

DORSET COUNCIL - LICENSING SUB-COMMITTEE

MINUTES OF MEETING HELD ON THURSDAY 19 DECEMBER 2019

Present: Cllrs Brian Heatley, Emma Parker and Bill Pipe

Also present: Mrs Sally Francis, Mrs Andy Francis (Premises Licence Holders), Mrs A Cunningham (for the Review), Ms Sandra Graham (Solicitor for Mrs Cunningham), Mr Peter Rogers (Sound Consultant, Witness for Mrs Cunningham), Mr Cunningham (Witness for the Review), Mr A Hollingshead (Witness for the Review), Ms K Tippens (Witness against the Review), Mr D Swift (Witness against the Review), Mr R Lowry (Witness against the Review)

Officers present (for all or part of the meeting):

Kathryn Miller (Acting Team Leader - Licensing), Kate Critchel (Senior Democratic Services Officer) and Aileen Powell (Team Leader Licensing) and Mark Hitchcott, (Planning Enforcement) Jane Williams (Environmental Health)

48. Election of Chairman and Statement for the Procedure of the Meeting

It was proposed by Cllr E Parker seconded by Cllr B Heatley that Cllr B Pipe be elected Chairman for the meeting.

Cllr Pipe introduced all parties present at the meeting and explained the procedure and process.

49. Apologies

No apologies for absence were received at the meeting.

50. Declarations of Interest

There were no declarations of interest to report.

51. Application for the review of a premises licence - Angola '76, Mustons Lane, Shaftesbury, Dorset

Mrs K Miller, the Licensing Officer presented a report setting out the application for the review of a premises licence for "Angola '76 at Mustons Lane, Shaftesbury. The application had been made by Dorset Council as the Local Authority and representations had also been received and remained unresolved. Therefore, members were advised that a hearing had to be held to determine the application.

The sub-committee were informed that following the receipt of complaints, the service of a warning letter a noise abatement notice by the Council's

Environmental Health Service had been made. There had also been a refusal for planning permission and enforcement action on the site.

The sub-committee was asked to note that there had been representations received from ten interested parties and six of those related to three of the four licensing objectives. Three other representations had been made in support of the venue along with the receipt of a petition which had been organised by the premises management.

Members were advised that a Mr John Morgan had been the licence premises holder, but this had recently been transferred to Mr and Mrs Francis and they had been running the premises for approximately a year.

The Licensing Officer advised the sub-committee of their powers in determining the application and reminded them that they must give clear reasons for their decision.

The Chairman invited all parties to ask questions of the Licensing Officer, but there were none at this stage of the meeting.

The Chairman welcomed Ms A Powell, Licensing Team Leader, acting on behalf of the Local Authority in bringing the review to the sub-committee for their consideration.

The Licensing Team Leader reported that this review had been applied for on the grounds of the prevention of public nuisance as a result of the Licensing Authority being satisfied that there was sufficient evidence to warrant a review of the premises.

The Licensing Review Guidance which was set out on page 41 (of the agenda document pack) at 11.1 stated “that reviews were a key protection for communities where problems occurred after the grant of the licence”. At 11.5 of the guidance it stated that “the licensing authority could review a licence if it was concerned and wanted to intervene early without waiting for representations from others”. The review focussed on two areas of nuisance:-

- Nuisance from people leaving the premises both from noise and urination and vomiting; and
- Music noise

The Licensing Team Leader continued that the nuisance from people leaving the premises was evidenced by the complaints received and substantiated by the video evidence which showed that some the noise clearly came from people leaving the premises, and was not all caused by passing pedestrians.

She continued that the nuisance from the music noise was evidenced by the complaints, could be heard in some of the videos, but was even more clearly evidenced from the acoustic engineers report.

Members were further advised that whilst the planning refusal could not be used as a reason for the review, the reasons for the refusal were considered to be relevant, as stated on page 88 of the agenda document pack which stated that “the proposed courtyard area, operated in the manner set out in the application would give rise to an unacceptable level of noise and disturbance in the locality, which would be prejudicial to the living conditions of occupiers of the surrounding residential properties.” The Licensing Team Leader reminded members that in order to operate a premises as an alcohol premises licence there were two permissions required, the licence and the planning permission. Premises should not operate without both.

The Chairman thanked the Licensing Team Leader for her submission and asked if there were any questions at this stage.

As the Chairman Cllr Pipe asked a question of clarification regarding the transfer of the Licence from John Morgan to Mr and Mrs Francis. The Licensing Officer confirmed that the licence was recently transferred, following the publication of the agenda document pack was circulated to members.

The sub-committee also asked questions around the length of time this issue appeared to have been carrying on, with a warning back in 2017. The sub-committee asked why it had it taken so long to come before a review hearing?

In response, the Licensing Team Leader confirmed that it had taken some time to accumulate all the evidence before members, however any other party could have brought a review at any point if they had concerns about the operation of the premises licence. There were no further questions at this stage so the Chairman invited Ms Sandra Graham (Solicitor for Mrs Cunningham) to address the sub-committee. Mrs Cunningham had made a number of complaints and was in support of the Local Authority’s call for a review.

Ms Graham indicated that the noise nuisance was having a significant impact on her client (Mrs Cunningham) and it had taken that time to gather the information that was now before members of the sub-committee. She advised the sub-committee that Mrs Cunningham had complained to the Council over a number of months and years. She further reported that Mr and Mrs Francis were not new to the premises and had been managing the nightclub since the beginning of the year.

Ms Graham advised that the licensing premises was situated in what was primarily a residential area in a setting close to listed buildings and on a very narrow lane when resident's doors and windows abutted the highway.

Therefore it was not a location where you would expect to find a nightclub.

Ms Graham reported that over the past two years her client had been subjected to disturbance from patrons of the Angola 76’ both during the evening whilst in the courtyard of the licensed premises and on dispersal at the end of the night. Considerable noise was commonplace with patrons often being seen vomiting around the premises and urinating in gutters.

Music from the premises could be heard frequently within the client's premises, noise and odour from smoking in the courtyard, fumes from running car engines also caused a nuisance. Ms Graham indicated that her client had raised anti-social behaviour issues with members of staff at the premises on numerous occasions, either directly or by telephone and she had been subject to verbal abuse.

Ms Graham suggested that the licence holder was in breach of the current licence and it appeared that the operation of the premises was totally lacking in any control or sensible management; further referring to warning letters of August 2018, March 2019 and a visit on 3 April 2019. There had also been three planning applications refused on the site and a noise abatement notice issued in November 2019.

Ms Graham also referred to complaints from other residents and planned to call witnesses to the meeting to demonstrate the issues.

Ms Graham referred to the video footage recorded by her client and asked if members were prepared to view the images. In response, the Chairman advised the meeting that the sub-committee had already had an opportunity to view this footage and did not need to see it again at this point of the meeting. He also confirmed with Mr and Mrs Francis that they too had been able to access the footage in question.

However, Ms Graham did indicate that the footage showed that abuse and noise from the premises did not just come from customers, but also from the staff of the premises.

Prior to Ms Graham bringing forward her expert noise witness, the Chairman invited the Council's Environmental Officer to comment on the noise issues and the noise abatement notice.

Mrs J Williams, Team Leader, Public Protection referred to the Environmental Health's submission set out in the agenda document pack following an investigation into complaints received about noise from the licence premises known as Angola 76'.

She further advised that Environmental Health had liaised with the owners of the premises to seek a resolution and the new managers to revise the operation model on the site placing less emphasis on live performances and reducing them to two periods in the week and finishing no later than early evening. These had ceased to be the cause of the complaints. However the use of amplified music and speech continued on Friday and Saturday nights until after midnight, which also seemed to relate to off-site complaints as customers find their way out of the premises and on to Mustons Lane.

Mrs Williams continued that the customer use of the outside seating area also caused concern since speech was unabated by the provision of bricks and mortar, carrying to the nearby windows of residential premises. By supplying furniture it was likely that this area would continue to encourage prolonged

use, rather than as a short-term smoking zone. This area also now housed the toilets for the venue and even if the area ceased being used the escape of music and general venue noise from access and egress to the toilets was likely to continue to cause some disturbance.

She further advised that Environmental Health had taken a precursor to formal action in that a “written warning” was provided for the control of the seating area. Formal action by the service of a noise abatement notice under the Environmental Protection Act 1990 followed, having received a confirmatory and independent noise report about the excessive levels of amplified music and speech after 23.00hrs. The concern continued to be that sleep disturbance should not be hindered by these levels at nearby residential premises and in line with the public nuisance objective.

Members were further advised that no appeal has been lodged against the abatement notices served so they remained undisputed and in place.

In summary, Environmental Health wished to express their concern that the venue had not been meeting the public health objective of protecting the public and local residents from noise nuisance.

There were no questions of Mrs Williams at this point of the meeting.

The Chairman invited Mr Mark Hitchcott, Senior Enforcement Officer for Planning to the meeting. Mr Hitchcott reported that bar known as Angola 76’ was situated in an area of mixed residential and commercial properties. The use of the site as a café/bar was currently unauthorised and retrospective planning permission had been refused twice previously for the proposed use.

Both of the planning applications were refused due to the unacceptable impact that the proposal would have on the amenity of the area and an enforcement action would be served to the premises shortly.

There were no questions for the planning officer at this stage of the meeting.

The Chairman invited questions of Ms Graham in respect of her statement.

In response to questions relating to a gap in evidence in 2018, Members were advised that this was during a period when Mrs Cunningham had been suffering from health issues and for a period of time stopped writing letters of complaint to the local authority. Mrs Cunningham also reported that the Police had also advised her to stop for her own safety.

In response to a questions regarding clarification of the video footage shot by Mrs Cunningham, Ms Graham confirmed that footage did show people leaving the premises, any other footage of people passing by had been deleted by Mrs Cunningham and not admitted into evidence. Mr P Rogers, independent noise expert, confirmed and supported that this was the case.

The Chairman allowed Ms Graham to invite her independent witness, Mr P Rogers of Sustainable Acoustics, a consultant in Acoustics, Noise and Vibration.

Mr Rogers advised that he had attended Mrs Cunningham's property of 5 Mustons Lane, located opposite the premises site, on 19-20 October 2019 from 8pm to 1am. Mrs Cunningham also took pictures/video recording(s) and these had been submitted as evidence. He noted that the number of people just passing by the premises was minimal.

Mr Rogers also advised that he was joined at the premises by Mr K Pitt-Kerby for Dorset Council Environmental Health, who also witnessed the noise impact from music and people between 10pm and 10.30pm. Mr Rogers indicated that Mr Pitt-Kerby had commented that the noise was an issue of concern.

However, Mr R Greene, Legal Advisor for the Council, reminded members that there was no statement from Mr Pitt-Kerby and that he no longer worked for the authority. Therefore this information was hearsay.

Mr Rogers informed the sub-committee that there was two types of noise experienced as in a mixture of people noise and music. The details of the results of his investigations was set out in the table/graphs at figure 2 to 5 of his report (set out in the agenda document pack). He described the noise as "you could feel it in your chest" and you "could clearly here the track of music and feel the base".

He reported that in his opinion there was sufficient evidence to meet the criminal evidential bar and that a nuisance did exist, which caused material interference and that considering the regularity, character of the area and the time of day could be considered to also be a statutory Nuisance under Section 79 of the Environmental Protection Act 1990.

The Chairman welcomed Mr Cunningham, son of Mrs Cunningham who was also a witness. Mr Cunningham confirmed that he did not live in the area but was a frequent visitor to his elderly mother and had stayed with her on occasion when she was unwell. He was very familiar with the problems and confirmed to the sub-committee that his mother did not use her front bedrooms due to the noise emanating from the premises. It was also difficult to sit in her lounge in the evening which was also on the front of the property and the front door opened directly onto the narrow lane.

He stated that as the premises known as Angola 76' was fronted by glass, it was originally a shop so noise clearly escaped the building. He also referred to the toilet on the courtyard and the noise that escaped the premises when the door to the courtyard opened and closed.

He felt that the location was not right of the premises, which was in his view mainly residential. He also referred to incidents of fighting in the street which had come from the premises. But at this point the Council's Legal Advisor reminded members that this information was speculation.

The Chairman invited Mrs Cunningham to address the committee, if she had anything further to add.

Mrs Cunningham advised that the noise from the premises had had a significant impact on her health, she had lost some of her hair and was unable to sleep in her own bedroom. She had been visited by an ex police officer who agreed with her that this was anti-social behaviour and criminal offences were taking place. The Police had also advised her to stop filming as she was potentially putting herself at risk.

In response to a question from the Chairman, Mrs Cunningham confirmed that she did delete video recordings if they were not relevant. She had seen and recorded vomit, urine and blood in and around her front door. She referred to people being under the influence of drugs and that the management of the premises had behaved in a very threatening manner towards her.

The Chairman welcomed Mr Hollingshead who advised that he lived at 24 Bell Street at the immediate junction with Mustons lane. The premises was approximately 60 metres from his property and he indicated that his home was a Grade 2 listed building and accordingly had old single glazing.

He accepted that there was clearly a community need for such a premise and hoped that the venue could be operated without causing a nuisance. He suggested that the sub-committee consider amending opening times in order that a balance could be met. He referred to sub-bass sound waves that penetrated through the walls and quoted a number of PA sound system figures.

In response to a question from the Chairman, Mr Hollingshead advised that this information was an excerpt from Wikipedia and that he was not a noise/sound expert.

Mr Hollingshead continued that he was unable to use his bedroom at the front of his property at the weekends due to the impact of the noise. He felt that no one would pass through the road, only to access and egress the premises. There was a restaurant opposite the premises, but traffic footfall would be slight as it had its own car park on the other side of the restaurant.

The Chairman asked if there were any questions, invited witnesses to stay and suggested that there was a short adjournment before the premises licence holders address the sub-committee.

The sub-committee adjourned at 11.35am – 11.50am

On returning the Chairman invited Mr and Mrs Francis if they would like to ask any questions. Mrs Francis asked Mrs Cunningham if she could confirm that she had been asked to stop filming customers and staff leaving the premises. In response Mrs Cunningham stated that all of the recordings had related to customers leaving the premises and any that were not had been deleted. She confirmed that she had submitted over 400 recordings.

Mrs Francis also indicated that she had tried to have a conversation with Mrs Cunningham and reported that Mrs Cunningham had circulated a letter to local residents asking them to complain to the Council about the premises.

In response to questions, Mr Hollingshead confirmed that he had not felt the drum and base in the last few months. Mrs Francis suggested that this was because no drum and base now operated out of the premises following the meeting with Environmental Health Service. Mrs Francis also suggested to Mr Hollingshead that people did walk through Mustons Lane to get to and from the Kings Arms. Mr Hollingshead accepted that this could be the case and that Bell Street was a walk way through to other areas in Shaftesbury town. Mrs Francis advised that the Kings Arms was open and licenced to 2am and Mr Hollingshead accepted that not all the noise could be related to the Angola 76'.

The Chairman invited the Premises Licence holders to make their case. Mr and Mrs Francis reported that the venue offered grassroots music, an artistic hub relevant to under 30's whilst being cross-generational. Angola 76' was not a nightclub and the street was 70% real estate commercial including a restaurant opposite the premises site. Members were advised that there was no entry fee to be paid and the DJ set was only on Friday and Saturday evenings.

There was little music opportunities in the local area and the premises was greatly supported by the local community.

Mrs Francis continued that she and her husband were very experienced at running a premise with a proven track record. The area was their home and their 9 year old daughter had no problems sleeping at night above the premises.

Mrs Francis expressed her disappointment that there was no opportunity to meet with Mrs Cunningham for mediation to address and resolve the issues or concerns before the sub-committee. In respect of the Police asking Mrs Cunningham to stop filming, Mrs Francis proposed that this was after she had contacted them as she was concerned for Mrs Cunningham's safety. Mrs Francis confirmed that they had met with the Licensing Service in April to discuss historical issues and following that meeting a security company was appointed to protect the premises and Mrs Cunningham. She further reported that since that meeting neither she nor her husband had met with Licensing and had no indication that there were 400 video recordings filmed or that there was a case being made against them.

Mrs Francis reported that the restaurant opposite also had a late night licence and there was a local kebab shop further down the lane. The lane was only part residential not all residential as had been stated by other witnesses.

Mrs Francis advised that the sound level of the music was regularly checked and recorded every ½ hour. All hard copies of this information was charted

and available to be checked. The sound system was upstairs in the premises and was only accessed by the licence holders.

She reported that it had been a difficult time and customers wanted to know why they were being filmed. At the end of the evening she confirmed that all customers were asked to leave quietly. She advised members that they were a hard working family who wanted to make the premises a success.

She also asked members to note the petition that had been sent in support of the premises and the entertainment that the bar provided. She asked that the petition be accepted and acknowledged as the voice of the local music community. Mrs Francis felt that the review was very one sided and that Mrs Cunningham had become obsessive about the premises and its customers.

She asked that Mr John Wilson's letter (local resident) be accepted as he did not experience the problems that were claimed by Mrs Cunningham.

The music entertainment brought the most revenue to the premises and if this was stopped it would cause detrimental harm to the business.

Mrs Francis advised that the management of the premises took the role very seriously and took personal responsibility to make sure that customers left the premises quietly including the addition of security services on busy evenings.

She further reported that they were not in breach of their licence and had not allowed customers the opportunity to re-enter the premises, but this movement could be attributed to running a bed & breakfast facility on the site.

There was no CCTV camera that pointed towards Mrs Cunningham's property, the one in question was a dumpy, but could be removed if so requested. All other CCTV was internal.

The Chairman welcomed Mrs Tipples, speaking on behalf of her husband in support of the premises and its management. As a local town councillor she personally supported the premises and the music provided. She was concerned that the licence was under treat when so many enjoyed its facilities. Shaftesbury had grown over recent years and the premises offered a much needed service. She felt that many of the issues raised were not in relation to current management or reflected the current situation. She also did not consider that the area was residential but was a mix of commercial and residential properties.

She referred to the fact that there was no Police comments set out in the agenda document pack. Mrs Tipples also referred to the sound assessment and advised that her husband was a geneticist and that in his experience he completely disagreed with Mr Rogers report. She further expressed concerns that if the hours were reduced this would adversely impact the revenue and viability of the premises. She asked the sub-committee to give the new management an opportunity to prove themselves able to run this premise.

Mr R Lowry was invited to address the sub-committee. Mr Lowry was a teacher and a musician. He considered that the premises was very important to the local music industry. The business supported a number of staff and local tradesmen who supplied goods and services to the business. The management ran a well organised premises and paid musicians a fair fee for their services. In his view, the management were considerate to customers and local residents alike and all music sets finished on time.

Mr D Swift also addressed the sub-committee in support of the premises and its management. He advised that the venue was very popular with a wide range of attendees. He also indicated that the management made sure that music was not played too loudly and this was continuously monitored when music was being played.

Mrs Francis requested that a statement from Miss J Sealy be read out to the sub-committee. The Chairman agreed with this request as long as the statement was relevant. Ms Graham raised an objection as the sub-committee had refused to view the video evidence entered by Mrs Cunningham. However, the Chairman reminded Ms Graham that the sub-committee had viewed the video evidence prior to the hearing but members had not heard from a member of staff.

Nevertheless most of the statement referred to what it was like to work for Mr and Mrs Francis and the Council's Legal Advisor advised the sub-committee that they should consider its relevance and give it the appropriate weight when it came to making a final decision regarding the review.

In asking Mr and Mrs Francis questions, the Chairman invited them to list the four licensing objectives. Responding Mrs Francis was unable to give a complete list.

In response to questions, Mrs Francis confirmed that all doors and windows were shut from 11.00pm. In respect to the provision of music, Mrs Francis advised that they were open to suggestions and advice regarding a provision of a noise limiter.

Mrs Williams reported that she had made a short visit to the premises and confirmed that Mrs Francis was keeping a log, if a bit inconsistent. She confirmed that Environmental Health Officers would be willing to offer guidelines should the sub-committee decide to allow the premises to continue. Mrs Williams confirmed that the sound was controlled from upstairs at the premises and this could only be accessed by the management of the premises. However the sound control was not a noise limiter or set in accordance with Environmental Health Services traffic light system.

In response to further questions Mr and Mrs Francis confirmed that they had been in the business for 20 years and the welfare of their customers was essential.

There had been some fighting within the court yard and that was one of the reasons why security had been introduced. On three occasions the Police

had be called by the Licence Holder relating to incidents on the street and not within the venue itself, indicating that the management was responsible.

In response to further questions, Mrs Francis advised that the premises had eight letting rooms so the movement of entering the building could be from B&B guests. On occasion individuals would be allowed to leave to use the cash point, but the management operated a very strict door policy. She also advised members that staff left the building via the front door to access the bins etc.

Mr Rogers asked Mrs Tippens what qualifications did her husband have to qualify an opinion in relation to sound noise nuisance. Mrs Tippens confirmed that he didn't have any, but was just expressing a musician's point of view.

In response to a question for clarification, Ms Graham confirmed that Mrs Cunningham did use the front bedroom on occasion, but found that much of the time she was unable to use the room due to the noise.

As there were no further questions, the Chairman invited parties to sum-up there case.

In summing up, Ms Graham reminded the sub-committee that it was the Licensing Authority that had sought the review of the premises and that there had been a number of representations in support of the review. In particular in relation to the breaches of the licence. She asked members to consider Mrs Cunningham's quality of life, living with a nightclub so close to her property. The management had no consideration for their neighbours or the location. Ms Graham understood that it was important to support the town, but considered that this premises was in the wrong location which was primarily residential.

She further referred to the management of the premises and reminded members that they had heard that Mr and Mrs Francis needed guidance regarding the noise limiter and the premises dispersal policy. Ms Graham further reminded the sub-committee that it was the licence holders responsibility to uphold the licence conditions. There was clear evidence of public nuisance in relation to noise from live and DJ music. Issues with the security light and if the CCTV was not required, she asked for its immediate removal.

She referred to the warning letters sent to the premises and the expert witnesses statement in respect of noise.

The Licensing Team Leader advised that the application was brought to members on the grounds of the licensing objective of the prevention of public nuisance. The review was based on a number of factors, with the particular emphasis on complaints that the licensing authority had received since the licence was granted.

She considered that the site was not suitable for music entertainment. She reminded the sub-committee that the planning application had been refused

on three occasions and that the premises was subject to a noise abatement notice.

In summing up Mrs Francis advised she along with her husband were experienced operators, not once had anyone discussed their concerns before this point and it was completely wrong that it had come to this stage without the chance to prove themselves. Mrs Francis indicated that they were willing to work with Mrs Cunningham and was disappointed that there had been no opportunity for mediation prior to the review hearing being brought for members to consider. She accepted that it was important for everyone to work together but some of the noise was individuals just passing through the street.

The Chairman advised that there were no local members present.

Before the sub-committee adjourned the Legal Advisor for the Council reminded members that the sub-committee should determine the application in the light of the evidence given in writing and oral representations. He reminded them of their powers and indicated that the application was for the consideration of the failure to promote the licensing objective of the prevention of public nuisance. Specifically the noise of music escaping from the premises.

The sub-committee had the powers to consider the application and this stood alone, separate the planning enforcement process and the abatement notice.

At 13.55pm the sub-committee adjourned to consider its decision and returned at 3.10pm.

Decision

Notwithstanding the current planning enforcement action and noise abatement notice, the Licensing Sub-Committee have been considering today an application for a review of the premises licence known as Angola "76, Mustons Lane, Shaftesbury, Dorset SP7 8AD. This Review application has caused us some concerns today, particularly in respect of the conflict of evidence offered by both sides and other witnesses.

It is the considered decision of the sub-committee not to revoke the premises licence and it was also the intention not to dismiss the application.

However, having reviewed the terms of the licence and having considered all of the evidence presented, the sub-committee decided to amend the licence by the addition of discretionary conditions which would be added to the licence when amended.

The sub-committee was satisfied, on balance, that in all the circumstances, including the conditions they intend to impose, that the Premises Licence should be amended subject, of course, to the continuing mandatory and discretionary conditions, as set out in the Licensing Act 2003.

Once the Licence Premises Holder had received a copy of the amended Licence, the members urged the Licence Premises Holder to meet with the licensing authority at their earliest opportunity to discuss the details of the conditions added to the premises licence.

Discretionary condition(s)

1. A sound limiting device located in a separate and lockable cabinet from the volume control shall be fitted to any musical amplification system and set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service to ensure that no noise nuisance is caused to local residents. The operational panel of the noise limiter shall then be secured to the satisfaction of an officer from the Environmental Health Service. The keys securing the noise limiter cabinet shall be held by the licence holder or authorised manager only, and shall not be accessed by any other person. The limiter shall not be altered without prior agreement with the Environmental Health Service.
2. The premises must use a decibel meter when regulated entertainment in the form of live or recorded music takes place at the premises. Readings will be taken outside the venue and adjacent to 5 Mustons Lane, every 30 minutes after 2100hrs whenever live or recorded music is taking place. The acceptable level of sound will be set by an environmental health officer and a written record of the level recorded will be kept on site at the premises and produced on the request of an authorised officer.
3. There shall be no admittance or re-admittance to the premises, or into the adjacent courtyard marked "A" on the plan attached to the licence, after 2300hrs. Any instances of people entering the premises after 2300hrs, together with the reasons as to why they were allowed to enter, will be recorded in a book that will be available for inspection at the request of an authorised council officer or police constable.
4. The premises must adopt a dispersal policy for the patrons leaving the premises. The policy must include, but not be limited to, the management of patrons leaving the premises after 2300hrs to ensure public nuisance is kept to a minimum. The policy must be kept in a written form on site and must also be sent to the Licensing Authority for approval by 31 January 2020. The agreed policy must be available to be viewed by either an authorised council officer or police constable on request. Staff, including any door supervisors must be trained at the commencement of their employment and at six monthly intervals thereafter. They must be conversant with this policy and adhere to it at all times. A written record must be kept of all training delivered on this policy.
5. Bottles will not be placed in any external receptacle after 2300 hours and before 0700 hours to minimise noise disturbance to neighbouring properties.
6. Any BBQ's conducted in the outside court yard must cease by 9pm.

7. All windows and external doors shall be kept closed after 2300hrs hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
8. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
9. The PLH/DPS will ensure patrons use external areas in a manner which does not cause disturbance to nearby residents and business in the vicinity. Patrons will not use such areas after 2300 hours.
10. The PLH/DPS will adopt a “cooling down” period where music volume is reduced towards the closing time of the premises e.g. for the last hour of opening.
11. There will be a minimum of 2 SIA registered door supervisors deployed at the premises from 2200 hours until the close of business, on every Friday, Saturday, New Year Eve, Carnival Day (from 1700 hours), bank holidays and any other occasion or event where considered necessary to promote the licensing objectives.

The following discretionary condition was removed:-

1. The sub-committee also amended the plan of the premises to remove the courtyard from the application.

Reasons:

1. The sub-committee listened at some length to all of the alleged evidence from the parties, the witnesses and the solicitor for Mrs Cunningham. However it was clear that there were fundamental conflicts provided in that evidence.
2. The sub-committee asked a number of questions of both the existing licence holders and Mrs Cunningham and a number of those questions were not answered clearly or based upon the written evidence submitted.
3. The sub-committee in its consideration has to weigh up the value or merit of the evidence presented and again it did seem to the sub-committee that a lot of comments and allegations were made, but not necessarily based upon the licensing objectives including of course “the prevention of public nuisance”
4. The application for the review was thorough, professionally prepared and it was significant that hardly any reference was made to the essential documents and to some extent the relevance of the parties’ failure to engage with each other.

5. The sub-committee therefore on balance could not come to a decision for the application for the review should be dismissed or that the licence should be revoked. The sub-committee decided to therefore amend the existing licence conditions in accordance into the new schedule of conditions attached to the licence.

The Sub-committee has considered each condition individually and felt them necessary in order to promote the Licensing Objective of “the prevention of public nuisance”.

Review of Premises Licence

If a responsible authority or any person is concerned that one or more of the licensing objectives are being undermined they may apply to the authority for a further review of the licence.

Right of Appeal:

A letter of decision shall be sent to all parties shortly after the meeting. Any party who wishes to appeal the decision has 21 days from the date of receipt of the letter to submit an appeal to Weymouth Magistrates Court, Westwey Road, Weymouth, DT4 8BS.

52. Urgent items

There were no urgent items

53. Exempt Business

This meeting contained no exempt business.

Duration of meeting: 10.00 am - 3.15 pm

Chairman

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