

LICENSING SUB-COMMITTEE

MINUTES OF MEETING HELD ON TUESDAY 9 NOVEMBER 2021

Present: Cllrs Susan Cocking, Mike Dyer and Emma Parker

Also present:

Applicants: Patrick Riley & Roland Merry

Licence holder: Christopher Henson-Ball

In Support of the review: Simon Cadde & Sally-Anne Hayes

Against the review: Phil Proctor, Andi Brocklehurst, Shaun Bracey, Andrew Perkins & Geoff Pruden

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

Elaine Tibble (Senior Democratic Services Officer), Lara Altree (Senior Lawyer - Regulatory) and Aileen Powell (Team Leader Licensing)

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

Proposed by Cllr Dyer, seconded by Cllr Cocking.

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

98. Apologies

There were no apologies.

99. Declarations of Interest

No declarations of disclosable pecuniary interests were made at the meeting.

100. Urgent items

There were no urgent items.

101. Application to review the Premises Licence of Ye Olde Two Brewers Inn, Shaftesbury

The Licensing Team Leader outlined the details of the application to consider a review of the licence for Ye Olde Two Brewers Inn. The current licence allowed music inside and outside the premises under the Live Music Act up until 11pm. The review was focused on the music that was played outside only and an Environmental Health Officer was in attendance at the sub-committee meeting to respond to any queries around noise.

The opportunity was then given sub-committee members, the applicants, the licence holder, those who had made representation and the Environmental Health Officer to ask questions of the Licensing Team Leader.

The applicants were invited to present their case for a review of the licence. They explained that they wished to support the pub but to reduce the noise and number of events held in the garden. Historically very few events had been held in the pub garden and they had not had an issue with noise in the past. However, over the last year they had experienced problems with noise from outside events in the pub garden which had restricted their ability to enjoy their gardens.

The opportunity was then given to sub-committee members, the Licensing Team Leader, the licence holder, those who had made representation and the Environmental Health Officer to ask questions of the applicants

Questions related to the equipment used by the applicants to monitor decibel levels, how noise levels were measured, evidence and dates, communications and the historical success and financial viability of the pub.

The licence holder then presented his case to the sub-committee. He advised that since taking over the pub he had acted appropriately and taken regular noise readings during events. He had joined Pub Watch and barred some problem people. He had been forced to have some events outside due to having been in a covid environment, some of those events were folk afternoons lasting no longer than two and a half hours. He had taken steps to advise the local community of events and generally outside music had ended by 10pm

The opportunity was then given to sub-committee members, the Licensing Team Leader, the Environmental Health Officer and those who had made representation to ask questions of the Licence holder.

Questions focused on the capacity both inside and outside of the venue, the number of events that were expected over the next year, the number of noise complaints received, the duration of events, how noise was monitored, how events were advertised, the age of patrons and the financial viability of the pub if outside events were prohibited.

Comfort Break 15;49 – 15;50

On returning the applicants put their questions to the licence holder. It was suggested that the licence holder be encouraged to make sure neighbours were made aware of forthcoming events by leaflet dropping, maybe having an email group and advertising on notice boards.

Those who had made representation were then invited in turn to put their cases forward.

After each representation, questions were invited from the sub-committee, the Licensing Team Leader, the applicants, the licence holder and the Environmental Health Officer.

Comments and discussion from those supporting the review focused on the amplified music, the timings of and number of events which had affected some residents and their desire to restrict the number of times music was allowed in the pub garden. From those objecting to the review it was pointed out that many local residents had enjoyed the events and the pub was safe and inclusive. Live music was welcomed in the encouragement of diversity and inclusion across a large age range, it was good for the community and it was a question of balance.

Following representations all attendees were invited to ask questions of the Environmental Health Officer. The Environmental Health Officer advised that evidence obtained from noise recording equipment that had been installed did not amount to a statutory noise nuisance.

Following questioning all participants were given the opportunity to sum up their cases. Prior to retiring to make their decision the Chairman asked Dorset Council's Senior Lawyer to confirm that all points had been covered.

102. **Exempt Business**

Proposed by Cllr Cocking, seconded by Cllr Dyer.

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).

Decision: To make the statement that in accordance with Sections 177(A)(3) and 177(A)(4) of the Licensing Act 2003 that the deregulation provisions set out in Section 177A of the Licensing Act 2003 do not apply to the garden area of the premises.

And to add the following five conditions to the Premises Licence:

1. The Premises Licence Holder will take noise readings every 60 minutes in the outside area when events are held that include music (live or recorded). A written log shall be kept of those readings and the log shall include the location where the readings were taken. The log shall be made available for inspection by relevant officers e.g. Environmental Protection Officer or Licensing Officer. The deregulation provisions set out in Section 177A of the Licensing Act 2003 do not apply to this condition.

2. Events involving live or recorded music in the garden area shall not be held on consecutive weekends, except for events during the Shaftesbury Fringe Festival weekend. The deregulation provisions set out in Section 177A of the Licensing Act 2003 do not apply to this condition.
3. The Premises Licence Holder shall provide a point of contact for complaints (telephone number and email address) and a written log shall be kept of those complaints to be made available for inspection by relevant officers e.g. Environmental Protection Officer or Licensing Officer. The deregulation provisions set out in Section 177A of the Licensing Act 2003 do not apply to this condition.
4. The Premises Licence Holder shall notify neighbours by email of music events to be held in the garden area where email addresses are supplied to the Premises Licence Holder. The deregulation provisions set out in Section 177A of the Licensing Act 2003 do not apply to this condition.

And to amend the final condition in Annex 2 of the Premise Licence to read as follows:

5. Live or recorded music in the garden will end at 22:30hrs. The deregulation provisions set out in Section 177A of the Licensing Act 2003 do not apply to this condition.

Duration of meeting: 2.00 - 6.17 pm

Chairman

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