

LICENSING SUB-COMMITTEE

MINUTES OF MEETING HELD ON TUESDAY 21 DECEMBER 2021

Present: Cllrs Jon Andrews, Les Fry and Emma Parker

Also present: Representative of Respect Weymouth, Martin Rollings (Licence Holder), David Nunn, Cindy Ellery, Paul Avis and Simon Litster.

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

Lara Atree (Senior Lawyer - Regulatory), Aileen Powell (Team Leader Licensing), Elaine Tibble (Senior Democratic Services Officer), Steven Ireland (Environmental Health Officer), Hannah Massey (Lawyer - Regulatory) and Jane Williams (Team Leader - Public Protection)

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

Proposed by Cllr Fry, seconded by Cllr Parker

Decision: that Cllr Jon Andrews be appointed as Chairman for the duration of the meeting.

112. Declarations of Interest

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

113. Urgent items

There were no urgent items.

114. Application to Review the Premises Licence of the Duke of Cornwall, Weymouth

The Licensing Team Leader outlined the details of the application, there had been no withdrawn representations. She advised that a license on any premises was granted for the life of the premises and a review process was there to act as a check, it enabled requests to be made for a Licensing Authority to consider a license, anyone could apply for a review of a premises licence at any time.

A review had been applied for from Respect Weymouth, officers had a list of the members supporting the review including names and addresses.

The reasons for the review sited in the application were the prevention of public nuisance and the protection of children of harm. The protection of

children from harm in this case related to the harm caused by the alleged public nuisance to those living in nearby residential properties.

Attendees were invited to ask questions of the Licensing Team Leader

There were no questions from the sub-committee or The Representative of Respect Weymouth.

The Licence Holder questioned what constituted the protection of children from harm as noise nuisance was not a valid reason for the review. He had done considerable research. In response to his question the Licensing Team Leader referred to the guidance all being incorporated within the report and specifically the source of the guidance which was section 182 guidance issued by the Home Office.

There were no questions from the Senior Technical Officer for Environmental Protection or those who had made representation.

The Representative of Respect Weymouth (the Applicant) was invited to put his case forward.

He wanted to make the group's intentions clear, they were not trying to close any venue down or drive live music out of town, not limited to one person, nor a serial complainer, there was no vexatious motivation. They were just trying to ensure that residents and children in noise sensitive properties were not continually affected by the impact of noise.

He gave details of who the group were, the background of those effected and the issues of noise nuisance. He gave details of the results of a survey completed by a number of effected households.

Respect Weymouth had suggested a number of conditions that could be applied to the licence including noise limits.

Attendees were invited to ask questions of The Representative of Respect Weymouth.

There were no questions from the Sub-Committee, Licensing Team Leader, the Licence Holder or the Senior Technical Officer for Environmental Protection.

The Senior Technical Officer for Environmental Protection was invited to address the Sub-Committee.

He stressed that it was not Environmental Protection's intention to close licenced premises and that they always tried to work with the Licence Holders.

Licensing Officers had vised the pub in May this year to discuss the previous history of the venue. The Licence Holder's plans for live music were understood but had to be controlled.

Attendees were invited to ask questions of the Senior Technical Officer for Environmental Protection.

In response to a question from Respect Weymouth regarding noise levels, the Senior Technical Officer for Environmental Protection advised that internal noise levels could be monitored and that if taking noise monitoring into consideration, recommendations were made regarding a Noise Management Plan then assessments would be ongoing.

The Licence Holder was invited to ask questions of Senior Technical Officer for Environmental Protection, who confirmed that there is not a legal limit in law for noise limits, it was down to a subjective assessment at the time.

10:54 to 11:00 The Sub-Committee adjourned for a comfort break.

On returning the Licence Holder was invited to put his case forward. He felt that he was the victim of a vindictive attack and was concerned that the Respect Weymouth Representative had been given anonymity. He considered that there was a bias in The Representative of Respect Weymouth's favour. He stressed that he and his partner had no criminal record and Dorset Council putting a notice on the premises stating protection of children from harm as a reason for the review, was a defamation of his character for which he had logged a complaint against Dorset Council. He said that 3000 people had signed a petition in support of the pub.

Attendees were invited to ask questions of the Licence Holder.

In response to a question regarding what had been done about the noise levels emitted from the Duke Of Cornwall, the Licence Holder had taken several measures including making the entrance doors self-closing and keeping them shut during live performances, there were signs up asking performers to keep noise levels reasonable, the windows did not open, he had sound monitoring equipment and checked noise levels. He had invited the Senior Technical Officer for Environmental Protection to visit the venue to see the measures that had been taken.

The Licence Holder had been managing the pub since 30 September 2020, but had been performing in pubs all life, including in the Duke of Cornwall for 8 years both as a soloist and in bands – nothing had changed there. He could not tell the sub-committee the capacity of the premises and stated that he used his common sense to monitor and ensure against over-crowding. The Licence Holder advised that a number of local residents had come forward and supported the venue saying that they had no issue with noise and were not connected with any complaints. There were no door staff employed due to costs involved and being a small pub, they did not tend to attract much trouble.

The Team Leader for Environmental Protection was in attendance and also addressed the sub-committee on a point of clarity. A number of officers had looked at the noise levels, not just one. Noise levels had been looked at both externally and internally in a noise sensitive premises which was why Environmental Protection had supported the review. Children were harmed

through lack of sleep not just volume, there was medical evidence that they used in their subjective assessments. In response to a question from the Team Leader for Environmental Protection, the Licence Holder advised that his partner monitored the sound when he was playing and they monitored noise levels between them. He felt that a level of 55 decibels was unachievable in the area and tended to be at least 70 decibels on a night-time, having checked the area himself.

Those who had made representation were invited to address the sub-committee and ask questions.

All parties were then given the opportunity to sum up their cases and the chairman confirmed that all parties had been given the chance to have their say before retiring to make their decision.

115. **Exempt Business**

Proposed by Cllr Andrews, seconded by Cllr Fry

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 amend the hours that recorded or live music may be played at the Premises as follows:

Performance of Live Music (indoors) and playing of Recorded Music (indoors)

Monday to Thursday	11:00 to 23:00
Friday and Saturday	11:00 to 01:00
Sunday	11:00 to 22:00
Bank Holidays	11:00 to 01:00
New Year's Eve	11:00 to 02:00
Christmas Eve	11:00 to 02:00

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 premises. Condition 1 in Annex 2 of the Premise Licence will therefore be amended to read as follows:

1. There will be no external loudspeakers. The deregulation provisions set out in Section 177A of the Licensing Act 2003 do not apply to this condition.

To remove Condition 2 in Annex 2 of the Premises Licence which states that 'noise from a licensable activity at the premise will be inaudible at the nearest

noise sensitive premises', and to replace it with the following conditions 2 and 3:

2. A Noise Management Plan (NMP) shall be produced by a suitably qualified acoustic consultant and submitted to Dorset Council within 3 months of the date of the review hearing. The NMP must detail the potential for noise from live and recorded music at the Premises to affect noise sensitive premises in Helen Lane and Maiden Street. If the assessment indicates that noise from the Premises is likely to affect the noise sensitive properties, then it shall include a detailed scheme of noise mitigation measures to show that nuisance will not be caused to the occupiers of those noise sensitive properties from noise from the Premises. The deregulation provisions set out in Section 177A of the Licensing Act 2003 do not apply to this condition.
3. The manager, Premises Licence Holder or other competent person shall take noise readings when live or recorded music is being played at the Premises after 21:00 hours, in order to establish whether there is a noise breakout from the Premises. Noise readings must be taken at intervals of 90 (ninety) minutes at the corner of Helen Lane and Maiden Street at the façade of the nearest residential premises. If the observation reveals noise breakout at a level likely to cause disturbance to the occupants of properties in the vicinity, then the volume of music shall be reduced to a level that does not cause disturbance. A record of such noise recordings shall be kept in a book for that purpose, such a book shall be completed immediately after the observation detailing the time, location and duration of the observation, the level of noise breakout and any action taken. The book must be made available for inspection by an authorised officer of the Council or Police Officer on request. The deregulation provisions set out in Section 177A of the Licensing Act 2003 do not apply to this condition.

To add the following condition to the Premises Licence:

4. All doors and windows must remain closed whilst live or recorded music is being played. The deregulation provisions set out in Section 177A of the Licensing Act 2003 do not apply to this condition.

Duration of meeting: 10.00 am - 12.50 pm

Chairman

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