

LICENSING SUB-COMMITTEE

MINUTES OF MEETING HELD ON WEDNESDAY 27 SEPTEMBER 2023

Present: Cllrs Derek Beer, Susan Cocking and Emma Parker

Also present: Cllr David Gray

Mr Kevin Miles, (applicant for the review), Mr Piers Warne, (Solicitors for Punch Taverns), Mr Joseph and Mrs Jacqueline Swindell (Licensees), Mr and Mrs Jane Gibbs, Mr William and Mrs Patricia Hayward, Mr Mike and Mrs Rachel Rogers, Ms Jennifer Long, Mr Peter Cleary, Ms Nicola Goldman, Ms Debbie Ruddock and Ms Donna Slade

Also present remotely: Mr Kevin Foskett

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

Elaine Tibble (Senior Democratic Services Officer), Lara Altree (Senior Lawyer - Regulatory), Aileen Powell (Licencing Team Leader), Kathryn Miller (Senior Licensing Officer), Hannah Massey (Lawyer - Regulatory), John Miles (Democratic Services Officer), Susan Ashford (Environmental Health Officer) and Jane Williams (Environmental Protection Team Leader)

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

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

Proposed by Cllr Beer, Seconded by Cllr Cocking

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

94. **Apologies**

Apologies for absence were received from Cllrs Paul Harrison and Sarah Williams, substituted by Cllrs Susan Cocking and Derek Beer.

95. **Declarations of Interest**

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

96. **Urgent items**

There were no urgent items.

97. **Application to Review the Premises Licence for Royal Oak, 52-54
Dorchester Road, Weymouth**

The Senior Licensing Officer presented the report and outlined the details of the review. The sub-committee were advised that there had been no representations from Environmental Protection, but they had made some comments and suggestions. No other responsible authorities had made representation. Licensing had received 9 representations in support of the review, 113 representations in support of the premises and representations from both the two Ward Members.

The Senior Licensing Officer outlined the options available to the sub-committee,

All parties were given the opportunity to ask questions of the Senior Licensing Officer. In response to those questions, no concerns had been raised about the premises prior to the review request but there had been since it had been submitted. The Licensing Team Leader gave an explanation to the 2012 Live Music Act and its impacts on what was permitted in the garden area.

Mr Miles, the applicant for the review outlined the background of his case. He explained that since 2021 when covid restrictions were lifted, the premises had organised outdoor events. These commenced mid-April and ran until mid-October, mostly every Sunday, with end times occasionally running on past 6pm. Additionally, events were held on Friday and Saturday nights, these tended to be private family events.

The applicant described how the music intrusion dominated his life, however, he was not opposed to the events taking place, it was purely the volume of music that he objected to. He requested that the volume be limited and the duration of the live music sessions be set to a maximum of 2.5 hours including breaks for the band and a possible over-run of the set.

All parties were given to opportunity to ask questions of the applicant. In response Mr Miles advised that he had not had a dialogue with the premises directly, he had tolerated the noise up until the date in July when there had been three days of events in succession which prompted him to apply for the review. As far as Mr Miles was aware all the events were outside during the summer months and inside only during the winter. The noise issues only arose on Friday, Saturday and Sunday.

Mr Warne the Solicitor for Punch Taverns on behalf of Punch Taverns put the case forward for the premises starting with an overview of the legal position and the clarification of public nuisance. Mr Swindell the Designated Premises Supervisor (DPS) apologised for the events in July which had led to the applicant requesting a review, he had no plans to do any further private events outside. He did, however wish to continue the public outdoor events as these had proved to be very popular with the community.

The Solicitor for Punch Taverns stressed that they wanted to strike the balance and touched on some suggestions within the conditions including a Noise Management Plan to be agreed with Environmental Protection. There would be

no private events outside and the number of public events would be limited so that there would not be an event on all three days of the weekend.

All parties were given to opportunity to ask questions of the Solicitor for Punch Taverns and DPS.

Members were advised that the premises had been run by Punch Taverns Ltd since the 1990's and that the current DPS had been running the Royal Oak for 3 years. The event on 21-23 July had been organised for a customer's 60th birthday, a band had been booked and family had stayed in their accommodation. They had not received any complaints over the weekend but having since found out how unpopular this event had been they had no intentions of holding any more.

The Environmental Protection Team Leader clarified the process for a NMP, and the mechanisms for investigating or bringing a review.

Those supporting the review were invited to add to their representations, following which those supporting the Royal Oak were invited to address the meeting. All parties were given the opportunity to ask questions of each other.

All parties were invited to sum up their cases before the sub-committee retired to make their decision.

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 external area of the Premises.

And to add the following conditions to the Premises Licence:

1. No recorded music shall be played in the external area of the premises. The deregulation provisions set out in Section 177A of the Licensing Act 2003 do not apply to this condition.
2. No regulated entertainment shall take place in the external area of the premises between 1 October and 1 May, with the exception of the Easter Bank Holiday weekend. The deregulation provisions set out in Section 177A of the Licensing Act 2003 do not apply to this condition.
3. Live music in the external area of the premises shall only be permitted on a Friday, Saturday and Sunday. The deregulation provisions set out in Section 177A of the Licensing Act 2003 do not apply to this condition.
4. Live music events on a Friday shall be limited to 1 event of up to 2.5 hours ending no later than 21:00 hours and a maximum of 1 event per month. The deregulation provisions set out in Section 177A of the Licensing Act 2003 do not apply to this condition.
5. Live music events on a Saturday shall be limited to 1 event of up to 2.5 hours ending no later than 17:00 hours and a maximum of 1 event per month. The deregulation provisions set out in Section 177A of the Licensing Act 2003 do not apply to this condition.
6. Live music events on a Sunday shall be limited to 1 event of up to 2.5 hours, ending no later than 18:00 hours, except on a Sunday preceding a Bank Holiday Monday where 2 events of up to 2.5 hours will be permitted ending no later than 21:00 hours. The deregulation provisions set out in Section 177A of the Licensing Act 2003 do not apply to this condition.

7. No Friday and Saturday live music events shall be permitted on consecutive days. The deregulation provisions set out in Section 177A of the Licensing Act 2003 do not apply to this condition.
8. All events will be clearly advertised on social media and notified to residents by email 14 days in advance for any resident wishing to receive notification and providing an email address for contact. The deregulation provisions set out in Section 177A of the Licensing Act 2003 do not apply to this condition.
9. An external area music management plan ('the Plan') will be drawn up and agreed by the Council's Environmental Protection Team and implemented at the premises before any live music events take place in the external area. The Plan will set out the following:
 - Checks to be completed prior to musicians playing (including musician having agreed to reduce volumes if required by DPS/ manager)
 - Positions for monitoring music levels during sound check or if no sound check during first 20 minutes of performance
 - Method for checking likelihood of levels being considered a public nuisance
 - Method for recording check
 - Requirements for dealing with complaints

The Plan will be updated periodically and in line with changes in best practice. Where significant changes are proposed to the Plan a new plan will need to be drawn up and agreed with the Council's Environmental Protection Team. The Plan will be made available to officers from the Council's Environmental Protection and Licensing Teams to inspect. The deregulation provisions set out in Section 177A of the Licensing Act 2003 do not apply to this condition.

At the start of any external music event, sound checks will be carried out at locations in the vicinity of the premises as set out in the external music management plan. The person undertaking the checks will ensure that the levels are such that in their opinion they are unlikely to be considered a public nuisance. If required, the levels shall be reduced and re-checked to ensure that they comply with this condition. Such plan to be agreed with the Council's Environmental Protection Team. The deregulation provisions set out in Section 177A of the Licensing Act 2003 do not apply to this condition.

10. The Premises Licence Holder shall provide a point of contact for complaints (telephone number and email address) and a complaints log will be maintained at the premises and any complaints received will be recorded therein. As a minimum the log will record: date and time of the complaint, name of the complainant (if known), description of complaint and any remedial action taken. The complaints log will be made available to officers from the Council's Environmental Protection and Licensing Teams to inspect. The deregulation provisions set out in Section 177A of the Licensing Act 2003 do not apply to this condition.

98. **Exempt Business**

There was no exempt business.

Duration of meeting: 10.00 am - 1.00 pm

Chairman

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