



## Licensing Sub-Committee

**Date:** Wednesday, 27 September 2023  
**Time:** 10.00 am  
**Venue:** Council Chamber, County Hall, Dorchester, DT1 1XJ

**Members (Quorum: 3)**  
Derek Beer, Susan Cocking and Emma Parker

**Chief Executive:** Matt Prosser, County Hall, Dorchester, Dorset DT1 1XJ

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Meeting Contact 01305 224202 [elaine.tibble@dorsetcouncil.gov.uk](mailto:elaine.tibble@dorsetcouncil.gov.uk)

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	The Royal Oak Proposed Conditions and Supplementary Testimony and Comments Re- Complaint Record Form.	

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**BEFORE DORSET COUNCIL**

**IN THE MATTER OF A REVIEW OF THE PREMISES LICENCE AT:**

**ROYAL OAK 52-54 DORCHESTER RD WEYMOUTH DT4 7JZ ('The Premises')**

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**PROPOSED CONDITIONS**

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**RECITAL**

FOLLOWING discussions between the premises licence holder and Dorset Environmental Protection the following amendments to the current premises licence (No. WPPL0016) ('The Licence') are put forward by the premises licence holder as a proportionate and appropriate response to the review application:

**1. AMENDMENT TO THE LIVE MUSIC AND RECORDED MUSIC EXEMPTION (FOR REGULATED ENTERTAINMENT OUTSIDE ONLY) S.177A LICENSING ACT 2003**

THE S.177A Licensing Act 2003 live and recorded music exemptions shall be removed in relation to external music only

**2. MODIFICATION OF THE FOLLOWING CONDITION ON THE PREMISES LICENCE**

APPENDIX 2, Condition 13 to be modified to read (amends **in bold** for ease of reference):

13. Where amplified music (either recorded or live) is being played **inside the premises** a tamper-proof sound limiting device must be installed at the premises to the level set in agreement with the Council. All amplified music (either recorded or live) played **inside** the premises must be subject to the control of the sound limiting device.

### 3. CONDITIONS TO BE ADDED TO THE PREMISES LICENCE

THE following conditions are to be added to The Premises Licence in relation to the provision of live and recorded music outside only as follows:

- a. No recorded music outside, with the exception of background music, which can only be played one hour prior to, in between, and one hour post any external live music sessions.
- b. No regulated entertainment outside will be permitted between 1st October and 1st May, with the exception of the Easter Bank Holiday weekend.
- c. For Live Music Outside
  - Live music outside on Friday, Saturday and Sunday only. Friday and Saturday sessions to be provided occasionally as defined below.
  - Sessions will be limited on Sunday to 1 session of up to 2.5 hours, ending no later than 18:00, except on Sunday preceding a Bank Holiday Monday, where 2 sessions of up to 2.5 hours will be permitted ending no later than 21:00 hours.
  - Friday sessions limited to 1 session of up to 2.5 hours to end no later than 21:00 hours and a maximum of 1 per calendar month
  - Saturday sessions limited to 1 session of up to 2.5 hours to end no later than 17:00 hours and a maximum of 1 per calendar month.
  - No Friday and Saturday sessions to be held on consecutive days.
  - All events will be clearly advertised on social media and notified to residents by email 14 days in advance for any resident wishing to receive notification and providing an email address for contact.
- d. An external music management plan ('the Plan') will be drawn up and implemented at the premises. The Plan will set out the following
  - Checks to be completed prior to musicians playing (including musician having agreed to reduce volumes if required by DPS/ manager)
  - Positions for monitoring music levels during sound check or if no sound check during first 20 minutes of performance
  - Method for checking likelihood of levels being considered a public nuisance
  - Method for recording check
  - Requirements for dealing with complaints

The Plan will be updated periodically and in line with changes in best practice. The Plan will be made available to officers from the Council Environmental Health team to inspect

- e. At the start of any external music event, sound checks will be carried out at locations in the vicinity of the premises as set out in the External music management plan. The person undertaking the checks will ensure that the levels are such that in their opinion they are unlikely to be considered a public nuisance. If required, the levels shall be reduced and re-checked to

ensure that they comply with this condition. Such plan to be agreed with the Environmental Protection Service.

- f. A complaints log will be maintained at the premises and any complaints received will be recorded therein. As a minimum the log will record: date and time of complaint, name of complainant (if known), description of complaint and any remedial action taken. The complaints log will be made available to officers from the Council Environmental Health team to inspect.

**TLT**

**FOR & ON BEHALF OF THE PREMISES LICENCE HOLDER**

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## Testimony and Comments re: Complaint Record Form Kevin Miles vs Royal Oak

### Background:

I am a retired dental surgeon and moved to Lodmoor Hill in 2019 with my husband, a retired senior manager [REDACTED]. We would like to put our side to the submitted complaint as we are regular attendees at the musical events at the Royal Oak but are unfortunately unable to attend the Licensing Sub-Committee meeting Wednesday, 27th September 2023. Having thoroughly read through the complaint record form submitted by Mr Kevin Miles I have noticed a number of discrepancies and inaccuracies that I would like to bring to the attention of the Sub-Committee.

The Royal Oak on Dorchester Road has been transformed in the time that we have lived here to a welcoming, family friendly public house and musical venue by the hard work of the current landlord. This in itself is an achievement as many such establishments have been forced to shut following the pandemic lockdown. As we enjoy live music we have tried to attend and support many of the indoor and outdoor musical events at various venues in Weymouth. The Royal Oak is the closest venue, around a 2 minute walk from our home. We have attended most of the outdoor musical events at the Royal Oak during this summer therefore feel qualified to comment on the submitted complaint.

### Comments:

1. Unless your property has single glazing, it is almost impossible to hear music from the Royal Oak beer garden with the windows shut. I have tried it, and with the windows open the music is faint even when the wind is blowing in the direction of our house.
2. Most of the outside musical events at the Royal Oak have been for 2 hours only with many of the bands taking at least a 15 minute break within that time. In all the events I have attended most of the bands have started late and I have never seen any with a 15 minute warm up.
3. The current temporary stage in the garden, as I understand, was set up in July for a retirement party and subsequently donated to the Royal Oak. It faces totally the opposite direction to Fernhill Avenue so most of the sound would be directed towards the buildings of the public house itself. Not sure how sound could be heard from Lodmoor Park. Unless it was the outdoor musical event being held at Green Hill at the same time.
4. I have observed that many of the comments in the "effect on complainant" section have been cut and pasted and that some hyperbole has been used in describing Saturday 26<sup>th</sup> August as becoming "louder than battle scenes in Pearl Harbour". I have very sensitive hearing and find it unlikely that any band could create volume to that extent.
5. Under "day and date" section please note that 28<sup>th</sup> August was Monday bank holiday and no band was playing in the beer garden at the Royal Oak.

### Conclusion:

The musical events at the Royal Oak in our opinion have been a bonus to the local community living in this area of the Dorchester Road. The beer garden events have been well attended by all ages including residents of The Lawns. There has been an eclectic mix of bands which have been enjoyed by the majority and has provided an extra draw for visitors to the area. From my husband's experience working with Visit Guernsey, music events can have a major positive influence on repeat visitor numbers. Having attended many outdoor musical events around Weymouth such as the Quayside Festival, the volume of music created by the Royal Oak would be considered as minimal.

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