

LICENSING SUB-COMMITTEE

MINUTES OF MEETING HELD ON FRIDAY 30 SEPTEMBER 2022

Present: Cllrs Les Fry, Emma Parker and Kate Wheller

Apologies: -

Also present:

Speakers for applicant - Robert Botkai (Solicitor for Loungers), Kieron Butcher Regional Operations Manager, Alexia Kaziani Operations Manager

Objectors - Robert Rodway, Andrew Kelley and Valerie Kelley

Officers present (for all or part of the meeting): Kathryn Miller (Senior Licencing Officer), Darren Naraine (Environmental Health), Louise Joiner (Environmental Health), Lara Aintree (Solicitor), David Northover (Democratic Services Officer) and John Miles (Democratic Services Officer Apprentice)

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

In being proposed by Cllr Emma Parker, and seconded by Cllr Les Fry, it was

Resolved

That Cllr Kate Wheller be elected Chairman for the meeting.

Cllr Weller provided the meeting with a statement for the procedure of the meeting.

66. **Apologies**

No apologies for absence were received at the meeting.

67. **Declarations of Interest**

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

It was confirmed that all of the Sub-Committee had taken the opportunity to visit the site – to familiarise themselves with it - prior to the meeting.

68. **Urgent items**

There were no urgent items for consideration.

69. **Application for a New Premises Licence for Piazzo Lounge, 4-5 The Square, Wimborne**

The Licensing Officer outlined the application for a new Premises Licence for Piazzo Lounge, 4-5 The Square, Wimborne and the activities and times being applied for - which were to permit the:

Supply and sale of alcohol (on the premises only)

- External areas Monday to Sunday - between 10:00 to 22:00 hours
- Internal Areas Monday to Sunday - between 10:00 to 23:00 hours
- New Year's Eve/New Year's Day – from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day.

The application being sought had been revised from the original application so as to seek to address some of the issues raised in the representations received to the formal consultation.

The Sub-Committee was addressed by the Senior Licensing Officer who outlined her report. The original application had sought a licence for the sale of alcohol on the premises every day from 10:00 to midnight, together with late night refreshment from 23:00 to 00:30 each day, with additional hours for New Year's Eve and New Year's Day.

The Officer stated that the Dorset Council Environmental Protection Team, as a Responsible Authority, had submitted a representation relating to potential noise nuisance due to the proximity of residential dwellings. The Licensing Officer explained that following discussions between the applicant and the Environmental Protection Team, the applicant proposed an amendment to their application to reduce the alcohol sales to 23:00 rather than midnight each day, to remove late night refreshment completely and to render all outside tables and chairs unusable after 22:00 each day. The Operating Schedule was also slightly amended to reflect this. However, the concerns of the Environmental Protection Team regarding the use of the external areas were not alleviated and the representation was not withdrawn.

The Sub-Committee was advised that three representations were received from members of the public, (including the Wimborne Residents' Action Group) relating to noise and anti-social behaviour. The representations referred to the use of the external space, formerly parking spaces, as a beer garden and the external area to the front of the premises and the potential for noise nuisance for the residents of dwellings nearby. It was suggested that due to the nature of the area there was no effective way of mitigating the nuisance and a request was made to reduce the timings for the sale of alcohol to 23:00 and for the external space not to be used.

The Sub-Committee was addressed by an officer from the Dorset Council Environmental Protection Team. He stated that a representation had been made in relation to the licensing objective of the prevention of public nuisance, relating to noise. Discussions had been held with the Applicant, following which the hours had been reduced and some concerns had been alleviated,

but the main concern was the use of the outside area at the rear of the premises. The officer felt that the noise from customers using the outside area at the front of the premises would not be a significant issue as the area was within the town square, which was already noisy from people and traffic. The external area to the rear of the premises however was very quiet and there was a risk that residents would be disturbed by noise from people using this outside area. He stated that he had asked the applicant to undertake a noise assessment for the external area to the rear of the premises which would have shown the background levels, but this had not been done.

In response to questioning the officer stated that he had considered that 6pm might be a suitable time for the rear external area to stop being used but on reflection he was not sure that any time would be acceptable, given that thirty to forty people could make a significant noise. The officer agreed that the town changed at night and there were noise issues when people left the pubs on a Friday night.

The Sub-Committee heard from Mr Rodway who had submitted a representation relating to noise and disturbance. Mr Rodway stated that the premises were the closest to his home and forty people using the external area to the rear of the premises would potentially cause a lot of noise. He explained that he already suffered noise disturbance from the Weatherspoon's premises at the back of his property and his side windows overlooked the proposed beer garden. He needed to be able to open those windows in the summer months. Mr Rodway stated that the premises had more rooms upstairs that the company was proposing to mothball, but those rooms could be used as additional space for customers instead of using the outside area. He questioned why they needed to have two external areas. Mr Rodway said he was not against the company or the concept of the premises to be used as a café, it was simply the potential for noise disturbance from the use of the outside area at the rear of the premises. Mr Rodway thought the addition of conditions requiring customers to be quiet when using the external area was a good idea, but in reality, people wouldn't read them.

The Sub-Committee heard from Mr Kelly who had submitted a representation relating to noise and disturbance. Mr Kelly explained that his home directly overlooked the external area to the front of the premises, and he did not agree with the Environmental Protection Officer that the external area at the front was any different to that at the rear of the premises in terms of noise. Mr Kelly stated that during the day they currently had no issues with noise, but in the evening the area changed in character. From about 7pm, particularly on Friday and Saturday, people started moving from pub to pub and noise levels rose. Mr Kelly stated that the addition of another outside area would have a real impact on people living overlooking the area, but if the use of the area was limited to up to 6pm each day he would be willing to withdraw his representation.

The Sub-Committee was addressed by Mr Botkai solicitor for the applicant. Mr Botkai stated that his client had 172 premises of a similar type around the country and was experienced at operating them successfully without complaints from neighbours. The premises would be food led (family dining)

with background music only, the venue would not be a pub and would not have vertical drinking. Mr Botkai stated that whilst a customer could purchase alcohol on its own, the premises would not be the cheapest venue for alcohol and would very much be a restaurant/café with people having a meal with a drink.

Mr Botkai stated that, apart from Environmental Protection, none of the other Responsible Authorities had made any representations. He accepted that the main point of contention was the external area to the rear of the premises, and he explained that in response to the representations his client had completely removed late night refreshment from their application, reduced the hours that the outside areas would be used, and customers would not be able to exit the premises to West Borough. He explained that the use of the outside area was critical to the success of the business as people wanted to be able to eat outside. He believed that ceasing the use of the external areas at 10pm was reasonable and proportionate, but any earlier would have an adverse effect on the viability of the business, with customers needing the opportunity to finish their meals. His client fully accepted that they needed to be considerate to residents living nearby and they wanted to be a positive addition to the Square. They were very happy to provide a contact telephone number for residents and to meet quarterly in the first twelve months of operation to discuss any issues.

In response to questioning, Mr Botkai said his client had operated premises in Bournemouth near to residential buildings for approximately 10 years, where the outside areas were not used after 10pm and no complaints had been made. It was explained that the rear outside area was anticipated to accommodate between 30 and 40 people and the space at the front about 20 to 30 people.

Mr Botkai stated that he did not consider that the area to the rear of the premises was entirely silent, there was a pub further down the road and outside dining was already happening in the area. Mr Botkai reiterated that the premises would not be a late-night venue and would be very much food led. In his view, the rear outside area was still part of the town centre and although it could potentially accommodate 40 people, it was unlikely to be full all the time. He accepted that residents were concerned about what might happen, but his client had not experienced issues elsewhere. As they were investing considerable capital in the premises it was in their interests to ensure all was done to make it work as well as it could and were aware that, if noise did become a concern, local people could ask for the premises licence to be reviewed.

The Sub-Committee carefully considered all the documents presented to it and the oral and written representations made by the parties. They considered the Licensing Act 2003, the Licensing Objectives, the Section 182 Statutory Guidance, and the Dorset Council Statement of Licensing Policy 2021.

The Sub-Committee was pleased to hear that the applicant had sought to amend their application to address concerns raised by the Responsible

Authority and members of the public, however, it was clear that concerns remained in relation to anticipated noise/anti-social behaviour from the use of the external areas.

The Sub-Committee took full account of the points raised by the members of the public and the Responsible Authority, together with the business requirements of the applicant. The Sub-Committee recognised that town centres had changed and there was more use being made of outside areas for dining. Its considerations in coming to a decision were about:-

- noise and disturbance;
- the capacity of the venue;
- waste collection arrangements;
- what the operations and service of the establishment would be;
- usage of the outside areas – the purpose and need;
- how outside furniture would be managed to ensure it could not be used after the stipulated time;
- the timings of the licence and what was reasonable and proportionate;
- what the business model was of the company in running such premises.

All parties were provided with the opportunity to sum up. The Sub-Committee was keen to remind the parties that should any issues be experienced it was possible to seek a review of a premises licence.

The Sub-Committee then retired to make their decision.

Resolved

That it was reasonable and proportionate to grant a Premises Licence, but to restrict the use of both outside areas to 10pm and to apply conditions to the licence to seek to address the potential for noise nuisance.

The Sub-Committee welcomed the offer by the applicant to make a telephone number available for residents to use if any issues arose and to have quarterly meetings with residents in the first 12 months of operation, and those matters form part of the conditions.

The Sub-Committee felt that the applicant had a track record of running successful premises, including those near dwellings, and they were fully aware of the consequences for them if noise became an issue for their neighbours.

The Sub-Committee felt reassured that the applicant would be considerate towards their neighbours and would seek to resolve any issues in a positive manner, but this was reinforced by the imposition of relevant conditions.

The Sub-Committee felt that the quarterly meetings would be particularly important and encouraged the applicant to work with the residents to consider any further steps that could be taken.

70. **Supplement**

There was no significant supplementary information raised at the meeting.

71. **Exempt Business**

There was no exempt business for consideration.

Duration of meeting: 1.00 - 3.00 pm

Chairman

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