

## **LICENSING SUB-COMMITTEE**

### **MINUTES OF MEETING HELD ON WEDNESDAY 21 JULY 2021**

**Present:** Cllrs Les Fry, Brian Heatley and Emma Parker

**Apologies:** Cllrs Jon Andrews

**Also present:**

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

Aileen Powell (Team Leader Licensing), Kate Critchel (Senior Democratic Services Officer), Lara Aintree (Senior Lawyer - Regulatory), Michael Hale (Senior Technical Officer) and George Dare (Democratic Services Officer)

**31. Election of Chairman and Statement for the Procedure of the Meeting**

Proposed by Cllr Parker, seconded by Cllr Heatley.

**Decision: That Cllr Fry be appointed Chairman for the duration of the meeting.**

**32. Apologies**

An apology for absence was received from Cllr Andrews.

**33. Declarations of Interest**

No declarations of interest were made at the meeting.

**34. Objections to Temporary Event Notices**

The Licencing Team Leader introduced the report for the Objections to Temporary Event Notices (TENs). The Applicant had withdrawn two TENs, prior to the Sub-Committee meeting, for the premises of Angola '76 and for Muston's Yard. The remaining TEN was for the off sales of alcohol and live music between the hours of 11.00 and 23.00 on the dates of 27, 28, and 29 August 2021. Environmental Health and the Applicant had not reached an agreement to modify the Notice, therefore the options available to the Sub-Committee were to either issue a counter notice or not issue a counter notice.

There were no questions of the Licencing Team Leader at this stage.

The Applicant, Mrs Francis, addressed the Sub-Committee and provided reasons for applying for the TEN and included reasons for withdrawing two of

the TENs. She informed the Sub-Committee that Angola '76 had closed, and that Muston's Café, Bar, and Grill would be opened on 23 July. This new venue would be a restaurant rather than a music venue which Angola '76 was previously.

The Sub-Committee asked questions of the Applicant. The questions related to the concerns raised in the objection, the number of people at the event, and the applicant's previous experiences of events. The Applicant responded to the questions and explained that:

- She aimed to open the new premises on 23 July and saw this meeting as an opportunity for Members to see how the venue has changed.
- Performers have been booked for this event
- There are various other events across Shaftesbury
- She had experience with event management plans, including noise management, but she had little time to prepare these plans for this meeting. She apologised for not preparing a noise management plan.

The Senior Technical Officer presented the case for the objection from Environmental Health. The objection highlighted the lack of a noise management plan which would have supported the applicant in demonstrating how they would protect residents from potential noise nuisance. He said that it was very likely the event would cause noise nuisance to residents due to the close proximity to them, and there have been noise issues in the past related to this area.

Members asked questions around the issue of noise nuisance. They were advised on how Environmental Health investigated noise complaints; the nature of other events at the Shaftesbury Fringe; and previous noise complaints within the vicinity of this proposed event.

All parties were given the opportunity to sum up their case.

The decision would be sent to all parties within 5 working days and all parties had the right to appeal the decision to the magistrates' court within 21 days.

### 35. **Urgent items**

There were no urgent items.

### 36. **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).**

The Sub-Committee retired to make their decision.

**Decision: That a Counter Notice be issued.**

Reasons for the Decision:

The Sub-Committee carefully considered all of the documents presented to it and the oral and written representations made by the parties. They had regard to the four Licensing Objectives, the Section 182 Statutory Guidance and the Dorset Council Statement of Licensing Policy 2021-2026.

The Sub-Committee heard from the Applicant who stated that she was very keen to take part in the Shaftesbury Fringe Festival this year, especially given the period that the hospitality industry had just been through. She had originally submitted three TENs but had withdrawn two of them leaving just this TEN which related to the car park area for the period from 27 to 29 August 2021 (11:00 to 23:00 hours each day). She explained that the event would involve live music and the sale of alcohol during those hours.

The Sub-Committee also heard from the Environmental Health Officer who stated that an objection notice had been submitted because the event would be held for a significant period, from 11:00 to 23:00 on three consecutive days (Friday, Saturday and Sunday) and that no noise management plan had been put in place to address the potential for public nuisance in terms of noise. They believed that due to the duration of the event, its timings and the proximity of neighbours it was likely that noise would be an issue and the licensing objective of the prevention of public nuisance would be undermined.

The Sub-Committee determined that it was appropriate for the promotion of the Licensing Objectives, and in particular the prevention of public nuisance, that a counter-notice should be issued. The Sub-Committee were concerned about the potential for noise nuisance for those people living in the area close to the car park, especially as the event was to take place over three consecutive days and for 12 hours each day, and no noise management plan had been put in place to seek to address any such issues. The Sub-Committee therefore considered that to approve the TEN would undermine the licensing objective of the prevention of public nuisance.

**Duration of meeting:** 2.00 - 2.40 pm

**Chairman**

.....