

LICENSING SUB-COMMITTEE

MINUTES OF MEETING HELD ON THURSDAY 28 OCTOBER 2021

Present: Cllrs Susan Cocking, Emma Parker and Kate Wheller

Also present: Peter Ravenscroft (Licence Holder); Craig Horton (Applicant) and J Bean (Dorset Police)

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

Philip Crowther (Legal Business Partner - Regulatory), Roy Keepax (Licensing Officer), Aileen Powell (Team Leader Licensing), Jane Williams (Team Leader - Public Protection) and Denise Hunt (Democratic Services Officer)

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

Proposed by Cllr Kate Wheller, seconded by Cllr Susan Cocking.

Decision: That Cllr Emma Parker be elected Chairman for the meeting.

86. Apologies

No apologies for absence were received at the meeting.

87. Declarations of Interest

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

88. Urgent items

There were no urgent items.

89. Objections to Temporary Event Notice

The Licensing Team Leader introduced the report concerning objections to a Temporary Event Notice (TEN) for No. 10 Café Bar in Bridport sent by Environmental Health and Dorset Police.

The TEN applied for was to extend the premises licence from 02:00 and 04:00 on Saturday 30 and Sunday 31 October 2021 for the sale of alcohol on the premises, regulated entertainment and late night refreshment for 60 people.

The Licensing Team Leader advised the sub-committee of the three options it could take:-

1. issue a counter notice for the event which will not allow it to occur.
2. issue a Statement of Conditions setting out any conditions from the relevant remises licence that are to be imposed on the TEN
3. not to issue counter notices and allow the event as applied for.

The TEN could not be modified and did not automatically attach the conditions of the premises licence.

To provide some context she stated that there had been 941 TENs applications during the past year, of which Dorset Police had objected to 3 and Environmental Health to 4, not including this application.

There were no questions from the Sub-Committee, Environmental Health Team Leader, the Licensee or Dorset Police for the Licensing Team Leader.

The Licensee was given an opportunity to present his case.

Questions from the Sub-Committee to the Licensee and applicant included questioning the need for 2 nights of Halloween celebrations; the nature of the musical entertainment; the outstanding noise complaint; whether the event was ticketed; numbers of staff and entertainers; entry / re-entry restrictions; customer demographic and dispersal arrangements.

The Licensing Team Leader, Environmental Health Team Leader and Dorset Police were given the opportunity to ask questions of the Licensee.

There were no questions from the Dorset Police for the Licensee or Applicant. However, the Environmental Health Team Leader asked how music levels were currently monitored.

The Environmental Health Team Leader put forward her case, advising the Sub-Committee that a noise abatement notice had recently been served on the premises on 18 October 2021 due to poor controls of music. A previous complaint made in 2018 had occurred before the current Licensee purchased the business.

The Sub-Committee, Licensing Team Leader, Licensee and Dorset Police representative were invited to ask questions of the Environmental Health Team Leader.

In response to a question by a member of the Sub-Committee, she clarified that the complaint was against the premises licence rather than arising as a result of a TENs and that investigations had taken place and further investigations would be carried out if more complaints were made following the notice.

The Applicant asked for further detail about the noise complaint and was advised that a number of instances of noise nuisance had been recorded and observed by officers over a period of time rather than a singular occurrence.

There were no questions from the Licensing Team Leader or Dorset Police representative for the Environmental Health Team Leader.

The Dorset Police representative presented his case to the Sub-Committee on behalf of Sergeant Gosling who had served the objection and was unable to attend the meeting.

The Sub-Committee, Licensing Team Leader, Licensee and Environmental Health Officer were invited to ask questions of the Dorset Police representative. The Licensee asked for and was given further clarification regarding the objection by Dorset Police.

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

90. **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).

Decision: To Issue a Counter Notice

Reason for Decision:

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

The Sub-Committee heard from Mr Horton (applicant) and Mr Ravenscroft (a director of the business), who stated that they wanted the additional 2 hours on the mornings of 30 and 31 October under the TEN for a Halloween event at the premises. Mr Ravenscroft explained that they had run Halloween events at another premises for a number of years and wanted to continue that having purchased No 10 Café Bar earlier this year. Mr Ravenscroft and Mr Horton said that they would comply with the license conditions during the additional hours and had stated so on the TEN. Mr Ravenscroft said that he was not aware of the 2018 noise complaint and taking the recent noise complaint seriously. He is trying to work out how to control noise from the premises and is considering a temporary porch structure for inside the front door; but is finding it difficult because the building is listed. He stated that music would be turned down after 2am. He also thought that later opening would help dispersal of customers because they were likely to leave gradually after 2am rather than leave on mass at 4am.

Mr Horton said that he uses a sound meter to measure sound levels outside the premises every hour and more often if he could. He has a rough idea of the normal background noise level and tried to keep the difference to between 5 and 10 dB above that and he did not know whether the sound meter was A weighted or Fast weighted.

The Sub-Committee heard from Jane Williams from Dorset Council's Environmental Protection Team, who stated that an objection notice had been submitted due to ongoing noise complaints received about the premises from people living nearby which had resulted in a noise abatement notice being issued on 18 October 2021. The notice had been served due to the poor control of music and voices which she said reflected on the management of the premises. The Environmental Protection Team were concerned that the TEN is for two consecutive nights until the very early hours. Mr Horton asked whether the noise abatement notice could relate to a particular DJ who had refused to turn down his music so that the premises no longer employed him. Ms Williams explained that the noise abatement notice had been served after a number of incidents and not a one-off event.

The Sub-Committee heard from John Bean from Dorset Police, who referred to the written objection from Sgt Gosling and stated that an objection notice had been submitted due to concern that if the event went ahead the premises license conditions should be imposed and a hearing following an objection is the only way to achieve this.

The Sub-Committee was concerned about the very recent service of a noise abatement notice on the premises. The Sub-Committee was further concerned that no active steps had been taken or were being undertaken to mitigate the noise impacts from the property in the light of the noise abatement notice.

The Sub-Committee considered that given the information put forward by Dorset Police and particularly the Dorset Council Environmental Protection Team, it was appropriate to issue a Counter Notice in this instance. To allow the event to go ahead would undermine the licensing objective of the prevention of public nuisance. The Sub-Committee took account of the comments from Jane Williams about the noise abatement notice and the event extending until 4am for two consecutive nights. The Sub-Committee considered that there was a high risk that people living in the neighbouring properties would be subject to noise nuisance, including from customers using the outdoor area, into the very early hours of Saturday and Sunday mornings.

Any party wishing to appeal the decision had 21 days from the date of receipt of the decision notice to submit an appeal to Weymouth Magistrates Court. However, no appeal could be brought later than five working days before the day on which the event period specified in the temporary event notice began.

Duration of meeting: 10.00 to 11.00am

Chairman

.....