



NOTICE OF DECISION

LICENSING SUB-COMMITTEE – 15 MAY 2017

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

1. Decision

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

Licensable activity	Hours
The supply of alcohol (for consumption on premises)	Monday 12:00 to 21:00 Tuesday and Wednesday from 12:00 to 22:00 Thursday to Saturday from 12:00 to 23:00 Sunday from 12:00 to 22:00
The provision of regulated entertainment in the form of films (indoors):	Friday and Saturday 18:00 to 23:00 Sunday from 18:00 to 22:00
The provision of regulated entertainment in the form of live music and recorded music (both indoors and outdoors):	Friday from 17:00 to 23:00 Saturday from 12:00 to 23:00 Sunday from 12:00 to 22:00
The provision of regulated entertainment in the form of performances of dance (both indoors and outdoors):	Friday from 17:00 to 23:00
Operating hours	From 1 June to 31 August 2017 Monday from 08:00 to 21:00 Tuesday to Wednesday from 08:00 to 22:00 Thursday to Saturday from 08:00 to 23:00 Sunday from 08:00 to 22:00

2. Conditions

The operation of the premises under the licence shall be subject to relevant mandatory conditions, conditions derived from the operation schedule highlighted in Section M of the application form and the following additional conditions agreed by the sub-committee:

1. That the premises licence shall contain the same conditions attached to the premises licence 855319 with the exception of conditions 340, 345, 348, 350 and 351.
2. That the speakers within the Pavillion shall be directed away from residents

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

3. Reasons

The reasons for the decision are as follows:

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

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

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

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

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

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

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

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: 15 May 2017