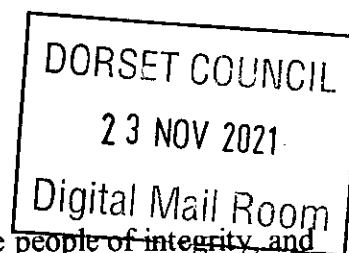


22/11/21

Response by Martin Rollings and Christine Hearn
to the current License review for the Duke of Cornwall



We urge the deciding panel to read and digest this response thoroughly. We are people of integrity, and despite repeated attempts by [REDACTED]/RW to sully our names, the following is an honest and accurate response.

The parties involved:

Martin Rollings and Christine Hearn

Landlord and Landlady of The Duke of Cornwall Pub (DoC) since 30/09/20. A well established and popular pub which has hosted live music for several decades.

“Respect Weymouth (action group)” (RW)

A self-proclaimed “action group” with an undisclosed number of anonymous members who have and continue to lodge numerous complaints about hospitality venues and takeaway outlets in the Helen Lane area of Weymouth. The chairman of this group is [REDACTED]

We ask the deciding panel to see this application for the vexatious and malicious attack that it is and act accordingly by dismissing it in its entirety. This will be in the best interests not only of local businesses but for the good of Weymouth's night-time economy which has already suffered considerably in the covid pandemic.

The people who choose Weymouth as a holiday destination, (attracted by in no small part its vibrant night life) might think again if its venues are successfully marginalised by petty minded, vindictive individuals.

We ask that the Duke of Cornwall pub is allowed to continue to operate in exactly the way it has for decades with no modifications to the current licence conditions and with no formal or informal warnings of any kind. This view has been supported by the sheer number of those who have made representations to Dorset council and who have signed an online petition of support. We have run the DoC in a considerate and professional manner and wish to be allowed to continue to do so.

We believe this review is a classic case of a mountain made of a molehill and is a ludicrous waste of time, money and effort.

Despite our belief that this review is unfounded, we are open to the idea of mediation between us and [REDACTED]/RW if it would be a positive way to resolve the issue.

We have been treated in a less than professional or unbiased way by both the licencing department and environmental health department since their first contact with us. I shall explain in this response.

We believe that [REDACTED] who claims to be the [REDACTED] of “Respect Weymouth (action group)” is abusing the complaints system and he is successfully using the Environmental Health dept and the Licencing Dept to facilitate a personal and vexatious vendetta against us. If successful it will affect not only The Duke of Cornwall but several other hospitality venues in Weymouth.

In his review application, ■ is repeatedly guilty of defamation of character in the form of inaccuracies, implications and blatant lies. The most serious example of this defamation is the allegation that children are somehow in need of protection from harm caused by us. How on Earth was this accepted by Dorset council as a valid reason for this review? Why does it appear on the notices displayed in our windows by the licencing department? Having studied the Save the children, NSPCC and government websites for definitions of child protection, their definitions certainly do not include such things as noise nuisance or any activity relating in any way to The Duke of Cornwall. They are concerned with far more serious and sinister things such as sexual abuse, physical or mental abuse, exploitation and the like. No such accusations have been levelled at us, so to list this as a reason for this review is a blatant, invalid and unjustified defamation of character.

We have been questioned by friends, passers-by and customers as to why **“the protection of children from harm”** should appear on the notices in our windows. We have had to endure repeatedly having to explain that we have no idea, to sometimes sceptical people. To say that eyebrows have been raised would be an understatement.

We have had the word **“paedo”** shouted up at our windows when we were in bed after closing the pub. The stress and damage to our wellbeing and reputation we have had to endure is excessive and unjustified.

■/RW should be ashamed to have stooped to this level. Dorset council should be ashamed for allowing this allegation not only as grounds for this review but to display it as a reason on public notices put in our windows.

■ has alleged that we are at best irresponsible and at worst potentially violent people who children should be protected from. Dorset council have not only accepted these as reasons for this review and ■ anonymity but have facilitated his defamation of our character by displaying notices in our windows that cite **“The protection of children from harm”** as a reason for this review. This is slander and defamation in its worst possible form.

I challenge the panel or any other reader to think of a more damning allegation than that of children needing protection from us.

Further defamation of character came to my attention whilst watching the live stream of Weymouth council's meeting on the evening of November 9th, 2021.

It was stated the meeting that an applicant for a license review is entitled to anonymity if: **There are reasonable and justified fears of intimidation and retaliation.**

■ has exercised this right, as was approved by Dorset Council.

The fact is that ■ is quite aware that we know his name and address, so how might any such false anonymity protect ■ from any malicious or harmful action that he implies we might carry out? This is clearly another attempt to sully our names.

We are both without criminal records. At no time have either of us been accused of a malicious act or crime. Thorough DBS checks were carried out on us, as is a legal requirement when applying for a licence to sell alcohol. If there is any evidence to the contrary, we ask that it be made available. Alternatively, that the complainant withdraws this as a reason for anonymity and puts their name to this complaint as is required in all other circumstances.

Since this review application has been made anonymously for no justifiable reason, we challenge its legitimacy.

█ continues to withhold his identity whenever asked to comment by the media. This seems to have been the case throughout his considerable history of campaigning against the people and businesses of the vibrant and lively area in which he claims to live.

We also challenge the legitimacy of "Respect Weymouth (action group)" as an entity, and as such its right to apply for a licence review. The "group" has no website, address, social media presence, contact details and no spokesperson willing to step forward. It has no credentials at all that we can find. We believe that this "group" is in fact not a group at all but is █ masquerading as spokesman for a legitimate resident's group. What are the members names? Why do they not identify themselves publicly. ? ←

█ has been given every opportunity to legitimise "Respect Weymouth" by the media but has failed quite thoroughly by refusing to comment or put his name to any comment. We believe RW is at best an emailing list of people who have been (in some cases reluctantly) recruited by █ to give the impression that he is the leader of a legitimate residents group although he prefers the term "action group".

We believe that █ is the only active member of "Respect Weymouth (action group)"

One person on the RW emailing list did approach me in person. █ as he prefers to call himself). I ejected and barred him from the DoC on Saturday October 30th. He came in clearly intoxicated and asked me to step outside so that he could "teach me a lesson" whatever that might mean. I have witnesses and CCTV footage to support this.

He came in again on November 13th despite knowing he is barred. Staff told him to leave. On November 14th he was again seen by staff hanging around outside the DoC. He did not come in but stood there looking into the pub.

I believe we have far more reasonable and justified reasons to expect intimidation and retaliation than does █ although our names are clearly shown on the review application without us being offered anonymity (not that we'd use it). We believe that anyone who chooses to remain anonymous under these circumstances must have something to hide or be ashamed of their actions for some reason.

We know for a fact that █ is associated with █ RW action group because his name appears on █ RW emailing list. We have all the email addresses on the list because a person on the list leaked some emails to me. It seems that some members of █ "group" aren't quite as loyal to his cause as he would like to believe.

█

█

These messages are all available to the panel upon request.

Our experience of the complaints processes so far.

From the outset the Licencing department and the Environmental Health department have conducted themselves in an unprofessional, unfriendly and heavy-handed manner.

The day we reopened the pub after the second long lockdown we were visited unannounced by [REDACTED] of licencing and [REDACTED] of environmental health. They warned us not to cause any noise nuisance and generally told us to behave ourselves. **At this time, we had received no complaints.**

We told them that were mystified as to the purpose of their visit. We were after all subject to covid restrictions at the time and only had acoustic music on a Sunday afternoon between 3pm and 6pm (for which we do not even need a licence). In hindsight it is our opinion that their visit must have been as a result of communication between [REDACTED]/RW and themselves, although they denied at the time that we were being singled out.

We welcome any alternative reasons that may be put forward by those departments as to why they found it necessary to visit us with quite such urgency. We were left feeling bullied and unfairly treated. Reopening after lockdown should have been a great day for us but was tainted by this unjustified and badly timed visit.

The above-mentioned departments have seemed biased in [REDACTED]/RWs favour from the start (possibly because he seems to act against anyone that does not bend to his will) and as a result we are being treated in a less than fair manner. This has been and continues to be our experience throughout the process so far.

There has been a complete lack of transparency from both the licencing department and from Environmental health. We have been denied any access to any noise measurement results and have had to send repeated emails to the licencing department before they let us have any form of guidance as to what the review process is.

[REDACTED] (of licencing) has been unfriendly and superior from the start. Her negative demeanour and body language were apparent from our first meeting. During our most recent meeting on 02/11/21 (at which notices were put in our windows to inform the public that our licence is under review) I asked her what her opinion of the review was. She replied that she and her department are unbiassed and have no opinion. She then however advised me not to start a petition but to rely upon emails of support. Surely the representative of an unbiassed department would not offer any form of advice to either party, even if it is allegedly to their advantage. I believe that this advice was given as it suited her needs and the needs of Dorset council rather than ours and was quite possibly an attempt to influence the outcome of the review by discouraging us from seeking public support. We started a petition despite this advice and to date more than have signed, clearly indicating the level of public sympathy for us. The people who have signed the petition would have been denied the opportunity if I had taken [REDACTED]s advice.

We are shocked by the one-sided approach of both departments and are left with the feeling that the default position of Dorset council seems to be that we are guilty until proven innocent. It seems to us that we are being treated as "the accused" when in fact we are the victims in this whole situation.

We feel that after the review notices were displayed in our windows, we were left in the dark as to what happens next. I emailed [REDACTED] (who was present at the meeting) asking for some guidance.

He told me in his reply that it had all been explained in the meeting. Surely some form of written guidance would be appropriate at such a meeting. It is not every day that a licence review is served upon us. How would we know the process?

I repeated my request and [REDACTED] then sent me a link to some guidance. The only paperwork left with us at the meeting of 02/11/21 was in the form of two A4 notices which were taped to the inside of our windows. Again, all emails are available for any member of the panel to view upon request.

Abatement notice

The nuisance abatement notice was issued to us as a result of [REDACTED] sound level monitoring process which he said was carried out over the course of one week with equipment installed at the complainant's address.

There are several issues to this. Firstly, **we have reason to believe that [REDACTED] does not even reside at [REDACTED] [REDACTED] (which is the property he is saying is being impacted by noise nuisance).** We believe his home address is:

[REDACTED]

At no time until this review have I seen any lights on, or bins put out at his claimed [REDACTED] address. I have never seen anyone enter or leave the address even though I regularly walk past it. I strongly believe that he does not actually live there, at least not on a daily or nightly basis.

Over the space of a week, I have photographed [REDACTED] [REDACTED] address during live performances at the DoC. At no time have there been any signs of occupancy. I also took sound levels from directly outside the address. A passing car totally masks any sound coming from the DoC and registers a higher decibel level. I have photographic evidence to support this claim. Again, this evidence is available to the panel upon request.

Sound monitoring process

The sound monitoring process was carried out by [REDACTED] of the environmental health department. At no time have the results been made available to us although I asked for them. Again, why the lack of transparency?

In [REDACTED] own words **"There is no decibel limit in law."** Surely then it is a matter of his opinion that there is any such noise nuisance.

Not only would like to see the sound monitoring results but also evidence that the equipment used can distinguish between noise emitted from the DoC and noise from other sources of noise in the immediate area. We don't believe it can.

We believe this noise abatement notice has been served upon us solely on the strength of endless complaints by [REDACTED]. Apart from this, [REDACTED] his complaints are only backed [REDACTED] opinion which goes against overwhelming support for us from the people of Weymouth, including not only our immediate neighbours but those of [REDACTED]. It is an opinion we believe is influenced by the negative attitude of his colleagues toward us, [REDACTED]

We believe it is easier and possibly safer for [REDACTED] to take [REDACTED] RWs side than to give a fair and unbiased opinion. This view is further supported by continued threats of legal action from him even whilst we prepare our response to this review. The stress and nuisance we are being caused by this whole process is far greater than any allegedly caused by us. In what way is this fair?

We are and have been absolutely on our best behaviour especially in the light of [REDACTED] complaints, yet the complaints keep coming, as do threats of legal action from [REDACTED]. It is obvious to us that we are being singled out and bullied by [REDACTED] RW and this is being facilitated by [REDACTED]

The DoC is situated in the noisy centre of Weymouth (despite [REDACTED] describing it as being on "the edge of town") and is surrounded by other noise emitting sources such as other venues, traffic, drunken passers-by, crowds of young drinkers who regularly gather on the corner of St Edmund Street opposite the DoC and outside the doors of the Guild Hall which is next door to us. It is not fair to single out and blame the DoC for this noise. To say that we are causing a nuisance in this environment is ludicrous. We are regularly woken by high levels of street noise. This is the unfortunate reality of living here, which we believe any reasonable person should accept given the area's lively nature.

To move to such a lively, noisy location surrounded by hospitality venues then complain about them is ridiculous. It would surely be sensible to do some research before moving to such a place. Why move to the forest then complain about the trees? [REDACTED] address is within 100 metres of at least six other hospitality venues. We are not the loudest or the closest to [REDACTED] alleged address.

We received another letter from [REDACTED] of environmental health on November 17th. The letter is dated November 11th, so it seems to have taken six days to reach us. The letter states that the council are still receiving complaints about loud music although "The identity of the complainant (singular!) cannot be revealed". The situation is still being monitored and the matter may lead to court proceedings being taken against "the person responsible".

Our license is already under review. Any nuisance allegedly being caused by us is being more than adequately redressed by the sheer amount of stress slander and defamation of character we are currently having to endure. For example, the implication of child harm caused by us on the notices in our windows. Threats of legal action against us seem completely inappropriate under the current circumstances. We feel that we could justifiably be issuing our own threats of legal action if we were so inclined. **To be perfectly clear, we have been advised that we have a strong case against [REDACTED] RW and Dorset council should we decide to sue for slander and defamation of character.**

It is obvious to us that the noise complaints will go on no matter what measures we take to improve things. This is a vexatious and personal attack and we do not foresee it ending any time soon. If [REDACTED] still concludes that we are causing a noise nuisance then we believe that his methods used to reach that conclusion are not fit for purpose and are devoid of real-life common sense. We have gone to great lengths to contain noise and we are making far more effort than any previous owner has been expected to.

Our experience of [REDACTED]

[REDACTED] asked me what plans I had for the pub to which I candidly replied that I intend to turn it into a "Kick arse music venue" by which I meant a *great* music venue. I believe we have achieved that aim much to the delight of music lovers in Weymouth. The term "Kick arse" means great or fantastic and has *no connection whatsoever with volume levels*, despite [REDACTED] convenient interpretation. [REDACTED] asked me if music would be audible in the street. I replied that realistically it is reasonable to expect a certain amount of noise leakage although it would be at a low level. I reassured him that we would be running the pub with respect for our neighbours and that he had nothing to worry about. My reassurances however were not good enough for [REDACTED] who laboured every point he made until eventually I told him to at least wait until there is something to complain about and that I am a busy man trying to run a pub at a very difficult time. [REDACTED]

I hoped that would be the end of the matter, but [REDACTED] continued to message me more times than were welcome. He suggested I should put forward a plan as to what measures we were going to put in place to avoid excessive noise. He suggested we should fit sound proofing and double glazing. We were not even hosting live music at the time! That was enough for me, and I told him in no uncertain terms that he should look up the legal definition of harassment as it was clearly what he was doing. I threatened him with legal action if he were to continue to harass me. He sent one more message saying that he apologised, had "got it a bit wrong" and that I would not hear from him again. I hoped again that this would be the end of the matter.

The emails leaked to me shortly after the meeting contain [REDACTED] interpretation of what I had said:

"I had a meeting with the new licensee of **The Duke of Cornwall** today. Although he seemed OK and said the right things, he let a few gems slip."

"The licensee stated that he was going to turn the pub into a "kick arse" music venue and that would mean being able to hear music in the street.... So nice."

He has continued to use this twisted interpretation within his review application. He also claimed that the previous manager had been dismissed by the previous owner because of his inability to manage noise levels. This again is a lie.

All emails and messages between [REDACTED] and the DoC are available upon request.

Inaccuracies by [REDACTED] /RW in this review application.

- No name of applicant on the front page
- No address or phone number (Page 2)
- The DoC is *not* on the edge of town (Page 3) but is in a marginally residential area in the *centre* of town.
- The fact (?) that 10 families have left in the past 24 months is irrelevant. (Page 3) We have only been here since 30/09/20 and have been closed for over six months of this time due to covid lockdowns. The implication seems to be that they moved away because of us.
- The “Kick arse music venue” point has already been covered above.
- We did not take over the pub “prior to the pandemic” (page 3) but on September 30th, 2020, well into it.
- If “there was an investigation into statutory nuisance impacts at the time” it is irrelevant as we were not even running the DoC. (Page 3)
- The point that “It has not been possible to engage with the responsible licensee” is because I made it clear that any further unwelcome contact from [REDACTED] would be seen as harassment.
- **Regular pattern of entertainment schedule.** (Page 4) This is totally inaccurate as will be supported by our gig diary which is available to view upon request. The following is an accurate schedule and is subject to seasonal changes:

Mondays: Very occasional band practice which has never ended later than 8pm. The DoC is closed on Mondays. We have not practiced since early summer 2021 and have no plans to do so soon although we will do so if necessary.

Tuesdays: We are closed.

Wednesdays: Jam night from 9pm till 12am (obviously this is amplified)

Thursdays: Open mic from 9pm till 12am. Mainly acoustic music.

Fridays: Usually a solo artist, duo or the very *occasional* band. We only have one band per week as our budget allows. If we have a band on a Friday, we will not have one on a Saturday and vice versa.

Saturdays: Usually (but not always) a band from 10pm till 1 am.

Sundays: Acoustic soloist or duo from 7pm till 10pm.

The point that solo artists have competed very well (I assume [REDACTED] refers to volume levels) with full bands and sometimes worse is absurd.

Current licencing conditions (page 4 and 5)

- We have no external loudspeakers and never have. They were removed by the previous owners due to noise complaints by [REDACTED]
- “Noise from a licensable activity will be inaudible at the nearest noise sensitive premises.” This is no longer enforceable in law as is acknowledged by the government and by [REDACTED]/RW. Ironically, the occupants of the nearest noise sensitive premises (which is directly opposite the DoC rather than around the corner like [REDACTED] [REDACTED] approached us recently to tell us they have no problem with any alleged nuisance from the DoC and wished us luck with this review. The same is true of one of [REDACTED] closest neighbours who wanted to make it clear that they had nothing to do with any noise complaints and wished us well.
- [REDACTED]/RW states “It feels like the loss of the condition’s status has been exploited by the licensee” (Page 5) It feels that way to who? In what way is this relevant?
- Single glazed entrance door (Page 5) This is quite usual. I challenge [REDACTED]/RW to find double glazed entrance doors at 3 or more live music venues in Weymouth.
- There is a substantial sound lobby consisting of a small entrance room with double swing doors.
- No effort to assess, manage or improve soundproofing. (Page 5) This is true. We are not obliged to do these things. It does not however mean we are irresponsible. The DoC has been a music venue for decades without any authority insisting on these measures. The DoC is a listed building. We would have to apply for permission for any such modifications and go to considerable expense and disruption to put them into action. It seems that [REDACTED]/RW expects us to do whatever he/they see fit
- Our windows do not even open so to say they must be kept shut is yet another irrelevant point (Page5)
- How is it possible, as suggested (Page 5) to keep our doors closed during live performances? How does [REDACTED] expect people to enter or leave the building if not by employing the time-honoured method of opening the door and walking through it? I am open to any helpful suggestions that [REDACTED] might have.
- “Open bottles and glasses may not be taken off the premises” (Page 6). This is already the case. We have (and have always had) a strict policy of no glasses or bottles beyond the front door. We enforce this policy strictly and consistently and have done since we opened.
- Smoke breaks in the street (Page 6). We have no authority to tell people they may not leave the building or to stop them from smoking, however we do encourage smokers to use the back yard as is clearly signed in the bar.
- “The more the door is used the more the noise burst impacts are”. (Page 6) I find it a challenge to dignify this point with a serious answer. Obviously, the door must open, or people cannot enter or leave the building. I'm afraid this will continue to be the case until teleportation becomes a reality or somebody comes up with a better solution to the age-old problem of entering and leaving a building. (Maybe jumping through hoops might be the way forward?)
- Pavement licence (Page 6). We have a pavement licence, but we have never used it.
- “Doors have been wedged open to allow excessively loud music into the street with no consideration for local residents” (Page 7). This is a blatant lie.

• [REDACTED]

- Door supervisor impacts (**page 7**). We have never experienced a serious level of anti-social behaviour either inside or outside the **DoC**. Door supervision is not necessary. To my knowledge the **DoC** has never had door supervisors.
- “In the summer there has been regular drinking in the street beyond 23.00”. Yet another blatant lie. As previously stated, we do not allow glasses or open bottles beyond our front door and never have.
- Fire risk (**Page 7**). We have had a full fire risk assessment and have had a full top to bottom fire alarm system fitted since taking over the **DoC** at great expense. It is the first time in the history of the **DoC** that a fire alarm and night light system has been fitted. We have also fitted illuminated fire exit signs. We have current valid fire inspection and extinguisher certificates.
- “**Entertainment noise from inside this venue has been excessive and consistent**”. Another blatant lie. We have made many improvements since we took over the **DoC**. All doors now close automatically. All door stays are disabled during live performances. I regularly message performers before gigs to tell them to keep sound levels reasonable, especially in the light of complaints by [REDACTED]/RW. I have put signage by the stage to repeat this request. Any performer I consider to be too loud is quickly told so and instructed by myself to lower their volume level. We are always in the building during live performances unlike some previous owners. We have made vast improvements to noise containment since taking over the pub. I have purchased sound level metering equipment of my own and keep a check on inside and outside volume levels. I regularly walk around the block to make sure levels are reasonable, which they are (especially when compared to some other venues). I have taken numerous noise level readings from directly outside [REDACTED] home. A passing car registers a higher noise level and drowns out any noise coming from the **DoC** at that location until it passes.
- Background levels Sunday to Thursday (**Page 8**). The point that noise impact from the **DoC** at these times is greater is ludicrous. Just because there is less background noise mid-week it does not mean that we are any louder, it simply means that other venues are quieter as surely must be the overall noise level. Of course, you'll hear our music more easily when other venues have none. This does not indicate an excessive noise level.
- Failing to protect children from harm (**Page 8**). This is dealt with elsewhere in this response. A vexatious and unfounded point which is raised to give the impression that we are somehow causing harm to children in order to influence this review and put us in a negative light. I have already explained my reasons for this and hope the panel does the same research into what amounts to harming a child. [REDACTED]
- Improvements to noise control. [REDACTED]/RW states that there have been some improvements. I invite [REDACTED] RW to be more specific and expand upon these improvements as it is one thing we actually agree upon. Does it not seem strange given these improvements that [REDACTED]/RW would then seek a review of our licence? Surely these improvements are a step in the right direction, aren't they?
- Final points (**Page 9. Only 7 pages to go!**). the “inaudible” aspect has already been acknowledged to be unenforceable.
- “Rather than work with the community”. [REDACTED]/RW *are the community* seems to be the implication here. It would seem the *real* community are whole heartedly on our side.

- “Confrontational approach”. The only confrontation has been on the part of [REDACTED]/RW towards us. We have never confronted or approached [REDACTED] RW.
- [REDACTED]
- “It is worth noting that the responsible licensee is a lead member of the house band and a solo artist, both of which have caused significant impacts”. Whilst it is true that I am in the house band it does not follow that I am irresponsible, does it?
- Resident impacts (Page 8). I shall not waste time by addressing every point made here as it is simply a list of everything [REDACTED]/RW could think of to make us look irresponsible and uncaring.
- Statutory nuisance (Page 9). I have already given my reasons as to why I challenge the validity of the nuisance abatement order. I have also given my reasons as to why we challenge the validity of this review.
- [REDACTED]
- “Other responsible venues manage to prevent noise escaping and operate accordingly.” I assume [REDACTED] must be referring to venues other than the ones that he is currently attacking as noise nuisances in his immediate area.

New licence conditions (Page 10).

1) This has already been addressed.

2) Is [REDACTED]/RW seriously demanding that the DoC alone should be set aside from UK law? I am slightly disturbed by the sheer strength his feelings here and the disproportionate demands being made. This hardly seems rational. An individual or group who propose such an idea must surely have their judgement and motives questioned. I am surprised that [REDACTED] doesn't seem to think that this will make him appear consumed by this malicious attack upon us. How can this review be seen as simply a noise issue in the light of this?

Currently our live music starts at 10pm and finishes at 1pm. Our licence allows live music till 2am. If [REDACTED]/RW object to us having live music between 8am and 11pm we could always move our live music to an 11pm to 2am slot if this is what he would prefer. Of course, we would not actually do this, but the point is we are operating well within the parameters of our licence and always have.

3) This is already the case.

4) I have already addressed this point.

5) Drinks are not allowed out at any time *even before* the 10pm deadline [REDACTED]/RW have suggested. We do however reserve our right to allow glasses outside between 12pm and 7pm in the future, should we decide to use our outdoor seating licence.

6) This is already the case.

7) I have already addressed this point.

8) I have already addressed this point.

9) We shall only consent to any such NMP if required to do so. I believe noise management is already perfectly good as has always been the case. Most residents have not complained about any noise nuisance. Noise levels are no higher than they have ever been regardless of endless complaints and regardless of whatever findings ██████████ might claim to have.

Noise management plan

Who exactly has formally commended Respect Weymouth for its constructive approach to an NMP with an adjacent venue?

Where has this formal commendation come from?

Restrictions to regulated entertainment

To restrict the hours at which time entertainment can happen would be to in effect close us down which I believe is the main objective of ██████/RW. The DoC is not a daytime pub or a food pub. It is a night-time live music pub. To suggest such a move would be like stopping a restaurant from selling food from Sunday to Thursday.

I shall not address any further content of the review application as in my opinion it amounts nothing more than a lot of irrelevant technical jargon to do with sound level measurements etc. It has already been established that there is no decibel limit in law, so to my mind this is a waste of time.

Conclusion

Isn't it obvious (if only by the sheer thoroughness and severity of ██████/RWs attack upon us) in this review application that ██████ is simply going for the jugular for personal reasons? Reasons that have very little to do with any alleged noise nuisance.

The time it has taken us to defend ourselves against this vexatious attack has been considerable and is time we would rather dedicate to running our business, but it has been an unfortunate necessity. In contrast, the time taken by ██████/RW to prepare his review application is surely an indication of the sheer strength of ill feeling and vexation he has against us. He doesn't even know us. I have only met him on one occasion. Christine has never met him and yet he seems hell bent on destroying everything we are working so hard to create.

The stress levels we are currently enduring due to this review and threats of legal action and loss of livelihood are not only excessive but quite unjustifiable. Our livelihood is under threat for no good reason. Our good names and reputations have been attacked repeatedly. This has been willingly facilitated by Dorset council by the inclusion of "the protection of children from harm." as a reason for this review and its inclusion on the public notices displayed in our windows by the licencing department.

This is slanderous, as is the implication that ██████ fears intimidation and retaliation by us. This was again accepted by Dorset council as a valid reason for the name of applicant being withheld. In what way were these reasons seen by Dorset council as "reasonable and justified" (as is a requirement in the case of an applicant wishing to withhold their identity)? A neighbour who is simply concerned with some noise in an already noisy environment would surely not single out just one venue for a licence review, particularly given that other venues in the immediate area have later licenses, are closer, cause more noise nuisance and attract a considerably rowdier clientele who congregate in the street in large numbers and are often guilty of anti-social behaviour.

I believe that the Duke of Cornwall is under review simply because it is the only venue which [REDACTED] has singled out. Others would be under the same review if like us they had refused to be bullied by him and his so called "action group" This review is not so much about noise nuisance and has rather more to do with [REDACTED] vexatious feelings towards me (Martin Rollings) because I refused to be bullied by him. I question his motives, his morals and his sense of community. He is clearly not for the common good of this area.

Has [REDACTED] carried out noise monitoring on any other venue in the immediate area? If so, what were his findings? If the DoC is considered a noise nuisance, there are other venues far more guilty of the same alleged offence who have not been subject to a review of their licence.

A nearby hotel for example have repeatedly complained about noise from their closest venue. A venue that regularly hosts loud music and sporting events both indoors and outdoors and who's clientele frequently cause anti-social behaviour. To our knowledge no formal action has been taken by Dorset council in connection to these complaints. To our knowledge their licence has never been subject to a review. To treat the DoC differently to such venues is unfair in the extreme.

If [REDACTED]/RWs allegations are founded then why has no authority such as the police, social services or local council ever found it necessary to apply for a review of our licence? We are not a trouble hot spot. It is rare for the police to take an interest in the DoC.

[REDACTED]

I have been both a customer and a performer in the Duke of Cornwall for many years as a solo artist and in bands. I believe I am far more qualified than anyone involved in this review to comment on what has been the normality in that time at the DoC.

More effort is being made right now to contain noise than at any time I can remember. Volume levels are lower than has been the case in the past, yet the complaints come thick and fast. Complaints we believe come from one [REDACTED] individual under the guise of "Respect Weymouth (action group)". Even the name of this "action group" [REDACTED] and the word "respect" seems at odds with their actions.

If any part of this review application is upheld, it will only serve to encourage [REDACTED]/RW into further unjustified assaults upon perfectly legitimate and well-run businesses in Weymouth. We believe that this crusade should be stopped in its tracks before further damage is done to Weymouth and its hospitality businesses.

We ask the panel for the good of Weymouth and its hospitality venues to please do the right thing and dismiss this review application for the personal, vexatious, slanderous and unjustified attack that it clearly is. A precedent will be set by whatever decision you make now. It can be either positive or negative. Please do not hold the door open for anonymous "action groups" to bully and intimidate businesses in Weymouth.

Thank you.

Martin Rollings and Christine Hearn.

Supplement- Additional points

DEFRA is used as a reference. The DoC is neither in a rural location, nor does it have anything to do with food sales.

“This pub is not offering anything new or unique to the area”. We beg to differ on this point. Since taking over the DoC we have exercised a strict policy of only hosting purely *LIVE* music, produced on the spot by talented artists who play their own instruments. We do not host karaoke and we do not book artists who use backing tracks. We believe that in the town centre we are the only venue who can make claim.

“Respect Weymouth is not against live music. Far from it”. We would like to hear in what way Respect Weymouth are pro live music.

“The type of music being played at this venue simply cannot be contained”. How is this true? What type of music is [redacted] referring to here? We do not host death metal bands or anything like. This is a ludicrous statement.

“The licencing objectives of preventing public nuisance and preventing harm to children have not been upheld”. The inclusion of preventing harm to children is pure slander and defamation of character.

“Licensing’s proposal that noise limits should be provided with the door open”. Is this true? [redacted] has already told me that there is no decibel limit in law. Is this another case of [redacted] proposing that UK laws should be either disregarded or introduced specifically to be applied to the DoC?

Can [REDACTED] please define the term "Noise burst"? We have never heard the term prior to meeting him. Would the sound of a passing motorcycle be classified as a noise burst or does it only apply to the DoC?

IT IS AN OFFENCE UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT

Finally, "Contact name (where not previously given) is left blank.