

Council Offices, Commercial Road, Weymouth, Dorset, DT4 8NG

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**Minutes of Meeting**

**MEETING:** Planning and Licensing Committee

**DATE & TIME**: Tuesday 9th November 2021 at 7.00pm

**PLACE:** Council Offices, Commercial Road, Weymouth, DT4 8NG

Members were asked to notify the Democratic Officer of any planning applications they wished to discuss by no later than midday on Tuesday 2nd November 2021 in order that they could be included in Item 5 of the agenda.

Present

Councillors: Christine James (C) Jon Orrell Gill Taylor

Jan Bergman Graham Winter Ann Weaving

Lucy Hamilton

Apologies: Peter Dickenson

Officers: Charmaine Denny (Assistant Town Clerk)

Niki Ayles (Democratic & Administration Officer)(via Microsoft Teams)

**P00437 Apologies for absence**

Apologies were approved from Cllr Dickenson.

Cllr Taylor nominated Cllr James to act as Chair for this evening’s meeting. This was seconded by Cllr Weaving. Members voted unanimously in favour of this.

**P00438 Declaration** **of Interests**

There were no declarations of interest.

**P00439 Minutes of the last meeting**

**Resolved:**

Proposer: Cllr James

Members agreed unanimously the minutes of the last meeting as a true record, and these were duly signed.

**P00440 Public Participation**

There were no members of the public present. However, two representations had been made which would be shared with Committee members during Item 14.

**P00441 Planning Applications for discussion**

Members had expressed a desire to discuss the following planning applications:

**P/FUL/2021/04330 Brenda Dench House, St Mary Street, Weymouth**

Cllr Orrell has visited the building many times over the years. The internal design is very cramped and the current flats are poor. He was favourably impressed by the proposed layout of the new development, and proposed that the Committee return a comment of “no objection”. Town centres are changing rom retail to residential and this development will bring more residents in to the town centre.

Disappointment was expressed that the proposed development will provide any affordable housing, despite the fact that the current flats were formerly leased to a local housing association.

**Resolved:**

Proposer: Cllr James

Members voted unanimously in favour of returning a comment of “no objection”. However, the Committee is disappointed that the development will not provide any affordable housing.

**Planning Applications received shortly before legal despatch**

Members did not wish to make any comments regarding the following planning applications and therefore a comment of “no objection” will be returned to Dorset Council:

* P/HOU/2021/04388 80 Westhill Road, Weymouth
* P/RM/2021/01053 Land to the rear of 17 Sutton Road, Preston, Weymouth
* P/LBC/2021/04397 47A The Esplanade, Weymouth
* P/HOU/2021/04399 12 Weymouth Bay Avenue, Weymouth

**P00442 Planning Applications – no objection**

**Resolved:**

Proposer: Cllr James

Members voted unanimously in favour of returning a comment of “no objection” for the following:

* P/COU/2021/03749 9 Spa Road, Weymouth
* P/VOC/2021/03609 Land to the North of Lorton Lane, Weymouth
* P/HOU/2021/03674 1 Nothe Lodge, Barrack Road, Weymouth
* P/HOU/2021/03853 31 Cornflower Close, Weymouth
* P/FUL/2021/03792 Fantasy Island Fun Park, Bowleaze Coveway, Weymouth
* P/HOU/2021/03968 64 Cromwell Road, Weymouth
* P/FUL/2021/03959 Weymouth Connect, 5 Grosvenor Road, Weymouth
* P/FUL/2021/03098 Street Record Footway from Lanehouse Rocks Road to Ludlow Road, Weymouth
* P/FUL/2021/02503 15 Highland Road, Weymouth
* P/FUL/2021/03851 29 Grafton Avenue, Weymouth
* P/FUL/2021/03574 40 St Thomas Street, Weymouth
* P/HOU/2021/04011 84 Goldcroft Road, Weymouth
* P/HOU/2021/04053 14 Somerset Road, Weymouth
* P/CLP/2021/03740 104E St Mary Street, Weymouth
* P/FUL/2021/04072 Asda, Newstead Road, Weymouth
* P/FUL/2021/02342 21 Dorchester Road, Weymouth
* P/HOU/2021/04075 34 Bradford Road, Weymouth
* P/LBC/2021/03351 224 Preston Road, Weymouth
* P/HOU/2021/03587 55 Hillbourne Road, Weymouth
* P/HOU/2021/04140 175 Abbotsbury Road, Weymouth
* P/ADV/2021/03741 104E St Mary Street, Weymouth
* P/ADV/2021/04185 Land at Junction of Dorchester Road and Mercery Road, Weymouth
* P/HOU/2021/03788 28 The Finches, Weymouth
* P/HOU/2021/04328 21 Wedgwood Road, Weymouth
* P/HOU/2021/03854 22 Adelaide Crescent, Weymouth

**P00443** **Planning Applications responded to under Delegated Powers (for information)**

Members noted the information item.

**P00444 Licensing, Enforcement, Appeals & Phone Masts**

None

**P00445 Sitting Out License Applications – Standard Responses (for information only)**

None

**P00446 Other Developmental Consultations**

None

**P00447** **Traffic Calming and Parking Restriction Requests from The Public**

None

**P00448 Traffic Regulation Orders (TROs)**

**Verne Road and Buxton Road, Weymouth**

**Resolved:**

Proposer: Cllr James

Members voted unanimously in favour of returning a comment of “no objection” to the proposals.

**P00449 Information Items**

Members noted the information items.

**P00450 Emergency Items**

**Application for Review of License**

**The Duke of Cornwall Public House, 1 St Edmund Street, Weymouth**

Charmaine Denny, Assistant Town Clerk, shared the following statement from a member of the public:

“I have four main points as follows.

1. Guidance Note 4 on applying for review of a licence says that the application must be signed. The application from Respect Weymouth Action Group is not signed. Therefore, it should be dismissed.
2. Under ‘Background’, the application says that The Duke of Cornwall “is located on the edge of town.” It is not. It is in the middle of town – where noise must be expected. So this claim appears to be an attempt to mislead the Committee, and on that basis the application should not be accepted.
3. Weymouth and Melcombe Regis is a town that has been a leading provider of night-time entertainment for at least 250 years, since the time of George III. It is a famous entertainment centre. And The Duke of Cornwall has been at the heart of that for many years, to my personal knowledge. One small (and anonymous) pressure group must not be allowed to put an end to this historic culture.
4. Finally, rather than the trite sentiment of “Respect Weymouth”, I would expect the Council to respect Weymouth residents, many of whom have been enjoying The Duke of Cornwall for very many years.

I am strongly of the opinion that this matter should be settled by mediation rather than statutory action. Even though the opposed parties appear to have dug their heels in, it should be possible to bring them to a reasonable agreement on:

          -        Noise levels

          -        Permitted hours

          -        Improvements to the pub, eg a porch at the front door to create a noise barrier

          -        Restrictions (or a ban?) on outside drinking”

Cllr Weaving proposed that the application for a review of license should be dismissed on the basis that the application has not been signed.

Cllr Orrell shared the following statement from a member of the public:

“Many comments have been published about Respect Weymouth and this application, repeating errors of fact that have been presented by The Duke of Cornwall. There is a need to put the record straight so the Licensing Committee may consider a more balanced position.

**The application should not be anonymous.**

There is a legal right for individuals to be anonymous where there are reasonable and justified fears of intimidation and retaliation. This was exercised and accepted by the council. Recent events in social media, led and condoned by a licensee, demonstrate why this was needed.

**The group does not represent all residents of the harbour.**

Correct. Respect Weymouth aims to highlight and resolve problems caused by disorder, ASB and licensing activities in and around the main entertainment area behind the north harbourside. In this particular instance, the group represents those who live closest to the Duke of Cornwall in noise sensitive properties. And it represents the wellbeing of children within those properties.

**The application is vexatious and presented by a single, vindictive, serial complainant.**

It’s a group application, clearly mandated by at least a dozen residents. There is a council test to ensure that it’s not vexatious and that it’s relevant to the Licensing Objectives. The application has passed this test.

The group has recently worked with an adjacent venue to develop a noise management plan. This very constructive approach has been held up as good practice by responsible authorities. The Duke of Cornwall has yet to show a similar commitment.

**The individual behind this application is trying to close this and other pubs in the area.**

The group’s application is clear that it is seeking new/revised public nuisance conditions only. The public is being misinformed about the need to ‘Save The Duke of Cornwall’ from closure.

**The individual behind this application is on a crusade to kill live music in the town.**

The group supports live music when it doesn’t cause a problem. The council has recently served a Noise Abatement Notice to the licensees of this venue and further enforcement action may follow if it is not appealed and excessive noise continues. The public does not appear to be aware of this.

**If you don’t like live music, don’t live near a pub that does.**

New and existing residents have relied on a licence condition - ‘Noise from a licensable activity at the premises will be inaudible at the nearest noise sensitive premises’. Long term residents of 20 years can clearly remember when this venue ran live music without problems.

A new licensee would have been aware of the same condition, their responsibilities under statutory noise nuisance, and that this is a Grade II listed building with virtually no soundproofing. Building limitations could and should be assessed against the extent of a proposed live music model. Without better soundproofing, the current model cannot be contained.

**The petition seeks to continue with things as they are, without changes to the licence.**

Because of the Abatement Notice, the application recognises that current noise conditions do not enable the prevention of public nuisance as the licence intended. We believe it needs to be strengthened. We understand that the outcome will be decided at a Licensing Hearing.

Respect Weymouth is not trying to close down the venue.

It is not trying to drive live music out of the area, or the town.

It does not have to prove noise nuisance if an Abatement Notice has already done so.

It is seeking appropriate noise conditions to restore the agreed spirit of the licence and to secure the prevention of public nuisance and harm to children in the local community.”

Members supported the suggestion of mediation between the affected parties.

Members felt that the application should have been signed. However, it was highlighted that there is a right to remain anonymous where there are reasonable and justified fears of intimidation and retaliation, and this has been accepted by Dorset Council. It was also suggested that the application may have been redacted to remove the name of the applicant.

It was highlighted that this Committee can only comment on the application, and that any decision making will be undertaken by the Licensing Committee at Dorset Council.

**Resolved:**

Proposer: Cllr Bergman Seconder: Cllr Orrell

Members voted unanimously in favour of not objecting to the license but encouraging mediation between the parties.

The meeting concluded at 7.22pm.