

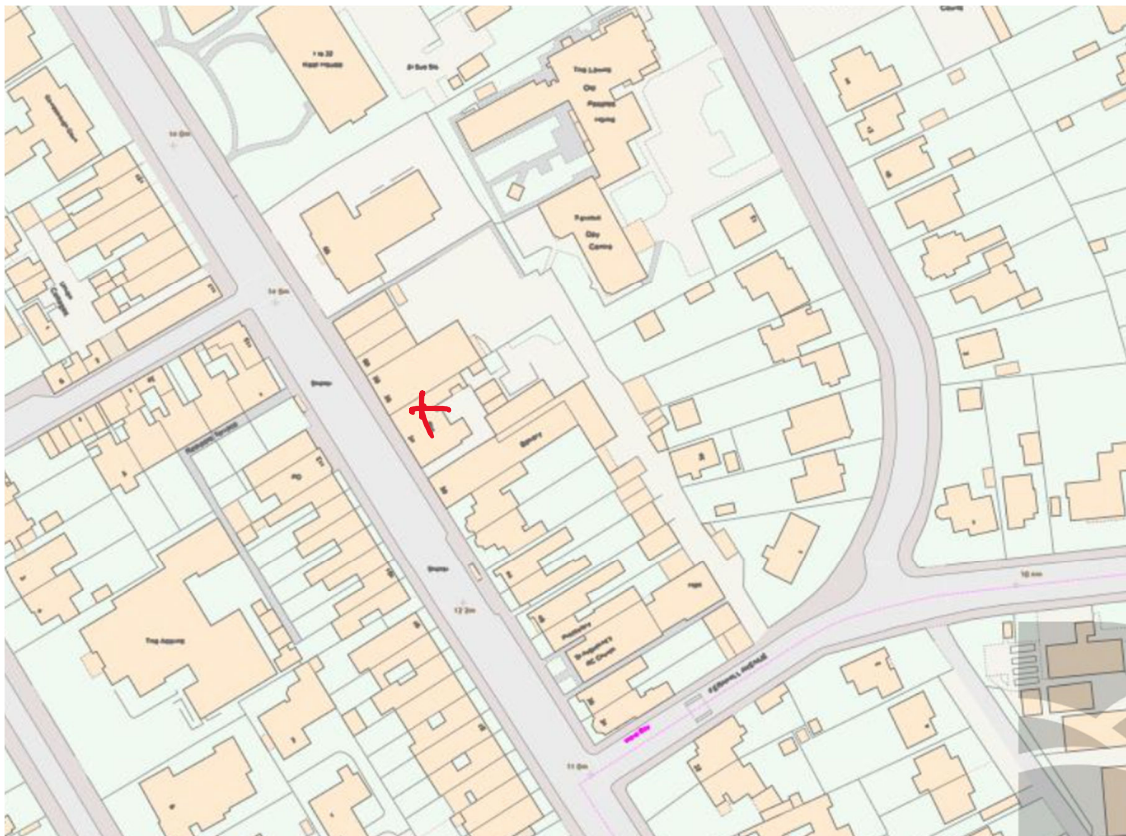
**Licence review – The Royal Oak, 52-54 Dorchester Road,  
Weymouth, DT4 7JZ**

*Environmental Health (EH) submission to the Licensing Authority in respect of  
the review of the Premises Licence for The Royal Oak, Weymouth  
Ref: WPPL0016*

Background:

The Royal Oak is a public house on one of the main roads leading into Weymouth town centre. There are numerous shops and other services to be found on this part of the road and is mixed with residential.

Map below shows local of The Royal Oak in proximity to commercial and residential neighbours.



The premises has been a public house for more than 150 years.

The review has been brought by an individual who resides in relatively close proximity to the site (60m garden to garden).

In the last 3 years this department has received several complaints but have not substantiated a statutory nuisance. Further explanation will be forthcoming.

Currently the Royal Oak has the following regulated entertainment on the licence:

Live music and recorded music (indoors only):

Mon – Thurs	10.00 – 01.00 (the following day)
Fri & Sat.	10:00 – 03.00 (the following day)
Sunday	11:00 – 03.00 (the following day)

The current licence has a number of noise related conditions which in summary relate to keeping external doors and windows closed, the use of a sound limiting device when regulated entertainment is arising, having signage to ensure patrons leave quietly and respect the local area and to announce the same. These all, in the main, focus on internal regulated entertainment and the protection of residential dwellings from sleep disturbance. The current licence has been in place since 2016, following a minor variation by the premises holder. The current DPS has been on site since November 2020.

Please note that the use of a sound limiting device for external entertainment is not feasible as this is a fixed piece of plant.

Amplified music and speech:

The site has regulated entertainment externally on Sundays in the Summer months between the hours of 14.00 and 16.00hrs. It has also been reported that the weekend of the 21 – 23 July additional hours of entertainment arose. These hours like all hours before 23.00hrs are exempt from the conditions on the license due to the Live Music Act. Where such entertainment causes disturbance complainants may contact the Environmental Protection team to undertake a statutory nuisance investigation.

Environmental Health:

All complaints that have been received relate to external noise and weekend entertainment centring on Sunday afternoon. Our first complaint was received in September 2021 no diary sheet was forthcoming as the events for that year had ceased. Four complainants contacted us in 2022. The first in April. This led to an investigation into the severity of the music using noise monitoring equipment in the property of the complainant, we were not able to substantiate a statutory nuisance. The remainder of the complainants either failed to return our initial contact or did not submit diary sheets to further the investigation. We were advised by one complainant (submitted on 18 September) that the events ceased at the end of September so no diary sheets were submitted.

This year we have received 3 complaints. One was closed as they were concerned for others but they themselves were not sufficiently disturbed, two remain open at this time pending diary sheets. If diary sheets are presented an investigation will be undertaken.

A statutory nuisance (SN) is different from a public nuisance. A SN requires the determination to be made in the complainant's property and may just disturb one premises. A public nuisance has a wider definition as we look to establish if the disturbance is felt by the wider community. This may indeed be indicative of how many people respond to the notification of this premises review, displayed at the premises and on the licensing website.

### **Summary:**

**Currently Environmental Health have no evidence that a nuisance is arising, however the number of complaints received does indicate that there are people that are being disturbed by the activity at the Public House (and some distance from the site) and the intensification of their Sunday afternoon entertainment.**

### **Suggested conditions/actions**

If the committee considers that additional conditions are required, we recommend one or more of the following be attached/actions considered or modifications of the same to assist in the prevention of a public nuisance.

- A written monitoring programme/procedure, undertaken by the company and to be agreed by the Environmental Protection Service for any regulated entertainment occurring, and that this shall be duly recorded, the investigation and subsequent actions, by the responsible person (DPS or equivalent), in writing. The log shall be made available on request by an authorised officer of the Council or the Police. This should include public monitoring locations and the expectation of noise level at those locations. The person undertaking the monitoring shall not be unduly affected by temporary threshold shift.

*Environmental Protection will be able to assist in this process but equally the site may wish to engage their own acoustic consultant.*

- Any complaint made shall be similarly recorded and be made available on request.
- That the conditions imposed should be undertaken at any time that regulated entertainment is being undertaken to ensure that even prior to the Live Music Act 23.00hr start time stipulation, that appropriate controls remain in place (*i.e., remove the exemption provided by the Live Music Act*).

- External regulated entertainment shall be restricted to fortnightly, on one day of a weekend (including any bank holiday) between the hours of 14.00hrs and 21.00hrs, between 01 April and 30 September and at no other time.
- Modify the sound limiting device condition for internal regulated entertainment only.

Additionally, to consider the hours of internal regulated entertainment to be narrowed, if they are no longer required.