

Supplementary Papers for Licensing Sub-Committee

Date: Thursday, 22 August 2024



5. **Dancing Jug, 2 Southbourne Grove, Bournemouth, BH6 3RB**

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Please find enclosed correspondence in relation to mediation between the applicant's representative and Environmental Health and responses provided to Licensing from Other Persons.

Published: 19 August 2024

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15.08.24 – 12:02

Hi Jon

I refer to the acoustic report undertaken by ATTUNE Ref: 26927REP-1C which I have now had opportunity to evaluate. It is understood that the purpose of this report was to provide additional information in relation to the premises licence application as well as planning application for the Dancing Jug located at 2 Southbourne Grove Bournemouth.

I have also now considered your proposal agreeing to the hours on Sunday , to shorten the hours on two nights of the week by 30 minutes on Monday and Tuesday and to extend them by 30 minutes on Friday and Saturdays.

Therefore for clarity,

Your new proposed hours are;

Sunday to Tuesday

- Sale of alcohol and music until 23:30 & late night refreshment and closing at midnight

Friday and Saturday

- Sale of alcohol and music until 00:30 & late night refreshment and closing at 0100.

As opposed to your original proposed hours of:

Sunday to Tuesday

- Sale of alcohol and music until midnight & late night refreshment and closing at 00:30

Friday and Saturday

- Sale of alcohol and music until 01:30 & late night refreshment and closing at 02:00

It is encouraging to see that your proposal for the hours is more in line with the hours I have suggested, however I am still unable to agree to the proposal for the closing time of 01:00 on Fridays and Saturdays but will agree to the provision of live / recorded music until 00:30 as proposed.

The other matter which continues to concern me is the use of the proposed external beer garden area.

The effect of the Live Music Act is such that there would be nothing to prevent the playing of (loud) music in the beer garden until 11 p.m. I acknowledge your proposal to agree to a condition that the outside areas, other than the rear smoking area, be closed by 10pm Sunday to Thursday and 11pm Friday and Saturday with *no regulated entertainment outside, not even background music*. This reads as there will be NO MUSIC in the outside area during the opening hours of the venue, can you clarify this please?

This would make sense as the acoustic report has not evaluated the noise from music in the external area and has only evaluated the noise from a maximum of patrons in the area. The report has however not considered the cumulative impact of the noise from the patrons in the external area as well as the persons in the smoking area. I would also need an indication of the maximum numbers allowed in the smoking area.

In relation to the proposed hours for the use of the external area marked as Annex 4 on the plan. I have now had opportunity to consider the ATTUNE Ref: 26927REP-1C acoustic report which has discussed the;

Noise from the proposed beer garden affecting surrounding residential properties

The report has also considered

Noise from the internal restaurant and bar area affecting nearby dwellings at night and early in the morning

Noise from patrons leaving the bar at night and early in the morning.

It is noted that your client has committed to provide a shelter building or enclosure around the beer garden. It is understood that the shelter would be comprised of new and existing brick walls, timber fencing and a pitched polycarbonate roof with timber gables. The exact specification of the proposed acoustic works is outlined in the report ATTUNE Ref: 26927REP-1C

I am reluctant to agree to a condition that this external area be used until 2300 where there is no indication that planning permission will indeed be granted for the proposed structure.

I would however agree to a condition stating that

The area shall not be put into use until such time as a further acoustic report has been submitted to and approved by the Environmental Health Department confirming that the required sound reduction has been achieved and the external area is built in accordance with the specification outlined in Acoustic report ATTUNE Ref: 26927REP-1C or an equally effective level of acoustic mitigation is achieved.

Furthermore, the restriction of use of external areas after 11 p.m. does not include the smoking area shown on the plan which itself would not by definition have a roof. The use of this area until the early hours is likely to cause a nuisance to local residents

Kind Regards



Andrew Hill

Environmental Health Officer

Communities

15.08.24 – 17:33

Please see below

Jon Walsgrove has agreed to my conditions for the Dancing Jug, however I do not wish to withdraw my rep as I am still concerned about the impact this premises will have on the community and whilst the conditions offer a certain level of protection, the premises is still likely to have a significant impact on the community particularly in respect to the proximity of the venue to residential properties and therefore I wish to uphold my rep and will still be attending the hearing.

Thanks



Andrew Hill

Environmental Health Officer

Communities

From: Jon Wallsgrove

Sent: Thursday, August 15, 2024 4:43 PM

To: Andrew Hill

Subject: RE: Dancing Jug Bournemouth Limited, 2 Southbourne Grove

Andrew

Thank you for your time today. I have discussed with Jalal and after consideration he is prepared to revise the application on the hours in line with your original recommendation at the meeting i.e. licensable activities until midnight Monday to Saturday and until 11.30pm Sundays, closing 30 minutes thereafter.

As stated below the conditions you proposed are agreed.

1. The licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff so as to ensure that there is no public nuisance or obstruction to the public highway.

The designated queuing area shall be enclosed within appropriate barrier to ensure that the footway is kept clear.

All staff engaged outside the entrance to the premises, or supervising or controlling queues, shall wear high visibility yellow jackets or vests.

2. No amplified or non-amplified music will be played in the external areas. Loudspeakers shall not be located in the outside areas.
3. A lobbied entrance (that is two sets of doors that are set so that one is closed when the other one is open) shall be installed at the entrance to the premises and the front

entrance doors to the premises shall have self-closers and be maintained as such for the duration of the licence.

4. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.

We also agree the following conditions:

5. The area shall not be put into use until such time as a further acoustic report has been submitted to and approved by the Environmental Health Department confirming that the required sound reduction has been achieved and the external area is built in accordance with the specification outlined in Acoustic report ATTUNE Ref: 26927REP-1C or an equally effective level of acoustic mitigation is achieved.
6. The rear enclosed area and outside area at the front of the premises shall be closed by 2200 Sunday to Thursday and 2300 Friday and Saturday.
7. There will be a maximum of 8 people in the area marked on the plan as the smoking area.

If however, you considered it would be better to have the 8 people smoking at the front of the venue rather than the smoking area we could revise the conditions to accommodate that by revising condition 6 as follows:

- The rear outside area and area outside at the front of the premises shall be closed by 2200 Sunday to Thursday and 2300 Friday and Saturday with the exception of a maximum of 8 smokers being permitted to smoke in the area outside the front of the premises, who would not be permitted to take their drinks outside.

Given this appears to me to be in line (indeed going even further than you suggested) with your suggestion would you be prepared to withdraw your objection on that basis?

Kind Regards

Jon Wallsgrove
Partner

16.08.24 – 13:14 Email sent to all parties who had made a representation

Good Afternoon

I am dealing with this application whilst Tania Jardim is on annual leave.

I have heard from the applicant's solicitor who has confirmed amendment to the above application as follows:

- Licensable activities until Midnight Monday to Saturday and until 2330 on Sundays.
- Closing hours will be 30 minutes thereafter.

Both Dorset Police and Environmental Health have been advised, who had confirmed previously that if those hours were applied for there would be no objection.

There is ongoing discussion with the Environmental Health Officer about conditions as he remains concerned over the impact on residential properties.

If agreement is reached between Dorset Police and Environmental Health, and their representations withdrawn on that basis with the amended hours above, would you be in a position to consider withdrawal your representation?

I look forward to hearing from you.

Kind regards

Sarah



Sarah Rogers

Principal Licensing Officer

Responses received –

<p>Hi Sarah</p> <p>That is a bit better, however the noise & rubbish, drunks etc is still a major issue</p> <p>So my original objection still stands - as I do not want a pub open 7 days a week a few doors up from me, it will ruin the area in my opinion</p> <p>Thanks Felicity</p>
<p>No, this would not change my objection.</p> <p>Andrew Bye</p>
<p>Hi Sarah,</p> <p>Thank you for contacting me about this.</p> <p>I still think the hours are excessive given the number of residential properties in the area. I strongly believe the noise levels will be detrimental to those living near to the proposed venue. We aren't in a town centre location where it's more expected that there will be late night music.</p> <p>Therefore I cannot withdraw my objection until I know that some other measures are agreed to lessen the impact, such as those mentioned in my original letter.</p> <p>To put things in context of other places on Southbourne Grove, The Wight Bear stops its music at 9:40pm now (previously it was 10pm) because of complaints from neighbours. And they have to keep the door shut, and this is only on 1 or 2 occasions a week.</p> <p>It possibly makes me sound like a kill-joy (I'm definitely not) but I'm sure it would be much more difficult to get changes to licences once they've been agreed.</p> <p>Music till 11pm would be much better, with premises closing at midnight every night. And also with restrictions as to volume.</p> <p>Kind regards,</p> <p>Carol Coates</p>
<p>Dear Ms Rogers</p> <p>Thank you for your email.</p> <p>In light of what you say, noting that Environmental Health are considering the impact on local residents, I <u>withdraw</u> my objection to this application.</p> <p>Kind regards</p> <p>Jim Salway</p>
<p>No this change would not enable me to withdraw my objection.</p> <p>Thanks</p>
<p>Dear Mrs Rogers</p> <p>I do not wish to withdraw my objection, whilst we have successfully mediated conditions my concerns are still valid in relation to the impact this premises will have on the community due to the proximity of the venue to residential properties.</p> <p>I would like an opportunity to address the sub committee to outline my concerns with the proposal. The controls proposed in relation to managing the noise associated with dispersal, queuing to enter the premises and the general noise associated with a venue of</p>

this type would rely on management controls. Whilst engineering controls such as noise limiters, lobbied doorways and acoustically treated external enclosures may be effective in containing noise within the structure, my concerns still relate to the noise of patrons outside the premises which cannot be controlled by engineering controls.

This venue, if successful is likely to attract a large amount of persons to an area surrounded by residential properties which may be adversely impacted. There is also an established restaurant beside the venue which utilises the outdoor seated area, This venue which will have a significant impact on the ambient noise environment, and whilst I cannot comment on protecting the ambient environment for the established restaurant which will be affected by the proposed premises, I do need to consider that in granting this premises license that the precedent may be set and therefore should consider the cumulative noise impact of the contribution of noise from the proposed beer garden at this venue contributing to the existing noise climate from the established restaurant external area. This is likely to result in unacceptable noise levels to residential properties above and overlooking the premises.

Therefore, for clarity, I would welcome the opportunity to address the sub-committee to outline my continued concerns with this application.

Kind Regards



Andrew Hill
Environmental Health Officer

Thank you for your email. Whilst acknowledging the reduced hours, my property is right opposite this proposed establishment. And I am still worried about the amount of noise especially during the summer with windows being open, having to get up in the morning and having my little grandchildren stay over. It would be 1am 6 days a week before the premises would be clear. Later than many premises around here. So I am still objecting.

Morning Sarah

Thank you for your email with regards to the above venue.

I don't really think there is much of a time change in the new application.

I personally think that Sun to Thurs should be a 11pm closure, especially as the venue is so near to a residential area and people have to go to work weekdays and children to school.

And maybe Friday - Saturday 12/12.30 closure.

I think that's quite reasonable.

Thank you for keeping me up to date.

Regards

Christine

Hi Sarah

Many thanks for your email.

I cannot see how changing the licensing hours makes much difference to the issues on which I objected to the licence for this establishment.

If anything it may make some of the issues worse as more people will be out on the streets from the other late night venues which close around this time.

I would therefore like to continue with my objection - however please let me know if all other objectors withdraw their objections.

Many thanks

Liz