

Sutton Poyntz Society

Minutes of a Meeting held on 23 August 2005 to Discuss Springhead Premises Licence Application (Licensing Act 2003) – Sutton Poyntz

Present: S Emblen (Chairman), J Litschi, T Bugler, P Riley, P Jones, T Heathershaw

Venue: 'Wyndings', Plaisters Lane, Sutton Poyntz

Introduction

1. A meeting was held on 23 August 2005 to discuss Weymouth & Portland Borough Council's (WPBC) decision concerning the recent Springhead Premises Licence Application (Licensing Act 2003) and following the Licensing Sub-Committee Meeting that took place on 8 August 2005.
2. WPBC's decision was communicated to the Society and other objectors, in its Notification of Determination dated 18 August 2005.
3. The aim of the meeting was to discuss the Licensing Sub-Committee's decision and to determine whether there were any issues against which the Society should appeal.
4. Under the terms of the Licensing Act (2003), the Society and other objectors have 21 days from receipt of the Notification in which to do this.

Discussion

5. S Emblen reviewed the conditions attaching to the granted Premises Licence Application, particularly the variations from the original in terms of hours for both live and recorded music and the sale of alcohol.
6. Chairman had made enquiries at both Weymouth and Bournemouth Magistrates' Courts to determine the procedure for appeal (there apparently being different requirements for appeals against licensed hours for sale of alcohol and those appeals concerning the risk of noise pollution and public nuisance). Further enquiries would be required, should the Society decide to appeal, in order to clarify the procedure.
7. SPS committee members present then discussed the Licensing Sub-Committee's Notification of Determination at length.
8. While no serious concerns were expressed regarding the hours or conditions for sale of alcohol, the committee viewed with interest the stipulations concerning the playing of live and recorded music, particularly as these activities and their potential for noise nuisance and disturbance were the basis of the Society's and individual residents' objections to the original licence application.
9. In this respect attention was drawn to the extensive list of requirements called for in the granted licence (to have effect from 24 November 2005). These included:
 - a. a requirement (on the premises licence holder) to install sound proofing and monitoring measures to suppress and/or eliminate unwanted noise emanating from live and recorded music, and

- b. a requirement (on the premises licence holder) to display notices at exit points and in car parks requesting customers to respect the needs of residents and not to cause unnecessary noise when leaving the premises.
10. While committee members welcomed these measures to control and/or prevent noise pollution and disturbance, it could see no reason why the hours for recorded music should (in general) be 1 hour longer than those for live music, the former ending (in general) at 2400 while the latter would terminate at 2300.
11. The committee decided to appeal the grant on the basis that it was impossible to differentiate the noise and disturbance caused by live or recorded music and that the hours granted for the said provision of live and recorded music should be the same and correspond to whichever gave the shortest exposure to noise and earliest cessation of such activities at night, viz those for live music terminating at the generally earlier time of 2300.
12. The committee also decided that it would request a copy of the Noise Impact Assessment (NIA) called for by the Licensing Sub-Committee and required to be carried out by the Premises Licence Holder.
13. The committee expressed its concern that there was very little time in which to carry out the NIA, assuming that the licence was to apply by 24 November 2005, and that there appeared to be no mechanism for consultation with residents concerning its findings.

Decision

14. The Committee decided that it would appeal against the decision of the Licensing Sub-Committee in respect of the apparently different hours for the provision of live and recorded music and would argue that it was impossible to differentiate between these two sources of noise nuisance and disturbance and that the provision should be for those hours giving the shortest exposure and earliest cessation, namely all music, live and recorded, to cease at 2300.
15. The committee decided that it would also request a copy of and be consulted on the findings of the Noise Impact Assessment (NIA) to be carried out at The Springhead, Sutton Poyntz.

Minutes compiled by:

Tony Heathershaw

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