

Heron, Andrew

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

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

Need proof of age? Visit www.southwark.gov.uk/pal

Need advice on consumer issues? Visit Citizens Advice via www.direct.gov.uk/consumer

Heron, Andrew

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

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

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

To Licensing Unit **Date** 28 February 2019

Copies

From Jayne Tear **Telephone** 020 7525 0396 **Fax**

Email jayne.tear@southwark.gov.uk

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