

## Licensing Sub-Committee

Thursday 11 July 2019  
10.00 am

Room G06 - 160 Tooley Street, London SE1 2QH

### Membership

Councillor Renata Hamvas (Chair)  
Councillor Dora Dixon-Fyle MBE  
Councillor Adele Morris

### Reserves

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#### Contact

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

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Members of the committee are summoned to attend this meeting

**Eleanor Kelly**

Chief Executive

Date: 2 July 2019



## Licensing Sub-Committee

Thursday 11 July 2019  
10.00 am  
Room G06 - 160 Tooley Street, London SE1 2QH

### Order of Business

Item No.	Title	Page No.
	<b>PART A - OPEN BUSINESS</b>	
1.	<b>APOLOGIES</b>	
	To receive any apologies for absence.	
2.	<b>CONFIRMATION OF VOTING MEMBERS</b>	
	A representative of each political group will confirm the voting members of the committee.	
3.	<b>NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT</b>	
	In special circumstances, an item of business may be added to an agenda within five clear days of the meeting.	
4.	<b>DISCLOSURE OF INTERESTS AND DISPENSATIONS</b>	
	Members to declare any interests and dispensation in respect of any item of business to be considered at this meeting.	
5.	<b>LICENSING ACT 2003: DULWICH PICTURE GALLERY, GALLERY ROAD, LONDON SE21 7AD</b>	1 - 141
	<b>ANY OTHER OPEN BUSINESS AS NOTIFIED AT THE START OF THE MEETING AND ACCEPTED BY THE CHAIR AS URGENT.</b>	

**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.**

**OPENDISTRIBUTION**

Date: 2 July 2019

<b>Item No.</b> 5.	<b>Classification:</b> Open	<b>Date:</b> 11 July 2019	<b>Meeting Name:</b> Licensing Sub-Committee
<b>Report Title</b>		Licensing Act 2003: Dulwich Picture Gallery, Gallery Road, London SE21 7AD	
<b>Ward(s) of group(s) affected</b>		Dulwich Village	
<b>From</b>		Strategic Director of Environment and Leisure	

## RECOMMENDATION

1. That the licensing sub-committee reconsiders the notice of decision issued for an application made by Dulwich Picture Gallery Limited for a premises licence to be granted under the Licensing Act 2003 in respect of the premises known as Dulwich Picture Gallery, Gallery Road, London SE21 7AD.
2. Notes:
  - a) A copy of the initial report, which contains the application and relevant representations, is available in Appendix 1.
  - b) Paragraphs 8 to 14 of this report provide a summary of the reasons for the reconvened hearing under consideration by the sub-committee.
  - c) 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, had already 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 31 January 2019 Dulwich Picture Gallery Limited applied for a premises licence to be granted under the Licensing Act 2003 in respect of the premises known as Dulwich Picture Gallery, Gallery Road, London SE21 7AD.
9. A Hearing was held on 22 March. This hearing was adjourned and reconvened on 26 March 2019. The report for that hearing is available in Appendix 1. The decision was taken to grant the premises licence with amendments to the hours sought and with the imposition of additional conditions.
10. A notice of decision was issued on 5 April 2019. Feedback was received from both the applicant and Objectors that the written decision did not reflect the decision given at the Hearing. There continues to be disagreement regarding the content of the notice. Additional notices were issued on:
- 16 April 2019
  - 02 May 2019
  - 20 May 2019.
11. A copy of each notice is available in chronological order in Appendix 2.
12. Disagreement over the fourth notice has provoked the licensing authority to recommend that these matters be referred back to the licensing sub-committee, so that any further discussion regarding its content is debated in a fair and transparent manner. All interested parties have again been invited to attend via an email sent on 30 May 2019.
13. There continue to be three parties disputing the content of the notice. They are as follows:
- Other person C
  - The applicant's legal representative
  - The join objectors' legal representative.
14. Complaints arise regarding the hours and numbers of events that have been granted and a concern regarding amplified sound.

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

15. Council assembly approved Southwark's statement of licensing policy 2016-20 on 25 November 2015. 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. To be read in conjunction with Appendix B to the policy.
  - 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.
16. 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.
17. Within Southwark’s statement of licensing policy, the premises are identified as being within the Dulwich Village local town centre area, which is outside of any of Southwark’s cumulative impact areas. Therefore relevant closing times recommended in the Statement of licensing policy for licensed premises in residential areas are as follows:
- Closing time for Restaurants and Cafes:
    - Sunday to Thursday is 23:00 and for Friday and Saturday is 00:00 (midnight)
  - Closing time for Public Houses Wine bars or other drinking establishments:
    - 23:00 daily.

### **Resource implications**

18. A fee of £635.00 has been paid by the applicant company in respect of this application being the statutory fee payable for premises within non-domestic rateable value E.

## **Consultation**

19. 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 a similar notice exhibited outside of the premises for a period of 28 consecutive days.

## **Community impact statement**

20. 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**

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

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

23. 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.
24. 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.
25. 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**

26. 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.

27. The four licensing objectives are:

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

28. 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.

29. 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.

30. 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**

31. 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**

32. 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.

33. 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**

34. 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.
35. 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.
36. 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.
37. 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.
38. 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.
39. The sub-committee can only consider matters within the application that have been raised through representations from other persons and responsible authorities. Interested parties must live in the vicinity of the premises. This will be decided on a case to case basis.
40. 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.
41. 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

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

## Strategic Director of Finance and Governance

43. 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 to the Act Secondary Regulations Southwark statement of licensing policy Case file	Southwark Licensing, C/O Community Safety and Enforcement, 160 Tooley Street, London, SE1 2QH	Mrs Kirty Read Tel: 020 7525 5748

## APPENDICES

Name	Title
Appendix 1	Copy of report written for Hearing on 22 March 2019
Appendix 2	Notices of Decision issued on: <ul style="list-style-type: none"> <li>• 5 April 201</li> <li>• 16 April 2019</li> <li>• 2 May 2019</li> <li>• 20 May 2019</li> </ul>
Appendix 3	Email from other person C
Appendix 4	Email from applicant's representative
Appendix 5	Email from joint objectors representative

## AUDIT TRAIL

<b>Lead Officer</b>	Caroline Bruce, Strategic Director of Environment and Leisure	
<b>Report Author</b>	Andrew Heron, Principal Licensing Officer	
<b>Version</b>	Final	
<b>Dated</b>	6 June 2019	
<b>Key Decision?</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments sought</b>	<b>Comments included</b>
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
<b>Cabinet Member</b>	No	No
<b>Date final report sent to Constitutional Team</b>	1 July 2019	

<b>Item No.</b> 5.	<b>Classification:</b> Open	<b>Date:</b> 22 March 2019	<b>Meeting Name:</b> Licensing Sub-Committee
<b>Report Title</b>		Licensing Act 2003: Dulwich Picture Gallery – Gallery Road, London, SE21 7AD	
<b>Ward(s) of group(s) affected</b>		Dulwich Village	
<b>From</b>		Strategic Director of Environment and Leisure	

## RECOMMENDATION

1. That the licensing sub-committee considers an application made by Dulwich Picture Gallery Limited for a premises licence to be granted under the Licensing Act 2003 in respect of the premises known as Dulwich Picture Gallery – Gallery Road, London, SE21 7AD.
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 12 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 13 to 21 of this report deal with the representations submitted in respect of the application. Copies of the representation submitted by the responsible authorities and attached to this report in Appendix B and copies of representations from other persons against the application attached in Appendix C with those in favour in Appendix D. A map showing the location of the premises is attached to this report as Appendix F.
  - 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 31 January 2019 Dulwich Picture Gallery Limited applied for a premises licence to be granted under the Licensing Act 2003 in respect of the premises known as Dulwich Picture Gallery – Gallery Road, London, SE21 7AD. The premises are described in the application as being:

*“Dulwich Picture Gallery - a public art gallery with a shop, café and gardens.*

*Dulwich Picture Gallery has consulted with its local ‘neighbourhood group’ (local residents who have opted into receiving communications from the Gallery and to be updated on upcoming events or activities which may have an impact on them) about this licensing application.*

*Dulwich Picture Gallery held meetings on 19 September 2018, 5 December 2018 and 9 January 2019 where the ‘neighbourhood group’ were invited to feedback on the application. The Gallery has made amendments to the application and incorporated limitations within the conditions based on this feedback.”*

9. The hours applied for are summarised as follows:

The sale by retail of alcohol (on sales only)

- Sunday to Thursday                      11:00 to 23:00
- Friday and Saturday                      11:00 to 00:00

10. The outdoor supply of alcohol for events (i.e. separate to normal café opening hours) will take place on the following hours: Monday, Tuesday, Sunday: 12:00 - 22:00, Wednesday - Saturday: 12:00 - 23:00. The licensee may hold up to 12 events per calendar year on which dates licensable activities in the outdoor areas may go past 22:00, on these occasions the supply of alcohol will finish no later than 00:00. These will not be held on consecutive days. Of these 12 events, up to four may be held in the Meadow Space.

The provision of regulated entertainment in the form of plays (both indoors and outdoors)

- Sunday to Thursday                      09:00 to 23:00
- Friday and Saturday                      09:00 to 00:00

The outdoor performance of plays will finish no later than 22:00 and will only go past 18:00 a maximum of 50 times per calendar year and will only go past 20:00 a maximum of ten times per calendar year.

The provision of regulated entertainment in the form of films (both indoors and outdoors)

- Sunday to Thursday 09:00 to 23:00
- Friday and Saturday 09:00 to 00:00

The outdoor performance of films will finish no later than 23:00 and will only go past 18:00 a maximum of 50 occasions per calendar year and will only go past 20:00 a maximum of 25 occasions per calendar year.

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

- Sunday to Thursday 09:00 to 23:00
- Friday and Saturday 09:00 to 00:00

The outdoor performance of live music will take place only between the hours of 12:00 - 22:00 Monday to Sunday and will only go past 18:00 a maximum of 50 occasions per calendar year and a maximum of 25 occasions past 20:00 over each calendar year, subject to the following:

The licensee may hold up to 12 events per calendar year on which dates licensable activities in the outdoor areas may go past 22:00, on these occasions any live music will finish no later than 23:00 and will not be held on consecutive days. Of these 12 events, up to four may be held in the Meadow Space.

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

- Sunday to Thursday 09:00 to 23:00
- Friday and Saturday 09:00 to 00:00

The outdoor playing of recorded music will only take place between the hours of 12:00 - 22:00 Monday to Sunday up to a maximum of 50 occasions past 18:00 and of those only 25 occasions past 20:00 over each calendar year, subject to the following: The licensee may hold up to 12 events per calendar year on which dates licensable activities in the outdoor areas can go on past 22:00 and may finish no later than 00:00, these will not be held on consecutive days. Of these 12 events, up to four may be held in the Meadow Space. Of these 12 events, no more than eight will have recorded music playing beyond 23:00.

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

- Sunday to Thursday 09:00 to 23:00
- Friday and Saturday 09:00 to 00:00

The outdoor performance of dance will finish no later than 22:00 and will only go past 18:00 a maximum of 50 times per calendar year and of those a maximum of ten times per calendar year could go past 20:00.

Opening hours

- Sunday to Thursday 08:00 to 23:45
- Friday and Saturday 08:00 to 00:45

11. The designated premises supervisor is to be David Michel, who holds a personal licence with the London Borough of Lambeth.

12. The premises licence application form provides the applicant's operating schedule. Parts A, B, C, E, F, G, 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**

13. Representations have been received from three responsible authorities. At the point that this report was written, they had not been conciliated.
14. A representation had been received from this council's trading standards service requesting additional conditions in relation to the protection of children from harm.
15. A representation has been provided by this council's environmental protection team, again asking for additional conditions as there is a concern of the potential noise impact on local residents in the immediate vicinity.
16. A representation has been submitted by the licensing authority in their role as responsible authority, asking for an adjustment in hours for the sale of alcohol and additional conditions, though it is accepted that the premises likely falls outside of the jurisdiction of the Southwark Licensing Policy.
17. The representations and details of withdrawals between the applicant and the responsible authorities are all available in Appendix B.

### **Representations from other persons**

18. Representations against the application have been received from 25 other persons. All express concerns in relation to the potential for noise from the premises and antisocial behaviour from visitors to the premises.
19. Objectors disagree on the final outcome of the application, some preferring the application to be dismissed in full, others seeking a curtailment of hours. All representations however, carry similar concerns in relation to the application, in summary:
- Noise egress from the premises (whether a noise impact assessment has been completed and whether noise limiters have been considered)
  - The potential lack of sound insulation at the installation
  - The potential frequency of evening events over the summer
  - The proximity of the premises to residential addresses
  - Increased footfall and traffic
  - Access and egress problems, including limited parking facilities and the use of a private road
  - The behaviour of intoxicated patrons departing the premises and alcohol-related nuisance
  - The potential disruption to the sleep of local children
  - The granting of this licence forming a potential precedent for future applications.
20. The representations against the application are provided in Appendix C.

21. Five supporting representations have been provided. These are available in Appendix D.

### Conciliation

22. All representations were sent to the applicant. At the point that this report was written, none had been conciliated and withdrawn. Public meetings have already taken place with local residents at the Gallery in the build up to this application being submitted.

### Premises history

23. The premises already has a premises licence. The hours are as follows:

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

The sale of alcohol (on sales only)

Monday to Friday	11:00 to 23:30
Saturday	10:00 to 23:30
Sunday	12:00 to 23:30

The provision of late night refreshment (indoors)

Monday to Sunday	23:00 to 01:30 (the following day)
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The provision of regulated entertainment in the form of films, plays, performances of dance, live and recorded music (all indoors)

Monday to Sunday	09:00 to 23:00
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24. A copy of the current licence is available for members' information in Appendix E, this is however a new application. In addition, every other summer, the premises has held an additional time-limited premises licence for an external pavilion for a biannual music event
25. The premises has been granted a number of temporary events notices in the last 12 months, namely:

Applicant	Activities	Dates	Counter Notice
David Michel	Alcohol (on sales) and regulated entertainment	11/07/2018 12:00 to 21:00	Application withdrawn
Johan Hallin	Alcohol (on sales)	11/07/2018 12:00 to 21:00	Rejected – late
Johan Hallin	Alcohol (on sales)	11/07/2018 10:00 to 20:00	Rejected – late
David Michel	Alcohol (on sales)	07/09/2018 19:00 to 21:00	No
David Michel	Alcohol (on sales)	18/08/2018 12:00 to 17:00	No
David Michel	Alcohol (on sales) and regulated entertainment	13/04/2019 to 13/04/2019	No

26. It is acknowledged that there has been a previous history of noise complaints in relation to the premises, however, formal mediation has taken place between local residents and the premises. As a result, the licensing department has one complaint registered against the premises in the last year:

Date	Complainant	Complaint	Action
28/06/2018	Local Resident	Complaint regarding the granting of TENS	Advice received from EPT

## Deregulation of entertainment

27. On 6 April 2015 entertainment became deregulated and as a result:

- Live unamplified music is deregulated between 08:00 and 23:00 on any premises.
- Live amplified music is deregulated between 08.00 and 23.00 at on-licensed premises provided the audience does not exceed 500 people, however, live music can become licensable in on-licensed premises if the licensing authority removes the effect of the deregulation following a licence review ('licence review mechanism').

## Map

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

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

The sale of alcohol (on sales only)

Monday to Sunday 10:00 to 23:30

The provision of late night refreshment (indoors)

Monday to Friday 23:00 to 23:30

Saturday and Sunday 23:00 to 23:59

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

Monday to Saturday 10:00 to 23:30

Sunday 12:00 to 22:30

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

The sale of alcohol (to member indoors)

Monday to Sunday 12:00 to 23:00

## Southwark council statement of licensing policy

29. Council Assembly approved Southwark's Statement of Licensing Policy 2016-20 on 25 November 2015. The policy came into effect on 1 January 2016. Further sections of the statement that are considered to be of particular relevance to the sub-committee's consideration are:

- Section 3 – Purpose and scope of the policy. This reinforces the four licensing objectives and the fundamental principles upon which this Authority relies in determining licence applications
- Section 5 – Determining applications for premises licences and club premises certificates. This explains how the policy works and considers issues such as location; high standards of management; and the principles behind condition setting.
- Section 6 – Local cumulative impact policies. This sets out this authority's approach to cumulative impact and defines the boundaries of the current special policy areas and the classifications of premises to which they apply. To be read in conjunction with Appendix B to the policy

- Section 7 – Hours of operation. This provides a guide to the hours of licensed operation that this Authority might consider appropriate by type of premises and (planning) area classification.
  - Section 8 – The prevention of crime and disorder. This provides general guidance on the promotion of the first licensing objective.
  - Section 9 – Public safety. This provides general guidance on the promotion of the second licensing objective.
  - Section 10 – The prevention of nuisance. This provides general guidance on the promotion of the third licensing objective.
  - Section 11 – The protection of children from harm. This provides general guidance on the promotion of the fourth licensing objective.
30. 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.
31. Within Southwark’s Statement of Licensing Policy, the premises are identified as being within the Dulwich Village local town centre area, which is outside of any of Southwark’s Cumulative Impact Zones. Therefore relevant closing times recommended in the Statement of Licensing Policy for licensed premises in residential areas are as follows:
- Closing time for Restaurants and Cafes:
- Sunday to Thursday is 23:00 and for Friday and Saturday is 00:00 (midnight)
- Closing time for Public Houses Wine bars or other drinking establishments:
- 23:00 daily.

### **Resource implications**

32. A fee of £635.00 has been paid by the applicant company in respect of this application being the statutory fee payable for premises within non-domestic rateable value E.

### **Consultations**

33. 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**

34. 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**

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

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

37. 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.
38. 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.
39. 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**

40. 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.
41. The four licensing objectives are:
  - The prevention of crime and disorder
  - Public safety
  - The prevention of nuisance
  - The protection of children from harm.
42. 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.

43. 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.
44. 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**

45. 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**

46. 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.
47. 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**

48. 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.

49. 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.
50. 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.
51. 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.
52. 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.
53. 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.
54. 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.
55. 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**

56. 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.

**BACKGROUND DOCUMENTS**

<b>Background Papers</b>	<b>Held At</b>	<b>Contact</b>
Licensing Act 2003 Home Office 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	Mrs Kirty Read Tel: 020 7525 5748

**APPENDICES**

<b>Name</b>	<b>Title</b>
Appendix A	Application for a premises licence
Appendix B	Representations submitted by responsible authorities
Appendix C	Representations submitted by other persons against the application
Appendix D	Representations submitted by other persons in favour of the application
Appendix E	Copy of current premises licence for information
Appendix F	Map of the locality

**AUDIT TRAIL**

<b>Lead Officer</b>	Ian Smith, Strategic Director of Environment and Leisure	
<b>Report Author</b>	Andrew Heron, Principal Licensing Officer	
<b>Version</b>	Final	
<b>Dated</b>	4 March 2019	
<b>Key Decision?</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments sought</b>	<b>Comments included</b>
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	No	No
<b>Cabinet Member</b>	No	No
<b>Date final report sent to Constitutional Team</b>	6 March 2019	

31/01/2019

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

Ref No. 1172574

## Name of Applicant

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

	Dulwich Picture Gallery
--	-------------------------

## Premises Details

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

£	33,001
	Band D and E only applies to premises which uses exclusively or primarily for the supply of alcohol for consumption on the premises
	No

## Premises trading name

	Dulwich Picture Gallery
--	-------------------------

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

Address Line 1	DULWICH PICTURE GALLERY GALLERY ROAD
Address Line 2	
Town	LONDON
County	
Post code	SE21 7AD
Ordnance survey map reference	
Description of the location	
Telephone number	

## Applicant Details

Please select whether you are applying for a premises licence as

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

If you are 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	Dulwich Picture Gallery
------	-------------------------

Address - First Entry

Street number or building name	Dulwich Picture Gallery
Street Description	Gallery Road
Town	London
County	
Post code	SE21 7AD
Registered number ( where applicable )	10445344
Description of applicant ( for example, partnership, company, unincorporated association etc )	Limited Company

Contact Details - First Entry

Telephone number	██████████
Email address	████████████████████

Operating Schedule

When do you want the premises licence to start?

	01/03/2019
--	------------

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>Dulwich Picture Gallery - a public art gallery with a shop, café and gardens.</p> <p>Dulwich Picture Gallery has consulted with its local 'neighbourhood group' (local residents who have opted into receiving communications from the Gallery and to be updated on upcoming events or activities which may have an impact on them) about this licensing application.</p> <p>Dulwich Picture Gallery held meetings on 19 September 2018, 5 December 2018 and 9 January 2019 where the 'neighbourhood group' were invited to feedback on the application. The Gallery has made amendments to the application and incorporated limitations within the conditions based on this feedback.</p>
--	---

If 5,000 or more people are expected to attend the premises at any one time please use the drop down below to select the number.

	Less than 5000
--	----------------

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 of the Licensing Act 2003)
--	---

Provision of regulated entertainment (Please read guidance note 2)

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

Provision of late night refreshment

--	--

Supply of alcohol

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

A - Plays

Will the performance of a play take place indoors or outdoors or both? (Please read guidance note 3)

	Both
--	------

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

	Use of indoor and outdoor areas for public programmes, learning events and private hire.
--	--

Standard days and timings for Plays (Please read guidance note 7)

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

State any seasonal variations for performing plays ( Please read guidance note 5 )

--	--

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 6 )

	The outdoor performance of plays will finish no later than 22:00 and will only go past 18:00 a maximum of 50 times per calendar year and will only go past 20:00 a maximum of 10 times per calendar year.
--	---

**B- Films**

Will the exhibition of films take place indoors or outdoors or both? ( Please read guidance note 3)

	Both
--	------

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

	Use of indoor and outdoor areas for public programmes, learning events and private hire.
--	--

Standard days and timings for Films ( Please read guidance note 7)

Day	Start	Finish
-----	-------	--------

Mon	09:00	23:00
Tues	09:00	23:00
Wed	09:00	23:00
Thur	09:00	23:00
Fri	09:00	00:00
Sat	09:00	00:00
Sun	09:00	23:00

State any seasonal variations for the exhibition of films ( Please read guidance note 5)

--	--

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 6 )

	The outdoor performance of Films will finish no later than 23:00 and will only go past 18:00 a maximum of 50 occasions per calendar year and will only go past 20:00 a maximum of 25 occasions per calendar year.
--	---

E - Live Music

Will the performance of live music take place indoors or outdoors or both? ( Please read guidance note 3)

	Both
--	------

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

	Use of the indoor and outdoor areas for public programmes, learning events and private hire. Some playing of music will be amplified.
--	---

Standard days and timings for Live Music ( Please read guidance note 7)

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

State any seasonal variations for the performance of live music ( Please read guidance note 5)

--	--

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 6 )

	<p>The outdoor performance of live music will take place only between the hours of 12:00 - 22:00 Monday to Sunday and will only go past 18:00 a maximum of 50 occasions per calendar year and a maximum of 25 occasions past 20:00 over each calendar year, subject to the following:                  The licensee may hold up to 12 events per calendar year on which dates licensable activities in the outdoor areas may go past 22:00, on these occasions any live music will finish no later than 23:00 and will not be held on consecutive days. Of these 12 events, up to 4 may be held in the Meadow Space.</p>
--	--

F - Recorded Music

Will the playing of recorded music take place indoors or outdoors or both? ( Please read guidance note 3 )

	Both
--	------

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

	Use of the indoor and outdoor areas for public programmes, learning events and private hire.
--	--

Standard days and timings for Recorded Music ( Please read guidance note 7 )

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

State any seasonal variations for playing recorded music ( Please read guidance note 5)

--	--

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 6 )

	<p>The outdoor playing of recorded music will only take place between the hours of 12:00 - 22:00 Monday to Sunday up to a maximum of 50 occasions past 18:00 and of those only 25 occasions past 20:00 over each calendar year, subject to the following:                  The licensee may hold up to 12 events per calendar year on which dates licensable</p>
--	--

	activities in the outdoor areas can go on past 22:00 and may finish no later than 00:00, these will not be held on consecutive days. Of these 12 events, up to 4 may be held in the Meadow Space. Of these 12 events, no more than 8 will have recorded music playing beyond 23:00.
--	---

G - Performances of Dance

Will the performances of dance take place indoors or outdoors or both? ( Please read guidance note 3 )

	Both
--	------

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

	Use of the indoor and outdoor areas for public programmes, learning events and private hire.
--	--

Standard days and timings for Performance of dance ( Please read guidance note 7 )

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

State any seasonal variations for the performance of dance ( Please read guidance note 5 )

--	--

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 6 )

	The outdoor performance of dance will finish no later than 22:00 and will only go past 18:00 a maximum of 50 times per calendar year and of those a maximum of 10 times per calendar year could go past 20:00.
--	--

J - Supply of Alcohol

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

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

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

Day	Start	Finish
Mon	11:00	23:00
Tues	11:00	23:00
Wed	11:00	23:00
Thur	11:00	23:00
Fri	11:00	00:00
Sat	11:00	00:00
Sun	11:00	23:00

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

--	--

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

	<p>The outdoor supply of alcohol for events (i.e. separate to normal café opening hours) will take place on the following hours: Monday, Tuesday, Sunday: 12:00 - 22:00                  Wednesday - Saturday: 12:00 - 23:00                  The licensee may hold up to 12 events per calendar year on which dates licensable activities in the outdoor areas may go past 22:00, on these occasions supply of alcohol will finish no later than 00:00, these will not be held on consecutive days. Of these 12 events, up to 4 may be held in the Meadow Space.</p>
--	---

Please download and then upload the consent form completed by the designated proposed premises supervisor

	<a href="#">DPS-Consent-Form-Dulwich-Picture-Gallery.pdf</a>
--	--

Premises Supervisor

Full name of proposed designated premises supervisor

First names	David
Surname	Michel

DOB

Date Of Birth	██████████
---------------	------------

Address of proposed designated premises supervisor

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

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

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

Personal licence number ( if known )	██████████
Issuing authority ( if known )	██████████

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 9)

	None.
--	-------

L - Hours premises are open to public

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

Day	Start	Finish
Mon	08:00	23:45
Tues	08:00	23:45
Wed	08:00	23:45
Thur	08:00	23:45
Fri	08:00	00:45
Sat	08:00	00:45
Sun	08:00	23:45

State any seasonal variations ( Please read guidance note 5 )

--	--

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

--	--

M - Steps to promote four licencing objectives

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

	See conditions at Annex A.
--	----------------------------

b) the prevention of crime and disorder

	See conditions at Annex A.
--	----------------------------

c) public safety

	See conditions at Annex A.
--	----------------------------

d) the prevention of public nuisance

	See conditions at Annex A.
--	----------------------------

e) the protection of children from harm

	See conditions at Annex A.
--	----------------------------

Please upload a plan of the premises

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

Please upload any additional information i.e. risk assessments

	<a href="#">Annex-A-DPG-Overview.1.pdf</a>
--	--

Checklist

	I have enclosed the plan of the premises. I understand that if I do not comply with the above requirements my application  will be rejected. I understand that I must now advertise my application (In the local paper within 14 days of applying
--	--

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	200003435462, ,
AuthCode	050411
LicenceReference	ks102 94212
PaymentContactEmail	

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

Full name	Marilyn Gayle, Joelson Solicitors
Date (DD/MM/YYYY)	31/01/2019
Capacity	Solicitors for and on behalf of the applicant

Where the premises licence is jointly held, enter the 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (guidance note 13). If completing on behalf of the applicant state in what capacity

Full name	
Date (DD/MM/YYYY)	31/01/2019
Capacity	LONDON

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

Contact name and address for correspondence	Mrs Marilyn Gayle Joelson JD LLP Solicitors [REDACTED]
Telephone No.	[REDACTED]
If you prefer us to correspond with you by e-mail, your email address (optional)	[REDACTED]

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.

**ANNEX A**  
**THE DULWICH PICTURE GALLERY, GALLERY ROAD, LONDON SE21 7AD**

**Conditions to apply at all times:**

1. 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 license) 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.
2. 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.
3. An SIA trained guard will monitor the whole of the site from 17:00 to 09:00 the following morning.
4. Fire extinguishers and equipment shall be efficiently maintained in satisfactory working order and kept available for instant use.
5. All staff members are to be trained in fire and emergency procedures.
6. A first aider shall be on site at all times.
7. Staff, café and restaurant managers are made aware of licensing laws.
8. A Neighbours Group (who opt to receive communication) of residents living within 250m of the Gallery Building will be informed by regular emails of events taking place outside normal Gallery opening hours and ensure members of the group have the means to register any issues with the Gallery. A direct telephone number for the Duty Manager at the Gallery will be made available to residents who are members of the Neighbours Group.
9. The Gallery will be responsive to neighbours' feedback and ensure there are always ways for neighbours to provide feedback and concerns to the Gallery.
10. The College Road entrance/exit shall be closed at 21:30 each day with the exception of emergency access and egress or disabled access or egress.
11. There shall be no promotional DJ events.
12. The Gallery's PA system will be set with noise limiters. Any additional sounds systems brought in by event organisers will also be required to have noise levels set by the Gallery at sound check in line with the Gallery's levels. Speakers shall be directed away from the nearest residents for outdoor events. The positioning of amplified sound should take account of the direction of noise travel in order to minimise the noise pollution for surrounding neighbours. This includes set up for events as well.
13. Sound levels will be closely monitored throughout any event by the Duty Manager and sound will be managed down for events continuing past 21:00. This includes set up for events as well.
14. The premises shall advertise parking on Gallery Road only.
15. Taxis shall be encouraged to collect from Gallery Road, (not College Road) and guests will be told to wait quietly. All pickups post 21:30 will be via Gallery Road.
16. Sound levels outside will always be kept at a reasonable level and will take account of ongoing feedback from local residents.
17. Events outdoors past 22:00 will not happen on consecutive nights
18. Events outdoors past 21:00 will not happen more than two times in any seven day period (except as part of an organised series of non-commercial arts or community events).
19. Venue hire events for 150+ people will require adequate toilet provision.
20. The Dulwich Picture Gallery site can have a maximum of 500 visitors at any time.



Key:

- Areas in which temporary structures may be erected
- Premises Boundary
- Denotes area to be used for licensable activities

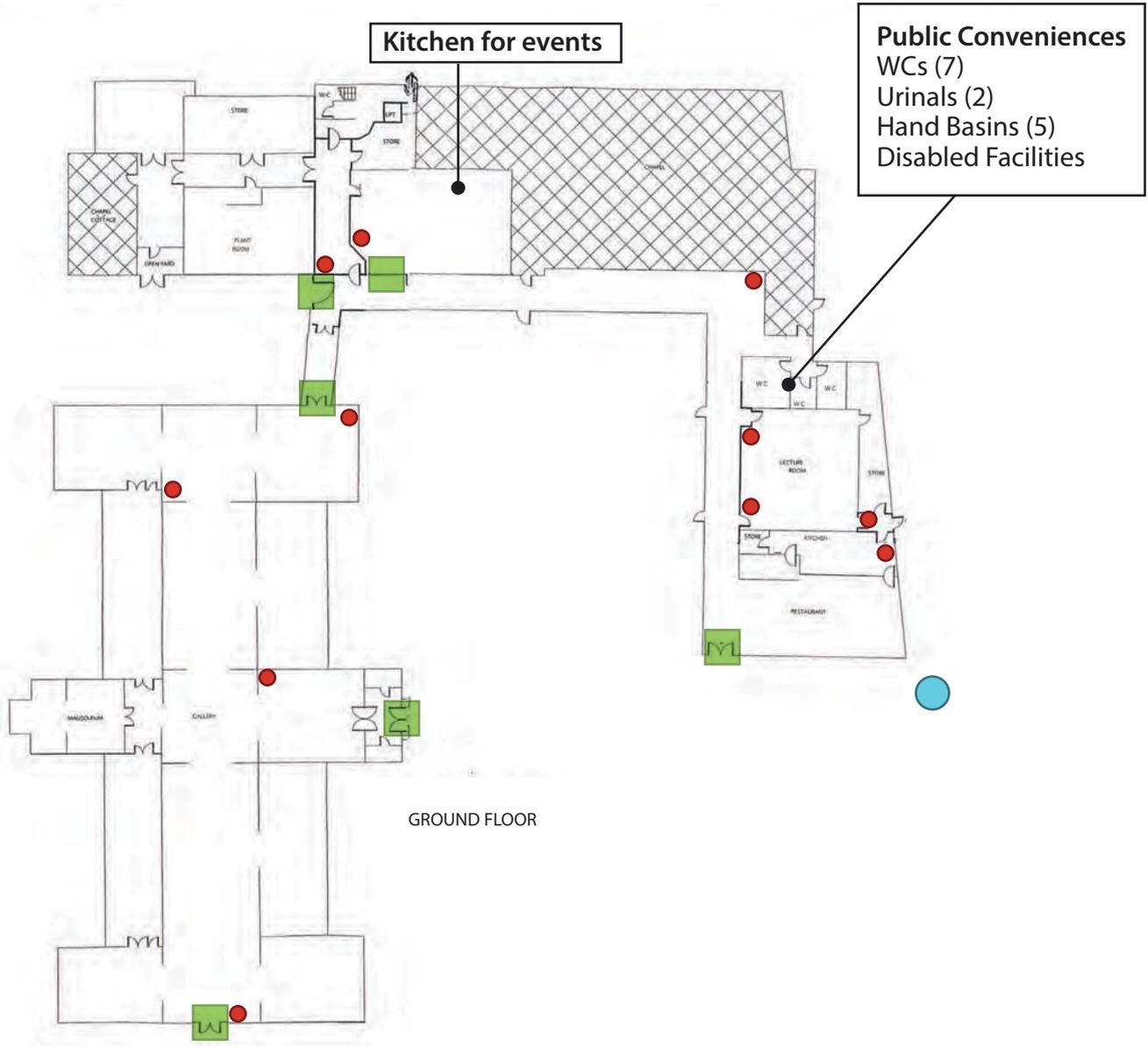


Scale: 1:1000 @ A3

Date: 23/08/18

Description: Dulwich Picture Gallery - Areas Plan

Drawing no: LA01

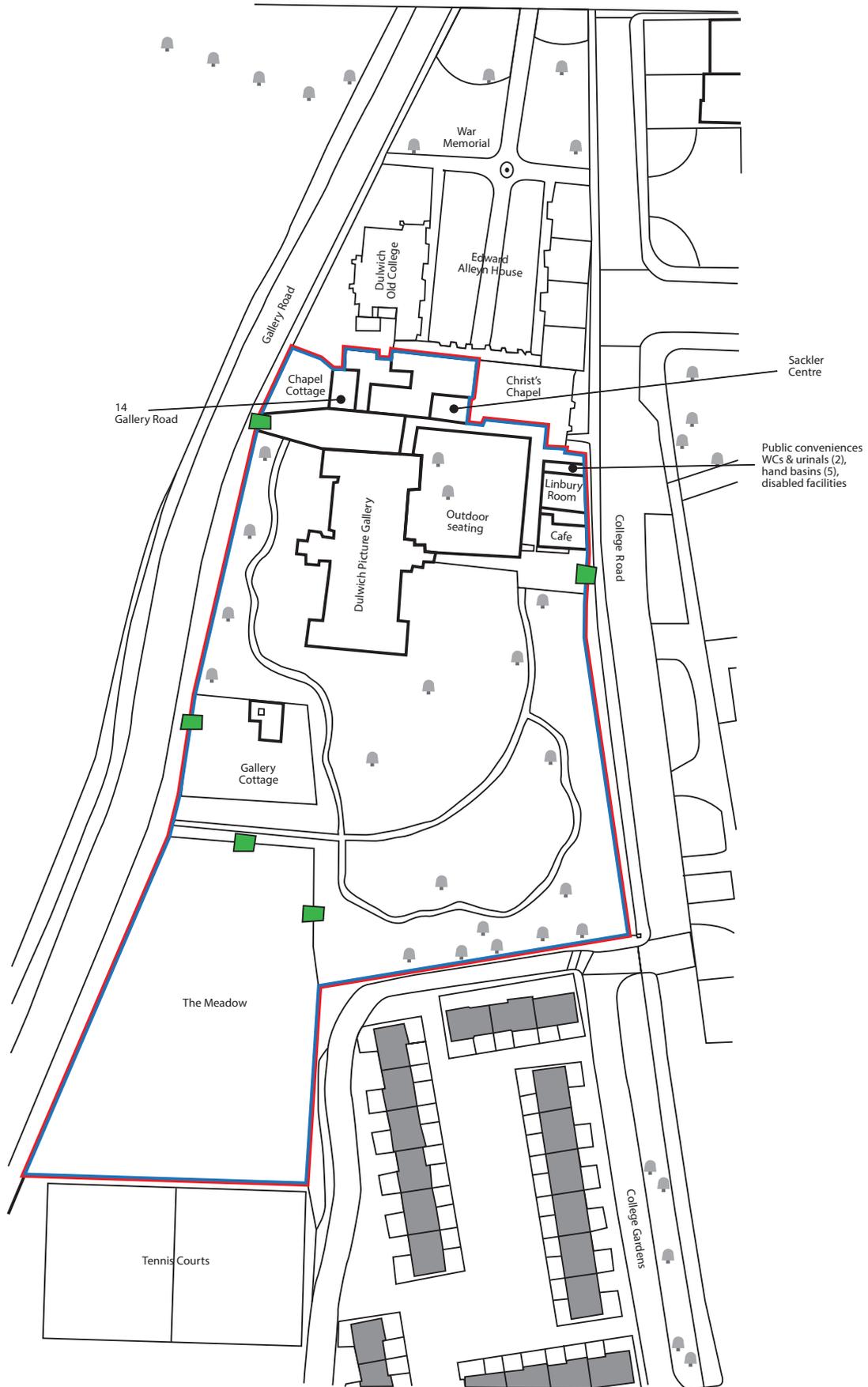


Key:

-  Entrance/Exit
-  Fire Hydrant
-  Fire Extinguisher



Scale: 1:500 @ A4  
Date: 23/08/18  
Description: Dulwich Picture Gallery - Internal Plan  
Drawing no: LA02



- Entrance/Exit
- Premises Boundary
- Denotes area to be used for licensable activities

	Scale: 1:1000 at A3 Date: 01/08/17 Description: Dulwich Picture Gallery - Location Site Plan
--	--

21. Across regulated entertainment (Plays, Films, Live music, Recorded music & Dance) the combined maximum occurrences of these activities outdoors in each calendar year is as follows:

Maximum number of Occurrences	Timing
50	After 18:00
25 (no more than 8 in any 4 week period, except as part of an organised series of non-commercial arts or community events)	After 20:00
12 (Plays must finish before 22:00, Live Music and Film must finish before 23:00 and Recorded Music must finish before 00:00 and is only allowed beyond 23:00 on 8 occurrences)	After 22:00

22. Sale and/or consumption of alcohol outside will only take place when the café/restaurant is open or as part of an organised or private hire event.
23. For the avoidance of any doubt 'outdoor' and 'outside' encompasses activities taking place in marquees and in the Summer Pavilion.
24. The Gallery will not apply for Temporary Event Notices.

#### **Additional conditions for Summer Pavilion**

For the avoidance of any doubt the conditions 24-29 are in ADDITION to the conditions 1-22 for any Summer Pavilions the Gallery may have.

25. A layout plan showing the location of the Summer Pavilion shall be sent to Southwark Council Licensing Team at least 28 days prior to its erection.
26. The Summer Pavilion shall be erected only between the months of May and October.
27. The premises licence in respect of the Summer Pavilion shall only be in operation for a maximum of 6 days per week.
28. The Summer Pavilion shall have a capacity of a maximum of 150 people. This 150 capacity will form part of the overall maximum capacity of the 500 for the Dulwich Picture Gallery site.
29. A Summer Pavilion dispersal plan will be prepared and made available with the premises license for inspection by the responsible authorities.
30. If the Summer Pavilion has no sound mitigation there will be no amplified music allowed in there.

# ABOUT DULWICH PICTURE GALLERY

## WHO WE ARE:

Dulwich Picture Gallery, founded in 1811, is the world's first purpose-built public art gallery. We care for and display our outstanding collection of Old Master paintings within Sir John Soane's pioneering architecture. As an independent Gallery, we remain true to our founders' purpose of presenting art 'for the inspection of the publick' while engaging as many people as possible, of all ages and backgrounds, through our exciting programme.

## OUR MISSION:

To unlock the Gallery's unique potential: our location, building, grounds, art and people.

## OUR VISION:

Remastering the old: Dulwich Picture Gallery is an inspirational retreat creating equal opportunities for discovering a fresh understanding of humanity through the art of the past. Our indoor and outdoor creative experiences provide time-out from a chaotic and unpredictable world, enabling visitors to forge personal connections with historic paintings that were contemporary then and are contemporary now.

## OUR VISION IN ACTION:

*Within London's most unique historic indoor and outdoor art destination*

Find Yourself **surprised** by 'oh-wow' visual encounters

Find Yourself **at home** in a space where you feel welcome

Find Yourself **connected** with paintings and people

Find Yourself **transported** by history and imagination

Find Yourself **nourished** by creativity and contemplation

*Find Yourself in Art.*

## REGISTERED CHARITY:

We are a Registered Charity, number 1171287.



In 2017 - 2018:

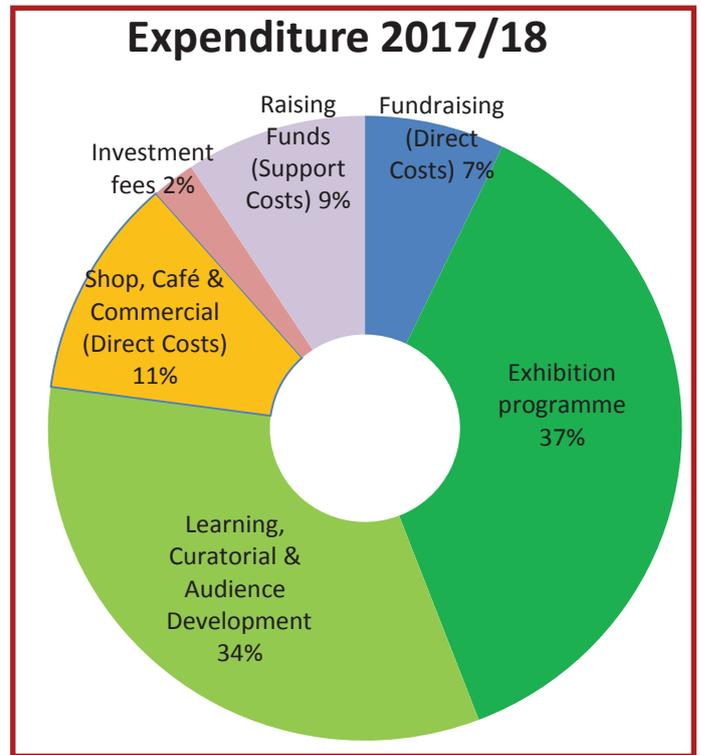
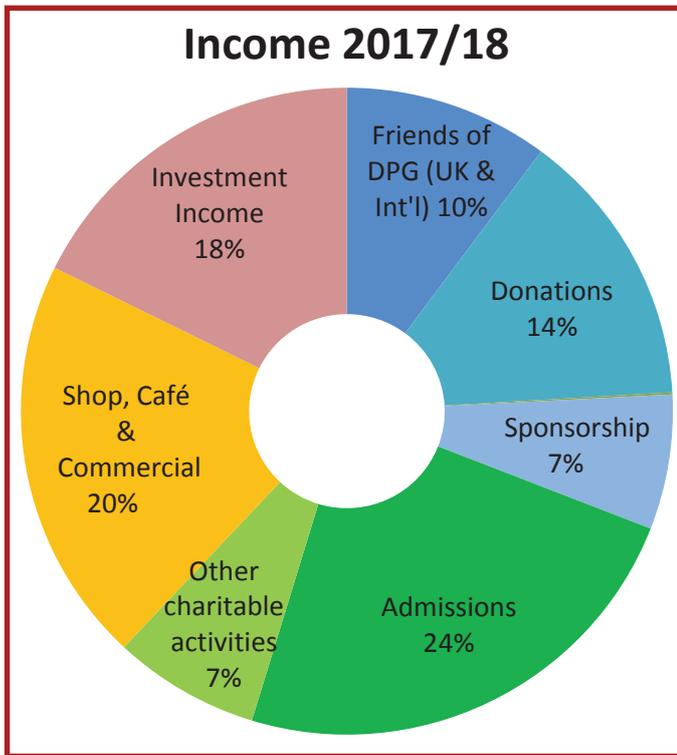


## FINANCIAL POSITION:

Our admissions income only covers around a quarter of our income each year. We need to work incredibly hard to secure the rest of the money needed from fundraising, investments and commercial activities. We care for an historic building of architectural significance and a Designated Collection of International Importance, which we have a duty to protect for future generations; this is costly to maintain.

We do not receive any regular funding from any statutory sources (local authority or government), so need to find other means to ensure the sustainability of the Gallery. It is vital for our financial stability that we can use the site for a range of commercial activities to support our artistic and learning work and to secure the Gallery for the future.

The fundraising landscape has dramatically changed over recent years, and it is far more challenging to raise funds for projects and to cover essential core costs. Our funders increasingly need to see how we are generating income from other sources, therefore it is vital that we maximise income from a variety of sources such as our café, shop and venue hire.



## AUDIENCE DEVELOPMENT:

We are committed to diversifying our audience and ensuring the Gallery is a vital community resource both now and for future generations. We are implementing a five-year audience development plan based on analysis of the demographics of our three priority boroughs (Southwark, Lambeth and Lewisham), which aligns our objectives to ensure that year-on-year we better reflect the identities, and better serve the needs, of our local area.

We have learnt through ambitious projects over the past few years that audience diversification needs to be led through our cultural programming, this can be seen through the success of our 'Gallery Lates' programme, which draws in a younger audience than we have previously attracted, and targeted work such as our ground-breaking 'Reframing the Muse' project which enabled refugee, migrant and asylum seekers in our local area to partner with socially isolated older women to share their stories through the shared language of art.

## LEARNING AND OUTREACH:

Our rich Learning and Outreach offer provides opportunities for people of all ages to engage with the Gallery. Our 'Mini Masterpieces' programme works with babies from six months and their carers to have a dual learning experience, following on with our 'Art Adventurers' programme for toddlers.

We work extensively with people experiencing mental health challenges by providing a variety of programmes, often in partnership with specialist organisations who are able to support us in reaching the most vulnerable members of our community.

Our schools programme has been refreshed in 2018 and works closely with the complex needs of the schools, teachers and pupils to provide a valuable enhancement to their education, using the experiences at the Gallery across different academic subjects.

In recent years we have seen huge success in growing our family audience with 'special event' weekends packed full of cultural activities. This is in response to the shifting demographic of more families within the local vicinity of the Gallery.

## OUR COLLECTION:

Dulwich Picture Gallery houses a Designated Collection of International Importance with over 600 European masterpieces by artists including Rembrandt, Gainsborough, Canaletto and Poussin.

We have embarked on an ambitious three-year interpretation project - Unlocking Paintings - to test and develop approaches of interpretation which are relevant to a contemporary audience, enabling visitors to make personal connections with our paintings.

Our learning and curatorial teams work together to create, investigate and develop new ways to share the stories behind our artworks. We are devising new gallery interpretation – ranging from introductory panels that bring exciting themes to life, to creative materials for children and families. We are studying how our visitors interact with the paintings and building by conducting audience research and working with a group of young volunteers to obtain their valuable input into our future.

## EXHIBITIONS:

Dulwich Picture Gallery has an international reputation for mounting revelatory exhibitions where visitors can discover an artist they may not be familiar with or discover new perspectives on established names from Rembrandt to Monet. The unique temporary exhibition spaces at the Gallery provide an exciting environment for exhibitions and innovative displays.

We have three major exhibitions each year which are often accompanied by contemporary multi-disciplinary interventions, and our programme underlines our commitment to ensuring that Dulwich Picture Gallery remains dynamic and engaging to audiences of all ages and backgrounds.

**Dulwich Picture Gallery has a wide range of programmes and activities taking place across the year, please see the Case Study below on the Dulwich Pavilion 2017. We will have another Pavilion in 2019:**

### REMEMBERING SOANE: THE DULWICH PAVILION 2017

The Dulwich Pavilion 2017, designed by local young architectural firm IF\_DO, marked the Gallery's 200th anniversary celebrations. Young and emerging architects were challenged through a public competition to design a Pavilion space to sit alongside and take inspiration from Soane's building. There were over 85 entries.

On Tuesday 13 June 2017, Florence Welch performed in the Pavilion for the Gallery's bicentenary Summer Party. The Pavilion won critical acclaim for its design and has been the seed for IF\_DO's huge success as a practice since. The space offered new and exciting possibilities to grow the Gallery's programmes across health and wellbeing, work with older people and a programme of free Summer Lates.

We held weekly Summer Lates offering access to the Collection free of charge to all along with a range of free activities from life-drawing to Baroque inspired Viola da gamba live in the mausoleum. The Lates proved hugely popular with 500 attendees across 8 summer evenings attracting 40% new audiences to the site and 20% non-white British visitors.

**Heron, Andrew**

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**From:** Regen, Licensing  
**Sent:** 26 February 2019 10:14  
**To:** Enebeli, Emma  
**Cc:** Heron, Andrew  
**Subject:** FW: Dulwich Picture Gallery - Gallery Road, London SE21 7AD - application number 866740

**Kirty Read**

Processing Manager  
 Southwark Council | Licensing | Regulatory Services  
**Tel:** 0207 525 5748 | **Fax:** 020 7525 5705  
**EHTS Helpline:** 020 7525 4261 | **Call Centre:** 020 7525 2000  
**Email:** licensing@southwark.gov.uk

In future if you wish to submit an application, a quicker way would be to [apply online](#)

**Postal Address:**

Licensing Team | 3rd Floor, Hub 1 | PO Box 64529 | London | SE1P 5LX

**Visitor's Address:**

160 Tooley Street | London | SE1 2QH

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**From:** Moore, Ray

**Sent:** Tuesday, February 26, 2019 10:06 AM

**To:** Regen, Licensing; [REDACTED]

[REDACTED] o.uk; Taylor, Dan; Tear, Jayne; West Team diary

**Subject:** Dulwich Picture Gallery - Gallery Road, London SE21 7AD - application number 866740

As a responsible authority under the Licensing Act 2003, Trading Standards are in receipt of an application from Dulwich Picture Gallery Ltd for a premises license in respect of the above address and respond accordingly with representations made under the Licensing Objectives

Trading Standards are objecting to this new application on the basis of the licensing objectives "the protection of children from harm".

In the general description of the premises it states

"Dulwich Picture Gallery - a public art gallery with a shop, café and gardens. Dulwich Picture Gallery has consulted with its local 'neighbourhood group' (local residents who have opted into receiving communications from the Gallery and to be updated on upcoming events or activities which may have an impact on them) about this licensing application.

Dulwich Picture Gallery held meetings on 19 September 2018, 5 December 2018 and 9 January 2019 where the 'neighbourhood group' were invited to feedback on the application. The Gallery has made amendments to the application and incorporated limitations within the conditions based on this feedback"

The application to provide alcohol on the premises from 11:00 hours to 23:00 hours Sunday to Thursday and 11:00 hours to 00:00 hours Friday and Saturday.

Annex A gives details of the planned conditions and wrt "the protection of children from harm" these include...

1. 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 license) 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.

2. 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.

Trading Standards would seek to tidy up these matters wrt “the protection of children from harm” and propose the following conditions:-

- That a challenge 25 scheme shall be maintained at the premises requiring that staff selling alcohol request that any customer who looks under 25 years old, and who is attempting to purchase alcohol, provides valid photographic identification proving that the customer is at least 18 years old. Valid photographic identification is composed of a driving licence, passport, UK armed services ID card and any Proof of Age Standards Scheme (PASS) accredited card such as the Proof of Age London (PAL) card.
- That all staff involved in the sale of alcohol shall be trained in the prevention of sales of alcohol to underage persons, and the challenge 25 scheme in operation at the premises. A record of such training shall be kept / be accessible at the premises at all times and be made immediately available for inspection at the premises to council or police officers on request. The training record shall include the trainee’s name (in block capitals), the trainer’s name (in block capitals), the signature of the trainee, the signature of the trainer, the date(s) of training and a declaration that the training has been received.
- That clearly legible signs shall be prominently displayed where they can easily be seen and read by customers stating to the effect that a challenge 25 policy is in operation at the premises, that customers may be asked to provide proof of age and stating what the acceptable forms of proof of age are. Such signage shall be displayed at all entrances, points of sale and in all areas where alcohol is displayed for sale. The signage shall be kept free from obstructions at all times.
- That a register of refused sales of alcohol shall be maintained in order to demonstrate effective operation of the challenge 25 policy. The register shall be clearly and legibly marked on the front cover as a register of refused sales, with the address of the premises and with the name and address of the licence holder. The register shall be kept / be accessible at the premises at all times. On a monthly basis, the Designated Premises Supervisor (DPS) shall check the register to ensure it is being properly completed. The DPS shall sign and date the register to that effect and where appropriate take corrective action in a timely manner if the register is not being completed correctly. The register shall be made immediately available for inspection at the premises to council or police officers on request.
- No unaccompanied children under the age of 16 will be permitted any time.
- No gambling machines will be on the premises.

Ray MOORE

Principal Trading Standards Enforcement Officer

Southwark Council | Environment & Leisure| Regulatory Services

Post: 3rd Floor Hub 2, PO Box 64529 | London SE1P 5LX

Direct line 020 7525 0816 | Fax 020 7525 5735 | Call Centre 020 7525 2000

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

Need proof of age? Visit [www.southwark.gov.uk/pal](http://www.southwark.gov.uk/pal)

Need advice on consumer issues? Visit Citizens Advice via [www.direct.gov.uk/consumer](http://www.direct.gov.uk/consumer)

**ENVIRONMENTAL PROTECTION****Heron, Andrew**

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**From:** Beswick, Claire on behalf of Regen, Licensing  
**Sent:** 27 February 2019 15:50  
**To:** Enebeli, Emma  
**Cc:** Heron, Andrew  
**Subject:** FW: Dulwich Picture Gallery - Gallery Road, London SE21 7AD - Application number 866740 EPT ref 894673

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**From:** Binya, Raymond  
**Sent:** Wednesday, February 27, 2019 3:22 PM  
**To:** Regen, Licensing  
**Subject:** Dulwich Picture Gallery - Gallery Road, London SE21 7AD - Application number 866740 EPT ref 894673

Dear Licensing Team,

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

**Application reference number:** 866740

**Premises address:** DULWICH PICTURE GALLERY (ART GALLERY)  
 College Road  
 London SE21 7BG

I wish to make a representation on behalf of Southwark Environmental Protection Team in our capacity as Environmental Health Responsible Authority, about the likely effect of the grant of the premises licence on the promotion of the 'prevention of public nuisance' licensing objective.

Application seeks for the sale of alcohol and the provision of regulated entertainment with:

- Opening Hours: Monday to Wednesday, Sunday 08:00 to 23:45, Friday and Saturday 08:00 to 00:45.
- Supply of alcohol: Monday- Wednesday, Sunday 11:00 to 23:00, Friday and Saturday 11:00 to 00:00.
- Provision of regulated entertainment: (play, Films, Dance, Live Music, Recorded Music, Performance of dance)- Monday to Wednesday and Sunday 09:00 to 23:00, Friday and Saturday 09:00 to 00:00

EPT have reviewed the above application and wish to object on the grounds of prevention of public nuisance, because;

- a) The outdoor performance of live music is proposed to be restricted to hours of 12:00 - 22:00 Monday to Sunday and that will only go past 18:00 a maximum of 50 occasions per calendar year and a maximum of 25 occasions past 20:00 over each calendar year. However, this contradicts the Live Music Act which allows live music to take place within the proposed outside area where alcohol would be sold until 23:00 hours. Therefore, with Live Music permitted on outside area everyday of the week, EPT expects this to have an impact on nearby residents..
- b) EPT have looked at the plans and have concerns with proposed outdoor area to be used for licensable activities. With applicants applying for almost one event per week per each category of 'regulated entertainment', this would very likely result into noise complaints. EPT are particularly concerned with the proposed use of the Meadow as it is very close to residential properties and that would likely cause problems to residents of College Gardens.

If the sub-committee is minded to grant this application, together with proposed conditions by applicants, I would ask that;

1. Annexe 4 plan is amended so that
  - Sale of alcohol shall not be allowed on Area 3 (The Meadow).

*-This would prevent Live Music on the Meadow from taking place under the Live Music Act exemption everyday until 23:00 without Licensing Authority having powers to control*

And that the following conditions are also imposed;

- Alcohol shall only be allowed on the Meadow if purchased from Areas 1 and 2.
- All live music performances shall be acoustic, other than an electric keyboard with volume control to be used for accompaniment of an artist, with no loud instruments e.g. brass, drums or pipes
- The combined maximum occurrences for regulated entertainment (Plays, Films, Live Music, Recorded Music & Dance) taking place outdoors shall be no more than 25 per calendar year for events going past 18:00 hours

Kind Regards,

Raymond Binya

Principal Environmental Protection Officer

Postal address: Southwark Council | Environmental Protection Team | Environmental and Leisure | 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: 02075254809 | Fax: 020 7525 5705 | e mail: [raymond.binya@southwark.gov.uk](mailto:raymond.binya@southwark.gov.uk)

visit:

Air Quality web pages: <http://www.southwark.gov.uk/air-quality>

Construction web pages: <http://www.southwark.gov.uk/construction>

London Low Emission Construction Partnership - <http://www.llecp.org.uk/>



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

## MEMO: Licensing Unit

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<b>To</b>	Licensing Unit	<b>Date</b>	28 February 2019	
<b>Copies</b>				
<b>From</b>	Jayne Tear	<b>Telephone</b>	020 7525 0396	<b>Fax</b>
<b>Email</b>	jayne.tear@southwark.gov.uk			

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**Subject** Re: Dulwich Picture Gallery, College Road, London, SE21 7BG –  
Application for a premises licence

I write with regards to the above application for a premises licence submitted by Dulwich Picture Gallery Limited under the Licensing Act 2003, which seeks the following licensable activities:

- Plays (indoors and outdoors) on Sunday to Thursday from 09:00 to 23:00 and on Friday and Saturday from 09:00 to 00:00 (to use outdoor and indoor areas for public programmes, learning events and private hire)
- Films (indoors and outdoors) on Sunday to Thursday from 09:00 to 23:00 and on Friday and Saturday from 09:00 to 00:00 (to use outdoor and indoor areas for public programmes, learning events and private hire)
- Live Music (indoors and outdoors) on Sunday to Thursday from 09:00 to 23:00 and on Friday and Saturday from 09:00 to 00:00 ((use of the indoors and outdoor areas for public programmes, learning event and private hire. Some playing of music will be amplified)
- Recorded Music (indoors & outdoors) on Sunday to Thursday from 09:00 to 23:00 and on Friday and Saturday from 09:00 to 00:00 (use of the indoors and outdoor areas for public programmes, learning event and private hire).
- Performance of Dance (indoors and outdoors) on Sunday to Thursday from 09:00 to 23:00 and on Friday and Saturday from 09:00 to 00:00 (use of the indoors and outdoor areas for public programmes, learning event and private hire).
- The supply of alcohol (on the premises) on Sunday to Thursday from 11:00 to 23:00 and on Friday and Saturday from 11:00 to 00:00
- Overall opening times shall be on Sunday to Thursday from 08:00 to 23:45 and on Friday and Saturday from 08:00 to 00:45 the following day

### Non Standards timings

- Plays – The outdoor performance of plays will finish no later than 22:00 and will only go past 18:00 a maximum of 50 times per calendar year and will only go past 20:00 a maximum of 10 times per calendar year.
- Films – The outdoor performance of films will finish no later than 23:00 and will only go past 18:00 a maximum of 50 occasions per calendar year and will only go past 20:00 a maximum of 25 occasions per calendar year
- Live music – The outdoor performance of live music will only take place between the hours of 12:00 -22:00 Monday to Sunday and will only go past 18:00 a maximum of 50 occasion per calendar year and a maximum of 25 occasions past 20:00 over each calendar year, subject to the following:  
The licensee may hold up to 12 events per calendar year on which licensable activities in the outdoor areas may go past 22:00, on these occasions any live music will finish no later than 23:00, and will not be held on consecutive days. Of these 12 events, up to 4 May be held in the meadow space.
- Recorded music – The outdoor playing of recorded music will only take place between the hours of 12:00-22:00 Monday to Sunday up to a maximum of 50 occasions past 18:00 and only 25 occasions past 20:00 over each calendar year, subject to the following: The licensee may hold up to 12 events per calendar year on which dates licensable activities in the outdoor areas can go past 22:00 and may finish no later than 00:00, theses will not be held on consecutive days. Of theses 12 events, no more than 8 will have recorded music playing beyond 23:00.

- Performance of dance – The outdoor performance of dance will finish no later than 22:00 and will only go past 18:00 a maximum of 50 times per calendar year and of those a maximum of 10 times per calendar year could go past 20:00
- Supply of alcohol on the premises – The outdoors supply of alcohol for events (i.e. separate to normal café opening hours) will take place on the following hours: Monday, Tuesday, Sunday: 12:00-22:00 Wednesday-Saturday: 12:00-23:00. The licensee may hold up to 12 events per calendar year on which dates licensable activities in the outdoor area may go past 22:00, on these occasions supply of alcohol will finish no later than 00:00, these will not be held on consecutive days. Of these 12 events, up to 4 may be held in Meadow Space

The premises is described as 'Dulwich Picture Gallery – a public art gallery with a shop, café and gardens. Dulwich Picture Gallery has consulted with its local 'neighbourhood group' (local residents who have opted into receiving communications from the Gallery and to be updated on upcoming events or activities which may have an impact on them) about this licensing application. Dulwich Picture Gallery held meetings on 19 September 2018, 5 December 2018 and 9 January 2019 where the 'neighbourhood group' were invited to feedback on the application. The Gallery has made amendments to the application and incorporated limitations within the conditions based on this feedback'

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

This premises is situated within Dulwich Village Local Town Centre Area and is also surrounded by local residents.

Under the Southwark Statement of Licensing policy 2016 - 2020 the following closing times are recommended as appropriate within this area for the following categories of premises stated below:

- Closing time for Public Houses Wine bars or other drinking establishments: 23:00 hours daily
- Closing time for Cinemas and Theatres is 00:00 hours daily

The premises seems to be providing a bundle of activities similar to those premises mentioned above although it does not fall into any of those categories.

The premises currently holds a licence (No. 859681) which allows for the following:

Closing times: Monday to Sunday 09:00 - 01:30

Plays – Indoors: Monday to Sunday 09:00 - 23:00

Films – Indoors: Monday to Sunday 09:00 - 23:00

Live Music – Indoors: Monday to Sunday 09:00 - 23:00

Recorded Music – Indoors: Monday to Sunday 09:00 - 23:00

Performance of Dance – Indoors: Monday to Sunday 09:00 - 23:00

Entertainment Similar to live/recorded music – Indoors: Monday to Sunday 09:00 - 23:00

Late Night Refreshment – Indoors: Monday to Sunday 23:00 - 01:30

Sale by retail of alcohol to be consumed on premises Monday to Friday 11:00 - 23:30, Saturday 10:00 - 23:30, Sunday 12:00 - 23:30

I ask the applicant if this license will be surrendered should this application be granted and will comment further once this information is received.

Furthermore due to the lack of information provided I ask the applicant to provide:

- A written dispersal policy (to be conditioned)

To promote the licensing objectives I also ask the applicant to consider adding the following conditions to the operating schedule:

- The accommodation limit for the premises shall not exceed 500 for the Dulwich picture Gallery site overall (which includes the Summer Pavilion accommodation limit).
- The accommodation limit for the 'Summer Pavilion' shall not exceed 150

And to also consider amending the closing times for outdoors and finishing times for licensable activities outdoors as follows:

- Monday to Sunday for outdoor areas to close at 23:00
- Monday to Sunday sale of alcohol in outdoors areas to cease at 22:30
- All other licensable activities taking place outdoors to cease at 23:00

And to amend the licensable activities indoors as follows: (which will be as on the existing licence that already has generous hours outside which is recommended for a drinking establishment within the statement of licensing policy)

- Closing times: Monday to Sunday to cease at 01:30
- Plays – Indoors: Monday to Sunday to cease at 23:00
- Films – Indoors: Monday to Sunday to cease at 23:00
- Live Music – Indoors: Monday to Sunday to cease at 23:00
- Recorded Music – Indoors: Monday to Sunday to cease at 23:00
- Performance of Dance – Indoors: Monday to Sunday to cease at 23:00
- Sale by retail of alcohol to be consumed on premises Monday to Sunday to cease at 23:30

The applicant has offered a condition (no.24) within the operating schedule which states:

*'24. The gallery will not apply for Temporary Event Notices'*. This condition is unenforceable.

Regarding the non standard timings applied for, the council would have no way of monitoring these events, and the operating schedule does not provide a solution. I suggest that the solution would be to submit a TEN for certain events which are outside the scope of the licence that may be eventually granted.

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

Southwark's Statement of Licensing Policy 2016 – 2020 can be found on the following link:  
<http://lbs-mapweb-01:9080/connect/Includes/APPIMA/SSOLP1620.pdf>

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

**Heron, Andrew**

---

**From:** Beswick, Claire on behalf of Regen, Licensing  
**Sent:** 27 February 2019 10:24  
**To:** Enebeli, Emma  
**Cc:** Heron, Andrew  
**Subject:** FW: Dulwich Picture Gallery – Application 866740 [ECLLP-Main.FID194159]

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**From:** [REDACTED]  
**Sent:** Wednesday, February 27, 2019 10:15 AM  
**To:** Regen, Licensing  
**Subject:** Dulwich Picture Gallery – Application 866740 [ECLLP-Main.FID194159]

Dear Sirs

**Dulwich Picture Gallery – Application 866740**

I wish to oppose, in part, the above application on the grounds of noise nuisance.

I live at [REDACTED] My house is only 25 metres from the area which the Dulwich Picture Gallery calls its Meadow. Marquees for weddings are erected at our end of the Meadow.

Whilst I gather that The Crown and Greyhound, and The Belair, are not permitted outdoor live or amplified music, the Dulwich Picture Gallery is seeking permission for its use extensively.

I submit that no outdoor music should be permitted after 9pm. Almost entirely, weddings and other outdoor receptions will be held in the summer when household windows are open. The considerable noise nuisance which we shall suffer should result in a complete ban after 9pm.

I do not object to all music but late in the evening and night entertainment, which can disturb neighbours as close as those in College Gardens, should not be permitted at all.

Yours faithfully

[REDACTED]

EdwinCoeLLP

[REDACTED]



[REDACTED]

[REDACTED]

[REDACTED]

**PERSON B****Heron, Andrew**

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**From:** Beswick, Claire on behalf of Regen, Licensing  
**Sent:** 27 February 2019 09:18  
**To:** Heron, Andrew  
**Subject:** FW: Licence no 866740 Dulwich Picture Gallery, Village Ward

Fyi

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**From:** [REDACTED]  
**Sent:** Tuesday, February 26, 2019 11:09 PM  
**To:** Regen, Licensing  
**Subject:** Licence no 866740 Dulwich Picture Gallery, Village Ward

Premises (New Premises application for the sale of alcohol and the provision of regulated entertainment. Opening Hours: Monday to wednesday, Sunday 08:00 to 23:45, Friday and Saturday 08:00 to 00:45 Supply of alcohol Monday- Wednesday, Sunday 11:00 to 23:00, Friday and Saturday 11:00 to 00:00. Provision of regulated entertainment(play, Films, Dance,Live Music, Recorded Music, Performance of dance)- Monday to Wednesday and Sunday 09:00 to 23:00, Friday and Saturday 09:00 to 00:00)

I object to the above application for an extension of hours for entertainment and the sale and consumption of alcohol in respect of prevention of crime and disorder, and prevention of a public nuisance.

The new hours are EVERY day (even Mondays, when the Gallery used to be closed), and almost to midnight most evenings, and almost 1am at the weekends. This will create a public nuisance for the residents of the Village which is a quiet part of London. The increase in sale of alcohol is likely to create noise and very probably an increase in crime and disorder. These proposed changes are incompatible with the nature of Dulwich village which is a quiet residential area.

[REDACTED]

**PERSON C**

26<sup>th</sup> February 2019

To whom it may concern:

DULWICH PICTURE GALLERY LICENSE - APPLICATION : 866740

We support and encourage the idea of a summer Pavilion at the Dulwich Picture Gallery (DPG). We also appreciate the aim of the DPG to broaden their visitors to include a younger and more diverse audience.

However, we do not believe this should be done to the *detriment* of the neighbours of DPG and the local area. We therefore object to this proposed License. Our objection is based on the contravention of the Licensing objectives of prevention of public nuisance, protection of children from harm and the prevention of crime and disorder.

- Public nuisance relates to the noise that would be created by the amplified music/noise allowed by this License.
- The protection of children from harm also relates to the noise that this License would allow. I live in College Gardens, where a number of children live. Young children need to get to sleep from 7pm onwards. Older children need to be able to study and revise for important exams such as GCSE's and A'Levels etc.
- The prevention of crime and disorder relates to the fact that this is a residential area not used to the anti-social behaviour which can arise from the sale of alcohol outdoors on some days till midnight. In addition, dispersal is likely to take place around 1 hour or more after these times.

The current Licence provides the following:

- Any event requiring outdoor amplified noise must be applied for under a TENS (Temporary Events Notice)
- Currently the DPG License permits sale of alcohol till 11.30pm each night, however in reality with no bar/building outside and no provision for amplified noise (except if permitted by TENS) DPG do not often utilise this part of the License.

Draft License

- Amplified noise can take place 365 days per year till 6pm, 50 occasions past 6pm.
- Sale of alcohol outdoors on some days up to midnight.

The benefit of the TENS is that the number of events with amplified noise per year is **capped** at 15. It also enables the Council to retain some control. For example, the summer of 2017 (the last Pavilion, for which a temporary License was obtained) provoked many complaints from local residents. These complaints were registered with the Council. The Council were then able to

intervene with the next wedding which took place outdoors. This wedding took place with no complaints because DPG ensured proper consideration was given to the noise and impact on neighbours. We have been told that this required a lot of expense, and we cannot rely on such measures being taken for future events, because not everyone would have the necessary budget.

The proposed License is simply *not appropriate* for a residential area where some houses are as close as **10 metres** from the perimeter of the Gallery garden.

The following areas are of particular concern:

- The License would allow amplified noise in the DPG garden 365 days of the year till 6pm.

*Suggested revision:* amplified noise should be restricted to specific events only (20 per year).

- The License allows for 50 events with amplified noise after 6pm.

*Suggested revision:* 20 events in total per year (with amplified noise). 10 events – amplified noise should finish by 8pm, 10 events – amplified noise should finish by 11pm.

As residents we have engaged with mediation, and the proposed License has been restricted as a result. However, this has been a forced compromise from an excessive position to a slightly less excessive one. This proposed License would have a huge impact on the neighbours of DPG and also the fabric of the local community.

We were told the reason DPG wished to apply for a new License was to ‘restrict the Gallery more than the current License’. However, this is obviously not the case. This License massively increases the scope of the events that can take place. This License appears to be for the sole purpose of dispensing with TENS and increasing the events including amplified noise from a maximum of 15 per year to 365 days per year (up to 6pm) and 50 times (up to and including midnight).

Having looked at local comparable venues it is clear that none have the kind of Licence being applied for by DPG. For example:

**Crown and Greyhound** (local large pub) -

342 - That no external areas of the premises, including the garden, patio or frontage shall be used for the purposes of licensed entertainment.

**Belair House** (local events/wedding venue) -

341 - That the outside areas will not be used for the provision of live and / or recorded music or for fireworks displays

**Half Moon Pub** (local large pub) -

340 - That the external bar will not be used outside of the hours of 08:00 to 22:00 hours on any day.

341 - That the outside areas will not be used for the provision of live and / or recorded music or for fireworks displays

**Herne Hill Velodrome** –

Code of conduct agreed with local residents. A small number of major cycling events (5 or 6 per year, maximum 10) to be covered by a TENS.

In an ideal world we would not be disturbed at all by amplified music from an outdoor entertainment venue metres from our home. However, we have compromised and suggested that we can live with up to 20 events per year. These are likely to be clustered in the summer – at a time when residents would like to open their windows and sit in their garden. Therefore these 20 events are likely to have a big impact. To undertake beyond 20 per year is in our view excessive, and we certainly should not be expected to be subject to amplified music till 6pm every day of the year, which is what this License proposes.

The impact on Dulwich Village should also be considered. The presence of an outdoor venue providing alcohol 6 days a week, with all of the anti-social behaviour that could ensue. During the summer of 2017 the following was noted: urination in people's front gardens/Old Chapel gardens, noisy dispersal, bicycles strewn across the pavement due to inadequate bicycle lock up facilities and other anti-social behaviour.

As has been stated the local events/wedding venue (Belair House) does not have a License to hold outdoor events with outdoor noise, nor does the local pub (Crown and Greyhound), therefore granting this License could turn the outdoor space at the Dulwich Picture Gallery into the only outdoor dinking space with amplified noise with such close proximity to neighbours, in the area.

The summer of 2017 unfortunately does not give the local residents confidence that such an all-encompassing License will be well handled by the Gallery. During 2017 DPG outsourced the outdoor activities. For example the Camberwell Arms was brought in to run the outdoor bar. A Peckham DJ was brought in to run the 'Friday night lates'. It appeared that the Gallery were not in control of the outdoor area. Neighbours complained almost immediately. Rather than listening to their neighbours they increased the number of events (and the time the Pavilion was erected) as the summer went on.

Once the License has been agreed we would appreciate an ongoing Code of Conduct – which can be reviewed and address any further concerns by the neighbours and the surrounding area.

Yours faithfully,



**PERSON D**

[REDACTED]  
[REDACTED]  
[REDACTED]  
Thursday 28<sup>th</sup> February 2019

Objections in respect of Premises Licence Application 866740

Dear Sirs,

I live within 25 yards of the Dulwich Picture Gallery garden and wish to object to their Licence Application 866740, based on our experiences of events held at these premises in the summer of 2017.

50 late night outdoor events will cause a public nuisance to local residents and should be restricted to a maximum of 20 events a year after 8 pm. Outdoor music and films during daytime should also be restricted to a specified maximum number of days in any week, maybe 2.

A number of school aged children live in College Gardens within 25 yards of the garden boundary. In 2017, their sleep was interrupted and preparation for important examinations was disturbed by events held late in the evenings in the Picture Gallery garden. This is another reason why events after 8 pm should be carefully controlled and the number restricted.

In 2017, it was impossible to ensure that late night guests left via Gallery Road. Although this is again stated as the Picture Gallery's intention, it may still prove impossible to restrict taxis and cars coming to the College Road gates to collect guests late at night.

Please keep me informed about the progress and outcome of this application.

Yours faithfully

[REDACTED]

[REDACTED]

[REDACTED]

**PERSON E**

London Borough of Southwark,  
Licensing Section

February 28<sup>th</sup> 2019

By e-mail to [licensing@southwark.gov.uk](mailto:licensing@southwark.gov.uk)

Application No 866740 – Dulwich Picture Gallery

This representation is made on behalf of The Dulwich Society ( “ the Society”) whose principal object is to maintain and foster the amenities of Dulwich in the interests of its residents and the wider community of which Dulwich is a part.

1. The Society objects to the above application by the Dulwich Picture Gallery (“DPG”) for a new Premises Licence on the grounds that the application does not meet the Licensing Act’s objectives of prevention of public nuisance, prevention of crime and disorder, public safety and protection of children from harm.
2. It is regrettable that Southwark Council did not publish on its website DPG’s Application, nor the conditions DPG suggest be imposed on the licence. The Society acknowledges however that DPG readily made available this information, without which The Society would not have been able to comment meaningfully on the application.
3. DPG, located in a residential area in the Dulwich Village Conservation Area, is a distinguished art gallery which members of the public may visit during the hours of 10.00 – 17.00 daily (except Mondays when DPG is closed to the public).
4. DPG’s application is for a new premises licence for the sale of alcohol and the provision of regulated entertainment until the terminal hour of 00.45 on Fridays-Saturdays and until 23.45 hour on all other days ( including Mondays). Southwark Council’s Statement of Licensing Practice 2016-2020 ( “Southwark’s Licensing Code”) states ( at para 153-154) that the recommended closing hour for restaurants, wine bars and public houses in a residential area is 23.00. It further states (at para 224) that the terminal hour for outdoor activity is 22.00. DPG’s suggested condition 21 is therefore not acceptable; the Society can see no good reason to deviate from the hours recommended in Southwark’s Licensing Code.
5. The Society objects to a new premises licence being granted for the provision, carte blanche, of the sale of alcohol and provision of regulated entertainment outdoors in the grounds of the Gallery 365 days of the year. The nuisance and disturbance caused to local residents by outdoor regulated entertainment events ( 50, as per DPG’s condition 21 ) - cannot be

underestimated; local residents, particularly children and the elderly will be deprived of sleep , not just by the late night entertainment but by the noise of event attendees leaving the gallery noisily and lingering in the neighbourhood before dispersing, car doors banging and engines revving.

6. The majority of the proposed events would take place in the spring/summer months of April – September, amounting to approximately 2 events per week. DPG’s proposed conditions 18 and 21 are unacceptable. However, it is unrealistic to expect DPG not to host some outdoor events (they have done so in the past by applying for up to the maximum number of TENS permitted per year). Any new premises licence should restrict the total number of outdoor/partially outdoor events to no more than, say, 25 per year , i.e, no more than one event per week, each lasting no more than one day; and ending at 22.00, with the sale of alcohol finishing at least 30 minutes before the premises closes.

7. The availability of alcohol until the late hours at events attended by up to 500 people will inevitably lead to an increase in crime and disorder locally.

8. The application lacks any reference to the establishment of a Code of Conduct or a noise management plan, to be agreed with the environmental protection team and local residents before any licensable activities take place. Conditions 12 and 13 are therefore not satisfactory. Furthermore, what sanctions apply if the noise management plan is not adhered to?

9. The Society is concerned that the grant of this application will be the thin end of the wedge, encouraging other local venues, such as the Velodrome, the sports clubs in Burbage Road and Belair in Gallery Road, to seek similar variations to their licences to hold unlimited events outdoors.

10. The map of DPG grounds attached to the application shows three separate locations where events could be held within DPG’s grounds. Conditions should be imposed on the licence preventing an event spreading over more than one such site and that only one separate event takes place per day.

11. Public safety : one SIA supervisor is totally inadequate to monitor and deal with up to 500 visitors (conditions 3 and 20).

The Society hopes that its concerns will be taken into account and that, were the Licensing Sub-Committee minded to grant a new premises licence , it will impose the additional conditions needed to satisfy the objectives of the Licensing Act.

Yours sincerely,



On Behalf of The Dulwich Society.

Extract of Minutes of a Meeting of the Dulwich Society Executive Committee held on February 17<sup>th</sup> 2019

Re : Proposed New Premises Licence – Dulwich Picture Gallery

The Committee considered details of application No 866740 by the Dulwich Picture Gallery for a new premises licence.

Two members of the Committee recused themselves from consideration of the application as they are closely involved with the Friends of the Dulwich Picture Gallery.

The remainder of the Committee reviewed the details of the application and expressed concern that if would, if granted, permit, in a residential area, the sale of alcohol and provision of regulated entertainment both indoors and outdoors on a daily basis until late. The Committee believed that the application and conditions proposed by the applicant did not satisfy the objectives of the Licensing Act in that the measures proposed to prevent nuisance, prevent harm to children and prevent law and disorder were wholly inadequate.

The Committee therefore resolved that [REDACTED] should, on behalf of the Society, submit a representation opposing the application as submitted, and proposing further conditions to limit the number and timings of outdoor events in the event that the Licensing Sub-committee were minded to grant the application.

[REDACTED]

**PERSON F****Heron, Andrew**

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**From:** O'Gorman, Sinead  
**Sent:** 28 February 2019 09:18  
**To:** Heron, Andrew  
**Subject:** FW: DULWICH PICTURE GALLERY LICENSE - APPLICATION : 866740

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**From:** Read, Kirty  
**Sent:** Thursday, February 28, 2019 8:11 AM  
**To:** O'Gorman, Sinead  
**Subject:** FW: DULWICH PICTURE GALLERY LICENSE - APPLICATION : 866740

**Kirty Read**

Processing Manager  
 Southwark Council | Licensing | Regulatory Services  
**Tel:** 0207 525 5748 | **Fax:** 020 7525 5705  
**EHTS Helpline:** 020 7525 4261 | **Call Centre:** 020 7525 2000  
**Email:** [licensing@southwark.gov.uk](mailto:licensing@southwark.gov.uk)

In future if you wish to submit an application, a quicker way would be to [apply online](#)

**Postal Address:**

Licensing Team | 3rd Floor, Hub 1 | PO Box 64529 | London | SE1P 5LX

**Visitor's Address:**

160 Tooley Street | London | SE1 2QH

---

**From:** [REDACTED]  
**Sent:** Wednesday, February 27, 2019 7:29 PM  
**To:** Regen, Licensing  
**Subject:** DULWICH PICTURE GALLERY LICENSE - APPLICATION : 866740

Please find attached my objection to the Dulwich picture Gallery licence application

[REDACTED]

26<sup>th</sup> February 2019

To whom it may concern:

DULWICH PICTURE GALLERY LICENSE - APPLICATION : 866740

We support and encourage the idea of a summer Pavilion at the Dulwich Picture Gallery (DPG). We also appreciate the aim of the DPG to broaden their visitors to include a younger and more diverse audience. However, we do not believe this should be done to the *detriment* of the neighbours of DPG and the local area. We therefore object to this proposed License. Our objection is based on the contravention of the

Licensing objectives of prevention of public nuisance, protection of children from harm and the prevention of crime and disorder.

- Public nuisance relates to the noise that would be created by the amplified music/noise allowed by this License.
- The protection of children from harm also relates to the noise that this License would allow. I live in College Gardens, where a number of children live. Young children need to get to sleep from 7pm onwards. Older children need to be able to study and revise for important exams such as GCSE's and A'Levels etc.
- The prevention of crime and disorder relates to the fact that this is a residential area not used to the anti-social behaviour which can arise from the sale of alcohol outdoors on some days till midnight. In addition, dispersal is likely to take place around 1 hour or more after these times.

The current Licence provides the following:

- Any event requiring outdoor amplified noise must be applied for under a TENS (Temporary Events Notice)
- Currently the DPG License permits sale of alcohol till 11.30pm each night, however in reality with no bar/building outside and no provision for amplified noise (except if permitted by TENS) DPG do not often utilise this part of the License.

Draft License

- Amplified noise can take place 365 days per year till 6pm, 50 occasions past 6pm.
- Sale of alcohol outdoors on some days up to midnight.

The benefit of the TENS is that the number of events with amplified noise per year is **capped** at 15. It also enables the Council to retain some control. For example, the summer of 2017 (the last Pavilion, for which a temporary License was obtained) provoked many complaints from local residents. These complaints were registered with the Council. The Council were then able to intervene with the next wedding which took place outdoors. This wedding took place with no complaints because DPG ensured proper consideration was given to the noise and impact on neighbours. We have been told that this required a lot of expense, and we cannot rely on such measures being taken for future events, because not everyone would have the necessary budget.

The proposed License is simply *not appropriate* for a residential area where some houses are as close as **10 metres** from the perimeter of the Gallery garden.

The following areas are of particular concern:

- The License would allow amplified noise in the DPG garden 365 days of the year till 6pm.

*Suggested revision:* amplified noise should be restricted to specific events only (20 per year).

- The License allows for 50 events with amplified noise after 6pm.

*Suggested revision:* 20 events in total per year (with amplified noise). 10 events – amplified noise should finish by 8pm, 10 events – amplified noise should finish by 11pm.

As residents we have engaged with mediation, and the proposed License has been restricted as a result. However, this has been a forced compromise from an excessive position to a slightly less excessive one. This proposed License would have a huge impact on the neighbours of DPG and also the fabric of the local community.

We were told the reason DPG wished to apply for a new License was to 'restrict the Gallery more than the current License'. However, this is obviously not the case. This License massively increases the scope of the events that can take place. This License appears to be for the sole purpose of dispensing with TENS and increasing the events including amplified noise from a maximum of 15 per year to 365 days per year (up to 6pm) and 50 times (up to and including midnight).

Having looked at local comparable venues it is clear that none have the kind of Licence being applied for by DPG. For example:

**Crown and Greyhound** (local large pub) -

342 - That no external areas of the premises, including the garden, patio or frontage shall be used for the purposes of licensed entertainment.

**Belair House** (local events/wedding venue) -

341 - That the outside areas will not be used for the provision of live and / or recorded music or for fireworks displays

**Half Moon Pub** (local large pub) -

340 - That the external bar will not be used outside of the hours of 08:00 to 22:00 hours on any day.

341 - That the outside areas will not be used for the provision of live and / or recorded music or for fireworks displays

**Herne Hill Velodrome** –

Code of conduct agreed with local residents. A small number of major cycling events (5 or 6 per year, maximum 10) to be covered by a TENS.

In an ideal world we would not be disturbed at all by amplified music from an outdoor entertainment venue metres from our home. However, we have compromised and suggested that we can live with up to 20 events per year. These are likely to be clustered in the summer – at a time when residents would like to open their windows and sit in their garden. Therefore these 20 events are likely to have a big impact. To undertake beyond 20 per year is in our view excessive, and we certainly should not be expected to be subject to amplified music till 6pm every day of the year, which is what this License proposes.

The impact on Dulwich Village should also be considered. The presence of an **outdoor** venue providing alcohol 6 days a week, with all of the anti-social behaviour that could ensue. During the summer of 2017 the following was noted: urination in people's front gardens/Old Chapel gardens, noisy dispersal, bicycles strewn across the pavement due to inadequate bicycle lock up facilities and other anti-social behaviour. As has been stated the local events/wedding venue (Belair House) does not have a License to hold outdoor events with outdoor noise, nor does the local pub (Crown and Greyhound), therefore granting this License could turn the outdoor space at the Dulwich Picture Gallery into the only outdoor dinking space with amplified noise with such close proximity to neighbours, in the area.

The summer of 2017 unfortunately does not give the local residents confidence that such an all-encompassing License will be well handled by the Gallery. During 2017 DPG outsourced the outdoor activities. For example the Camberwell Arms was brought in to run the outdoor bar. A Peckham DJ was brought in to run the 'Friday night lates'. It appeared that the Gallery were not in control of the outdoor area. Neighbours complained almost immediately. Rather than listening to their neighbours they increased the number of events (and the time the Pavilion was erected) as the summer went on.

Once the License has been agreed we would appreciate an ongoing Code of Conduct – which can be reviewed and address any further concerns by the neighbours and the surrounding area.

Yours faithfully,



**PERSON G****Heron, Andrew**

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**From:** Regen, Licensing  
**Sent:** 28 February 2019 14:50  
**To:** O'Gorman, Sinead  
**Cc:** Heron, Andrew  
**Subject:** FW: Objection in respect of premises licence application 866740 Dulwich Picture Gallery

Kirty Read  
Processing Manager  
Southwark Council | Licensing | Regulatory Services  
Tel: 0207 525 5748 | Fax: 020 7525 5705  
EHTS Helpline: 020 7525 4261 | Call Centre: 020 7525 2000  
Email: [licensing@southwark.gov.uk](mailto:licensing@southwark.gov.uk)

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Postal Address:  
Licensing Team | 3rd Floor, Hub 1 | PO Box 64529 | London | SE1P 5LX

Visitor's Address:  
160 Tooley Street | London | SE1 2QH

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

**From:** [REDACTED]  
**Sent:** Thursday, February 28, 2019 2:15 PM  
**To:** Regen, Licensing  
**Subject:** Objection in respect of premises licence application 866740 Dulwich Picture Gallery

Dear Sirs

We wish to object to the licence application 866740 by the Dulwich Picture Gallery. We live within 150 yards of the Gallery. We will be directly affected by the potential noise from the Gallery Licence proposal to play music outside up to 6pm 365 days a year, and from the proposal to extend this on up to 50 occasions. Inevitably these 50 will be concentrated over the summer months, when people's windows are open and they are sitting in their gardens. We are already affected by noise during the summer from late evening events in Dulwich Park albeit there are not too many of them. This is a residential area, in one of the best parts of London. People are attracted by its schools, sports facilities and housing stock. The Gallery proposals will reduce the attractiveness of the area to potential newcomers and offer the prospect of lowering the value of property in the immediate area of the Gallery. The Gallery is an important facility in Dulwich. Many residents such as ourselves support it through annual memberships. We understand the need for the gallery to raise finance, but we strongly believe it is overstepping itself by such a wide ranging proposal. If the Gallery wishes to raise money from outside events we believe it should operate under the TENS arrangements properly controlled and managed. The current proposal is far too wide and will cause great disturbance and nuisance to this neighbourhood.

Yours sincerely

[REDACTED]

**Heron, Andrew**

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**From:** Beswick, Claire on behalf of Regen, Licensing  
**Sent:** 27 February 2019 15:50  
**To:** Enebeli, Emma  
**Cc:** Heron, Andrew  
**Subject:** FW: Application 866740 Dulwich Picture Gallery

**From:** [REDACTED]  
**Sent:** Wednesday, February 27, 2019 3:28 PM  
**To:** Regen, Licensing  
**Subject:** Application 866740 Dulwich Picture Gallery

Dear Licensing Committee

I wish to object to the application.

### **License 866740 application by Dulwich Picture Gallery**

Of the four licensing objectives, my objections are based on two, which I have merged. (Prevention of crime and disorder and the prevention of nuisance.) I live within 250 metres of the Dulwich Picture Gallery (hereafter DPG).

Despite Annex A provided by DPG, the fact remains that DPG is trying to become a venue for events that can be music, film or plays outside; parties, weddings and other as yet unknown events . The current plan for a high Pavilion shows an open base and therefore the potential for noise six days a week is large.

In the DPG creating a Neighbourhood Group to consult about applications for this new license, it should be noted that these meetings were not always minuted and also several objections were not taken on board. Being eased in to a mediated agreement also means that the majority view of neighbours should count. Not just one or two who suggested it was acceptable.

1. If the license is granted on these very wide option timings, the DPG would have carte blanche to fill their currently quiet and empty diary. After last time's experience when the problems were awful, we were told it is possible to appeal but there is a very long waiting list. So the moment would be long gone and many events have further happened. Those bookings from 2017 were made after the Council

gave permission. I would appeal to the committee to curtail the number of days these events could occur. No other premises in our larger locality have permission for such a potential venue licence and they are all curtailed by regulation including music, licensed entertainment and alcohol sales. They are public houses and actual venues – this is an art gallery wanting more than them!

2. I downloaded this from the online application on the Southwark website, this does not appear on the DPG application. Are the DPG asking to sell alcohol to the public walking in to the Gallery grounds, finding a pop up bar they can buy from and leaving again without the DPG having any interest raised other than profit? In other words, basically a public bar that has no link with the art.

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

Monday 12:00 to 22:00  
 Tuesday 12:00 to 22:00  
 Wednesday 12:00 to 23:00  
 Thursday 12:00 to 23:00  
 Friday 12:00 to 23:00  
 Saturday 12:00 to 23:00  
 Sunday 12:00 to 22:00

3. Having 500 people at unknown future events, maybe even a week-long music festival that gets round the license by placing ‘community’ in its title, involves noise and drinking beyond the closing time, in the street. On the last occasion I am certain from my own witness that known drug sellers were attempting to get in to the venue. Such events attract people beyond the DPG normal catchment. Just because the DPG states it will encourage people to use public transport and exit in Gallery Road away from the residents’ location, does not mean they will! Our experience last time was that the visitors cut through the Chapel Gardens, some using there as a public convenience (I witnessed); the bus transport is on College Road where the noise is the worst; that is where Ubers also wait. Telling clients to park on Gallery Road is also unenforceable by the DPG and I doubt will be followed.

4. This application, in a Conservation Area, could mean that in the future with a non-renewable licence, the DPG could attract a rich sponsor who could manipulate the license timings to the full. It is not

appropriate in a residential area. Local residents will then have to fall back on waiting in a months-long queue to complain about the license being misused.

I do not see why Southwark have informed the DPG that they do not wish to issue TENS. This would seem the perfect option to curtail any future problems.

Lastly, a note. The Neighbours group has asked the DPG to enter in to a Code of Conduct agreement. We have been told they will consider this after the license is granted. They have produced a draft but there is no time before the date this objection has to be lodged to discuss it with them. We residents feel that it should be ready for the License hearing and are proceeding with our own draft.

[REDACTED]

**PERSON I****Heron, Andrew**

---

**From:** O'Gorman, Sinead  
**Sent:** 28 February 2019 09:18  
**To:** Heron, Andrew  
**Subject:** FW: Objection to Licensing Application 866740

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**From:** Read, Kirty  
**Sent:** Thursday, February 28, 2019 8:09 AM  
**To:** O'Gorman, Sinead  
**Subject:** FW: Objection to Licensing Application 866740

**Kirty Read**

Processing Manager  
 Southwark Council | Licensing | Regulatory Services  
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Licensing Team | 3rd Floor, Hub 1 | PO Box 64529 | London | SE1P 5LX

**Visitor's Address:**

160 Tooley Street | London | SE1 2QH

---

**From:** [REDACTED]  
**Sent:** Wednesday, February 27, 2019 5:48 PM  
**To:** Regen, Licensing  
**Subject:** Objection to Licensing Application 866740

Dear Committee,

Our names are [REDACTED] and we live at [REDACTED] Our  
 Cellphone number is [REDACTED]

We wish to object to the above application being made by Dulwich Picture Gallery on the following grounds.

This application is requesting for amplified music 365 days per year with 50 occasions after 6pm and sale of alcohol outdoors some nights until midnight.

The proximity of residents to this noise will result in significant disruption to neighbours especially children and senior citizens (a number of Almshouses are situated adjacent to the Gallery Building). Similarly this is a predominantly residential area and people have to get up for work early in the morning. Continual disruption of sleep will have significant health effects. Young children need to sleep and older children need to study in the evening without noise disturbance

Previous late night events held at the Gallery resulted in antisocial behaviour (public urination in the street, shouting, car horns being sounded and engines revving) long after the events finished. This caused considerable disruption and fear to these vulnerable residents. There is no license suggestion of how to control this. One security person onsite is insufficient to patrol and deal with these matters.

These late night finishing times do not take into account the ongoing disruption caused by dispersal of people from the site.

There is no provision for parking of cars or bicycles. 500 visitors will increase dramatically parking requirements. Gallery Road (adjacent and west of the gallery) is unable to safely park an increased number of cars especially with a Tennis Club and Belair House Restaurant in the same road. It is a dark and narrow road with all the consequent dangers to pedestrians and road users caused by overparking. College Road (to the east and adjacent to the Gallery) is a bus route and is already difficult for busses to negotiate without further street car parking adding to the problem.

The pavement on the west side of College Road (and forms a boundary to the Gallery site) is part of a cycle path and is shared between bicycles and pedestrians. Previous late functions at the Gallery have resulted in cycles parked all over the pavement causing danger to cyclists and pedestrians (especially in the dark and with older people with less good eyesight).

College Road is a busy road and any increase in parking would be a danger to road users and pedestrians.

Mediation has been tried with the Gallery and has only resulted in insignificant alterations to the Gallery's requests.

No other establishment in the close proximity of the Gallery (Crown and Greyhound Pub, Belair House (events and wedding venue), Half Moon Pub and Herne Hill Velodrome) has the kind of License being applied for.

The disruptions of 2017 (reported to and investigated by Southwark noise enforcement) surrounding the Gallery Events has given no confidence to the local residents that the granting of this license application, in its present form, would not cause noise and public nuisance, expose vulnerable people to anguish and increase the extent of local crime and disorder as people disperse. Not with standing the increased danger to local pedestrians, cyclists and vehicle drivers due to increased parking of cycles and cars by visitors to the Gallery.

I would suggest that a compromise solution to this apparent impasse between the residents and the Gallery is that

1. Amplified music until 6pm be restricted to 20 events per year
2. a further 15 events after 6pm of which 10 finish at 8pm and 5 finish at 11pm
3. The the sale of alcohol be restricted to these hours.
4. The noise level should be restricted to a defined level agreed by Southwark Council Experts and residents (in 2017 the noise was recorded at more then 90 decibels in the bedroom of a resident).

I thank the Committee for taking my submission into account in making their decision

████████████████████

**PERSON J****Heron, Andrew**

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**From:** Beswick, Claire on behalf of Regen, Licensing  
**Sent:** 27 February 2019 09:18  
**To:** Enebeli, Emma  
**Cc:** Heron, Andrew  
**Subject:** FW: Dulwich Picture Gallery - 866740

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

**From:** [REDACTED]  
**Sent:** Wednesday, February 27, 2019 9:06 AM  
**To:** Regen, Licensing  
**Subject:** Dulwich Picture Gallery - 866740

Having attended a resident's meeting with the Picture Gallery, I support and encourage the idea of DPG broadening their visitors to include a younger and more diverse audience.

However, I do not believe this should be done to the detriment of the neighbours of DPG and the local area. We therefore object to this proposed License. Our objection is based on the contravention of the Licensing objectives of prevention of public nuisance, protection of children from harm and the prevention of crime and disorder.

- Public nuisance relates to the noise that would be created by the amplified music/noise allowed by this License.
- The protection of children from harm also relates to the noise that this License would allow. I live in Woodyard Lane, where a number of children live, while no longer in Primary School, older children need to be able to study and revise for important exams such as GCSE's and A'Levels etc.
- The prevention of crime and disorder relates to the fact that this is a residential area not used to the anti-social behaviour which can arise from the sale of alcohol outdoors on some days till midnight. In addition, dispersal is likely to take place around 1 hour or more after these times.

The current Licence provides the following:

- Any event requiring outdoor amplified noise must be applied for under a TENS (Temporary Events Notice)
- Currently the DPG License permits sale of alcohol till 11.30pm each night, however in reality with no bar/building outside and no provision for amplified noise (except if permitted by TENS) DPG do not often utilise this part of the License.

We have discussed the Draft License with DPG and registered our reservations but the actual application seems not to have barely taken these into consideration

- Amplified noise can take place 365 days per year till 6pm, 50 occasions past 6pm - but in all likelihood in the warmer months when we might like to be in our gardens or need to sleep with windows open
- Sale of alcohol outdoors on some days up to midnight which is something that the local pubs/venues are not allowed

The benefit of the TENS is that the number of events with amplified noise per year is capped at 15. It also enables the Council to retain some control. For example, the summer of 2017 (the last Pavilion, for which a temporary License was obtained) provoked many complaints from local residents. These complaints were registered with the

Council. The Council were then able to intervene with the next wedding which took place outdoors. This wedding took place with no complaints because DPG ensured proper consideration was given to the noise and impact on neighbours. We have been told that this required a lot of expense, and we cannot rely on such measures being taken for future events, because not everyone would have the necessary budget.

The proposed License is simply not appropriate for a residential area where some houses are as close as 10 metres from the perimeter of the Gallery garden.

As residents we have engaged with mediation, and the proposed License has been restricted as a result. However, this has been a forced compromise from an excessive position to a slightly less excessive one. This proposed License would have a huge impact on the neighbours of DPG and also the fabric of the local community.

We were told the reason DPG wished to apply for a new License was to 'restrict the Gallery more than the current License'. However, this is obviously not the case. This License massively increases the scope of the events that can take place. This License appears to be for the sole purpose of dispensing with TENS and increasing the events including amplified noise from a maximum of 15 per year to 365 days per year (up to 6pm) and 50 times (up to and including midnight). The Picture Gallery suggests that it is unlikely they will use all their "allowance" but once granted the licence allows them so to do.

The impact on Dulwich Village should also be considered. The presence of an outdoor venue providing alcohol 6 days a week, with all of the anti-social behaviour that could ensue. During the summer of 2017 the following was noted: urination in people's front gardens/Old Chapel gardens, noisy dispersal, bicycles strewn across the pavement due to inadequate bicycle lock up facilities and other anti-social behaviour.

The summer of 2017 unfortunately does not give the local residents confidence that such an all-encompassing License will be well handled by the Gallery. During 2017 DPG outsourced the outdoor activities. For example the Camberwell Arms was brought in to run the outdoor bar. A Peckham DJ was brought in to run the 'Friday night lates'. It appeared that the Gallery were not in control of the outdoor area. Neighbours complained almost immediately. Rather than listening to their neighbours they increased the number of events (and the time the Pavilion was erected) as the summer went on.

Once the License has been agreed we would appreciate an ongoing Code of Conduct – which can be reviewed and address any further concerns by the neighbours and the surrounding area.

Yours faithfully,

[REDACTED]

[REDACTED]

**Heron, Andrew**

---

**From:** Regen, Licensing  
**Sent:** 28 February 2019 09:19  
**To:** Heron, Andrew  
**Subject:** FW: Contact form for: Licensing Team

Kirty Read  
Processing Manager  
Southwark Council | Licensing | Regulatory Services  
Tel: 0207 525 5748 | Fax: 020 7525 5705  
EHTS Helpline: 020 7525 4261 | Call Centre: 020 7525 2000  
Email: [licensing@southwark.gov.uk](mailto:licensing@southwark.gov.uk)

In future if you wish to submit an application, a quicker way would be to apply online

Postal Address:  
Licensing Team | 3rd Floor, Hub 1 | PO Box 64529 | London | SE1P 5LX

Visitor's Address:  
160 Tooley Street | London | SE1 2QH

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

From: [www.southwark.gov.uk](http://www.southwark.gov.uk) Website [<mailto:noreply@southwark.gov.uk>]  
Sent: Wednesday, February 27, 2019 5:10 PM  
To: Regen, Licensing  
Subject: Contact form for: Licensing Team

A visitor to the [www.southwark.gov.uk](http://www.southwark.gov.uk) website has used the Email Us facility to send you an email from a contact on a webpage.

Contact Name: Licensing Team  
Page Name: How to lodge a representation Page Type: Content Page  
Link: <https://www.southwark.gov.uk/admin/system/ShowEntity?entity=bridge%3A%2F%2Fsouthwark-internet%2Fmodules%2Fm.Content~%2F~%2F.Entry%2F2224>

Senders Email Address: [REDACTED]  
Message:

Re Licence Application No. 866740 Dulwich Picture Gallery.

I live close to the Dulwich Picture Gallery. Noise from a pavilion in the Gallery gardens, and from people leaving the gardens, can be intrusive and a nuisance. I do not object to the application in its entirety but think the terms should be amended. 50 amplified music nights should be reduced to 20. An 11pm finish on Sundays to Thursdays should be reduced to 10pm.

[REDACTED]

**PERSON L**

London Borough of Southwark

Licensing Department

Re: Dulwich Picture Gallery: Licence application number 866740

Dear Licensing Officer/Committee

I have been an active member of the local neighbourhood group and attended a number of meetings at the gallery, some involving Southwark Mediation. The gallery management have taken on board a number of comments and these are helpfully set out in the annex to their application.

I support the main aims and purposes of the Gallery. I appreciate the financial pressures that they are under. I appreciate that by severely limiting the number of outdoor events over the summer of 2018 they have foregone a considerable sum, of up to £100,000. Finally, I also appreciate that there has been a change in some management personnel since 2017.

Nonetheless, I wish to object to the application on the following basis: –

1. I have had the benefit of reading the objections submitted by [REDACTED] on behalf of the residents of College Gardens, and my Woodyard Lane neighbour [REDACTED]. For the avoidance of repetition, I fully adopt and endorse their objections.
2. I understand that the gallery has long held a licence allowing it to hold events until 1:30 a.m. but despite having lived in Woodyard Lane for over 15 years, I had never experienced any noise nuisance from the Gallery prior to the summer of 2017, although late-night activities in Belair House were a significant problem a few years before that.
3. For this reason, my objection is not to those events held exclusively within the venue itself, but to the nuisance caused by events within the grounds of the gallery and audible externally to neighbours and the public.
4. During the summer of 2017, considerable noise nuisance was caused on both weekday and weekend evenings and late into the night. One such event was a weekday evening when I was aware that one of my neighbour's children was due to take a GCSE exam the following day.
3. Complaints were made by me and by a number of others to the Southwark Noise Nuisance team in the summer of 2017. Late one evening I heard every syllable of the already repetitive words of "Hey Jude" sung raucously for about 10 minutes in what I was later informed was meant to be a "silent disco".
4. [REDACTED] has already referred to the contrasting situation with the other venues in the area who are also licensed to serve alcohol. The risk of establishing a precedent to be subsequently adopted by those other establishments is too great.
5. The Gallery has indicated in paragraph 13 of its annex to the application that "Sound levels will be closely monitored throughout any event by the Duty Manager and sound will be managed down for events continuing past 21:00. This includes set up for events as well.". This is purely a subjective view for whoever is the Duty Manager and will not necessarily safeguard our amenity or meet our concerns.

6. Just as the current management have clearly emphasised their change of approach since 2017, there is no guarantee that any subsequent management personnel or regime would demonstrate clear concern or sensitivity about causing noise nuisance to neighbours. The subjective view of whoever is the Duty Manager in paragraph 5 above, is just one facet of this.

7. The Gallery, and its management, will also inevitably be concerned about the financial implications of its activities. The Gallery has informed us that regular weddings during the summer months can achieve up to £100,000 extra income.

8. The acoustics of the area surrounding the gallery are such that almost any externally audible music or crowd noise, amplified or not, can be heard clearly in the houses in Woodyard Lane.

9. I know that my neighbours have indicated that if the licence were to be granted despite their objections, a reduced number of late evening events might be appropriate. I would agree with their suggestions about reducing the number of late evening events, but given the unique acoustic position of my house, would go further.

10. I do not accept that any externally audible music needs to take place after 10.00 p.m. on any occasion during the year. In the event of e.g. a wedding, there is no reason why the music/dancing could not take place inside the Gallery buildings, as opposed to outdoors in temporary structures or whatever. In effect, this is most likely to occur during the months of May-September when doors and windows are more likely to be left open.

I hope that this submission will inform and assist the Licensing Committee in making their decision.

Yours sincerely,

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**PERSON M****Heron, Andrew**

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**From:** Beswick, Claire on behalf of Regen, Licensing  
**Sent:** 27 February 2019 14:34  
**To:** Enebeli, Emma  
**Cc:** Heron, Andrew  
**Subject:** FW: Objection to Application for Premises Licence No 866740 Dulwich Picture Gallery

---

**From:** [REDACTED]  
**Sent:** Wednesday, February 27, 2019 2:18 PM  
**To:** Regen, Licensing  
**Subject:** Objection to Application for Premises Licence No 866740 Dulwich Picture Gallery

Dear Southwark Licensing Team

27<sup>th</sup> February 2019

**Objection to Premises Licence No  
866740: Dulwich Picture Gallery**

We write to object to the application by Dulwich Picture Gallery for a licence that allows unrestricted outside live or recorded music until 11pm on any weekday and until midnight on Fridays and Saturdays.

Our objection is based on the certainty of public nuisance- namely noise.

We back onto playing fields across from the Picture Gallery and have bitter experience of late night music- supposedly indoors- from Belair House which is further away from our house. This application gives the Gallery carte blanche to produce loud music in the evenings and late at night on weekends. We do not want our nights disturbed again, especially in the summer when our windows may be open.

Yours sincerely

[REDACTED]

**Heron, Andrew**

---

**From:** Regen, Licensing  
**Sent:** 28 February 2019 09:18  
**To:** Heron, Andrew  
**Subject:** FW: Contact form for: Licensing Team

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

From: [www.southwark.gov.uk](http://www.southwark.gov.uk) Website [<mailto:noreply@southwark.gov.uk>]  
Sent: Wednesday, February 27, 2019 5:05 PM  
To: Regen, Licensing  
Subject: Contact form for: Licensing Team

A visitor to the [www.southwark.gov.uk](http://www.southwark.gov.uk) website has used the Email Us facility to send you an email from a contact on a webpage.

Contact Name: Licensing Team  
Page Name: How to lodge a representation Page Type: Content Page  
Link: <https://www.southwark.gov.uk/admin/system/ShowEntity?entity=bridge%3A%2F%2Fsouthwark-internet%2Fmodules%2Fm.Content~%2F~%2F.Entry%2F2224>

Senders Email Address: [REDACTED]

Message:

Dulwich Picture Gallery - licence application 866740

Our house is very close to the Dulwich Picture Gallery garden. Amplified music from the garden, where the pavilion will be situated, carries easily into our house and is a nuisance. We consider the 50 amplified music nights applied for should be reduced to 20. We also consider 11pm Sunday to Weds is too late for amplified music, it should cease at 10pm on these nights.

**Heron, Andrew**

---

**From:** Beswick, Claire on behalf of Regen, Licensing  
**Sent:** 27 February 2019 15:51  
**To:** Enebeli, Emma  
**Cc:** Heron, Andrew  
**Subject:** FW: <no subject>

---

**From:** [REDACTED]  
**Sent:** Wednesday, February 27, 2019 3:42 PM  
**To:** Regen, Licensing  
**Cc:** Jenny Park  
**Subject:** <no subject>

Dear Southwark Licensing Team

27<sup>th</sup> February 2019

### **Objection to Premises Licence No 866740: Dulwich Picture Gallery**

We are emailing regarding the application by Dulwich Picture Gallery for a licence that allows the sale of alcohol and the provision of regulated entertainment, Monday to Wednesday, Sunday 08:00 to 23:45, Friday and Saturday 08:00 to 00:45; supply of alcohol Monday- Wednesday, Sunday 11:00 to 23:00, Friday and Saturday 11:00 to 00:00; provision of regulated entertainment- Monday to Wednesday and Sunday 09:00 to 23:00, Friday and Saturday 09:00 to 00:00)unrestricted outside live or recorded music until 11pm on any weekday and until midnight on Fridays and Saturdays.

Our objection is based on the direct noise this will cause, and the general public nuisance, and noise generated by additional traffic and parking, and additional crowds of people leaving the venue so late.

We back onto playing fields across from the Picture Gallery and have bitter experience of late night music- supposedly indoors- from Belair House which is further away from our house. This application gives the Gallery carte blanche to produce loud music in the evenings and late at night on weekends. We do not want our nights disturbed again, especially in the summer when our windows may be open.

Yours sincerely

[REDACTED]

**Heron, Andrew**

---

**From:** Regen, Licensing  
**Sent:** 28 February 2019 11:45  
**To:** O'Gorman, Sinead  
**Cc:** Heron, Andrew  
**Subject:** FW: Licence Application 866 740

**Kirby Read**

Processing Manager  
 Southwark Council | Licensing | Regulatory Services  
**Tel:** 0207 525 5748 | **Fax:** 020 7525 5705  
**EHTS Helpline:** 020 7525 4261 | **Call Centre:** 020 7525 2000  
**Email:** [licensing@southwark.gov.uk](mailto:licensing@southwark.gov.uk)

In future if you wish to submit an application, a quicker way would be to [apply online](#)

**Postal Address:**

Licensing Team | 3rd Floor, Hub 1 | PO Box 64529 | London | SE1P 5LX

**Visitor's Address:**

160 Tooley Street | London | SE1 2QH

---

**From:** [REDACTED]  
**Sent:** Thursday, February 28, 2019 10:39 AM  
**To:** Regen, Licensing  
**Subject:** Licence Application 866 740

Dear Sir/Madam,

The above application for sales of alcohol etc. is from the **Dulwich Picture Gallery**, and I wish to object..

This important institution is an art museum and not a venue for regular and prolonged drinking and partying.

My reasons for objection are based on previous experience of 1] **public nuisance** eg. noise, when a similar approach to attracting customers was used.

2]prevention of **crime and disorder** – again this greatly increased during previous such ventures.

Should this application be granted I would suggest that the drinking hours are greatly reduced from the suggested times which are quite out of order, being almost round the clock.

Instead I would limit alcohol sales from Noon to 7pm. during the week, (closed Mondays) and Noon to 8pm at weekends, max.

Yours sincerely,

[REDACTED]

[REDACTED]

**PERSON Q**

London Borough of Southwark

Licensing, Health and Safety

Hub 1

Third Floor

160 Tooley Street

SE1 2QH

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

27th February 2019

Dear Sirs

**Objection in Respect of Premises Licence Application 866740**

Dulwich Picture Gallery

Gallery Rd,

Dulwich,

London SE21 7AD

Dear Sir

Whilst we are supportive neighbours of the gallery, its art and its aims to broaden its appeal to different groups in society, we wish to object to the Licence Application 866740 by the above party on the grounds of prevention of crime and disorder, the prevention of public nuisance and the protection of children from harm.

We live in close proximity to Dulwich Picture Gallery which is located right in the middle of a quiet residential area. In the summer of 2017 when the gallery had a temporary license for the 2017 pavilion events we were greatly disturbed by the noise from external events held at Dulwich Picture Gallery. This led us on a number of occasions to have to ring Southwark Noise Control, despite having given previous feedback to the gallery. We were disturbed both in our home and garden. At times the house vibrated with the sound waves.

The disturbance was also after the music stopped, with late night chanting and singing of intoxicated guests after the end of the event. There were beer bottles and glasses littering College Road. Urination on the street was an issue. Congestion was caused on College Road after events as taxis lined up with engines running to collect party goers to the Friday Lates held at that time.

Our childrens' bedrooms directly received noise from events held at Dulwich Picture Gallery, both loud music and drunken chanting and shouting. This caused them

difficulty in sleeping. At that time we had a member of our family who was recovering from an operation and could not easily get of bed to get away from the noise. This summer and for the next few years we have children sitting GCSEs and other important exams during the summer period and we do not want them to be disturbed by noise created by outdoor entertainment during studying or sleep. That is simply not fair nor can be justified on any grounds.

At the time of the summer 2017 events the gallery could apply for up to 15 events each year with amplified sound under a TENS license. The TENS process thankfully gave residents some protection and residents greatly appreciated the help that Southwark council provided at that time. We believe the council's intervention at the end of Summer 2017 was the reason why we had a peaceful summer 2018.

Residents thanked DPG at a meeting of the DPG licensing sub group in September 2018 as they had just held a marquee wedding under TENS which from the residents' perspective was a success since it did not cause a disturbance. The gallery replied that the reason for the lack of disturbance was the extensive sound control measures they had implemented. The gallery pointed out the cost and that although the hirers on this occasion could pay for that *it was not something that could be undertaken each time*.

If such noise measures as taken in the TENS wedding of September 2018 cannot be undertaken each time due to cost reasons then residents will surely be disturbed again as they were in Summer 2017.

We stress that residents live extremely closely to the outdoor area where these events are held. Although the gallery undertakes in the new license to set noise levels, direct speakers away from the nearest residents, and manage sound levels down – this is unlikely to work. We question whether it is possible to hold events in such close proximity to residential areas without causing nuisance *without taking the steps that the gallery took for the TENS wedding in September 2018* - that has been the only thing which has worked to date. Since the gallery has unfortunately told us it is too expensive to do that each time the potential for similar disturbance remains.

Once the TENS process is no longer used, and if this license is allowed, residents will lose the crucial protections which the council provided under the TENS process. We think it is too soon to move away from the TENS system since *DPG have not shown a track record of being able to host their events without disturbance*. This is a step in the dark and we have no confidence, despite the best intentions of the gallery in saying they will try to minimise disturbance, that we will not once again be disturbed - the fact is that these are inherently noisy events with alcohol held outdoors in close proximity to a quiet residential area.

We would recommend that the TENS system be continued for the foreseeable future to see if DPG can in fact host events without causing a nuisance to its neighbours and the community and to monitor the effects on crime and disorder. If and when a good track record is in place then a license without TENS could be considered with more confidence by neighbours.

Compared to the previous licensing arrangements, the new license is much broader. The new license would allow events to be held until 6pm with amplified noise every single day of the year and after 6pm there are 50 allowed and of which 25 after 8pm and 12 at various further degrees of lateness till midnight. (When considering these numbers please bear in mind that the outdoor events will mainly take place in summer months so concentrated at a time when residents wish to have their windows open and enjoy being outside). Thus, the scope for residents to be disturbed is on a much greater scale than before.

We think that DPG have not shown a track record which befits such trust to run such a broad license far in excess of the relatively smaller number of events which caused such a problem in Summer 2017.

Although residents were mediated with during the various revisions of the proposed license the balance of power in the situation meant that in our view worried residents were trying with difficulty to engage with what is a complicated and changing proposition, and whilst constraints have been included it still remains wholly excessive. We wish to make it clear that mediation with residents does not mean that residents are happy with the license.

Other local venues who are far more experienced in the selling of alcohol and running of events are not permitted any such external entertainment or if they are it is on a basis far more restricted. These include Crown and Greyhound, Belair House, Herne Hill Velodrome and Half Moon Pub.

Although we object to the proposed license, if the subcommittee concludes that a licence should be granted, then we would ask that the following additional restrictions be placed on Dulwich Picture Gallery – these still allow DPG to have far more events than the equivalent local venues listed above so would be a major concession and show of goodwill on the part of residents.

A maximum of 30 events per year  
 of which no more than 25 events past 18:00 per year  
 of which 15 after 20:00  
 of which 6 after 22:00, of which 4 after 23:00 finishing no later than midnight.  
 No more than one event per week.

We are concerned that any license granted is not interpreted as a right by DPG to cause or gloss over any disturbance they create to their neighbours i.e. a "right to disturb". Although residents took part in several meetings during the summer of 2017 they were at times argued with not listened to. We would like a comprehensive and enforceable code of conduct which is fair to residents to be established.

Residents have appreciated the more recent mediation process although sometimes residents have not always felt their concerns were addressed with an open mind. Some neighbours struggled to attend the meetings since we had little control over timing and some could not get their points across if time ran out.

The license appendix sets out that sound levels will always be kept at a 'reasonable level'. What does that mean in practice? What is reasonable is subjective and

depends on the context in which the sound can be heard rather than the type of event itself. What is reasonable in a residential area is different to what is reasonable in a non-residential area and should not be determined by reference to what the guests expect of a typical indoor event of that nature.

When hirers book the outdoor space for an event is it made clear to them that any music or sound has to be reasonable in relation to families living just over the road and sometimes just over the wall, for whom it is not a one-off event? It is not clear from the licence how reasonableness will be determined nor how the expectations of hirers are managed. Could the license clarify what is reasonable?

The appendix refers to a PA system with noise limiters - what exactly are the noise limits being proposed?

Speakers being directed away from nearest neighbours may simply move the noise to other neighbours - this adds nothing to the confidence of any residents that they will not be disturbed.

Clarification of what are non-commercial arts or community events - there is a general carve out in the licence for those events from any restriction. This leaves the residents very exposed to even more events and that carve out being used for that purpose. From residents' point of view any events which create outdoor noise which can be heard in our homes are still disturbances and being classed as "community" or "non-commercial" does not change that.

Please could we be kept informed as to the status of the license.

Our address is

[REDACTED]

Please can you confirm receipt of this email.

Yours faithfully

[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]

## PERSON R

### Objection in Respect of Premises Licence Application 866740

Dulwich Picture Gallery, Gallery Rd, London SE21 7AD

Dear Sirs

I wish to object to the Licence Application 866740 by the above party. Although I do not live close to the Gallery, I was Chairman of the Friends of the Gallery from 2002 to 2005 and have, until recently, played an active part in organising events and fundraising for the Gallery. I am a member of the Dulwich Society which also objects to this application.

My objection is based on the contravention of the Licensing objectives of prevention of public nuisance, protection of children from harm and the prevention of crime and disorder.

- Public nuisance relates to the noise that would be created by the amplified music/noise allowed by this License.
- The protection of children from harm also relates to the noise that this License would allow. A number of children live close to the Gallery. Young children need to get to sleep from 7pm onwards. Older children need to be able to study and revise for important exams such as GCSE's and A'Levels etc.
- The prevention of crime and disorder relates to the fact that this is a residential area not used to the anti-social behaviour which can arise from the sale of alcohol outdoors on some days till midnight. In addition, dispersal is likely to take place around 1 hour or more after these times.

#### The current Licence provides the following:

- Any event requiring outdoor amplified noise must be applied for under a TENS (Temporary Events Notice)
- Currently the DPG License permits sale of alcohol till 11.30pm each night, however in reality with no bar/building outside and no provision for amplified noise (except if permitted by TENS) DPG do not often utilise this part of the License.

#### Draft License

- Amplified noise can take place 365 days per year till 6pm, 50 occasions past 6pm.
- Sale of alcohol outdoors on some days up to midnight.

The benefit of the TENS is that the number of events with amplified noise per year is **capped** at 15. It also enables the Council to retain some control. For example, the summer of 2017 (the last Pavilion, for which a temporary License was obtained) provoked many complaints from local residents. These complaints were registered with the Council.

The proposed License is simply *not appropriate* for a residential area where some houses are as close as **10 metres** from the perimeter of the Gallery garden.

#### The following areas are of particular concern:

- The License would allow amplified noise in the DPG garden 365 days of the year till 6pm.

*Suggested revision:* amplified noise should be restricted to specific events only (20 per year).

- The License allows for 50 events with amplified noise after 6pm.

*Suggested revision:* 20 events in total per year (with amplified noise). 10 events – amplified noise should finish by 8pm, 10 events – amplified noise should finish by 11pm.

I know that residents have engaged with mediation, and the proposed License has been restricted as a result. However, this has been a forced compromise from an excessive position to a slightly less excessive one. This proposed License would have a huge impact on the neighbours of DPG and also the fabric of the local community.

The impact on Dulwich Village should be considered, and, in particular, the presence of an **outdoor** venue providing alcohol 6 days a week, with all of the anti-social behaviour that could ensue. During the summer of 2017 the following was noted: urination in people's front gardens/Old Chapel gardens, noisy dispersal, bicycles strewn across the pavement due to inadequate bicycle lock up facilities and other anti-social behaviour.

Another local events/wedding venue (Belair House) does not have a License to hold outdoor events with outdoor noise, nor does the local pub (Crown and Greyhound), therefore granting this License could turn the outdoor space at the Dulwich Picture Gallery into the only outdoor dinking space with amplified noise with such close proximity to neighbours, in the area.

Dulwich Picture Gallery is the oldest public gallery in England with a world-renowned collection of Old Masters, and hosts temporary exhibitions attracting visitors from far and wide. I appreciate that the Gallery wants to broaden the range of their visitors to include a younger and more diverse audience.

However, I do not believe this should be done to the *detriment* of the neighbours of the Gallery and the local area. I therefore object to this proposed License.

Yours sincerely

[REDACTED]

[REDACTED]

**Heron, Andrew**

---

**From:** O'Gorman, Sinead  
**Sent:** 28 February 2019 09:28  
**To:** Heron, Andrew  
**Subject:** FW: Dulwich picture gallery 866740

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

From: Read, Kirty  
 Sent: Thursday, February 28, 2019 8:09 AM  
 To: O'Gorman, Sinead  
 Subject: FW: Dulwich picture gallery 866740

Kirty Read  
 Processing Manager  
 Southwark Council | Licensing | Regulatory Services  
 Tel: 0207 525 5748 | Fax: 020 7525 5705  
 EHTS Helpline: 020 7525 4261 | Call Centre: 020 7525 2000  
 Email: [licensing@southwark.gov.uk](mailto:licensing@southwark.gov.uk)

In future if you wish to submit an application, a quicker way would be to apply online

Postal Address:  
 Licensing Team | 3rd Floor, Hub 1 | PO Box 64529 | London | SE1P 5LX

Visitor's Address:  
 160 Tooley Street | London | SE1 2QH

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

From: [REDACTED]  
 Sent: Wednesday, February 27, 2019 5:40 PM  
 To: Regen, Licensing  
 Subject: Dulwich picture gallery 866740

I am a resident of Dulwich Village and regular visitor to the picture gallery. This new licence if approved will make it easier for the gallery to serve its community, with whom it has properly consulted about this proposal, and thereby to help generate income which will ensure that the gallery itself (which receives no public money whatsoever) can flourish as an essential and much-loved part of Dulwich and the wider London community? Moreover the programme which the new license will support and facilitate the gallery's efforts to diversify their programme and attract new and more diverse visitors, which will be excellent for the gallery and for Dulwich itself.

[REDACTED]

[Alley's 400] <<https://www.alleyns.org.uk/celebrate400>>

**PERSON T****Heron, Andrew**

---

**From:** Beswick, Claire on behalf of Regen, Licensing  
**Sent:** 27 February 2019 11:51  
**To:** Enebeli, Emma  
**Cc:** Heron, Andrew  
**Subject:** FW: Objection to DULWICH PICTURE GALLERY LICENCE APPLICATION : 866740

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

**From:** [REDACTED]  
**Sent:** Wednesday, February 27, 2019 11:26 AM  
**To:** Regen, Licensing  
**Cc:** TRS  
**Subject:** Objection to DULWICH PICTURE GALLERY LICENCE APPLICATION : 866740

Dear Sirs,

As residents of [REDACTED] we write to object to the above licence application. A resident of College Gardens SE21 has forwarded to us a copy of letter of objection to this application that she has sent to Southwark Council (copied below). This is such a comprehensive, thoroughly researched letter, the contents of which we are completely in agreement with, that it would be foolish and unnecessary of us to rewrite it in own own words. However, we do feel most strongly that it would be totally unreasonable for this licence to be granted to Dulwich Picture Gallery given the very appropriate restrictions that are placed on the Crown & Greyhound, Belair House, the Half Moon Pub and the Herne Hill Velodrome. We were greatly disturbed by the extremely loud music and singing and post-event street noise at several events during the summer of 2017 and apprehensive at the thought of repeat performances of these nuisances.

Yours faithfully,

[REDACTED]

[REDACTED]

"Our objection is based on the contravention of the Licensing objectives of prevention of public nuisance, protection of children from harm and the prevention of crime and disorder.

\* Public nuisance relates to the noise that would be created by the amplified music/noise allowed by this License.

\* The protection of children from harm also relates to the noise that this License would allow. I live in College Gardens, where a number of children live. Young children need to get to sleep from 7pm onwards. Older children need to be able to study and revise for important exams such as GCSE's and A'Levels etc.

\* The prevention of crime and disorder relates to the fact that this is a residential area not used to the anti-social behaviour which can arise from the sale of alcohol outdoors on some days till midnight. In addition, dispersal is likely to take place around 1 hour or more after these times.

The current Licence provides the following:

\* Any event requiring outdoor amplified noise must be applied for under a TENS (Temporary Events Notice)

\* Currently the DPG License permits sale of alcohol till 11.30pm each

night, however in reality with no bar/building outside and no provision for amplified noise (except if permitted by TENS) DPG do not often utilise this part of the License.

Draft License

\* Amplified noise can take place 365 days per year till 6pm, 50 occasions past 6pm.

\* Sale of alcohol outdoors on some days up to midnight.

The benefit of the TENS is that the number of events with amplified noise per year is capped at 15. It also enables the Council to retain some control. For example, the summer of 2017 (the last Pavilion, for which a temporary License was obtained) provoked many complaints from local residents. These complaints were registered with the Council. The Council were then able to intervene with the next wedding which took place outdoors.

This wedding took place with no complaints because DPG ensured proper consideration was given to the noise and impact on neighbours. We have been told that this required a lot of expense, and we cannot rely on such measures being taken for future events, because not everyone would have the necessary budget.

The proposed License is simply not appropriate for a residential area where some houses are as close as 10 metres from the perimeter of the Gallery garden.

The following areas are of particular concern:

- The License would allow amplified noise in the DPG garden 365 days of the year till 6pm.

Suggested revision: amplified noise should be restricted to specific events only (20 per year).

- The License allows for 50 events with amplified noise after 6pm.

Suggested revision: 20 events in total per year (with amplified noise). 10 events - amplified noise should finish by 8pm, 10 events - amplified noise should finish by 11pm.

As residents we have engaged with mediation, and the proposed License has been restricted as a result. However, this has been a forced compromise from an excessive position to a slightly less excessive one. This proposed License would have a huge impact on the neighbours of DPG and also the fabric of the local community.

We were told the reason DPG wished to apply for a new License was to 'restrict the Gallery more than the current License'. However, this is obviously not the case. This License massively increases the scope of the events that can take place. This License appears to be for the sole purpose of dispensing with TENS and increasing the events including amplified noise from a maximum of 15 per year to 365 days per year (up to 6pm) and 50 times (up to and including midnight).

Having looked at local comparable venues it is clear that none have the kind of Licence being applied for by DPG.

For example:

Crown and Greyhound (local large pub) -

342 - That no external areas of the premises, including the garden, patio or frontage shall be used for the purposes of licensed entertainment.

Belair House (local events/wedding venue) -

341 - That the outside areas will not be used for the provision of live and / or recorded music or for fireworks

displays Half Moon Pub (local large pub) -

340 - That the external bar will not be used outside of the hours of 08:00 to 22:00 hours on any day.

341 - That the outside areas will not be used for the provision of live and / or recorded music or for fireworks

displays Herne Hill Velodrome - Code of conduct agreed with local residents. A small number of major cycling events (5 or 6 per year, maximum 10) to be covered by a TENS.

In an ideal world we would not be disturbed at all by amplified music from an outdoor entertainment venue metres from our home. However, we have compromised and suggested that we can live with up to 20 events per year.

These are likely to be clustered in the summer - at a time when residents would like to open their windows and sit in their garden. Therefore these

20 events are likely to have a big impact. To undertake beyond 20 per year is in our view excessive, and we certainly should not be expected to be subject to amplified music till 6pm every day of the year, which is what this License proposes.

The impact on Dulwich Village should also be considered. The presence of an outdoor venue providing alcohol 6 days a week, with all of the anti-social behaviour that could ensue. During the summer of 2017 the following was noted: urination in people's front gardens/Old Chapel gardens, noisy dispersal, bicycles strewn across the pavement due to inadequate bicycle lock up facilities and other anti-social behaviour.

As has been stated the local events/wedding venue (Belair House) does not have a License to hold outdoor events with outdoor noise, nor does the local pub (Crown and Greyhound), therefore granting this License could turn the

outdoor space at the Dulwich Picture Gallery into the only outdoor dinking space with amplified noise with such close proximity to neighbours, in the area.

The summer of 2017 unfortunately does not give the local residents confidence that such an all-encompassing License will be well handled by the Gallery. During 2017 DPG outsourced the outdoor activities. For example the Camberwell Arms was brought in to run the outdoor bar. A Peckham DJ was brought in to run the 'Friday night lates'. It appeared that the Gallery were not in control of the outdoor area. Neighbours complained almost immediately. Rather than listening to their neighbours they increased the number of events (and the time the Pavilion was erected) as the summer went on.

Once the License has been agreed we would appreciate an ongoing Code of Conduct - which can be reviewed and address any further concerns by the neighbours and the surrounding area."

Your ref:  
Our ref: JS

38a Monmouth Street  
London WC2H 9EP  
tel: 020 7042 0410  
fax: 020 7379 6618

London Borough of Southwark  
Licensing, Health and Safety  
Hub 1  
Third Floor  
160 Tooley Street  
SE1 2QH

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

28 February 2019

Dear Sirs

**Representation in respect of Premises Licence Application 866740**  
**Dulwich Picture Gallery, College Road SE21 7BG/7AD**

We act for [REDACTED]

[REDACTED] Our clients would be grateful for your consideration of this representation in respect of the above premises licence application.

Our client objects to the application under all four licensing objectives. Our client's principle concerns are, *inter alia*:

1. Previous events at the premises have resulted in significant noise nuisance causing great levels of disturbance to our clients' household.
2. The locality is characterised as a quiet residential area. The proposed licence could represent a significant transformation of the local environment with numerous events and related activity disturbing residents throughout the year. This is of particular concern to Mr Julian Morley, who suffers from a brain injury. His condition means that he requires a lot of sleep and can become easily distressed if he is disturbed.
3. Previous incidents of urinating on our client's property walls and alcohol containers being thrown onto our client's property during and after events held at the premises.
4. Anti-social behaviour caused by intoxicated persons attending the premises, varying from loud singing late at night to the use of obscene language following polite requests to quieten down.

5. Large and uncontrolled groups of persons dispersing late at night after events, with absolutely no supervision whatsoever.
6. Broken promises in respect of noise levels during previous events authorised under temporary licences causing unacceptable levels of nuisance, including high levels of disturbance to Mr Julian Morley in particular. Previous licensed events have caused Mr Julian Morley a great deal of distress and severely interrupted his sleep, which he needs during the day and throughout the night as a result of condition.
7. The proposals indicate considerable levels of catering will take place at the premises during the day and late at night. Our client is concerned this activity and associated servicing, for example noise from extraction, odour from cooking, food waste collections and food deliveries will cause a nuisance. Noise and odour from the existing extraction systems currently cause a nuisance. Several complaints have already been made to the applicant and 2 complaints to the council in this respect of this activity.
8. Inadequate sanitary provision for the proposed numbers of persons, further increasing the risk of urination in the local area.
9. A failure to provide a code of conduct or noise management plan which is enforceable by the local residents and the responsible authorities by way of premises licence condition.
10. Public safety concerns in relation to the applicant's proposal to hold events for up to 500 persons. In particular, our client has not seen a fire strategy or risk assessment demonstrating the proposed licensable areas can safely accommodate this number of persons.
11. The cycle lane outside the applicant's premises has been designated a "Dulwich Safe Route for Schools". The increased level of patrons accessing and leaving the site, together with traffic from servicing vehicles present a public safety risk in this regard.
12. The increased risk of crime resulting from large groups of intoxicated persons congregating outside the premises.
13. The postcode of the premises displayed on the online licensing register differs from the postcode in the application documents.
14. Although we understand parking is not necessarily a concern under the licensing regime, increased demand on local parking spaces during previous events at the premises have caused a nuisance to our clients insofar as their driveway has been blocked.

Whilst our client appreciates the applicant's attempts to engage with local residents during pre-application consultation, a number of meetings proceeded despite several residents being unable to attend, including our clients. Although some feedback has been considered during these meetings, the applicants have proceeded with their application having not fully addressed comments raised by the local community.

As a result, if the above, our clients object to the application being granted. Our clients' position is that the applicant can and should continue to seek authority for licensable activities under Temporary Event

Notices. This would allow a continued period of monitoring. However, if the licensing sub-committee is minded to grant, our clients ask that the following restrictions/conditions are imposed:

1. Non-standard timings – our clients specifically object to the proposal for any events involving regulated entertainment outdoors proceeding after 10.00 pm. This activity will inevitably cause unacceptable levels of public nuisance and is in contravention of the 10.00 pm terminal hour for outdoor activity set out in paragraph 224 of the council’s statement of licensing policy.
2. Operating hours – our clients object to the terminal hours for licensable activities and the significant 45 minute closing period. These hours are not appropriate in a residential location and again will inevitably result in unacceptable levels of public nuisance. Our clients suggest a much earlier terminal hour for licensable activities and closing would significantly reduce this risk.
3. The number of events proposed is too high. The applicant proposes more than one event per week. The number of events should be reduced to reduce the risk of residents being disturbed on a frequent basis.
4. A requirement to agree and comply with a code of conduct or noise management plan, to be agreed with the environmental protection team and local residents before licensable activities are provided under the licence. This is consistent with the council’s policy objectives set out in paragraphs 228 to 231 of the statement of licensing policy.
5. Proposed condition 3 – a single SIA supervisor is completely inadequate to deal with potentially hundreds of intoxicated persons attending functions late at night. Our clients request this condition is amended to require higher levels of SIA supervision, some of whom are specifically tasked with patrolling outdoor areas and managing the dispersal of guests in accordance with an approved dispersal policy.
6. Condition 12 – our clients request that this condition is amended in accordance with model wording to require all PA/sound systems and a requirement that all noise limiters are set at levels acceptable to the environmental protection team and local residents to ensure music noise and PA noise is inaudible at residential properties.
7. Condition 16 – again, this condition should be amended to ensure noise levels are set to be inaudible at residential properties.
8. Capacity condition 28 – the maximum of 500 is too high. Previous events have resulted in unacceptable levels of noise, nuisance caused by urination and large groups of persons leaving at night. A lower capacity would reduce pressure on the existing sanitary provision and reduce the risk of disturbance caused by large intoxicated groups leaving late at night.
9. The licence plans indicate a number of licensed areas which could be segregated to run multiple events at any one time. Our clients request a condition requiring only a single event booking to be held at any one time.
10. A condition should be imposed on the premises licence that restricts any music (and unamplified or amplified) being played outside and that background levels of music are only permitted inside the premises buildings and/or marquee structures.

11. A condition should be imposed restricting smokers taking drinks outside after 8.00 pm.
12. A condition should be imposed requiring notices to be displayed asking patrons to leave quietly and to be mindful of local neighbours are positioned at all points of exit.
13. A condition should be imposed requiring a dispersal policy to be implemented to ensure persons leave the immediate area without causing any nuisance to local residents.
14. A condition should be imposed requiring litter patrols to clear all litter generated by the premises following events.
15. A condition should be imposed requiring the handling and removal of waste or musical equipment or the delivery of goods etc. to be prohibited between 10:00pm and 08:00am.
16. Our clients also request that consideration is given to imposing further conditions consistent with paragraph 226 of the statement of licensing policy to prevent nuisance emanating from the premises.

The applicant's operational record provides evidence that the proposed activities have (and will in the future) caused a public nuisance to local residents. Our clients are concerned that granting the licence will inevitably cause increased levels of nuisance.

Our clients hope that the licensing sub-committee will place weight on the local residents' concerns and refuse the licence. At the very least, further restrictions and conditions in line with the suggestions above and the statement of licensing policy should be imposed to promote the licensing objectives.

Please keep us updated on progress of the application and details of the licensing sub-committee hearing date.

Thank you for your consideration of this letter.

Yours faithfully

**Thomas & Thomas Partners LLP**

tel: 020 7042 0413

email: [REDACTED]

**Heron, Andrew**

**From:** Beswick, Claire on behalf of Regen, Licensing  
**Sent:** 28 February 2019 10:21  
**To:** O'Gorman, Sinead  
**Cc:** Heron, Andrew  
**Subject:** FW: re application 866740 Dulwich Picture Gallery

---

**From:** [REDACTED]  
**Sent:** Thursday, February 28, 2019 10:10 AM  
**To:** Regen, Licensing  
**Subject:** re application 866740 Dulwich Picture Gallery

We wish to object to this application on the grounds of public nuisance as there is the potential for both noise pollution from amplified sound of live or recorded music outdoors and sound tracks as well as light pollution from the showing of films outdoors.

Whilst appreciating that Dulwich Picture Gallery have engaged with local residents to try to find a consensus which meets the needs of the Gallery to raise funds to support The Collection and to reach a new and diverse audience while providing some protection for local residents, concerns do still remain about the nature and timing of events outdoors and the sale of alcohol which we note has now been extended to " off sales " for which we see no reason at all.

Considerable progress has been made in acknowledging the intrusion and stress neighbours have experienced during previous summers from outdoor events at The Gallery particularly in 2017 , so albeit reluctantly we are prepared to accept 12 events which are likely to generate noise nuisance from amplified sound, the supply of alcohol and dispersal till well past midnight but we feel that other outdoor activities should be contained with noise and light pollution & the supply of alcohol restricted to 22.00hrs. This is the application for the performance of plays and we see no reason why films shown outdoors should extend to 23.00hrs as well as other amplified sound even though the number of occasions is limited in the 6 months of the summer when people are likely to need their windows open and be in their gardens this application allows for 2 events a week likely to cause noise disturbance until or after 23.00hrs with these occasions most likely to be concentrated at weekends.

We recognise the measures suggested for sound management in Appendix A but question whether a sound level equivalent to The Gallery's PA system is appropriate for other amplified sound given that by definition a PA system is used to enable announcements to be heard well above the background noise of groups of people.

Sound management in the grounds of Dulwich Picture Gallery is difficult as there are residential properties directly to the east and south and sheltered living accommodation to the north beyond Christ's Chapel building as well as homes on Dulwich Village & Burbage Road & the Gallery building itself is likely to reflect sound back onto the site.

This is further complicated by the biannual " Dulwich Pavilion " which in addition to Marquees serves as an outdoor venue for a variety of events throughout the summer.

The Pavilion is the outcome of a design competition for emerging architects so will vary greatly on each occasion . The budget is small & the design brief to date has not prioritised acoustics measures.

The impact of each structure will be entirely unknown until erected and tested by the scheduled events.

Much attention has been given to the finishing time of events but we also note that the application would allow for unlimited noise generating activities outdoors throughout the year which could be equally intrusive for local residents and could be followed by/ combined with an activity which continues this into the evening so we feel some consideration should be given to how this might be contained.

We regard The Gallery as a very valuable local and national asset and which to see it thrive so are supportive of all measures which allow this happen without losing the amenity of the local area and allowing residents enjoy their own homes.

Yours Sincerely,

[REDACTED]

[REDACTED]

**PERSON W****Heron, Andrew**

---

**From:** Regen, Licensing  
**Sent:** 28 February 2019 15:10  
**To:** O'Gorman, Sinead  
**Cc:** Heron, Andrew  
**Subject:** FW: Licence Application 866 740

Kirby Read  
Processing Manager  
Southwark Council | Licensing | Regulatory Services  
Tel: 0207 525 5748 | Fax: 020 7525 5705  
EHTS Helpline: 020 7525 4261 | Call Centre: 020 7525 2000  
Email: [licensing@southwark.gov.uk](mailto:licensing@southwark.gov.uk)

In future if you wish to submit an application, a quicker way would be to apply online

Postal Address:  
Licensing Team | 3rd Floor, Hub 1 | PO Box 64529 | London | SE1P 5LX

Visitor's Address:  
160 Tooley Street | London | SE1 2QH

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

**From:** [REDACTED]  
**Sent:** Thursday, February 28, 2019 2:56 PM  
**To:** Regen, Licensing  
**Subject:** Licence Application 866 740

Dear Sir/Madam,

The above application for the sale of alcohol etc. is from the Dulwich Picture Gallery, and I wish to object.

My reasons for objection relate to (1) public nuisance eg. noise and (2) the prevention of crime and disorder/anti-social behaviour. I further object to the proposal that the Sale by retail of alcohol to be consumed off premises should be permitted; there is no call for this as there are other retail outlets in the Village selling alcohol.

I consider that the drinking hours should be greatly reduced from the suggested times which are excessive. This a residential neighbourhood and there is no reason for drinking hours to start at 08.00 and end at 23.00 / 00.45.

Yours faithfully,

[REDACTED]

**PERSON X****Heron, Andrew**

---

**From:** [REDACTED]  
**Sent:** 26 February 2019 16:30  
**To:** Regen, Licensing  
**Subject:** Licence Number 866740, Dulwich Picture Gallery  
**Attachments:** Michael signature.jpg

23 February 2019

I wish to make an objection to this Licence application on the grounds that I will be affected by the Licence. I live at [REDACTED] and back onto the Gallery across the playing fields. This means that noise pollution carries across this open space. Dulwich is residential area and allowing a licence that gives the opportunity to the holder to have any number of events without limitation is inappropriate. Whilst the occasional event is acceptable I would like the Council to follow the practice that they follow with our local Sport Clubs where a limited number of late licences are allowed each year. This works well with the residential nature of the area whilst allowing the clubs to provide some social events to raise money.

[REDACTED]  
Sent from [Mail](#) for Windows 10

**Heron, Andrew**

---

**From:** Regen, Licensing  
**Sent:** 28 February 2019 11:49  
**To:** Heron, Andrew  
**Subject:** FW: DPG application

Kirby Read  
Processing Manager  
Southwark Council | Licensing | Regulatory Services  
Tel: 0207 525 5748 | Fax: 020 7525 5705  
EHTS Helpline: 020 7525 4261 | Call Centre: 020 7525 2000  
Email: [licensing@southwark.gov.uk](mailto:licensing@southwark.gov.uk)

In future if you wish to submit an application, a quicker way would be to apply online

Postal Address:  
Licensing Team | 3rd Floor, Hub 1 | PO Box 64529 | London | SE1P 5LX

Visitor's Address:  
160 Tooley Street | London | SE1 2QH

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

From: [REDACTED]  
Sent: Thursday, February 28, 2019 11:33 AM  
To: Regen, Licensing  
Subject: DPG application

On behalf of residents local to the Dulwich Picture Gallery I would like to object to the longer licensing hours being applied for as existing hours are sufficient and in accordance with the quiet and safe Village ambiance.

Yours

[REDACTED]

Sent from my iPhone

**Heron, Andrew**

---

**From:** Regen, Licensing  
**Sent:** 28 February 2019 09:16  
**To:** O'Gorman, Sinead  
**Cc:** Heron, Andrew  
**Subject:** FW: Contact form for: Licensing Team

Kirby Read  
Processing Manager  
Southwark Council | Licensing | Regulatory Services  
Tel: 0207 525 5748 | Fax: 020 7525 5705  
EHTS Helpline: 020 7525 4261 | Call Centre: 020 7525 2000  
Email: [licensing@southwark.gov.uk](mailto:licensing@southwark.gov.uk)

In future if you wish to submit an application, a quicker way would be to apply online

Postal Address:  
Licensing Team | 3rd Floor, Hub 1 | PO Box 64529 | London | SE1P 5LX

Visitor's Address:  
160 Tooley Street | London | SE1 2QH

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

From: [www.southwark.gov.uk](http://www.southwark.gov.uk) Website [<mailto:noreply@southwark.gov.uk>]  
Sent: Thursday, February 28, 2019 3:30 AM  
To: Regen, Licensing  
Subject: Contact form for: Licensing Team

A visitor to the [www.southwark.gov.uk](http://www.southwark.gov.uk) website has used the Email Us facility to send you an email from a contact on a webpage.

Contact Name: Licensing Team  
Page Name: How to lodge a representation Page Type: Content Page  
Link: <https://www.southwark.gov.uk/admin/system/ShowEntity?entity=bridge%3A%2F%2Fsouthwark-internet%2Fmodules%2Fm.Content~%2F~%2F.Entry%2F2224>

Senders Email Address: [REDACTED]  
Message:

My wife and I are writing in support of Dulwich Picture Gallery's license application no. 866740. We are residents of College Road and believe that the Gallery's summer programme of outdoor events is absolutely vital to expand the audience base and introduce non-white, non-middle class people to art. Not being white myself, I appreciate all the effort that the Gallery goes through to attract non-traditional audiences and the summer programme is absolutely key to this. I believe the gallery will prove to be a responsible executor of the license.

Yours sincerely

[REDACTED]

**Heron, Andrew**

---

**From:** Regen, Licensing  
**Sent:** 28 February 2019 13:58  
**To:** O'Gorman, Sinead  
**Cc:** Heron, Andrew  
**Subject:** FW: Contact form for: Licensing Team

Kirty Read  
Processing Manager  
Southwark Council | Licensing | Regulatory Services  
Tel: 0207 525 5748 | Fax: 020 7525 5705  
EHTS Helpline: 020 7525 4261 | Call Centre: 020 7525 2000  
Email: [licensing@southwark.gov.uk](mailto:licensing@southwark.gov.uk)

In future if you wish to submit an application, a quicker way would be to apply online

Postal Address:  
Licensing Team | 3rd Floor, Hub 1 | PO Box 64529 | London | SE1P 5LX

Visitor's Address:  
160 Tooley Street | London | SE1 2QH

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

From: [www.southwark.gov.uk](http://www.southwark.gov.uk) Website [<mailto:noreply@southwark.gov.uk>]  
Sent: Thursday, February 28, 2019 1:25 PM  
To: Regen, Licensing  
Subject: Contact form for: Licensing Team

A visitor to the [www.southwark.gov.uk](http://www.southwark.gov.uk) website has used the Email Us facility to send you an email from a contact on a webpage.

Contact Name: Licensing Team  
Page Name: How to lodge a representation Page Type: Content Page  
Link: <https://www.southwark.gov.uk/admin/system/ShowEntity?entity=bridge%3A%2F%2Fsouthwark-internet%2Fmodules%2Fm.Content~%2F~%2F.Entry%2F2224>

Senders Email Address: [REDACTED]  
Message:

I am writing in support of the licensing application for Dulwich Picture Gallery. It's absolutely crucial that they are able to operate commercially in some circumstances in order to protect their role as a museum and gallery into the future. This is to the benefit of everyone in Dulwich and South London.

[REDACTED] I have been directly involved in their consultations with neighbours and the team have done their best to build positive relationships and listen to concerns. This has been very successful but it is clear that some neighbours would like no events at all at the gallery and will never feel content. However, this is a minority and I feel they should not be allowed a disproportionate voice in disrupting the smooth running and insured future of a national asset. Please do contact me if I can offer more.

**Heron, Andrew**

---

**From:** Regen, Licensing  
**Sent:** 28 February 2019 15:25  
**To:** O'Gorman, Sinead  
**Cc:** Heron, Andrew  
**Subject:** FW: Representation on License Number: 866740 - Dulwich Picture Gallery [DE-WORKSITE.FID12108]

**Kirty Read**

Processing Manager  
 Southwark Council | Licensing | Regulatory Services  
**Tel:** 0207 525 5748 | **Fax:** 020 7525 5705  
**EHTS Helpline:** 020 7525 4261 | **Call Centre:** 020 7525 2000  
**Email:** [licensing@southwark.gov.uk](mailto:licensing@southwark.gov.uk)

In future if you wish to submit an application, a quicker way would be to [apply online](#)

**Postal Address:**

Licensing Team | 3rd Floor, Hub 1 | PO Box 64529 | London | SE1P 5LX

**Visitor's Address:**

160 Tooley Street | London | SE1 2QH

---

**From:** [REDACTED]  
**Sent:** Thursday, February 28, 2019 2:22 PM  
**To:** Regen, Licensing  
**Cc:** [REDACTED]  
**Subject:** Representation on License Number: 866740 - Dulwich Picture Gallery [DE-WORKSITE.FID12108]

To whom it may concern,

The Dulwich Estate supports this license application. It understands this application is not an extension to terms, but rather a standardisation of its current complicated license which requires multiple applications annually to cover the full range of events activity - something which is challenging for both a small organisation and the licensing authorities, and which provides little clarity to local residents and the public.

The Dulwich Picture Gallery is a unique public venue which contributes hugely to the area's local economy through a vibrant cultural offer. The Estate believes in protecting, supporting and helping develop this incredible national asset. It operates responsibly and in our experience has a highly accountable team which is working to widen audience access to the Gallery. It delivers an outstanding educational programme and all of this work needs to be supported by considerate and successful commercial operations. A sensible license for events is vital to this. The Estate very much supports the application and appreciates the substantial consultation it has gone through with local residents and organisations, to take account of any concerns.

With kindest regards,

for and on behalf of [REDACTED] Chief Executive  
 The Dulwich Estate  
 Direct Line: [REDACTED]  
 Email: [REDACTED]

[www.thedulwichestate.org.uk](http://www.thedulwichestate.org.uk)

**Heron, Andrew**

---

**From:** Regen, Licensing  
**Sent:** 28 February 2019 09:15  
**To:** O'Gorman, Sinead  
**Cc:** Heron, Andrew  
**Subject:** FW: Dulwich Picture Gallery - licensing application 866740

**Kirty Read**

Processing Manager  
Southwark Council | Licensing | Regulatory Services  
**Tel:** 0207 525 5748 | **Fax:** 020 7525 5705  
**EHTS Helpline:** 020 7525 4261 | **Call Centre:** 020 7525 2000  
**Email:** [licensing@southwark.gov.uk](mailto:licensing@southwark.gov.uk)

In future if you wish to submit an application, a quicker way would be to [apply online](#)

**Postal Address:**

Licensing Team | 3rd Floor, Hub 1 | PO Box 64529 | London | SE1P 5LX

**Visitor's Address:**

160 Tooley Street | London | SE1 2QH

---

**From:** [REDACTED]  
**Sent:** Thursday, February 28, 2019 9:03 AM  
**To:** Regen, Licensing  
**Subject:** Dulwich Picture Gallery - licensing application 866740

**To Whom it may concern**

I would like to write in support of the Dulwich Picture Gallery's licensing application (866740). With characteristic care, the DPG has consulted with its 'neighbourhood group' (likely to be most directly impacted) about this application. Three meetings were held at which the 'group' were invited to feedback on the application. The Gallery has made amendments to the application and incorporated limitations within the conditions based on this feedback.

With this sensitivity shown, I know that what will be able to be offered by the Gallery, if the application currently before you is successful, will enhance the provision of events that will appeal to the great diversity of people through and beyond the borough of Southwark that the Gallery wants to attract, interest and entertain. Only good can come from an expansion and diversification of visitors to the Gallery and, behind this application, is a principled mission to achieve this.



**THE DULWICH PICTURE GALLERY, GALLERY ROAD, SE21 7AD**  
**Licence Number: 866740**  
**Submission in Support of the Application**

We believe that this application has implications for all four of the licensing objectives:

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

so requires particular scrutiny and the imposition of strict, site-specific conditions to ensure that these objectives are all met – particularly given the sensitive nature of the Gallery's location and its proximity to its neighbours.

By way of background, our house is located on College Road, immediately opposite the Gallery grounds and approximately 40 metres south of the main entrance and permanent structures. The 2017 pavilion, which was operated under a temporary licence, was immediately opposite our house as is that part of the Gallery grounds which has been previously used for wedding marquees and other events for which TENs had been required.

Since we had suffered disturbance from past events over many years, we were concerned about this application and therefore attended most of the meetings hosted by DPG including those mediated by the Southwark mediation service. We subsequently made concrete suggestions to DPG management regarding their proposed conditions, several of which have been incorporated in Annexe A.

The types of problems, listed below, which we have experienced in the past have largely been associated with TEN and other special events. On many occasions this has frequently resulted in complaints by ourselves and others to DPG management and LBS noise control services and sometimes in attendance by the police.

1 Late night disturbances (largely from weddings & other private parties but also from open-air film-shows) operating under TENs with day-time disturbance from PA set-up

2 Inappropriate programming, particularly within the 2017 pavilion, involving heavily amplified live and recorded music within structures which were not well designed to contain or abate the noise

3 Operation of a summer-long public bar facility within and around the 2017 pavilion with many younger and potentially under-age drinkers

4 Inadequate on-site management - particularly enforcement of conditions-of-use for events operated by third party contractors within the Gallery grounds

Reliance on TENs has not been effective in the past, largely because neighbours have not been in a position to contest the TEN conditions in advance. Moreover, it would appear that reported past nuisance has not resulted in the only effective sanction: refusal by LBS to issue future TENs.

By contrast, we believe that the conditions in Annexe A, which we understand to be permanent and inseparable from the proposed licence, would effectively address the first three of these issues and would largely address the fourth.

In particular, we take comfort from:

- the limitations on the total number and frequency/clustering of events aggregated for all types of events which would potentially result in nuisance
- the clear curfews on noisy activities
- the undertakings regarding acoustic monitoring, mitigation & control
- the prohibition regarding operation of an outside bar ("outside" to include any pavilion, marquee or other temporary structure) open to the general public, other than at times when the Café is open to the public for sale of alcohol under the existing license
- the additional undertakings with respect to the 2019 & all future pavilions
- the undertaking not to apply for TENs, which means that all events will be subject to these controls with no possibility of relaxation or circumvention by means of a TEN
- the legally binding & indefinite nature of the proposed conditions, which will bind future management of DPG as well as the present team

We note the undertakings to improve on-site management & security staffing, control of ingress & egress and additional staff training to ensure compliance with H&S and age verification requirements and hope that these will be followed through in future - but here, the proof of the pudding will be very much in the eating.

We also note that, while the conditions are quite strict regarding activities which are primarily commercial in nature and intent, there is also a degree of flexibility sufficient that DPG will not be unduly constrained in its ability to participate fully in ancillary events for the benefit of the public (such as the Dulwich Festival) and to host appropriate fund-raising events within and around the Gallery.

There is an inevitable difficulty for any public institution located in a mixed residential area in balancing:

- the desire of residents for peaceful enjoyment of their property versus
- the institution's obligation to deliver its charitable objectives which may include appropriate fund-raising and commercial activities versus
- the amenity of the general public, particularly in an area of such historical and aesthetic sensitivity.

We believe that the proposed licence, taken as a whole, balances these concerns appropriately.

Its effectiveness will depend, in the first instance, on the good faith and competence of current and future DPG management. However, it is crucial that, in case of non-compliance with the conditions of the licence, we can be confident that the relevant authorities will implement adequate enforcement measures and our support is predicated on this assumption.

In conclusion, we believe that DPG Trustees and Management have demonstrated their understanding of the legitimate concerns of DPG's neighbours and taken them into account in preparing this application. We further believe that the proposed conditions are sufficient and workable and we would therefore support the granting of the requested licence in its current form.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**27<sup>th</sup> February 2019**

# 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	
<b>Post town</b> London	<b>Post code</b> SE21 7BG
<b>Telephone number</b>	

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 <b>Annex 2</b>	
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 No.   
Authority L.B Lambeth

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

## **Annex 1 - Mandatory conditions**

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

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

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

**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

**APPENDIX F**



**APPENDIX 2**  
**NOTICE 1 - ISSUED 5 APRIL 2019**

**NOTICE OF DECISION**

**LICENSING SUB-COMMITTEE – 26 MARCH 2019**

**LICENSING ACT 2003: DULWICH PICTURE GALLERY, GALLERY ROAD, LONDON SE21 7AD**

1. **Decision**

That the application made by Dulwich Picture Gallery Limited for a premises licence to be granted under Section 17 of the Licensing Act 2003 in respect of the premises known as Dulwich Picture Gallery, Gallery Road, London SE21 7AD be granted as follows:

<b>The sale by retail of alcohol (on sales only)</b>	<ul style="list-style-type: none"> <li>• Sunday to Thursday: 11:00 to 23:00</li> <li>• Friday and Saturday: 11:00 to 00:00</li> </ul>
<b>The outdoor supply of alcohol for events (i.e. separate to normal café opening hours)</b>	<u>Indoors</u> <ul style="list-style-type: none"> <li>• Monday, Tuesday, Sunday: 12:00 to 22:00</li> <li>• Wednesday to Saturday: 12:00 to 23:00.</li> </ul>
	<u>Outdoors</u> <ul style="list-style-type: none"> <li>• Monday, Tuesday, Sunday: 12:00 to 22:00</li> <li>• Wednesday to Saturday: 12:00 to 22:00.</li> <li>• The applicant may hold up to 12 events per calendar year on which dates licensable activities in the outdoor areas may go past 22:00, on these occasions the supply of alcohol will finish no later than 00:00.</li> <li>• These will not be held on consecutive days.</li> </ul>
<b>The provision of regulated entertainment in the form of plays</b>	<u>Indoors</u> <ul style="list-style-type: none"> <li>• Sunday to Thursday: 09:00 to 23:00</li> <li>• Friday and Saturday 09:00 to 00:00</li> </ul>

	<p><u>Outdoors</u></p> <ul style="list-style-type: none"> <li>• Sunday to Thursday: 09:00 to 22:00</li> <li>• Friday and Saturday: 09:00 to 00:00</li> <li>• The outdoor performance of plays will finish no later than 22:00 and will only go past 18:00 a maximum of 50 times per calendar year</li> <li>• Of these, the outdoor performance of plays will finish no later than will only go past 20:00 a maximum of ten times per calendar year.</li> </ul>
<p><b>The provision of regulated entertainment in the form of films</b></p>	<p><u>Indoors</u></p> <ul style="list-style-type: none"> <li>• Sunday to Thursday: 09:00 to 23:00</li> <li>• Friday and Saturday: 09:00 to 00:00</li> </ul>
	<p><u>Outdoors</u></p> <ul style="list-style-type: none"> <li>• Sunday to Thursday: 09:00 to 22:00</li> <li>• Friday and Saturday: 09:00 to 00:00</li> <li>• The outdoor performance of films will finish no later than 22:00.</li> <li>• The outdoor performance of films that go past 18:00 will be for a maximum of 50 occasions per calendar year.</li> <li>• Of these, the outdoor performance of films that go past 20:00 will be a maximum of 25 occasions per calendar year.</li> </ul>
<p><b>The provision of regulated entertainment in the form of live music</b></p>	<p><u>Indoors</u></p> <ul style="list-style-type: none"> <li>• Sunday to Thursday: 09:00 to 23:00</li> <li>• Friday and Saturday: 09:00 to 00:00</li> </ul>
	<p><u>Outdoors</u></p> <ul style="list-style-type: none"> <li>• Sunday to Thursday: 09:00 to 22:00</li> <li>• Friday and Saturday: 09:00 to 00:00</li> <li>• The outdoor performance of live music will take place only between the hours of 12:00 to 22:00 Monday to Sunday and will only go past 18:00 a maximum of 50 occasions per calendar year.</li> </ul>

	<ul style="list-style-type: none"> <li>• Of these, a maximum of 25 occasions past 20:00 over each calendar year, subject to the following:</li> <li>• The licensee may hold up to 12 events per calendar year on which dates licensable activities in the outdoor areas may go past 22:00, on these occasions any live music will finish no later than 23:00 and will not be held on consecutive days.</li> </ul>
<p><b>The provision of regulated entertainment in the form of recorded music</b></p>	<p><u>Indoors</u></p> <ul style="list-style-type: none"> <li>• Sunday to Thursday: 09:00 to 23:00</li> <li>• Friday and Saturday: 09:00 to 00:00</li> </ul> <p><u>Outdoors</u></p> <ul style="list-style-type: none"> <li>• Sunday to Thursday: 09:00 to 22:00</li> <li>• Friday and Saturday: 09:00 to 00:00</li> <li>• The outdoor playing of recorded music will only take place between the hours of 12:00 - 22:00 Monday to Sunday up to a maximum of 50 occasions past 18:00.</li> <li>• Of these only 25 occasions past 20:00 over each calendar year, subject to the following:</li> <li>• The licensee may hold up to 12 events per calendar year on which dates licensable activities in the outdoor areas can go on past 22:00 and may finish no later than 00:00, these will not be held on consecutive days.</li> </ul>
<p><b>The provision of regulated entertainment in the form of performances of dance</b></p>	<p><u>Indoors</u></p> <ul style="list-style-type: none"> <li>• Sunday to Thursday: 09:00 to 22:00</li> <li>• Friday and Saturday: 09:00 to 00:00</li> </ul> <p><u>Outdoors</u></p> <ul style="list-style-type: none"> <li>• The outdoor performance of dance will finish no later than 22:00 hours and will only go past 18:00 a maximum of 50 times per calendar year.</li> <li>• Of those a maximum of 10 times per calendar year could go over 20:00.</li> </ul>

<b>Opening hours</b>	<u>Indoors</u> <ul style="list-style-type: none"> <li>• Sunday to Thursday: 08:00 to 23:45</li> <li>• Friday and Saturday: 08:00 to 00:45</li> </ul>
	<u>Outdoors</u> <ul style="list-style-type: none"> <li>• Sunday to Saturday: 08:00 to 22:00</li> </ul>

In addition to the events as detailed in the above hours the following conditions shall apply:

## 2. **Conditions**

The operation of the premises under the licence shall be subject to relevant mandatory conditions, any conditions derived from the operating schedule in Section M of the application form, conditions conciliated with trading standards during conciliation and the following conditions imposed by the licensing sub-committee

1. That there shall be no other amplified sound in the outside area
2. That there shall be no other amplified sound in the outside area after 22:00 with the exception of film that will be played through earphones only.
3. That there shall be a minimum of two SIA door supervisors for all events with a terminal hour of 20:00 hours or later where 50 patrons are expected.
4. That a challenge 25 scheme shall be maintained at the premises requiring that staff selling alcohol request that any customer who looks under 25 years old, and who is attempting to purchase alcohol, provides valid photographic identification proving that the customer is at least 18 years old. Valid photographic identification is composed of a driving licence, passport, UK armed services ID card and any Proof of Age Standards Scheme (PASS) accredited card such as the Proof of Age London (PAL) card.
5. That all staff involved in the sale of alcohol shall be trained in the prevention of sales of alcohol to underage persons, and the challenge 25 scheme in operation at the premises. A record of such training shall be kept / be accessible at the premises at all times and be made immediately available for inspection at the premises to council or police officers on request. The training record shall include the trainee's name (in block capitals), the trainer's name (in block capitals), the signature of the trainee, the signature of the trainer, the date(s) of training and a declaration that the training has been received.
6. That clearly legible signs shall be prominently displayed where they can easily be seen and read by customers stating to the effect that a challenge 25 policy is in operation at the premises, that customers may be asked to provide proof of age and stating what the acceptable forms of proof of age are. Such signage shall be displayed at all entrances, points of sale and in all areas where alcohol is displayed for sale. The signage shall be kept free from obstructions at all times.
7. That a register of refused sales of alcohol shall be maintained in order to demonstrate effective operation of the challenge 25 policy. The register shall be clearly and legibly marked on the front cover as a register of refused sales, with the

address of the premises and with the name and address of the licence holder. The register shall be kept / be accessible at the premises at all times. On a monthly basis, the designated premises supervisor (DPS) shall check the register to ensure it is being properly completed. The DPS shall sign and date the register to that effect and where appropriate take corrective action in a timely manner if the register is not being completed correctly. The register shall be made immediately available for inspection at the premises to council or police officers on request.

8. That there shall be no gambling machines on the premises.
9. That all guests will be directed to leave by Gallery Road entrance at night at night away from neighbours.
10. That a neighbours group shall be set up for residents living within 250 metres of the gallery building. The gallery shall 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.
11. That a direct and dedicated telephone number for the manager at the gallery will be made available to residents who are members of the neighbours group.
12. That there shall be a noise management plan.
13. That taxis shall be directed to park on Gallery Road not College Road.
14. That there shall be a written dispersal shall be kept at the premises with the licence and made available for inspection by authorised officers. All staff shall be trained in the use of the dispersal policy.
15. That there shall be an accommodation limit of 500 patrons that shall include 150 patrons for the pavillion.
16. That there shall be a code of conduct between the Dulwich Picture Gallery and the neighbours setting out key guidelines to support a good relationship between the premises and the nearest neighbours.
17. That an events register shall be maintained and made immediately available for inspection at the premises to council or police officers on request.

### **3. Reasons**

This was an application of a premises licence in respect of the Dulwich Picture Gallery Limited which was described as a public art gallery with shop, café and gardens. The hearing was held on 22 March and adjourned to 26 March.

The premises advised that they did not receive any regular funding from any statutory sources and that their admissions income covered approximately a quarter of income each year. The rest is made through fundraising, investments and commercial activities; without it, the financial sustainability of the gallery would be in question. To generate more income the premises intended to utilise the indoor and outdoor areas for public programmes, learning events and private hire for events such as weddings. These had previously been provided under either a time limited premises licence or temporary events notices ("TENs").

In advance of submitting the application the premises had consulted with its local 'neighbourhood group' who had opted into receiving communications advising them of upcoming events or activities which may have an impact on them; consultation meetings

had taken place with the residents on 19 September 2018, 5 December 2018 and 9 January 2019 and where the neighbourhood group had been invited to feedback on the application. The premises amendments to the application and incorporated limitations within the conditions based on the feedback they received.

The licensing sub-committee heard from the council's environmental protection team, who objected to the application on the grounds of prevention of public nuisance, stating that the potential of noise impact on local residents in the immediate vicinity. The application as it was originally submitted permitted the use of the outside area each day of the week by virtue of the Live Music Act and this would be detrimental to residents and give rise to noise complaints. The proposed use of the meadow (Area 3) was also very close to residential properties in College Gardens. The proposals made by the representative for the premises to exempt the premises from the Live Music Act 2012 were unlawful. Further control measures would be required to protect the local neighbours from noise nuisance.

The licensing sub-committee then heard from licensing authority in their role as responsible authority who sought adjustments in the hours for the sale of alcohol and additional conditions, though accepted that the premises likely falls outside of the jurisdiction of the Southwark licensing policy.

The licensing sub-committee noted that the representations from trading standards had conciliated and conditions were agreed.

The licensing sub-committee then heard from counsel of 11 of the other persons objecting the application who advised that the consultation meetings arranged by the premises had not been convenient for all of the objectors and as such, key aspect of the application had not been discussed. The residents objecting did not want the gallery to close, but needed clarity from the premises so that the residents and the premises could live harmoniously. Reference was made to the events at the premises in 2017, when the problems with the premises were acute. The premises accepted that there had been problems and as a result, new management was brought in and the types of events were very carefully considered.

The licensing sub-Committee noted the contents of an additional 14 representations objecting to the application, who expressed concern of noise, a curtailment of hours, the frequency of evening events over the summer and proximity of the premises to residential addresses.

The licensing sub-committee heard from a supporter who referred to the inappropriate programming in 2017 run under TENs and inadequate on-site management and third party contractors within the gallery grounds. Since this time, events had been managed far better and the supporter had not reason to object to the application.

Immediately following the licensing sub-committee announcing the initial decision of the application, it became apparent that the premises had failed to address the committee on Areas 1 and 2 on the premises plan, due to ambiguity surrounding their usage; and the installation of temporary structures, namely the pavilion and marquee.

The licensing sub-committee reconvened on 26 March 2019 and considered additional representations relating solely to this outstanding issue. 16 written representations were considered and an additional 3-verbal submissions were heard. The licensing sub-committee was extremely pleased that there the parties had been engaging in the intermediary period and an agreement had been reached (with the represented objectors). However, the licensing sub-committee felt in the absence of engagement with all of the objectors, the more restrictive conditions (detailed in this notice of decision) were justified.

In reaching this decision the sub-committee had regard to all the relevant considerations and the four licensing objectives and considered that this decision was appropriate and proportionate.

#### **4. Appeal rights**

The applicant may appeal against any decision:

- a) To impose conditions on the licence
- b) To exclude a licensable activity or refuse to specify a person as premises supervisor.

Any person who made relevant representations in relation to the application who desire to contend that:

- a) The licence ought not to be been granted; or
- b) That on granting the licence, the licensing authority ought to have imposed different or additional conditions to the licence, or ought to have modified them in a different way

may appeal against the decision.

Any appeal must be made to the Magistrates' Court for the area in which the premises are situated. Any appeal must be commenced by notice of appeal given by the appellant to the justices' clerk for the Magistrates' Court within the period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.

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

Date: 26 March 2019

## NOTICE 2 - ISSUED 16 APRIL 2019

### AMENDED NOTICE OF DECISION

#### LICENSING SUB-COMMITTEE – 26 MARCH 2019

LICENSING ACT 2003: DULWICH PICTURE GALLERY, GALLERY ROAD, LONDON SE21 7AD

#### 1. Decision

That the application made by Dulwich Picture Gallery Limited for a premises licence to be granted under Section 17 of the Licensing Act 2003 in respect of the premises known as Dulwich Picture Gallery, Gallery Road, London SE21 7AD be granted as follows:

<p><b>The sale by retail of alcohol (on sales only)</b></p>	<ul style="list-style-type: none"> <li>• Sunday to Thursday: 11:00 to 23:00</li> <li>• Friday and Saturday: 11:00 to 00:00</li> </ul>
<p><b>The outdoor supply of alcohol for events (i.e. separate to normal café opening hours)</b></p>	<p><u>Indoors</u></p> <ul style="list-style-type: none"> <li>• Monday, Tuesday, Sunday: 12:00 to 22:00</li> <li>• Wednesday to Saturday: 12:00 to 23:00.</li> </ul>
	<p><u>Outdoors</u></p> <ul style="list-style-type: none"> <li>• <del>Monday, Tuesday, Sunday: 12:00 to 22:00</del></li> <li>• <del>Wednesday to Saturday: 12:00 to 22:00.</del></li> <li>• <del>The applicant may hold up to 12 events per calendar year on which dates licensable activities in the outdoor areas may go past 22:00, on these occasions the supply of alcohol will finish no later than 00:00.</del></li> <li>• <del>These will not be held on consecutive days.</del></li> </ul> <p><u>Outdoors and in Marquee</u></p> <ul style="list-style-type: none"> <li>• <b>Monday to Sunday: 12:00 to 18:00</b></li> </ul> <p><u>Non-standard timings</u></p> <ul style="list-style-type: none"> <li>• <b>On 50 occasions per calendar year from 12:00 to 20:00</b></li> <li>• <b>And 25 of these 50 occasions can continue to 22:00 hours</b></li> </ul>

	<p>These will not be held on consecutive days.</p>
<p><b>The provision of regulated entertainment in the form of plays</b></p>	<p><u>Indoors</u></p> <ul style="list-style-type: none"> <li>• Sunday to Thursday: 09:00 to 23:00</li> <li>• Friday and Saturday 09:00 to 00:00</li> </ul> <hr/> <p><u>Outdoors</u></p> <ul style="list-style-type: none"> <li>• <del>Sunday to Thursday: 09:00 to 22:00</del></li> <li>• <del>Friday and Saturday: 09:00 to 00:00</del></li> <li>• <del>The outdoor performance of plays will finish no later than 22:00 and will only go past 18:00 a maximum of 50 times per calendar year</del></li> <li>• <del>Of these, the outdoor performance of plays will finish no later than will only go past 20:00 a maximum of ten times per calendar year.</del></li> </ul> <p><u>Outdoors and in Marquee</u></p> <ul style="list-style-type: none"> <li>• Monday to Sunday: 09:00 to 18:00</li> </ul> <p>Non-standard timings</p> <ul style="list-style-type: none"> <li>• On 50 occasions per calendar year from 12:00 to 20:00</li> </ul> <p>And 10 of these 50 occasions can continue to 22:00 hours</p>
<p><b>The provision of regulated entertainment in the form of films</b></p>	<p><u>Indoors</u></p> <ul style="list-style-type: none"> <li>• Sunday to Thursday: 09:00 to 23:00</li> <li>• Friday and Saturday: 09:00 to 00:00</li> </ul> <hr/> <p><u>Outdoors</u></p> <ul style="list-style-type: none"> <li>• <del>Sunday to Thursday: 09:00 to 22:00</del></li> <li>• <del>Friday and Saturday: 09:00 to 00:00</del></li> <li>• <del>The outdoor performance of films will finish no later than 22:00.</del></li> <li>• <del>The outdoor performance of films that go past 18:00 will be for a maximum of 50 occasions per calendar year.</del></li> <li>• <del>Of these, the outdoor performance of films that go past 20:00 will be a maximum of 25 occasions per calendar year.</del></li> </ul>

	<p><u>Outdoors and in Marquee</u></p> <p>Exclusively with earphones</p> <ul style="list-style-type: none"> <li>• Sunday to Thursday: 09:00 to 22:00</li> </ul> <p>Without earphones</p> <ul style="list-style-type: none"> <li>• Monday to Sunday: 09:00 to 18:00</li> </ul> <p>Non-standard timings</p> <ul style="list-style-type: none"> <li>• On 50 occasions per calendar year from 12:00 to 20:00</li> </ul> <p>And 25 of these 50 occasions can continue to 22:00 hours</p>
<p><b>The provision of regulated entertainment in the form of live music</b></p>	<p><u>Indoors</u></p> <ul style="list-style-type: none"> <li>• Sunday to Thursday: 09:00 to 23:00</li> <li>• Friday and Saturday: 09:00 to 00:00</li> </ul>
	<p><u>Outdoors</u></p> <ul style="list-style-type: none"> <li><del>• Sunday to Thursday: 09:00 to 22:00</del></li> <li><del>• Friday and Saturday: 09:00 to 00:00</del></li> <li><del>• The outdoor performance of live music will take place only between the hours of 12:00 to 22:00 Monday to Sunday and will only go past 18:00 a maximum of 50 occasions per calendar year.</del></li> <li><del>• Of these, a maximum of 25 occasions past 20:00 over each calendar year, subject to the following:</del></li> <li><del>• The licensee may hold up to 12 events per calendar year on which dates licensable activities in the outdoor areas may go past 22:00, on these occasions any live music will finish no later than 23:00 and will not be held on consecutive days.</del></li> </ul> <p><u>Outdoors and in Marquee</u></p> <ul style="list-style-type: none"> <li>• Monday to Sunday: 09:00 to 18:00</li> </ul> <p>Non-standard timings</p> <ul style="list-style-type: none"> <li>• On 50 occasions per calendar year from 12:00 to 20:00</li> <li>• And 25 of these 50 occasions can continue to 22:00 hours</li> </ul> <p>These will not be held on consecutive</p>

	days.
<b>The provision of regulated entertainment in the form of recorded music</b>	<u>Indoors</u> <ul style="list-style-type: none"> <li>• Sunday to Thursday: 09:00 to 23:00</li> <li>• Friday and Saturday: 09:00 to 00:00</li> </ul>
	<u>Outdoors</u> <ul style="list-style-type: none"> <li>• <del>Sunday to Thursday: 09:00 to 22:00</del></li> <li>• <del>Friday and Saturday: 09:00 to 00:00</del></li> <li>• <del>The outdoor playing of recorded music will only take place between the hours of 12:00 – 22:00 Monday to Sunday up to a maximum of 50 occasions past 18:00.</del></li> <li>• <del>Of these only 25 occasions past 20:00 over each calendar year, subject to the following:</del></li> <li>• <del>The licensee may hold up to 12 events per calendar year on which dates licensable activities in the outdoor areas can go on past 22:00 and may finish no later than 00:00; these will not be held on consecutive days.</del></li> </ul> <p><u>Outdoors and in Marquee</u></p> <ul style="list-style-type: none"> <li>• Monday to Sunday: 09:00 to 18:00</li> </ul> <p><u>Non-standard timings</u></p> <ul style="list-style-type: none"> <li>• On 50 occasions per calendar year from 12:00 to 20:00</li> <li>• And 25 of these 50 occasions can continue to 22:00 hours</li> </ul> <p>These will not be held on consecutive days.</p>
<b>The provision of regulated entertainment in the form of performances of dance</b>	<u>Indoors</u> <ul style="list-style-type: none"> <li>• Sunday to Thursday: 09:00 to 22:00</li> <li>• Friday and Saturday: 09:00 to 00:00</li> </ul>

	<p><u>Outdoors</u></p> <ul style="list-style-type: none"> <li><del>The outdoor performance of dance will finish no later than 22:00 hours and will only go past 18:00 a maximum of 50 times per calendar year.</del></li> <li><del>Of these a maximum of 10 times per calendar year could go over 20:00.</del></li> </ul> <p><u>Outdoors and in Marquee</u></p> <ul style="list-style-type: none"> <li>Monday to Sunday: 09:00 to 18:00</li> </ul> <p>Non-standard timings</p> <ul style="list-style-type: none"> <li>On 50 occasions per calendar year from 12:00 to 20:00</li> <li>And 10 of these 25 occasions can continue to 22:00 hours</li> </ul>
<b>Opening hours</b>	<p><u>Indoors</u></p> <ul style="list-style-type: none"> <li>Sunday to Thursday: 08:00 to 23:45</li> <li>Friday and Saturday: 08:00 to 00:45</li> </ul>
	<p><u>Outdoors</u></p> <ul style="list-style-type: none"> <li><del>Sunday to Saturday: 08:00 to 22:00</del></li> </ul> <p><u>Outdoors and in Marquee</u></p> <ul style="list-style-type: none"> <li>Sunday to Saturday: 08:00 to 22:30</li> </ul>

In addition to the events as detailed in the above hours the following conditions shall apply:

## 2. Conditions

The operation of the premises under the licence shall be subject to relevant mandatory conditions, any conditions derived from the operating schedule in Section M of the application form, conditions conciliated with trading standards during conciliation and the following conditions imposed by the licensing sub-committee

- ~~1. That there shall be no other amplified sound in the outside area~~
- ~~2. That there shall be no other amplified sound in the outside area after 22:00 with the exception of film that will be played through earphones only.~~
1. That there shall be no other amplified sound in the outside area or in the marquee with the exception of films that will be played through earphones only.
2. That there shall be a minimum of two SIA door supervisors for all events with a terminal hour of 20:00 hours or later where 50 patrons are expected.

3. That a challenge 25 scheme shall be maintained at the premises requiring that staff selling alcohol request that any customer who looks under 25 years old, and who is attempting to purchase alcohol, provides valid photographic identification proving that the customer is at least 18 years old. Valid photographic identification is composed of a driving licence, passport, UK armed services ID card and any Proof of Age Standards Scheme (PASS) accredited card such as the Proof of Age London (PAL) card.
4. That all staff involved in the sale of alcohol shall be trained in the prevention of sales of alcohol to underage persons, and the challenge 25 scheme in operation at the premises. A record of such training shall be kept / be accessible at the premises at all times and be made immediately available for inspection at the premises to council or police officers on request. The training record shall include the trainee's name (in block capitals), the trainer's name (in block capitals), the signature of the trainee, the signature of the trainer, the date(s) of training and a declaration that the training has been received.
5. That clearly legible signs shall be prominently displayed where they can easily be seen and read by customers stating to the effect that a challenge 25 policy is in operation at the premises, that customers may be asked to provide proof of age and stating what the acceptable forms of proof of age are. Such signage shall be displayed at all entrances, points of sale and in all areas where alcohol is displayed for sale. The signage shall be kept free from obstructions at all times.
6. That a register of refused sales of alcohol shall be maintained in order to demonstrate effective operation of the challenge 25 policy. The register shall be clearly and legibly marked on the front cover as a register of refused sales, with the address of the premises and with the name and address of the licence holder. The register shall be kept / be accessible at the premises at all times. On a monthly basis, the designated premises supervisor (DPS) shall check the register to ensure it is being properly completed. The DPS shall sign and date the register to that effect and where appropriate take corrective action in a timely manner if the register is not being completed correctly. The register shall be made immediately available for inspection at the premises to council or police officers on request.
7. That there shall be no gambling machines on the premises.
8. That all guests will be directed to leave by Gallery Road entrance at night at night away from neighbours.
9. That a neighbours group shall be set up for residents living within 250 metres of the gallery building. The gallery shall 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.
10. That a direct and dedicated telephone number for the manager at the gallery will be made available to residents who are members of the neighbours group.
11. That there shall be a noise management plan.
12. That taxis shall be directed to park on Gallery Road not College Road.
13. That there shall be a written dispersal shall be kept at the premises with the licence and made available for inspection by authorised officers. All staff shall be trained in the use of the dispersal policy.

14. That there shall be an accommodation limit of 500 patrons that shall include 150 patrons for the pavillion.
15. That there shall be a code of conduct between the Dulwich Picture Gallery and the neighbours setting out key guidelines to support a good relationship between the premises and the nearest neighbours.
16. That an events register shall be maintained and made immediately available for inspection at the premises to council or police officers on request.

### **3. Reasons**

This was an application of a premises licence in respect of the Dulwich Picture Gallery Limited which was described as a public art gallery with shop, café and gardens. The hearing was held on 22 March and adjourned to 26 March.

The premises advised that they did not receive any regular funding from any statutory sources and that their admissions income covered approximately a quarter of income each year. The rest is made through fundraising, investments and commercial activities; without it, the financial sustainability of the gallery would be in question. To generate more income the premises intended to utilise the indoor and outdoor areas for public programmes, learning events and private hire for events such as weddings. These had previously been provided under either a time limited premises licence or temporary events notices ("TENs").

In advance of submitting the application the premises had consulted with its local 'neighbourhood group' who had opted into receiving communications advising them of upcoming events or activities which may have an impact on them; consultation meetings had taken place with the residents on 19 September 2018, 5 December 2018 and 9 January 2019 and where the neighbourhood group had been invited to feedback on the application. The premises amendments to the application and incorporated limitations within the conditions based on the feedback they received.

The licensing sub-committee heard from the council's environmental protection team, who objected to the application on the grounds of prevention of public nuisance, stating that the potential of noise impact on local residents in the immediate vicinity. The application as it was originally submitted permitted the use of the outside area each day of the week by virtue of the Live Music Act and this would be detrimental to residents and give rise to noise complaints. The proposed use of the meadow (Area 3) was also very close to residential properties in College Gardens. The proposals made by the representative for the premises to exempt the premises from the Live Music Act 2012 were unlawful. Further control measures would be required to protect the local neighbours from noise nuisance.

The licensing sub-committee then heard from licensing authority in their role as responsible authority who sought adjustments in the hours for the sale of alcohol and additional conditions, though accepted that the premises likely falls outside of the jurisdiction of the Southwark licensing policy.

The licensing sub-committee noted that the representations from trading standards had conciliated and conditions were agreed.

The licensing sub-committee then heard from counsel of 11 of the other persons objecting the application who advised that the consultation meetings arranged by the premises had not been convenient for all of the objectors and as such, key aspect of the application had not been discussed. The residents objecting did not want the gallery to close, but needed clarity from the premises so that the residents and the premises could live harmoniously.

Reference was made to the events at the premises in 2017, when the problems with the premises were acute. The premises accepted that there had been problems and as a result, new management was brought in and the types of events were very carefully considered.

The licensing sub-Committee noted the contents of an additional 14 representations objecting to the application, who expressed concern of noise, a curtailment of hours, the frequency of evening events over the summer and proximity of the premises to residential addresses.

The licensing sub-committee heard from a supporter who referred to the inappropriate programming in 2017 run under TENs and inadequate on-site management and third party contractors within the gallery grounds. Since this time, events had been managed far better and the supporter had not reason to object to the application.

Immediately following the licensing sub-committee announcing the initial decision of the application, it became apparent that the premises had failed to address the committee on Areas 1 and 2 on the premises plan, due to ambiguity surrounding their usage; and the installation of temporary structures, namely the pavilion and marquee.

The licensing sub-committee reconvened on 26 March 2019 and considered additional representations relating solely to this outstanding issue. 16 written representations were considered and an additional 3-verbal submissions were heard. The licensing sub-committee was extremely pleased that there the parties had been engaging in the intermediary period and an agreement had been reached (with the represented objectors). However, the licensing sub-committee felt in the absence of engagement with all of the objectors, the more restrictive conditions (detailed in this notice of decision) were justified.

In reaching this decision the sub-committee had regard to all the relevant considerations and the four licensing objectives and considered that this decision was appropriate and proportionate.

#### **4. Appeal rights**

The applicant may appeal against any decision:

- a) To impose conditions on the licence
- b) To exclude a licensable activity or refuse to specify a person as premises supervisor.

Any person who made relevant representations in relation to the application who desire to contend that:

- a) The licence ought not to be been granted; or
- b) That on granting the licence, the licensing authority ought to have imposed different or additional conditions to the licence, or ought to have modified them in a different way

may appeal against the decision.

Any appeal must be made to the Magistrates' Court for the area in which the premises are situated. Any appeal must be commenced by notice of appeal given by the appellant to the justices' clerk for the Magistrates' Court within the period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.

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

Date: 26 March 2019

**NOTICE 3 - ISSUED 2 MAY 2019**

**RE-AMENDED NOTICE OF DECISION**

**LICENSING SUB-COMMITTEE – 26 MARCH 2019**

**LICENSING ACT 2003: DULWICH PICTURE GALLERY, GALLERY ROAD, LONDON SE21 7AD**

1. **Decision**

That the application made by Dulwich Picture Gallery Limited for a premises licence to be granted under Section 17 of the Licensing Act 2003 in respect of the premises known as Dulwich Picture Gallery, Gallery Road, London SE21 7AD be granted as follows:

<b>The sale by retail of alcohol inside</b>	<ul style="list-style-type: none"> <li>• Sunday to Thursday: 11:00 to 23:00</li> <li>• Friday and Saturday: 11:00 to 00:00</li> </ul>
<b>The outdoor supply of alcohol for events</b>	<ul style="list-style-type: none"> <li>• Monday to Sunday: 12:00 to 18:00</li> </ul> <p>Non-standard timings</p> <ul style="list-style-type: none"> <li>• On 50 occasions per calendar year from 12:00 to 20:00</li> <li>• And 25 of these 50 occasions can continue to 22:00 hours</li> </ul> <p>And 12 of these 50-occasions can continue until 00:00 hours</p> <p>These will not be held on consecutive days.</p> <p><u>Indoors</u></p> <ul style="list-style-type: none"> <li>• Sunday to Thursday: 09:00 to 23:00</li> <li>• Friday and Saturday 09:00 to 00:00</li> </ul>
<b>The provision of regulated entertainment in the form of plays</b>	<p><u>Outdoors and in Marquee</u></p> <ul style="list-style-type: none"> <li>• Monday to Sunday: 09:00 to 18:00</li> </ul> <p>Non-standard timings</p> <ul style="list-style-type: none"> <li>• On 50 occasions per calendar year from 12:00 to 20:00</li> <li>• And 10 of these 50 occasions can continue to 22:00 hours</li> </ul>

	<p><u>Indoors</u></p> <ul style="list-style-type: none"> <li>• Sunday to Thursday: 09:00 to 23:00</li> <li>• Friday and Saturday: 09:00 to 00:00</li> </ul>
<p><b>The provision of regulated entertainment in the form of films</b></p>	<p><u>Outdoors and in Marquee</u></p> <p>Exclusively with earphones</p> <ul style="list-style-type: none"> <li>• Sunday to Thursday: 09:00 to 22:00</li> </ul> <p>Without earphones</p> <ul style="list-style-type: none"> <li>• Monday to Sunday: 09:00 to 18:00</li> </ul> <p>Non-standard timings</p> <ul style="list-style-type: none"> <li>• On 50 occasions per calendar year from 12:00 to 20:00</li> </ul> <p>And 25 of these 50 occasions can continue to 23:00 hours</p> <hr/> <p><u>Indoors</u></p> <ul style="list-style-type: none"> <li>• Sunday to Thursday: 09:00 to 23:00</li> <li>• Friday and Saturday: 09:00 to 00:00</li> </ul>
<p><b>The provision of regulated entertainment in the form of live music</b></p>	<p><u>Outdoors and in Marquee</u></p> <ul style="list-style-type: none"> <li>• Monday to Sunday: 09:00 to 18:00</li> </ul> <p>Non-standard timings</p> <ul style="list-style-type: none"> <li>• On 50 occasions per calendar year from 12:00 to 20:00</li> <li>• And 25 of these 50 occasions can continue to 22:00 hours</li> </ul> <p>And 12 of these 50-occasions can continue until 00:00 hours</p> <p>These will not be held on consecutive days.</p> <hr/> <p><u>Indoors</u></p> <ul style="list-style-type: none"> <li>• Sunday to Thursday: 09:00 to 23:00</li> <li>• Friday and Saturday: 09:00 to 00:00</li> </ul>
<p><b>The provision of regulated entertainment in the form of recorded music</b></p>	<p><u>Outdoors and in Marquee</u></p> <ul style="list-style-type: none"> <li>• Monday to Sunday: 09:00 to 18:00</li> </ul> <p>Non-standard timings</p> <ul style="list-style-type: none"> <li>• On 50 occasions per calendar year from 12:00 to 20:00</li> </ul>

	<ul style="list-style-type: none"> <li>• And 25 of these 50 occasions can continue to 22:00 hours</li> </ul> <p>And 12 of these 50-occasions can continue until 00:00 hours</p> <p>These will not be held on consecutive days.</p>
	<p><u>Indoors</u></p> <ul style="list-style-type: none"> <li>• Sunday to Thursday: 09:00 to 23:00</li> <li>• Friday and Saturday: 09:00 to 00:00</li> </ul>
<p><b>The provision of regulated entertainment in the form of performances of dance</b></p>	<p><u>Outdoors and in Marquee</u></p> <ul style="list-style-type: none"> <li>• Monday to Sunday: 09:00 to 18:00</li> </ul> <p>Non-standard timings</p> <ul style="list-style-type: none"> <li>• On 50 occasions per calendar year from 12:00 to 20:00</li> <li>• And 10 of these 50 occasions can continue to 22:00 hours</li> <li>•</li> </ul>
<p><b>Opening hours</b></p>	<ul style="list-style-type: none"> <li>• Sunday to Thursday: 08:00 to 23:45</li> <li>• Friday and Saturday: 08:00 to 00:45</li> </ul>

In addition to the events as detailed in the above hours the following conditions shall apply:

2. **Conditions**

The operation of the premises under the licence shall be subject to relevant mandatory conditions, any conditions derived from the operating schedule in Section M of the application form, conditions conciliated with trading standards during conciliation and the following conditions imposed by the licensing sub-committee

1. That there shall be no amplified sound in the outside area or in the marquee with the exception of films before 22:00 hours.
2. That there shall be a minimum of two SIA door supervisors for all events with a terminal hour of 20:00 hours or later where 50 patrons or more are expected.
3. That a challenge 25 scheme shall be maintained at the premises requiring that staff selling alcohol request that any customer who looks under 25 years old, and who is attempting to purchase alcohol, provides valid photographic identification proving that the customer is at least 18 years old. Valid photographic identification is composed of a driving licence, passport, UK armed services ID card and any Proof of Age Standards Scheme (PASS) accredited card such as the Proof of Age London (PAL) card.
4. That all staff involved in the sale of alcohol shall be trained in the prevention of sales of alcohol to underage persons, and the challenge 25 scheme in operation at the premises. A record of such training shall be kept / be accessible at the premises at all times and be made immediately available for inspection at the premises to council or police officers on request. The training record shall include the trainee's name (in block capitals), the trainer's name (in block capitals), the signature of the trainee, the signature of the trainer, the date(s) of training and a declaration that the training has been received.
5. That clearly legible signs shall be prominently displayed where they can easily be seen and read by customers stating to the effect that a challenge 25 policy is in operation at the premises, that customers may be asked to provide proof of age and stating what the acceptable forms of proof of age are. Such signage shall be displayed at all entrances, points of sale and in all areas where alcohol is displayed for sale. The signage shall be kept free from obstructions at all times.
6. That a register of refused sales of alcohol shall be maintained in order to demonstrate effective operation of the challenge 25 policy. The register shall be clearly and legibly marked on the front cover as a register of refused sales, with the address of the premises and with the name and address of the licence holder. The register shall be kept / be accessible at the premises at all times. On a monthly basis, the designated premises supervisor (DPS) shall check the register to ensure it is being properly completed. The DPS shall sign and date the register to that effect and where appropriate take corrective action in a timely manner if the register is not being completed correctly. The register shall be made immediately available for inspection at the premises to council or police officers on request.
7. That there shall be no gambling machines on the premises.
8. That all guests will be directed to leave by Gallery Road entrance ~~at night~~ at night away from neighbours.
9. That a neighbours group shall be set up for residents living within 250 metres of the gallery building. The gallery shall 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.
10. That a direct and dedicated telephone number for the manager at the gallery will be made available to residents who are members of the neighbours group.
11. That there shall be a noise management plan.

12. That taxis shall be directed to park on Gallery Road not College Road.
13. That there shall be a written dispersal shall be kept at the premises with the licence and made available for inspection by authorised officers. All staff shall be trained in the use of the dispersal policy.
14. That there shall be an accommodation limit of 500 patrons that shall include 150 patrons for the pavillion.
15. That there shall be a code of conduct between the Dulwich Picture Gallery and the neighbours setting out key guidelines to support a good relationship between the premises and the nearest neighbours.
16. That an events register shall be maintained and made immediately available for inspection at the premises to council or police officers on request.
17. There shall be no licenceable activities in the Meadow past 22:00 hours.

### **3. Reasons**

This was an application of a premises licence in respect of the Dulwich Picture Gallery Limited which was described as a public art gallery with shop, café and gardens. The hearing was held on 22 March and adjourned to 26 March.

The premises advised that they did not receive any regular funding from any statutory sources and that their admissions income covered approximately a quarter of income each year. The rest is made through fundraising, investments and commercial activities; without it, the financial sustainability of the gallery would be in question. To generate more income the premises intended to utilise the indoor and outdoor areas for public programmes, learning events and private hire for events such as weddings. These had previously been provided under either a time limited premises licence or temporary events notices ("TENs").

In advance of submitting the application the premises had consulted with its local 'neighbourhood group' who had opted into receiving communications advising them of upcoming events or activities which may have an impact on them; consultation meetings had taken place with the residents on 19 September 2018, 5 December 2018 and 9 January 2019 and where the neighbourhood group had been invited to feedback on the application. The premises amendments to the application and incorporated limitations within the conditions based on the feedback they received.

The licensing sub-committee heard from the council's environmental protection team, who objected to the application on the grounds of prevention of public nuisance, stating that the potential of noise impact on local residents in the immediate vicinity. The application as it was originally submitted permitted the use of the outside area each day of the week by virtue of the Live Music Act and this would be detrimental to residents and give rise to noise complaints. The proposed use of the meadow (Area 3) was also very close to residential properties in College Gardens. The proposals made by the representative for the premises to exempt the premises from the Live Music Act 2012 were unlawful. Further control measures would be required to protect the local neighbours from noise nuisance.

The licensing sub-committee then heard from licensing authority in their role as responsible authority who sought adjustments in the hours for the sale of alcohol and additional conditions, though accepted that the premises likely falls outside of the jurisdiction of the Southwark licensing policy.

The licensing sub-committee noted that the representations from trading standards had conciliated and conditions were agreed.

The licensing sub-committee then heard from counsel of 11 of the other persons objecting the application who advised that the consultation meetings arranged by the premises had not been convenient for all of the objectors and as such, key aspect of the application had not been discussed. The residents objecting did not want the gallery to close, but needed clarity from the premises so that the residents and the premises could live harmoniously. Reference was made to the events at the premises in 2017, when the problems with the premises were acute. The premises accepted that there had been problems and as a result, new management was brought in and the types of events were very carefully considered.

The licensing sub-Committee noted the contents of an additional 14 representations objecting to the application, who expressed concern of noise, a curtailment of hours, the frequency of evening events over the summer and proximity of the premises to residential addresses.

The licensing sub-committee heard from a supporter who referred to the inappropriate programming in 2017 run under TENs and inadequate on-site management and third party contractors within the gallery grounds. Since this time, events had been managed far better and the supporter had not reason to object to the application.

Immediately following the licensing sub-committee announcing the initial decision of the application, it became apparent that the premises had failed to address the committee on Areas 1 and 2 on the premises plan, due to ambiguity surrounding their usage; and the installation of temporary structures, namely the pavilion and marquee.

The licensing sub-committee reconvened on 26 March 2019 and considered additional representations relating solely to this outstanding issue. 16 written representations were considered and an additional 3-verbal submissions were heard. The licensing sub-committee was extremely pleased that there the parties had been engaging in the intermediary period and an agreement had been reached (with the represented objectors). However, the licensing sub-committee felt in the absence of engagement with all of the objectors, the more restrictive conditions (detailed in this notice of decision) were justified.

In reaching this decision the sub-committee had regard to all the relevant considerations and the four licensing objectives and considered that this decision was appropriate and proportionate.

#### **4. Appeal rights**

The applicant may appeal against any decision:

- a) To impose conditions on the licence
- b) To exclude a licensable activity or refuse to specify a person as premises supervisor.

Any person who made relevant representations in relation to the application who desire to contend that:

- a) The licence ought not to be been granted; or
- b) That on granting the licence, the licensing authority ought to have imposed different or additional conditions to the licence, or ought to have modified them in a different way

may appeal against the decision.

Any appeal must be made to the Magistrates' Court for the area in which the premises are situated. Any appeal must be commenced by notice of appeal given by the appellant to the justices' clerk for the Magistrates' Court within the period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.

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

Re-dated: 2 May 2019

**NOTICE 4 - ISSUED 20 MAY 2019**

**RE-AMENDED NOTICE OF DECISION**

**LICENSING SUB-COMMITTEE – 26 MARCH 2019**

**LICENSING ACT 2003: DULWICH PICTURE GALLERY, GALLERY ROAD, LONDON SE21 7AD**

1. **Decision**

That the application made by Dulwich Picture Gallery Limited for a premises licence to be granted under Section 17 of the Licensing Act 2003 in respect of the premises known as Dulwich Picture Gallery, Gallery Road, London SE21 7AD be granted as follows:

<p><b>The sale by retail of alcohol inside</b></p>	<ul style="list-style-type: none"> <li>• Sunday to Thursday: 11:00 to 23:00</li> <li>• Friday and Saturday: 11:00 to 00:00</li> </ul>
<p><b>The outdoor supply of alcohol for events</b></p>	<ul style="list-style-type: none"> <li>• Monday to Sunday: 12:00 to 18:00</li> </ul> <p>Non-standard timings</p> <ul style="list-style-type: none"> <li>• On 50 occasions per calendar year from 12:00 to 20:00</li> <li>• And 25 of these 50 occasions can continue to 22:00 hours</li> </ul> <p>And 12 of these 50-occasions can continue until 00:00 hours</p> <p>These will not be held on consecutive days.</p> <p><u>Indoors</u></p> <ul style="list-style-type: none"> <li>• Sunday to Thursday: 09:00 to 23:00</li> <li>• Friday and Saturday 09:00 to 00:00</li> </ul>
<p><b>The provision of regulated entertainment in the form of plays</b></p>	<p><u>Outdoors and in Marquee</u></p> <ul style="list-style-type: none"> <li>• Monday to Sunday: 09:00 to 18:00</li> </ul> <p>Non-standard timings</p> <ul style="list-style-type: none"> <li>• On 50 occasions per calendar year from 12:00 to 20:00</li> </ul> <p>And 10 of these 50 occasions can continue to 22:00 hours</p>

	<p><u>Indoors</u></p> <ul style="list-style-type: none"> <li>• Sunday to Thursday: 09:00 to 23:00</li> <li>• Friday and Saturday: 09:00 to 00:00</li> </ul>
<p><b>The provision of regulated entertainment in the form of films</b></p>	<p><u>Outdoors and in Marquee</u></p> <p>Exclusively with earphones</p> <ul style="list-style-type: none"> <li>• Sunday to Thursday: 09:00 to 22:00</li> </ul> <p>Without earphones</p> <ul style="list-style-type: none"> <li>• Monday to Sunday: 09:00 to 18:00</li> </ul> <p>Non-standard timings</p> <ul style="list-style-type: none"> <li>• On 50 occasions per calendar year from 12:00 to 20:00</li> </ul> <p>And 25 of these 50 occasions can continue to 23:00 hours</p>
	<p><u>Indoors</u></p> <ul style="list-style-type: none"> <li>• Sunday to Thursday: 09:00 to 23:00</li> <li>• Friday and Saturday: 09:00 to 00:00</li> </ul>
<p><b>The provision of regulated entertainment in the form of live music</b></p>	<p><u>Outdoors and in Marquee</u></p> <ul style="list-style-type: none"> <li>• Monday to Sunday: 09:00 to 18:00</li> </ul> <p>Non-standard timings</p> <ul style="list-style-type: none"> <li>• On 50 occasions per calendar year from 12:00 to 20:00</li> <li>• And 25 of these 50 occasions can continue to 22:00 hours</li> </ul> <p>And 12 of these 50-occasions can continue until 00:00 hours</p> <p>These will not be held on consecutive days.</p>
	<p><u>Indoors</u></p> <ul style="list-style-type: none"> <li>• Sunday to Thursday: 09:00 to 23:00</li> <li>• Friday and Saturday: 09:00 to 00:00</li> </ul>
<p><b>The provision of regulated entertainment in the form of recorded music</b></p>	<p><u>Outdoors and in Marquee</u></p> <ul style="list-style-type: none"> <li>• Monday to Sunday: 09:00 to 18:00</li> </ul> <p>Non-standard timings</p> <ul style="list-style-type: none"> <li>• On 50 occasions per calendar year from 12:00 to 20:00</li> <li>• And 25 of these 50 occasions can continue to 22:00 hours</li> </ul>

	<p>And 12 of these 50 occasions can continue until 00:00 hours</p> <p>These will not be held on consecutive days.</p>
	<p><u>Indoors</u></p> <ul style="list-style-type: none"> <li>• Sunday to Thursday: 09:00 to 23:00</li> <li>• Friday and Saturday: 09:00 to 00:00</li> </ul>
<p><b>The provision of regulated entertainment in the form of performances of dance</b></p>	<p><u>Outdoors and in Marquee</u></p> <ul style="list-style-type: none"> <li>• Monday to Sunday: 09:00 to 18:00</li> </ul> <p>Non-standard timings</p> <ul style="list-style-type: none"> <li>• On 50 occasions per calendar year from 12:00 to 20:00</li> <li>• And 10 of these 50 occasions can continue to 22:00 hours</li> </ul>
<p><b>Opening hours</b></p>	<ul style="list-style-type: none"> <li>• Sunday to Thursday: 08:00 to 23:45</li> <li>• Friday and Saturday: 08:00 to 00:45</li> </ul>

In addition to the events as detailed in the above hours the following conditions shall apply:

## 2. **Conditions**

The operation of the premises under the licence shall be subject to relevant mandatory conditions, any conditions derived from the operating schedule in Section M of the application form, conditions conciliated with trading standards during conciliation and the following conditions imposed by the licensing sub-committee

1. That there shall be no sound in the outside area or in the marquee with the exception of films before 22:00 hours.
2. That there shall be a minimum of two SIA door supervisors for all events with a terminal hour of 20:00 hours or later where 50 patrons or more are expected.
3. That a challenge 25 scheme shall be maintained at the premises requiring that staff selling alcohol request that any customer who looks under 25 years old, and who is attempting to purchase alcohol, provides valid photographic identification proving that the customer is at least 18 years old. Valid photographic identification is composed of a driving licence, passport, UK armed services ID card and any Proof of Age Standards Scheme (PASS) accredited card such as the Proof of Age London (PAL) card.

4. That all staff involved in the sale of alcohol shall be trained in the prevention of sales of alcohol to underage persons, and the challenge 25 scheme in operation at the premises. A record of such training shall be kept / be accessible at the premises at all times and be made immediately available for inspection at the premises to council or police officers on request. The training record shall include the trainee's name (in block capitals), the trainer's name (in block capitals), the signature of the trainee, the signature of the trainer, the date(s) of training and a declaration that the training has been received.
5. That clearly legible signs shall be prominently displayed where they can easily be seen and read by customers stating to the effect that a challenge 25 policy is in operation at the premises, that customers may be asked to provide proof of age and stating what the acceptable forms of proof of age are. Such signage shall be displayed at all entrances, points of sale and in all areas where alcohol is displayed for sale. The signage shall be kept free from obstructions at all times.
6. That a register of refused sales of alcohol shall be maintained in order to demonstrate effective operation of the challenge 25 policy. The register shall be clearly and legibly marked on the front cover as a register of refused sales, with the address of the premises and with the name and address of the licence holder. The register shall be kept / be accessible at the premises at all times. On a monthly basis, the designated premises supervisor (DPS) shall check the register to ensure it is being properly completed. The DPS shall sign and date the register to that effect and where appropriate take corrective action in a timely manner if the register is not being completed correctly. The register shall be made immediately available for inspection at the premises to council or police officers on request.
7. That there shall be no gambling machines on the premises.
8. That all guests will be directed to leave by Gallery Road entrance ~~at night~~ at night away from neighbours.
9. That a neighbours group shall be set up for residents living within 250 metres of the gallery building. The gallery shall 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.
10. That a direct and dedicated telephone number for the manager at the gallery will be made available to residents who are members of the neighbours group.
11. That there shall be a noise management plan.
12. That taxis shall be directed to park on Gallery Road not College Road.
13. That there shall be a written dispersal shall be kept at the premises with the licence and made available for inspection by authorised officers. All staff shall be trained in the use of the dispersal policy.
14. That there shall be an accommodation limit of 500 patrons that shall include 150 patrons for the pavilion.
15. That there shall be a code of conduct between the Dulwich Picture Gallery and the neighbours setting out key guidelines to support a good relationship between the premises and the nearest neighbours.

16. That an events register shall be maintained and made immediately available for inspection at the premises to council or police officers on request.
17. There shall be no licenceable activities in the Meadow past 22:00 hours.

### 3. Reasons

This was an application of a premises licence in respect of the Dulwich Picture Gallery Limited which was described as a public art gallery with shop, café and gardens. The hearing was held on 22 March and adjourned to 26 March.

The premises advised that they did not receive any regular funding from any statutory sources and that their admissions income covered approximately a quarter of income each year. The rest is made through fundraising, investments and commercial activities; without it, the financial sustainability of the gallery would be in question. To generate more income the premises intended to utilise the indoor and outdoor areas for public programmes, learning events and private hire for events such as weddings. These had previously been provided under either a time limited premises licence or temporary events notices ("TENS").

In advance of submitting the application the premises had consulted with its local 'neighbourhood group' who had opted into receiving communications advising them of upcoming events or activities which may have an impact on them; consultation meetings had taken place with the residents on 19 September 2018, 5 December 2018 and 9 January 2019 and where the neighbourhood group had been invited to feedback on the application. The premises amendments to the application and incorporated limitations within the conditions based on the feedback they received.

The licensing sub-committee heard from the council's environmental protection team, who objected to the application on the grounds of prevention of public nuisance, stating that the potential of noise impact on local residents in the immediate vicinity. The application as it was originally submitted permitted the use of the outside area each day of the week by virtue of the Live Music Act and this would be detrimental to residents and give rise to noise complaints. The proposed use of the meadow (Area 3) was also very close to residential properties in College Gardens. The proposals made by the representative for the premises to exempt the premises from the Live Music Act 2012 were unlawful. Further control measures would be required to protect the local neighbours from noise nuisance.

The licensing sub-committee then heard from licensing authority in their role as responsible authority who sought adjustments in the hours for the sale of alcohol and additional conditions, though accepted that the premises likely falls outside of the jurisdiction of the Southwark licensing policy.

The licensing sub-committee noted that the representations from trading standards had conciliated and conditions were agreed.

The licensing sub-committee then heard from counsel of 11 of the other persons objecting the application who advised that the consultation meetings arranged by the premises had not been convenient for all of the objectors and as such, key aspect of the application had not been discussed. The residents objecting did not want the gallery to close, but needed clarity from the premises so that the residents and the premises could live harmoniously. Reference was made to the events at the premises in 2017, when the problems with the premises were acute. The premises accepted that there had been problems and as a result, new management was brought in and the types of events were very carefully considered.

The licensing sub-Committee noted the contents of an additional 14 representations objecting to the application, who expressed concern of noise, a curtailment of hours, the frequency of evening events over the summer and proximity of the premises to residential addresses.

The licensing sub-committee heard from a supporter who referred to the inappropriate programming in 2017 run under TENs and inadequate on-site management and third party contractors within the gallery grounds. Since this time, events had been managed far better and the supporter had not reason to object to the application.

Immediately following the licensing sub-committee announcing the initial decision of the application, it became apparent that the premises had failed to address the committee on Areas 1 and 2 on the premises plan, due to ambiguity surrounding their usage; and the installation of temporary structures, namely the pavilion and marquee.

The licensing sub-committee reconvened on 26 March 2019 and considered additional representations relating solely to this outstanding issue. 16 written representations were considered and an additional 3-verbal submissions were heard. The licensing sub-committee was extremely pleased that there the parties had been engaging in the intermediary period and an agreement had been reached (with the represented objectors). However, the licensing sub-committee felt in the absence of engagement with all of the objectors, the more restrictive conditions (detailed in this notice of decision) were justified.

In reaching this decision the sub-committee had regard to all the relevant considerations and the four licensing objectives and considered that this decision was appropriate and proportionate.

#### **4. Appeal rights**

The applicant may appeal against any decision:

- a) To impose conditions on the licence
- b) To exclude a licensable activity or refuse to specify a person as premises supervisor.

Any person who made relevant representations in relation to the application who desire to contend that:

- a) The licence ought not to be been granted; or
- b) That on granting the licence, the licensing authority ought to have imposed different or additional conditions to the licence, or ought to have modified them in a different way

may appeal against the decision.

Any appeal must be made to the Magistrates' Court for the area in which the premises are situated. Any appeal must be commenced by notice of appeal given by the appellant to the justices' clerk for the Magistrates' Court within the period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.

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

Re-dated: 20 May 2019

**Heron, Andrew**

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**From:** [REDACTED]  
**Sent:** 21 May 2019 16:43  
**To:** Heron, Andrew  
**Cc:** Kelly, Eleanor; Binya, Raymond  
**Subject:** Re: Dulwich Picture Gallery Notice of Decision

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

Dear Mr Heron,

The last Notice referred to 'no amplified sound' outdoors in the Conditions (except for films) which is a true reflection of what was agreed at the Hearing. However this latest Notice refers to '**no sound**' outdoors (in the Conditions).

As this Notice no longer reflects what was agreed in the Hearing I presume the Gallery will be *forced* to appeal - which as I have noted in previous correspondence would be a terrible waste of taxpayer's time and money.

Kind regards,

[REDACTED]

---

**From:** Heron, Andrew <Andrew.Heron@southwark.gov.uk>  
**Sent:** 20 May 2019 13:04  
**To:** Heron, Andrew  
**Subject:** RE: Dulwich Picture Gallery Notice of Decision

Dear Sir/Madam,

Further to my emails of 16 April and 02 May, I have again been asked to send an amended version of the Notice of Decision, which I am advised is definitely the final version. The appeal period is therefore again extended to 10 June 2019.

Regards,

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

**Address:** Licensing Unit, Hub 1, Floor 3, 160 Tooley Street, London, SE1 2QH  
**Switchboard:** 020 7525 5000  
**Website:** [www.southwark.gov.uk](http://www.southwark.gov.uk)  
<https://www.southwark.gov.uk/community-safety/let-s-talk-about-women-s-safety>

**APPENDIX 4**  
**APPLICANT'S REPRESENTATIVE**

**Heron, Andrew**

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**From:** Niall McCann [REDACTED]  
**Sent:** 24 May 2019 10:01  
**To:** Heron, Andrew  
**Cc:** 'Jack Spiegler'  
**Subject:** RE: Dulwich Picture Gallery Notice of Decision

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Andrew

Thank you for the latest copy of the Decision Notice. Since this has been considered in detail by my client's operations team a significant error has been found. For some reason, whilst the earlier drafts of the decision notice contain the correct 'standard', outside areas, as granted by the licensing sub-committee, namely:

- Monday, Tuesday, Sunday: 12:00 -22:00;
- Wednesday - Saturday: 12:00 - 22:00;
- The applicant may hold up to 12 events per calendar year on which dates licensable activities in the outdoor areas may go past 22:00, on these occasions the supply of alcohol will finish no later than 00:00;

the version sent out on 11 April 2019 changed these hours to:

- Monday to Sunday: 12:00 to 18:00.
- On 50 occasions per calendar year from 12.00 to 20.00
- And 25 of these occasions can continue to 22.00
- And 12 of these 50 occasions can continue to 00.00 hours

Given that this is a significant change please can a further amended decision notice be sent out, initially just to myself and Jack. My clients are naturally anxious to ensure that the decision notice accurately reflects the hours and conditions granted and, I am afraid that, if the hours for the sale of alcohol outside are not rectified I will seek instructions to appeal the decision (albeit only in respect of this particular point). This is not an attempt to rerun the hearing but simply to accurately reflect what was granted. It would also be appropriate to add the word 'amplified' to condition 1 as per my previous email to avoid any confusion when the premises licence is issued.

This amendment has only be noticed now because, as is the case with travelling drafts, attentions were concentrated on the areas of contention of which the outside hours for the sale of alcohol was not one. My clients are making a concerted effort to maintain good relations with the local residents. The various versions on the decision that have been sent out have unfortunately not assisted those efforts and any requirement to appeal this decision will only damage these efforts further.

Many thanks for your assistance and I look forward to hearing from you.

Kind regards,

**Niall McCann**

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**Consultant - Licensing, Gambling & Regulatory**

**Mobile:** [REDACTED]

**Email:** [REDACTED]

**Heron, Andrew**

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**From:** Jack Spiegler [REDACTED]  
**Sent:** 29 May 2019 08:48  
**To:** Heron, Andrew; 'Niall McCann'  
**Cc:** Allday, Debra  
**Subject:** Re: Dulwich Picture Gallery Notice of Decision

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Andrew

Please accept my apologies for the delay in responding. I've had to check the revised decision notice myself and it has taken some time obtaining instructions from the various residents.

I confirm that our understanding is consistent with Niall's email dated 24 May 2019.

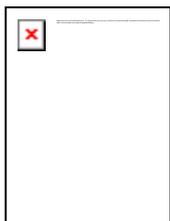
For the avoidance of any doubt, it has also always been our understanding and interpretation of the decision that the number of events are combined total figures i.e. the DPG can have 50 events per year total and cannot have add-on events by splitting the annual limits across the different categories of licensable activities. Some of the residents are concerned that the decision notice appears to permit 50 alcohol events + 50 film events + 50 plays + 50 live music events + 50 recorded music events = 250 events per year. I think it can be made clear in the final printed licence that the total number of events permitted is 50 per year, not 250.

Thanks and kind regards

Jack

**Jack Spiegler**  
**Partner**

Thomas & Thomas Partners LLP  
38a Monmouth Street  
London WC2H 9EP



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**LICENSING SUB-COMMITTEE DISTRIBUTION LIST (OPEN) MUNICIPAL YEAR 2019-20**

**NOTE:** Original held by Constitutional Team; all amendments/queries to Andrew Weir - Tel: 020 7525 7222

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Councillor Dora Dixon-Fyle	1	Andrew Heron, licensing team	1
Councillor Adele Morris	1	Andrew Weir (spares)	7
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