

Heron, Andrew

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

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

Dear David

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

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

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

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

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

Kind regards, and happy to discuss further

Paul Newman

Principal Environmental Health Officer

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

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

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

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



Heron, Andrew

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

Hi Chantelle

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

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

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

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

Kind regards and I look forward to hearing from you

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

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

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

Dear Andrew and Paul

I hope you are both well.

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

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

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

Best wishes

Chantelle

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

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

Sent: 07 March 2018 14:44

To: Chantelle Culshaw; Newman, Paul

Subject: RE: Dulwich Picture Gallery

Importance: High

Dear Paul,

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

Regards,

Andrew Heron

Principal Licensing Officer

London Borough of Southwark

Regulatory Services - Environment & Leisure

020 7525 5767

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

Switchboard: 020 7525 5000

Website: www.southwark.gov.uk

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

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

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

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

To: Newman, Paul

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

Subject: Re: Dulwich Picture Gallery

Dear Paul

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

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

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

Best wishes

Chantelle

Sent from my iPad

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

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

Hi Chantelle

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

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

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

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

Kind regards

Paul Newman

Principal Environmental Health Officer

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

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

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

<image001.jpg>

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

From: Newman, Paul

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

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

Hi Chantelle

Thank you for the email and update on mediation.

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

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

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

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

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

I hope that is helpful, and happy to discuss further

Kind regards

Paul Newman
Principal Environmental Health Officer
Postal address: Southwark Council | Environmental Protection Team | Regulatory Services | 3rd Floor Hub 1 | PO Box 64529 | London | SE1P 5LX.
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visit: to <http://www.southwark.gov.uk/air-quality>
<image001.jpg>
Please consider the environment - do you really need to print this email?

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

Dear Paul

I hope this email finds you well.

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

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

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

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

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

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

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

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

Best wishes

Chantelle