

[Insert name and address of relevant licensing authority and its reference number (optional)]

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 Representative of Respect Weymouth (Action Group) (v2)

(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 Duke of Cornwall Public House 1 St Edmund Street	
Post town Weymouth	Post code (if known) DT4 8AS

Name of premises licence holder or club holding club premises certificate (if known)
Martin Rollings and Christine Hearn

Number of premises licence or club premises certificate (if known)
WPPL0428 https://licensing.dorsetcouncil.gov.uk/PAforLalpacLIVE/2/LicensingActPremises/Search/8076

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) - **Yes, please see (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

First names

Please tick ✓ yes

I am 18 years old or over

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address Respect Weymouth Action Group
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)

Background

The Duke of Cornwall is located on the edge of town in a busy, vibrant conservation area which is also part of a Cumulative Impact Area (CIA). This abuts a long-standing residential area with historical importance behind the North Harbourside.

Residents in this part of the CIA have suffered significantly in recent years. No less than 10 families have moved away in the last 24 months, exacerbated by cumulative impacts from poorly managed licensed premises. Fortunately, this negative trend has been shifting towards a better balance and a positive sense of community is beginning to emerge. Unfortunately, nuisance from this premises is causing backward steps with no constructive route to resolution. At the start of the licensee's tenure, the group was advised of the intention to create a 'kick-arse music venue' where 'music would be heard in the street'. This has certainly been followed through.

The current licensee took on the licence prior to the pandemic. Statutory nuisance impacts were being investigated by Environmental Protection at that time. It appeared to be heading for an Abatement Notice then, but the pandemic hit and investigations ceased. Since restrictions have lifted, significant impacts from public nuisance have returned and this has triggered a new investigation.

The grounds for this application are explained below. They are based on legislative guidance, expectations and controls, and Respect Weymouth's own community aims:

Respecting People. Respecting Rights. Respecting Place. Respecting Balance.

The application is supported directly by residents of noise sensitive properties who are members of the action group.

The licensee has clearly failed to prevent statutory/public nuisance. The purpose of this review is to seek redress for this with new/revised licence conditions that restore the balance that is clearly intended. It has not been possible to engage the responsible licensee.

Failing to Prevent Public Nuisance

Scope of Alcohol and Regulated Entertainment

Premises Open Hours Granted	Time From	Time To
Monday to Sunday	11:00	02:30
Activities - Times Granted		
Performance of live music (Indoors)		
Monday to Saturday	11:00	02:00
Sunday	11:00	01:00
Playing of recorded music (Indoors)		
Monday to Saturday	11:00	02:00
Sunday	11:00	01:00

Supply of alcohol for consumption ON and OFF the premises

Monday to Saturday	11:00	02:00
Sunday	11:00	01:00

There is a regular pattern to the entertainment schedule of this venue.

Mondays – occasional amplified band practice, guitars, vocals and drums

Wednesdays - 9pm to midnight - Amplified Jam Night

Thursdays - 9pm to midnight - Amplified Open Microphone

Fridays - 10pm to 1am - Amplified band

Saturdays - 10pm to 1am - Amplified band

Sundays - 3pm to 6pm and 7pm to 10pm - Amplified band

It is acknowledged that the full scope of hours isn't utilised, but significant and regular nuisance has been caused at least 5 nights a week when they have been. Long standing residents have described the scale of impacts here as increasing. This has been much worse during the week when background levels are low with no other regulated entertainment impacts.

Full bands with drums, bass and electric guitars have been causing the greatest problems for residents, but amplified solo artists have competed very well, especially with high vocal levels. In some instances, they have been worse.

Current Licence Conditions

Existing conditions for the Prevention of Public Nuisance are:

- 1. There will be no external loudspeakers.*
- 2. Noise from a licensable activity at the premises will be inaudible at the nearest noise sensitive premises.*
- 3. No deliveries to the premises shall be arranged between 23:00 hours and 07:00 hours.*

We understand these conditions were agreed with a new application in January 2017. Given the recent noise impacts, it seems clear they have not helped to secure the prevention of public nuisance, and this has caused impacts on the health and wellbeing of resident's children. Especially given amplified music is playing most nights of the week.

External Loudspeaker Impacts

There's not much to say here, except that this condition has clearly been set and agreed to prevent live or recorded music from causing an audible nuisance outside, beyond the limits of the building. This is welcome, but noise of considerable volume from inside is bypassing this condition and creating nuisance to nearby residents in their homes anyway. It doesn't add up.

Inaudible Noise Condition Impacts

This condition was agreed by the licensee and responsible authorities in January 2017. It is clearly required to protect nearby residents. It could be argued that it sets a higher standard of protection than Statutory Nuisance, which is permitted by the Licensing Act. However, a similar condition has been challenged in the court of appeal around use of the word 'inaudible'. The ruling found this to be too subjective and vague so, although condition 2 sets the standard of protection for residents, it is no longer enforceable. That's not to say it can't be, the ruling simply stated that such a noise condition is acceptable but it must be supplemented with clear limits and places of measurements to make it objective. Residents were unaware of this until recently.

This loss of protection without a replacement or revision doesn't make sense to residents. Instruments and vocals have been clearly audible in homes, word for word, and even above very loud, unenforceable background noise in the street. Drums and vocals have been particularly intrusive.

From a community perspective, absolutely nothing has changed here. Residents still live in the same houses. Families still include members of vulnerable groups (as defined by the World Health Organisation). The location of the pub remains the same and regulated activity is still enabled by the licence. It feels like loss of the condition's status has been exploited by the licensee.

The intended level of public nuisance protection needs to be reinstated, supported by other new licence conditions and a noise management approach that meets the ruling of the court of appeal. We are not after anything new. The level of protection has already been set. It just needs to be revised and made enforceable. As it was agreed. But with objective limits and place(s) of measurement, or a noise limiter to satisfy the court of appeal's ruling. To remove it or replace it with something of a lesser standard would weaken the licence, enable more noise nuisance, increase impacts in the cumulative impact area, and cause insult to residents who are relying on the Objective to be upheld.

Sound Proofing Impacts

To exacerbate matters, there are significant weaknesses in the structural soundproofing qualities of this venue. It is a small, old, traditional pub with a full, single glazed frontage and a single glazed entrance door (the main front door is of substantial construction but has to be held open during opening hours). There is no sound lobby. The venue is promoting high energy entertainment at amplified volume levels that simply can't be contained. And regular opening of the single door creates excessive noise bursts capable of waking residents. It seems clear that there has been no effort to assess, manage or improve soundproofing or the impacts of escaping noise on the community.

There is also no licence condition(s) to keep access doors or windows closed during regulated entertainment. However, whilst this is considered to be a critical requirement by residents and Environmental Protection, the Live Music Act has disapplied any related music condition between 08.00 and 23.00. If there are sufficient grounds, this can be challenged and resolved at a formal licence review, as being sought in this application. See below.

Ultimately, if a licensee wants 'louder' than is reasonable, without causing interference to others in their homes, then there is a legal duty to prevent nuisance by investing in soundproofing, or reducing the volume of amplified speakers, rather than forcing families to invest in expensive soundproofing themselves to try and deal with licensing breaches that should be managed at source. This is simply not fair or compliant with the intent of this licence or the Licensing Act.

Impacts from Deliveries

There are no public nuisance impacts under this condition.

Impacts from Prevention of Crime and Disorder Conditions

Although not part of Public Nuisance, the following condition has a significant impact on the level of noise impacts:

6. The PLH/DPS will prominently display notices which inform customers that open bottles or glasses may not be taken off the premises.

Delivery of this would help to prevent people drinking in the street outside, which is loud and unmanaged, and it would reduce the number of times the single front door is opened and closed for access and egress during regulated entertainment. Especially when the pub is busier during the summer months. The same applies for those taking smoke breaks in the street. From a public nuisance perspective, the more the door is used, the worse the noise burst impacts are. There is an open yard to the rear of the premises which has been historically used for breaks. This area offers slightly more protection to residents because it is surrounded by substantial buildings. However, the opening door issue applies here too.

Note, if noise limits were established with the entrance door open, as recommended by licensing, this would cease to be an issue. Changes to the business model or improvements in soundproofing could also help to resolve this.

Impacts from The Business Planning Act

The hospitality sector has clearly had a hard time during the Covid restriction. This piece of legislation aimed to help it recover by enabling **off-sales** to all premises, for customers on or off site, up to 23.00. The consequence of this though, is that we understand the existing licence condition at 6. above has been suspended until 30 September 2022. The unintended consequence of this here, is that it has enabled more noise impacts because of increased use of the front door. Environmental Protection has raised the noise burst impacts from the existing entrance as a serious matter. There is clearly a need to address this to help abate noise nuisance while regulated entertainment is in place.

The Act also streamlined the approach to securing **Pavement Licences**, but this can also contribute to the venue's inability to manage noise nuisance when regulated entertainment is in place. For the same reasons above. The current pavement licence runs from 12pm to 7pm. Whilst this has no impact on night times and sleep, it will contribute to noise bursts and interference when regulated activity is played every Sunday afternoon.

It is noted that there is a dedicated 'summary review' process to allow a responsible authority to quickly deal with serious crime and disorder resulting from 'suspensions' of this Act. However, this doesn't apply here. So adverse noise impacts are being raised under this review application.

Note, as above, if noise limits were established with the entrance door open, as recommended by licensing, this would cease to be an issue. Changes to the business model or improvements in soundproofing could also help to resolve this.

Impacts from The Live Music Act

In addition to the above suspensions and their impacts, this Act disappplies all live music related conditions on a licence if the following criteria are satisfied:

- There is a premises licence or club premises certificate in place permitting 'on sales';
- The premises are open for the sale or supply of alcohol for consumption on the premises;
- Live or recorded music is taking place between 8am and 11pm;
- If the music is amplified live music or recorded music (e.g., DJs or a disco for example), the audience consists of no more than 500 people.

Live music ceases to be classed as regulated entertainment under the Licensing Act 2003 if the above criteria are satisfied. We understand this applies to The Duke of Cornwall.

The Act also creates a general exemption that live unamplified music provided anywhere shall not be regarded as the provision of regulated entertainment under the Licensing Act 2003 if it takes place between 8am and 11pm, regardless of the number of people in the audience.

There are a number of mechanisms for the protection of residents if licensing objectives are affected, as they are here. They include:

- Upon a review of the premises licence the Licensing Authority can determine that conditions on the premises licence relating to live or recorded music will apply even between 8am and 11pm;
- Other noise legislation, for example in the Environmental Protection Act 1990, will continue to apply. The Live Music Act does not allow licensed premises to cause a noise nuisance.

One of the main issues with this Act's removal of licensing conditions between 8am and 11pm is that doors have been wedged open to allow excessively loud music into the street with no consideration for local residents. It has felt quite purposeful and confrontational. And this has been presented to recent investigations for statutory nuisance.

Note, if worst case noise impacts and limits were established with the entrance door open, as recommended by licensing, this would cease to be an issue. Changes to the business model or improvements in soundproofing could also help to resolve this.

Door Supervisor Impacts

There are no conditions for door supervision when the premises is crowded and the impacts from open door noise bursts are increased. There have been other similarly small venues in town that have required door staff, especially where there has been regulated entertainment and records of public nuisance/disorder.

In the summer, there has been regular drinking in the street beyond 23.00. The impact of having no one to manage this increases the impacts of noise bursts on local residents. Overcrowding is also an issue for the fire risk assessment, which should include an assessment of occupancy numbers for the reduced floor space when bands are playing.

Fire Risk Assessment Impacts

It is acknowledged that this is a small venue, and when regulated entertainment is in place, this takes up a reasonable proportion of the available floor space. Given there are no door staff during peak

times, there does not appear to be any management of customer numbers inside. This causes overspill into the street with drinking and increased noise bursts after 23.00.

Unenforceable Background Noise Impacts

The level of enforceable noise nuisance has been linked to levels of unenforceable background noise in the street. Residents accept the latter is a price to pay for living here. And if they can't cope with unenforceable noise, then fair choices and decisions are made.

However, there is a duty to uphold the licensing objectives inside and outside a venue and, whilst unenforceable background noise fluctuates, entertainment noise from inside this venue has been excessive and consistent. This has caused significant problems when background levels are at their lowest, from Sunday to Thursday. CCTV evidence demonstrates the impact of this extremely well and this impact has been considered in the current investigations for statutory nuisance.

If excessive entertainment noise is allowed to exceed fluctuating background noise, respected guidance from the World Health Organisation (WHO), The Department for the Environment and Rural Affairs (DEFRA), and others simply cannot be achieved. We understand that unenforceable noise outside has no impact on the entertainment inside, as advised by another licensee. So, there seems to be no justification to allow or condone volumes above what is happening outside, especially given this is a cumulative impact area and impacts would then be increased. As they have been.

Ultimately, background levels Sunday to Thursday are very low and adjacent premises have virtually no noise pollution from inside. So, the amplified music from this venue has had a much greater impact. Especially given that it can't be contained in the first place. Evidence shows this very well.

It is also worth noting that unamplified, acoustic music was played during the partial lifting of lockdown restrictions and this caused virtually no nuisance to residents, even when background levels were low and the entrance door was opened. This speaks volumes about what is fit for purpose here.

Public Spaces Protection Order (PSPO) Impacts

The CIA is covered by a Public Spaces Protection Order but this has not been needed to resolve public noise nuisance here.

Failing to Protect Children from Harm

All the grounds and impacts above have affected children in noise sensitive properties. At least 5 families in noise sensitive properties have children ranging from new-born to 14 years. The failings in the prevention of Public Nuisance are having a knock-on effect to this licensing objective. It is affecting their wellbeing, concentration levels and schoolwork.

Resident Impacts

Regulated activity has been causing significant noise nuisance to nearby residents. This includes:

Significant interference and annoyance to residents, up to 5 times a week, including impacts on vulnerable groups (children and the elderly, as defined by the WHO).

Being woken during sleep

Being unable to get to sleep

Being forced to close windows in extreme heat, to suffer high temperatures and stale air.

Being unable to listen to home entertainment without intrusive drums, guitars or lyrics.

Being unable to enjoy time in the garden.

Being forced to wear ear plugs or self-medicate to get to sleep.

Increased levels of tiredness and anxiety, with increased risk of accidents.

Loss of concentration and ability to research, do homework, read, etc.

Noise impacts in the week are often more intrusive than the weekend, because background levels are much lower (below 45dB(A)). However, weekend entertainment can still be heard above considerable levels of unenforceable background noise. This is clearly not acceptable and demonstrates the excessive levels that have been played.

Guidance from the World Health Organisation (WHO) defines night time noise levels for residents' bedrooms to prevent waking and other health issues. This has been consistently exceeded by up to 4 times. Regulated and enforceable activity is clearly audible above background noise, word for word, with bass/drum impacts causing annoyance/anxiety/sleep deprivation.

Specific entertainment sector research and guidance from the Department for the Environment, Food and Rural Affairs (DEFRA) have also been exceeded by up to 4 times. Health impacts are the same as above, for the WHO.

Toleration or Intervention

An assessment of noise must clearly be made by responsible authorities. Has it just been a tolerable annoyance that residents should have put up with, or has it been so bad that intervention is needed?

Fortunately, we don't need to try and answer this. Many factors go into assessing the impacts of statutory nuisance and the professional, subjective judgement of Environmental Protection has determined that escaping noise has been significant enough to warrant formal action via the Environmental Protection Act here. See below.

Statutory Nuisance

The Duke of Cornwall has been served with an abatement notice to 'abate the nuisance'. This happened on Monday 11 October 2021. This clearly demonstrates that there has been 'an unlawful interference with a person's use or enjoyment of land or of some right over, or in connection, with it'. Since this Notice has been served, there has been some improvements. But nuisance is still being suffered.

Final Points

How is a respectful, fair and balanced level of music volume being established here? There is no engagement with residents. There are no formal limits or enforceable noise conditions to be guided by. Or to enforce. The Live Music Act has enabled a disrespectful business model and statutory nuisance levels. The court of appeal has made the only noise condition unenforceable because it cannot be objectively measured. No speakers are allowed outside the building. But band levels are clearly audible in resident's bedrooms. The current business model has reinforced all the negative aspects of this. Volumes are dependent on one person's view. There is nothing to set a standard by. There is no agreed limit, or place of measurement, and no engagement or feedback from residents. Volumes have been set with a grossly negative bias in a building that simply can't contain them.

Residents have complained about noise to licensing since enforcement of the noise condition has stopped. But they have been rebuffed for 'living in the town centre without cause for complaint'. And without referral to Environmental Health. This issue has been acknowledged and dealt with. We are glad to say it is no longer the case and residents' faith in the system is gradually being restored.

The licensee must have been aware of the 'inaudible' noise condition when the venue was taken on. And was probably aware that it could not be enforced. But rather than work with the community to seek a fair balance with an appropriate business model, to meet the intent of the licence and the limitations of the building's soundproofing structure, a confrontational approach has been forced onto it beyond the parameters of statutory nuisance. How is this responsible licensing? It is not the responsibility of the community to pay for unreasonable noise pollution being caused where there is a duty to prevent it. And business models need to be aligned to the specific circumstances of the venue and area, with a risk assessment, as recommended by Licensing Act guidance and the council's own Statement of Licensing Policy. rather than increased the impacts in a cumulative impact area (CIA).

It is worth noting that the responsible licensee is a lead member of the house band and solo artist at the venue, both of which have caused significant impacts. There is no good leadership practice here.

The provision of live music to Weymouth's CIA is not a rare thing. Most pubs provide it. This pub is not offering anything new or unique to the area, so special dispensations aren't appropriate. The public has considerable choice for this type of entertainment. Other responsible venues operating in the midst of residential areas manage to prevent noise escaping and operate accordingly. They can barely be heard outside. This includes an adjacent premises. And others that flout the licensing objectives, unchallenged, cannot be reasonably held up as responsible comparators for this venue's behaviour.

Respect Weymouth is not against live music. Far from it. It's part of a long-standing culture in the town. However, there are horses for courses. And the type of live music being played at this venue simply cannot be contained. As things stand, it appears the business model needs to be changed to prevent Public Nuisance, or significant improvements in soundproofing should be made to contain it. There are also adjustable volume dials.

It is extremely clear from an adjacent premises with an evolving Noise Management Plan that objective noise limits work. Especially where they can be determined for inside a venue. It clearly shows that current WHO/DEFRA limits can be achieved for the enforceable element of noise nuisance in this part of the CIA. They also help to establish appropriate types and volumes of entertainment.

Licence Conditions and Review

It is hoped that the Abatement Notice resolves the noise nuisance. However, this is a targeted action served on today's licensees. It doesn't influence the tone or state of the licence in any way. As it stands, the licence falls short in a number of areas and a critical noise condition has been 'lost'.

Taking into account the fluctuating levels of background noise during the week here, there is ample evidence to demonstrate that this premises is not fit for the purpose of a business model that incorporates live amplified music at the levels being played (including unamplified drums). Whether or not this is a full band or a solo artist. The Licensing Objectives of Preventing Public Nuisance and Preventing Harm to Children have not been upheld.

Noise limits and other conditions are needed to secure the agreed standard of protection for residents. The following conditions recognise this, along with the need to manage all music, amplified or not, whether unenforceable background levels are high or not, through new licence conditions and a noise management plan, which may also include the need for a Noise Limiter.

Reinforcing Existing Public Nuisance Conditions

The existing licence condition:

Preventing Public Nuisance, 2. Noise from a licensable activity at the premises will be inaudible at the nearest noise sensitive premises.

Should remain on the licence. It defines the standard that was accepted and agreed by the licensee and responsible authorities for the Prevention of Statutory/Public Nuisance. Specifically for this premises. And specifically for this part of the CIA. To remove it would weaken the intent of the licence and weaken the licensing objective it is there to uphold. The only reason the court of appeal found this unenforceable, was the absence of objective limits and monitoring. This can be addressed.

New Licence Conditions:

For the grounds raised above, the following conditions are required to **Prevent Public Nuisance:**

- 1. Noise from a licensable activity at the premises will be inaudible at the nearest noise sensitive premises. Limits and measuring locations will be included in a wider Noise Management Plan.**
- 2 - The Live Music Act is disappplied to ensure that conditions to reduce noise impacts on the community are enforceable between the hours of 08.00 to 23.00.**
- 3 - The premises licence holder will take reasonable steps to ensure that customers in managed areas outside shall not cause an unreasonable disturbance to the occupants of any properties in the vicinity.**
- 4 - Unless contrary to fire precautions/procedures, and normal access and egress, all doors and windows shall be kept closed whilst the licence is in use during regulated entertainment.**
- 5 - Bar customers are not permitted to take drinks outside while the licence is being used for regulated entertainment. No drinks will be permitted outside after 10pm.**
- 6 - When the licence is being used for regulated entertainment, the premises licence holder shall take reasonable steps to reduce door opening into the street by ensuring the rear courtyard is made available for smoke and rest breaks. Adequate notices shall be displayed to ensure this information is brought to the attention of customers.**
- 7 - The licence holder shall determine the occupant capacity of the premises on the basis of a documented fire risk assessment. This must take account of the courtyard and loss of available floor space to regulated entertainment. Especially bands. Measures must be put in place to ensure that the capacity is not exceeded at any time.**
- 8 - Establish a condition to provide door supervisors on a Friday and Saturday night, to manage occupant numbers, noise bursts, drinking and noise outside, wording to be established by hearing committee.**
- 9 - A Noise Management Plan (NMP) shall be produced and submitted to Environmental Protection (EP) before the <date>. Thereafter the NMP may only be amended after consultation with EP. The NMP will contain, but not be limited to, the method for monitoring the noise levels, any noise levels that are agreed with EP, any steps taken to mitigate noise escape, and details of a complaints procedure to receive any noise complaints and solutions to those complaints. Any agreed version of the NMP will be submitted to the Licensing Team.**

It is understood that Environmental Protection have already advised on the need for a NMP as part of Abatement Notice enforcement. A new licence condition formalises the requirement.

For Condition 9 - Reinstating the spirit of the licence via a Noise management Plan

Respect Weymouth has been formally commended for its constructive approach to developing a NMP with an adjacent licenced premises. This is still a work in progress but, to date, results have been very positive. This premises caused considerable noise nuisance to local residents. But since the plan was required after a licensing hearing, there is virtually **no noise nuisance** from inside this premises and new levels are barely audible in noise sensitive properties, regardless of fluctuating levels of unenforceable background noise outside. This has been down to levels being set against WHO and DEFRA guidance, with aligned limits for inside the venue. There is also a complaints procedure to deal with problems as they arise.

The NMP work is based on the same noise condition as presented in this licence. It demonstrates that the standard is fair, balanced and appropriate for the community and a licensee. And that WHO/DEFRA limits **can be achieved** for enforceable noise, either by reducing amplification volumes or equipment, or investing in better soundproofing, or both.

If there is a need for a noise limiting device, this should be added to the requirements of the NMP. However, we are aware of the limitations of such a device, especially for low frequency noise and the potential for devices to be bypassed.

NMP Considerations

The following options have been discussed with responsible authorities for this premises. To be assessed and determined with Environmental Protection as part of the NMP.

Restrictions on Regulated Entertainment

Consideration should be given to preventing amplified music with live percussion instruments from Sunday to Thursday, when background levels are extremely low for the area, and when impacts are exacerbated because of this and the single door lobby. Unless this can be mitigated by improvements in soundproofing.

Licensing's proposal, that noise limits should be provided with the entrance door open

Provide new conditions and noise limits that prevent noise bursts with limits in the lobby entrance of the venue with the door open. Taking into consideration the different levels of unenforceable background noise to the area throughout the week. It is difficult to understand how noise bursts will be managed through a single door lobby without such an approach.

1. The average noise level emitted by regulated entertainment inside the entrance lobby of the premises, Sunday to Thursday, with the door open, will not exceed **xxdB(A)*** Leq over 2 ½ minutes.

** This measurement will be determined by Environmental Protection, to provide a maximum of **45dB(A)** Leq over 2 ½ minutes at ground level, 1 metre from the Maiden Street facade of The Preacher's Loft, Helen Lane.*

2. The average noise level emitted by regulated entertainment inside the entrance lobby of the premises, Friday to Saturday, with the door open, will not exceed **xxdB(A)*** Leq over 2 ½ minutes.

** This measurement will be determined with Environmental Protection, with the entrance door held open, to provide a maximum of **50dB(A)** Leq over 2 ½ minutes at ground level, 1 metre from the Maiden Street facade of The Preacher's Loft, Helen Lane.*

3. The average low frequency noise level emitted by regulated entertainment inside the entrance lobby of the premises, Sunday to Saturday, with the door open, will not exceed **xxdB(C)*** Leq over 2 ½ minutes in the 1/3 63Hz noise band.

** This measurement will be determined with Environmental Protection, with the entrance door held open, to provide a maximum of **60dB(C)** Leq over 2 ½ minutes at ground level, 1 metre from the Maiden Street facade of The Preacher's Loft, Helen Lane.*

Licensing's approach to providing public nuisance noise conditions and limits elsewhere, with an additional limit to address noise bursts

The following conditions are based on approaches that have been secured by licensing after licensing hearings have confirmed issues of noise nuisance need to be resolved.

1. The average noise level emitted by regulated entertainment from inside the premises should not exceed **45dB(A)*** Leq over 2 ½ minutes, at ground level, 1m from the facade of a noise sensitive property, at The Preacher's Loft, Helen Lane <any other tbc>.

2. The maximum noise level emitted by regulated entertainment from inside the premises should not exceed **50 to 57dB(A)*** Lmax over 2 ½ minutes, at ground level, 1m from the facade of a noise sensitive property, at The Preacher's Loft, Helen Lane <any other tbc>.

Note: The upper limit of 57dB(A) causes waking and medically diagnosed insomnia, so the target should be at least 3dB(A) below this.

3. The average low frequency noise level emitted by regulated entertainment from inside the premises should not exceed **60 to 65dB(C)*** Leq in the 1/3 63Hz noise band over 2 ½ minutes, at ground level, 1m from the facade of a noise sensitive property, at The Preacher's Loft, Helen Lane <any other tbc>.

Note: for above limits, internal limit could also be defined for inside the venue, as we have done for The Closet's NMP, which is easier to manage and is not affected by fluctuating and unenforceable noise outside, which gives an opportunity to crank things up and then be a nuisance when background noise dips down. All limits to be validated by Environmental Protection.

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

Supporting evidence is being finalised and will follow this application. It will include:

- CCTV and statutory nuisance investigations/noise recording evidence
- Evidence from a noise impact questionnaire
- Other evidence as deemed appropriate

Please tick ✓ yes

Have you made an application for review relating to the premises before

No

If yes please state the date of that application

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

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

No formal representations have been made.

Please tick ✓ yes

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

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.

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

.....

Date 01/11/21

.....

Capacity Representative of Respect Weymouth

.....

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

Post town

Post Code

Telephone number (if any)

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

.....

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.