

DORSET COUNCIL - LICENSING SUB-COMMITTEE

MINUTES OF MEETING HELD ON FRIDAY 2 OCTOBER 2020

Present: Cllrs Jon Andrews, Emma Parker and Susan Cocking

Also present: Piers Warne (Solicitor for Punch Taverns) Glen Chadwick (DPS), Jason McKeon (Punch Taverns) and Julian James-Mobbs (Punch Taverns)

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

Philip Crowther (Legal Business Partner - Regulatory), Aileen Powell (Team Leader Licensing), Kathryn Miller (Licensing Officer), Jessica Dunning (Paralegal) and Elaine Tibble (Senior Democratic Services Officer)

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

Proposed by Cllr Andrews, seconded by Cllr Cocking.

Decision: that Cllr Emma Parker be elected Chairman of the meeting.

8. Declarations of Interest

Cllr Cocking declared that she had previously served with Mr Glen Chadwick as a Councillor on Portland Town Council about 5 years ago for approximately 6 months, she did not however socialise with him.

Cllr Parker declared that she had attended all the Dorchester town pubs with the Licensing team when they re-opened on 4 July 2020.

9. Review of Hardys, Dorchester

The Licensing Team Leader introduced the report for a review of the premises licence for Hardy's, 11 Trinity Street, Dorchester, DT1 1TU under section 51 of the Licensing Act 2003 on the grounds of public nuisance. The application has been out to public consultation and had attracted a number of representations which had been published on the website and circulated to the panel members.

Following a discussion between the Licensing Team Leader and the solicitor for Punch Taverns prior to the meeting an offer was made to add some extra control measures to the rather inadequate and unenforceable condition relating to noise currently in the licence. So that:-

No noise in the form of live or recorded music shall emanate from the premises nor vibration be transmitted through the structure of the premises

Would be amended to:-

No noise in the form of live or recorded music shall emanate from the premises nor vibration be transmitted through the structure of the premises which, when assessed by the DPS/ manager of the premises, would be likely to give rise to a public nuisance. A documented check will be undertaken at the beginning of any live music provided within the premises. The check will be undertaken outside the rear of the premises at the nearest point to residential property to ascertain that the volume is such that it is unlikely to cause a public nuisance. The check shall be recorded in a logbook and made available for officers from the responsible authorities on request.

The Chairman then confirmed that the panel members had received and read all the reports and the attendees were invited to set out their positions and the applicant and the licence holder were given the opportunity to ask questions of each other.

The applicant confirmed that there were issues with music from Hardys, but the main the problems arose from patrons leaving the pub at closing time when they tended to congregate in the street, smoking and socialising outside her residential property. This was mainly since the re-opening on 4 July, after the Covid shutdown. There was now an entry door to the pub and an exit door, the latter was the door closest to her building. She said that the music could be very loud ending at approximately midnight to half past. There were typically 20-30 people congregating and being noisy after closing time at around 0215 hrs to 0300 hrs and on occasion until 0345 hrs. She had to close the windows to her property during the hot summers months to stop smoke coming inside.

The Solicitor for Punch Taverns addressed the meeting stating that they did not want to be responsible for neighbour disturbance but there was no history of noise, nuisance, crime or disorder prior to 4 July 2020. The company wanted to work with residents and officers to find solutions to any problems and had already acted quickly in response to the issues raised. The recently appointed landlord had been in post for the busy Christmas and New Year which had passed without incident. Investments to make improvements to the premises had been carried out during lockdown which were alluded to in the Solicitor's statement. Due to the continued closure of nightclubs there had been an increased use of taxis outside of the premises at closing time as customers were not dispersing on exit and therefore loitering in the area.

With regard to the entry and exit doors it had been anticipated that the entry door being further away from the residential properties would cause less disruption to neighbours when patrons were queueing to enter the premises. This could possibly be changed. In relation to the incidents detailed in the reports there had been a number of pro-active measures put in place to stop escalations in the future and a number of suggestions had been offered including a last entry time and gradual dispersal of people exiting the premises.

As there had been no problems reported prior to the lockdown it should be assumed that the premises were well run. This had been a unique period of time due to Covid restrictions, so to remove the rights of the premises in these fluid and changing times was deemed to be unfair and the 10pm curfew currently in place should help matters.

The DPS asked that should the applicant have any problems in the future to please contact him in the first instance and he would work with them to rectify.

The CCTV footage was available should Licensing Officers wish to view it and the door staff were easily identifiable in Hi-Vis clothing. There were 16 cameras covering a wide area outside and within the premises, but none in the public alleyway as it was unlawful to install them in the public areas.

The applicant suggested that as there were no problems during the week that she would like to see an earlier closing time at the weekend. The Solicitor felt there was nothing pre-lockdown to suggest this was necessary and that Punch Taverns were considering extending their opening times in order to assist with the dispersal period.

All parties were then given the opportunity to sum up their cases.

The applicant relied on what she had already said in writing and at the meeting. She also questioned the ability for patrons to re-enter the premises via the exit door. The DPS advised that there was a porch area that could be entered but the exit door automatically closed and locked when the people left the pub.

The Solicitor for Punch Taverns re-assured those present that no one wanted to upset their neighbours and they had not been given chance to put things right prior to this review being requested. Punch Taverns had dealt with the complaints pro-actively and offered conditions to mitigate the concerns of neighbours. The Environmental Health Officer had visited the premises and was content with the adjustments that had been put in place and the speed at which these had been implemented. The Solicitor proposed the additional conditions be added and condition 8 be amended as suggested as an appropriate and proportionate response at this time.

In response, the applicant was understanding of the pub's predicament over Covid restrictions and was prepared to work with them, however she reiterated that the patrons did tend to flood out of the premises, make a lot of noise and linger outside for 30-40 minutes after closing.

The Licensing Team Leader welcomed the response from Punch Taverns and their willingness to solve the issues raised. These were unusual times and currently a 10pm curfew was in place, this could be the start of a different phase of engagement with the Punch Taverns, neighbours and Licensing Officers.

After confirming that all parties had had the opportunity to sum up their case the Chairman proposed that the panel go into Exempt business to make their decision.

In closing the public meeting the Chairman advised that the sub-committee would consider the information provided and the decision would be sent to all parties in writing within 5 workings. All parties had 21 days to appeal to the magistrates' court following the decision made by the sub-committee.

Exempt Business

Decision: That the press and the public be excluded for the following item(s) in view of the likely disclosure of exempt information within the meaning of paragraph 3 of schedule 12 A to the Local Government Act 1972 (as amended).

Committee Decision: The Sub-Committee decided that the premises licence for Hardys should remain in place and be amended by the addition of additional discretionary conditions which will be added to the licence when amended.

10. **Urgent items**

There were no urgent items.

Duration of meeting: 10.00 - 11.45 am

Chairman

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