol till 23.00hrs, last entry 23.15hrs and music till 00.30hrs. Statements taken indicate that all these have been breached on the night and customers were still inside drinking, music being played and some where intoxicated. This would not have happened had the premises been compliant with the licence.

A standard review was not deemed appropriate as the premises was operating outside its licence and in 2017 received a warning letter for opening late. Customers appear intoxicated on police arrival and appear to be interfering with medical care of victim. We request urgent interim steps by way of suspension till the full hearing is determined.

Signature

Signature:

Date:

28/02/2018



NOTICE OF DECISION

LICENSING SUB-COMMITTEE – 2 MARCH 2018

LICENSING ACT 2003: SECTION 53A: SIR ROBERT PEEL, 7 LANGDALE CLOSE, LONDON SE17 3UF

1. Decision

That as interim steps to promote the licensing objectives pending the determination of the review application at the full hearing, to be held on 27 March 2018:

1. That the premises licence be suspended.
2. That the designated premises supervisor be removed.

2. Reasons

This was a hearing to consider if it is appropriate to take interim steps to promote the licensing objectives upon receipt of an application by the Metropolitan Police for an expedited summary review of the premises.

The licensing sub-committee have considered the application made by the Metropolitan Police and supplementary evidence from the police presented at this hearing. The police advised that on 28 a Superintendent for the Metropolitan Police force certified that in his opinion the premises are associated with serious crime or serious disorder or both. The application concerned with a serious incident that took place on Sunday 25 February 2018 at approximately 01:45 the police were called in respect of a stabbed male inside premises. At the date of the application, the victim was remained hospitalized, in a critical condition. A regular customer of the premises has been charged with attempted murder and another customer has been arrested for assisting an offender.

A member of the premises bar staff informed police that the victim entered the premises "at "at around 11pm, but may have been a bit later". The victim then sat at the bar and purchased a pint. The victim was witnessed having at least two more drinks after this. The premises licence allows for the sale of alcohol until 23:00 hours, last entry at 23:15 and music until 00:30. The premises manager informed police that the DJ finished at exactly 01:00 hours and that there were fewer than 30 people in the premises at 01:15, being two hours after last sale of alcohol and 45-minutes after the last licensable activities. The manager also states that the victim entered the premises at 23:30, 15 minutes after last entry (Condition 308). Police state that both statements confirm that the premises licence was breached and demonstrate a total disregard to licence conditions and had the premises been compliant, this incident would not have occurred.

The Police further stated a number of people inside appeared intoxicated and when requests were made to turn lights on, this did not happen. No first aid kit was being used by staff or appear to be anybody first aid trained in breach of condition 172.

The licensing sub-committee have also considered evidence submitted by the premises licence holders in relation to the application who advised that the premises was a family orientated pub, with no history of violence. The night of the incident there was no suggestion of any animosity between the victim and the suspect and they could not have predicted that the suspect was in possession of 2 knives. The incident could have happened anywhere and if it had occurred outside of the premises it would certainly be fatal. A customer, who was by profession a nurse, assisted at the scene.

The licensing sub-committee considered the evidence of the parties carefully. The premises stated that they were in possession of a licence stating that the sale of alcohol was permitted until 00:30. They were afforded the opportunity to obtain this version of the licence, but despite the fact that it should have been on display in the premises, they were unable to locate it, in breach of condition 145 of the licence. The premises has a history of operating beyond its hours and in this occasion appear to have been selling alcohol beyond hours. The licensing sub-committee are also concerned of the overall management of the premises and at this stage, have no confidence in the management structure currently in place and therefore suspend the licence and remove the designated premises supervisor as interim steps.

The licensing sub-committee having read and heard all the evidence before them were satisfied that the interim steps set out above were appropriate and proportionate in order to promote the licensing objectives.

3. Appeal rights

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

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

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

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

Date: 2 March 2018

Heron, Andrew

From: Franklin, David
Sent: 14 March 2018 16:49
To: Regen, Licensing; Heron, Andrew
Cc: Tear, Jayne
Subject: Sir Robert Peel 7 Langdale Close SE17 3UF
Attachments: MR200034.doc

I make this representation with regards to the review application of the premises licence submitted by the Police for The Sir Robert Peel, 7 Langdale Close SE17 3UF. My representation is based on the four licensing objectives for the prevention of crime and disorder, the prevention of public nuisance, health & safety and the protection of children from harm.

I support the Police request to revoke this premises licence following the recent violent knife incident at the premises leading to the tragic death of a customer.

The incident took place while the premises was open and supplying alcohol to members of the public beyond the licence operating hours for the sale of alcohol. The premises manager Mr Kenneth Clancy was sent a warning letter dated 21 August 2017 which advised that the Council had received complaints that the premises was selling alcohol beyond their hours and advised of the hours for the sale of alcohol and warned that it was an offence to conduct licensable activities outside of these hours. Had Mr Clancy heeded this warning this incident may never have occurred.

Licensing Officers are investigating breaches of the premises licence resulting from information received from the Police investigation of the incident and I reserve the right for Licensing as a Responsible Authority to add further details and evidence to support this representation.

Regards

David Franklin
Responsible Authority for the Licensing Authority



Mr Kenneth Clancy
 Sir Robert Peel
 7 Langdale Close
 London
 SE17 3UF

Licensing Unit
Direct Line: 020 7525 5767
Direct Fax: 020 7525 5705
Our Ref: 861130

Via post

21st August 2017

Dear Mr Clancy,

Licensing Act 2003 – Sir Robert Peele – 7 Langdale Close, London, SE17 3UF

It has come to our attention over the weekend that there are a number of issues with the running of the premises. The premises licence remains in the name of Gary McCarthy, however, I understand that he has not been involved in the business for three-and-a-half years. The licence therefore needs to be transferred into your name. You will also require Mr McCarthy to provide written permission to transfer the licence.

Secondly, Section 19 (3) of the Licensing Act states that every sale of alcohol under the Premises Licence must be made or authorised by a person who holds a Personal Licence. It has come to the Licensing Unit's attention that the designated premises supervisor (DPS) listed on the Premises Licence issued in respect of the above premises, Mr Liam Mundow, is no longer have an interest in the premises. Therefore, as you do not have a DPS in place, sales of alcohol cannot take place until this matter is resolved.

This was your responsibility to do this at the point that you took over the business. You can apply for a premises licence transfer and vary DPS application with immediate effect, online at:

<https://www.southwark.gov.uk/business/licences/entertainment-and-alcohol/licences/variation-transfer-and-dps-for-the-licensing-act-2003>

You cannot be open or sell alcohol until this is resolved.

In addition to the above, the reason the visits took place was due to a complaint received that the premises has been operating beyond the hours granted on the premises licence. To remind, you, the granted hours are as follows:

The sale by retail of alcohol (both on and off sales)

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

Licensing Unit - Regulatory Services, Licensing team, Hub 1, 3rd Floor, PO Box 64529, SE1P 5LX
Switchboard - 020 7525 5000 Website - www.southwark.gov.uk
Strategic Director of Environment and Social Regeneration - Deborah Collins

The provision of late night refreshment (indoors)

- Monday to Saturday from 23:00 to 23:30

The provision of regulated entertainment in the form of live music, recorded music, performances of dance, facilities for making music and anything similar (all indoors)

- Monday to Thursday from 09:00 to 23:00
- Thursday and Friday from 09:00 to 00:30 (the following day)
- Sunday from 09:00 to 22:30

If you conduct licensable activities outside of these hours, you are committing a criminal offence under Section 136 of the Licensing Act 2003, which states:

A person commits an offence if—

- (a) He carries on or attempts to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation, or
- (b) He knowingly allows a licensable activity to be so carried on.

You are therefore advised to cease any unlicensed activity with immediate effect. If you wish to apply for a variation to your premises licence in order to extend the hours for licensable activities, please complete the application and pay the appropriate fee, via our online system.

Finally, it was noted that the Premises Licence Summary (or certified copy) was not on display and the Premises Licence (or certified copy) was not kept at the premises. This is likely why you do not understand the hours as listed on the licence. Not retaining a valid copy is in breach of Sections 57(2) & (3) of the Licensing Act 2003. However, this should be resolved once you have made your transfer and vary DPS application, as a replacement premises licence will be sent to you.

I will arrange another inspection of your premises in the coming weeks, should the above offences be found to still be in place, we will look to take enforcement action, which may result in a review and/or prosecution of the premises.

Yours sincerely

Andrew Heron
Principal Licensing Officer
andrew.heron@southwark.gov.uk

APPENDIX E



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28-Feb-2018

Scale = 1 : 661.500

LICENSING SUB-COMMITTEE DISTRIBUTION LIST (OPEN) MUNICIPAL YEAR 2017-18

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Andrew Weir - Tel: 020 7525 7222

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