

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I Kevin Philip Miles

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description	
The Royal Oak public house 52-54 Dorchester Road	
Post town Weymouth	Post code (if known) DT4 7JZ

Name of premises licence holder or club holding club premises certificate (if known)
Punch Taverns Ltd

Number of premises licence or club premises certificate (if known)
WPPL0016

Part 2 - Applicant details

I am

Please tick ✓ yes

1) **an individual**, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

✓

2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr ✓ **Mrs** **Miss** **Ms** **Other title**
(for example, Rev)

Surname

Miles

First names

Kevin Philip

Please tick ✓ yes

I am 18 years old or over. ✓

Current postal address if different from premises address

[Redacted address field]

Post town

Weymouth

Post Code

[Redacted post code]

Daytime contact telephone number

[Redacted telephone number]

E-mail address (optional)

[Redacted email address]

(B) DETAILS OF OTHER APPLICANT

Name and address
Telephone number (if any)
E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address
Telephone number (if any)
E-mail address (optional)

This application to review relates to the following licensing objective(s)

Please tick one or more boxes ✓

- 1) the prevention of crime and disorder
- 2) public safety
- 3) **the prevention of public nuisance**
- 4) the protection of children from harm

✓

Please state the ground(s) for review (please read guidance note 2)

This Review application relates to the Licensing Objective of the Prevention of Public Nuisance. It is based on the impact on nearby households of excessive noise from outdoor music events held in the beer garden of the Royal Oak public house and the disparity between Licensing controls on indoor and outdoor music events at those premises.

The current licence permits live and recorded amplified music events at the premises in accordance with the Music Act 2012 and the Licensing Act 2003 but imposed further noise limiting conditions whenever the music event is held indoors, as shown below.

However, outdoor music events are not mentioned on their licence, hence there are no noise limiting conditions to be applied whenever the amplified music event is held outside in the beer garden. The result is that indoor music events, which have a minimal local public nuisance impact, have strict "noise breakout" controls whereas outdoor music events, that have significant public nuisance impact, are unfettered in any way.

FROM THE LICENCE

E. Performance of live music (Indoors)

Monday to Thursday 10:00 to 01:00
Friday & Saturday 10:00 to 03:00
Sunday 11:00 to 03:00

F. Playing of recorded music (Indoors)

Monday to Thursday 10:00 to 01:00
Friday & Saturday 10:00 to 03:00
Sunday 11:00 to 03:00

Prevention of Public Nuisance

Noise breakout measures include:

Each external door opening from the area covered by the Licence to the outside must be kept closed whilst music or any amplified sound is being played / produced. If the external doors are required for the entrance or exit of clients, there must be a lobby to prevent breakout of noise with at least one set of internal doors and at no time shall both the external and internal doors be open at the same time. No measures whatsoever, whether by pinning back, propping open or other means, are to be taken to keep either set of doors open.

Where amplified music (either recorded or live) is being played a tamper-proof sound limiting device must be installed at the premises to the level set in agreement with the Council. All amplified music (either recorded or live) played on the premises must be subject to the control of the sound limiting device.

All external windows are kept closed at all times whilst music or any amplified sound is being played/produced and the volume must be reduced after midnight so as not to be audible from outside the premises.

Please provide as much information as possible to support the application (please read guidance note 3)

Timescales

Beginning when the Covid restrictions were lifted in 2021 the Royal Oak has organised live outdoor music events in their rear beer garden every Sunday afternoon from the middle of April to the middle of October – a total of 27 events. Normally, the bands start tuning their instruments around 1-30pm and the live performances start at 2pm, ending at 4pm. However, in recent months there have been breaks during the performance and the end time has often extended to 5pm or even 6pm.

These Sunday performances are supplemented by occasional Friday evening and/or Saturday afternoon and evening events that, from the pronouncements of the DJ, seem to be birthdays or other family celebrations. These events can start around 2pm and continue until 10pm. The evening events are normally a loud, shouting DJ and recorded music but can be a live band.

The weekend of Friday 21st, Saturday 22nd and Sunday 23rd July 2023, was the worst we have experienced with live and/or recorded outdoor music:

- Friday 7pm to 10pm
- Saturday 2pm to 9-30pm
- Sunday 2pm to 10pm (live music until 5pm, then recorded music to 10pm)

Proximity to homes

The Royal Oak is located on a major road bordered by shops and businesses with accommodation in the upper floors and surrounded by residential property. The rear unmade access road gives the impression of isolation but in reality there are many residential properties close by. Using the Google World app with its distance measuring tool, the closest properties are:

- Apartments above the Dorchester Road shops and businesses - 100 to 150 feet
- The Compass Point apartments - 150 feet
- Properties at 1, 3, 5, 5a, 7, 9 and 11 Fernhill Avenue - between 130 and 240 feet
- Accommodation in The Lawns Residential Care Home, Fernhill Avenue - 180 feet
- Properties in Lodmoor Hill - 300 feet

Impact

The volume is such that we are unable to sit comfortably in our garden or hold a quiet family gathering. The noise can be heard indoors over the sound of a television even with windows closed tight, which is doubly unbearable on hot summer days when houses need ventilation. On Sundays the music is so loud that we are unable to stay at home or in our garden and are forced to go out for an extended walk until the music has finished. The recent variable finish times mean that when we return we have to endure the noise until they decide to stop.

Some bands, especially the Punk and Heavy Rock tribute acts, are so loud that during our walk we can still hear them when beside the Sea-life Centre on the other side of Lodmoor park.

It is not feasible to go for walks during evening music events and we have to turn up television volumes to unpleasantly high levels to drown out the music.

The predictability of Sunday events and unpredictability of Friday evening and Saturday afternoon / evening events means we are unable to organize any family events of our own between May and September.

Permanent Stage

The pub management has now constructed a permanent stage in the rear beer garden and I wonder if such a large construction would have needed planning permission. I am concerned that they will expand their schedule to make use of this investment and become a regular music venue that will have a devastating impact on local residents.



Other Licence Conditions

When granting the licence I believe the Licensing Magistrates must have considered the impact of noise on the local community as one of the noise limiting restrictions for indoor music events states:

The holder of the premises licence will ensure that:

prominent and clear notices / instructions are displayed at all relevant exit points instructing customers / staff to respect the needs of local residents and not to cause unnecessary noise when they leave the premises;

public address announcements are made instructing customers / staff not to cause unnecessary noise when they leave the premises.

These conditions are incompatible with the noise nuisance generated during the outdoor music event. It therefore seems likely that, when granting the licence, outdoor music events were not a consideration and hence were not included on the licence. As that is no longer the case, I ask the Licensing Magistrates to consider whether or not outdoor music events can be held and if there are held, what noise limiting measures should be applied.

Please tick ✓ yes	
Have you made an application for review relating to the premises before	
If yes please state the date of that application	Day Month Year ?? ?? ?? ?? ?? ?? ??

If you have made representations before relating to the premises please state what they were and when you made them

I made contact with Weymouth Environmental Health Services in April / May 2022 to make a formal complaint about the noise and was sent a Diary Form to keep a record of the noise. In June 2022 they installed a sound recording device and I recorded a number of examples of the sound from the Royal Oak. On 4th August 2022 they wrote to me stating that they were "unable to conclude the existence of a Statutory Nuisance" and all enquiries ceased.

In July 2023 I again contacted the Environmental Health team to register a further complaint and I'm keeping one of their Noise Diaries again. However, I did not feel the need to install the sound recording device again as the volumes have neither increased nor decreased.

I feel the EH team did not fully take into account the relentless, week on week impact of the noise from the Royal Oak and treated it as a single event issue. Also, the number of Friday and Saturday events has increased this year and I'm concerned this will become the new norm.

Please tick ✓ yes

- I have sent copies of this form and enclosures to the responsible authorities and Via Licensing Office
- the premises licence holder or club holding the club premises certificate, as appropriate ✓
- I understand that if I do not comply with the above requirements my application will be rejected ✓

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature

[Redacted Signature]

Date

15th August 2023

Capacity

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

[Redacted Contact Name and Address]

Post town

[Redacted Post Town]

Post Code

[Redacted Post Code]

Telephone number (if any)

[Redacted Telephone Number]

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

[Redacted E-mail Address]

The council has a duty to protect the public funds it administers, and to do this may use the information you have provided on this form to prevent and detect fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes. Where appropriate, and as part of its commitment to improving customer service, the council may also share the information provided on this form with other council services. For more information, see <http://www.dorsetforyou.com/fraud> or contact Finance Manager on 01305 252292.

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.