

211117 Duke of Cornwall - EH representation

Licence review – Duke of Cornwall Public house, 1 St Edmund Street, Weymouth DT4 8AS

*Environmental Health submission to the Licensing Authority in respect of the review of the Premises Licence for Duke of Cornwall PH, Weymouth
Ref: WDPA*

Background:

St Edmund Street is located one street back from the harbour and is nestled amongst other commercial and licensed premises, a number of which are within sight of this premises.

The premises has been a public hours for many years and was brought to EH attention, for loud music noise when in management of the previous DPS.

The premises has a single door way on to the street, and a small rear courtyard. The premises consists of 2 rooms and toilets. There is no first floor public access.

Opening hours:

Monday - Sunday. 11.00 – 02.30hrs

Live Music:

Monday - Saturday 11.00 – 02.00hrs

Sunday 11:00 – 01.00hrs

Recorded Music:

Monday - Saturday 11.00 – 02.00hrs

Sunday 11:00 – 01.00hrs

Alcohol sales on and off the premises:

Monday - Saturday 11.00 – 02.00hrs

Sunday 11:00 – 01.00hrs

Dorset Council, and before it, Weymouth and Portland Borough Council, has received over time a number of complaints from local residents of 'anti-social behaviour' by persons in the street and nuisance (principally noise).

The current request to review the licence lists the following issues;

- Amplified music (live performances and pre-recorded) and amplified speech within the building.

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- And in a lesser manner the noise from customers in the street accessing/exiting the premises, again particularly later in the evening/night.

The activities of people in St Edmund Street – i.e. on the public highway – are outside of the ‘statutory nuisance’ regime enforced by the Environmental Health Service and this submission will therefore address only the first bullet points above – noise from activities on the premises. I understand that evidence regarding noise, and other alleged anti-social activities, arising from persons in the street, is likely to be provided by other witnesses.

The current license has the following noise related conditions:

Noise from licensable activity at the premises will be inaudible at the nearest noise sensitive premises.

Amplified music:

The Duke of Cornwall operates as a bar/music venue, offering different styles but mainly ‘rock’ music style performed inside towards the side of the building, in the front room of the property. The complaints received were based on the live music but similar volumes of music were being experienced with recorded. In accordance with standard procedures, the business operators were notified of the complaint in order to provide them with an opportunity to consider and address any changes they might wish to implement in order to avoid further complaints. The current DPS, Mr Martin Rollings, has been on site since 9/10/2020 of last year. His partner is Ms Christine Hearn.

Complaints have recently reoccurred under their stewardship following the ability to reopen following the COVID shutdown period.

Environmental Health:

The Environmental Health Service (‘EHS’) has notified the operators of the complaints received by the council, and has endeavoured to provide basic advice on measures which might reduce the likelihood of causing disturbance to neighbours. The council has written to the operators on a number of occasions outlining the issues of the intrusion of noise which have given rise to complaints from nearby residents.

Evidence has been gathered over the Summer/Autumn period resulting in a Noise Abatement Notice being served on the 11th October, on both responsible persons. Since that time, further visits have been undertaken, and sound level monitoring which has led to the breaches the aforementioned Notice. Dorset Council’s Environmental Health team are therefore preparing to take court action against failing to abate the nuisance caused by amplified music and speech from the premises.

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The EHS believes that it should not be unduly difficult to comply with the Notice or to prevent the occurrence of a public nuisance to nearby residential premises: namely to reduce the volume at which amplified music and speech are played within the building.

We continue to offer assistance to the DPS, however we would strongly advise them to obtain the services of an acoustic consultant to enable them to undertake mitigation measures and ensure that music is not intrusive to those choosing to live in the nearby premises.

Summary:

The evidence obtained by officers (and support by local residents) show that the issues associated with the site are substantiated in relation to noise from the premises either from amplified music, or amplified speech to the extent that a Noise Abatement Notice has been served and the potential for prosecution is pending.

The current operators are fully aware of our interventions but have not engaged, to date, readily with us to mitigate the effects.

Steve Ireland
Senior Technical Officer
Environmental Protection (West)
18th November 2021

Footnote:

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find below the conditions we would propose for the licensing review for the Duke of Cornwall. Please could this be added to our representation.

Supplementary Information from Community Protection

- All doors and windows to remain closed during regulated entertainment
- SIA's to be positioned at the front door after 21.00hrs
- Monitoring of regulated entertainment shall occur after 21.00hrs, and in each and every hour, thereafter whilst amplified music and speech are being played (live or recorded entertainment). Monitoring shall be undertaken on the corner of Helen Lane and Maiden Street at the façade of the nearest residential premises. The use of devices should be looking at levels not to be in excessive of 55 dB(A) over a 5 minute recording period. Any monitoring should be recorded and listed with any actions taken . All records should be kept a minimum of 3 month and shall be accessible on request to an authorised officer of the Council or the Police. *Monitoring can be undertaken using a sound level meter (which must be calibrated every 2 years by an accredited laboratory) or by using a noise related App where the microphone on the device has been suitably installed and is calibrated. Monitoring may also be undertaken by staff where they have not been exposed to levels of amplified music or speech in the main room, there by preventing them being affected by temporary threshold Shift.*
- Within 2 months of the review a Noise Management Plan shall be produced by a suitable qualified acoustic consultant it shall include mitigation measures which can be installed to reduce the potential for ongoing public nuisance. I

Hours of operations change for regulated entertainment at the Duke Of Cornwall

20.00hrs – 23.00hrs Wed and Thursday
20.00hrs – 00.00hrs Friday and Saturday
18.00hrs – 21.00hrs Sundays and Bank Holidays (excluding NYE)
20.00hrs – 01.00hrs NYE

(A variation to change these hours may be accepted post any 'hard' mitigation measures being installed)

No TEN will be considered for the site until the Noise management Plan's mitigation measures have been completed.

Steven Ireland
Senior Technical Officer
Community Protection Service/ Port Health
Dorset Council

