



## Licensing Sub-Committee

**Date:** Wednesday, 5 August 2020  
**Time:** 10.00 am  
**Venue:** A link to the meeting can be found on the front page of the agenda.

**Membership: (Quorum 3 )**  
Councillors Jon Andrews, Les Fry and Emma Parker

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**Chief Executive:** Matt Prosser, South Walks House, South Walks Road, Dorchester, Dorset DT1 1UZ (Sat Nav DT1 1EE)

**For more information about this agenda please telephone Democratic Services 01305 224202 [elaine.tibble@dorsetcouncil.gov.uk](mailto:elaine.tibble@dorsetcouncil.gov.uk)**

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[https://youtu.be/k\\_MnkF9vqiM](https://youtu.be/k_MnkF9vqiM)

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## **Supplementary Information to Support the Representation of Respect Weymouth Action Group for the Hearing of Somewhere Else**

Because of new and increasing levels of Public Nuisance and Disorder from those consuming off-sale alcohol around the harbour and Helen Lane, since the representation, and a revision to the original application conditions, Respect Weymouth is submitting this supplementary information under regulation 18 of The Licensing Act 2003 (Hearings) Regulations 2005.

The main focus of this is to demonstrate that the revised application will still add to the existing impacts for the cumulative impact area as follows.

1. The application for a cafe (sitting out) license was refused. So there is no outside seating for off-sale consumption, and a full cocktail and spirits menu for new off-sales in open containers will now be uncontrolled and unrestricted for consumption in adjacent areas.

*A sitting out area would have offered some control and reduced risks to the cumulative impact area. Respect Weymouth would have been seeking conditions around seated, socially distanced consumption in this area only, within times to be agreed. However, this is no longer available or applicable.*

2. Managers of licensed premises on the harbour have recently complained to the police and the press about off-sale consumption from non harbourside establishments, and that this has been ruining the atmosphere for patrons in seated, socially distanced areas because of loud and intimidating behaviour, fighting, ASB, open toileting, under age drinking, no social distancing and littering. They have very clearly distanced themselves from this.

<https://www.dorsetecho.co.uk/news/18600364.weymouth-harbour-pubs-pressure-people-bring-alcohol-quayside/>

*Residents have also been engaged with the town council and police. Not everything is reported, as demonstrated in the ground truth. But police presence has been increased for the area. The revised conditions will still increase off-sales to the area and add to these problems. It feels like the application is seeking permanent financial advantage from the off-sales boom whilst ignoring the impacts on this group and licensing peers.*

3. The council has, after recommendations from Dorset Police and council officers, changed the harbourside traffic restrictions because of the above. They were in place from 10.30-21.00 and this has now been changed to 10.30-18.00. The aim being to reduce public nuisance and ASB by encouraging consumers of non harbourside off-sales to move into town. It is clear that responsible authorities do not want the new and escalating off-sale problem to continue.

<https://www.dorsetecho.co.uk/news/18603124.weymouth-harbour-pedestrianisation-scheme-relaxed-saturday/>

*This has caused very negative impacts for residents, visitors, the council, police, and other hospitality businesses. It's too early to know if the new arrangements will work. The coming weekend of 31 July will be telling. If there is no improvement, or things become worse, video evidence (only) will be added to this supplementary information prior to the hearing for further consideration of all parties, by 09.00 Monday 3 August.*

**4.** Sitting out areas of most harbourside bars and restaurants have now been moved towards the harbour wall. This has improved the cafe culture of these areas between 10.30-18.00 because off-sale consumption with ASB has been squeezed out. But, this has severely reduced the availability of harbour wall positions and those choosing to do this, without PSPO enforcement, are now restricted to a small area between Maiden Street and the lifting bridge.



New sitting out arrangements and the restricted off-sales area on a quiet Weds 29.07, 18.00.



Off-sales aftermath on Sunday 26 July 09.00

<https://www.facebook.com/groups/WeyPortCCOS/permalink/1949813738487834/>

*It's still foreseeable that introducing new, open container off-sales from a non harbourside venue with no seating area will add to these impacts. Albeit without glass. The new area is likely to become more congested with less social distancing, more risk to public health, with more intimidation. public nuisance, unchecked ASB, and litter.*

**5.** People consuming these off-sales are not, understandably, permitted to use the toilets of harbourside licensed premises so they rely on the public toilets, which close between 21.30-22.00. Or they use the street, usually Helen Lane. The police and residents have publicly raised this problem and tried to resolve it with the town council.



<https://www.facebook.com/WeyPortPolice/posts/3200705893348982>

<https://www.facebook.com/groups/WeyPortCCOS/permalink/1896434090492466/>

### Social Distancing and Urinating

*(note the lack of social distancing in the queue and smoke break area)*

*Further CCTV footage shows that on a busy night between 21.00 and 01.00, it is not unusual to have more than 40 separate events of vomiting, defecating, and urinating, often with indecent exposure. There is evidence to show this happens when public toilets are open too. Usually because of high levels of intoxication. Existing patrons of Somewhere Else contribute to this when in queues and on smoke breaks. If asked to go elsewhere, the response is usually quite aggressive and intimidating. If new, expanded off-sales encourages new consumers to the harbour, within the revised times of the variation, this could add to the problem and further damage the feel and reputation of the harbourside.*

**6.** It has already been stated that Somewhere Else patrons cause distress to local residents with regular vomiting and urinating in the street, probably as a result of cheap cocktail and shot promotions, binge drinking and an inability to judge alcohol limits with obvious questions over serving before and after events. Loud arguments and recreational drug use are also a regular occurrence under the windows of residents.

### Cocktail Vomit

#### Cocktail Vomit from SE

#### Cocktail Vomit Remnants

Throw Up1 *(note levels of condoned shouting from the queues and smoke break area)*

#### Throw Up1 - from SE

#### Throw Up 2

### Noisy Break SE

*This Ground Truth behaviour is regular and ongoing for residents of Mitchell Street and Helen Lane. It's still foreseeable that new, uncontrolled and unrestricted off-sale provisions could lead to more of the same with new, under age drinking risks for holiday makers and local patrons. This can't be managed away from the venue. Whilst it's accepted that off-sale times have been reduced, patrons would be able to front load their evenings on the harbour before moving on to the club, or elsewhere, so it's foreseeable that this problem could increase and start earlier, causing more impacts for local residents, visitors and hospitality businesses.*

7. The representation raised the special policy condition for refusal of variations in a cumulative impact area. Given the above and the permanent nature of the variation, additional information is needed to clarify the relevance of this:

6.12.2 “The effect of adopting a special policy of this kind is to create a rebuttable presumption that where representations are received applications will normally be refused, unless the applicant can demonstrate, in their operating schedule, that there will be no adverse cumulative impact on the licensing objectives.”

*It still does not appear that the applicant can demonstrate no additional or adverse impacts for the cumulative impact area.*

6.12.4 “This special policy is not absolute. The circumstances of each application will be considered on its merits and the Licensing Authority shall permit licences and certificates that are unlikely to add to the cumulative impact on the licensing objectives to be granted.

*As above.*

6.12.5 After receiving representations in relation to a new or variation application the Licensing Authority will consider whether it would be justified in departing from this special policy in the light of the individual circumstances of the case. The impact of an application can be expected to be different for premises with different styles and characteristics. If the Licensing Authority decides that an application should be refused, it will still need to show that the grant of the application would undermine one or more of the licensing objectives and that conditions or restrictions would be an ineffective solution.

6.12.6 Examples of applications that the Licensing Authority may consider as exceptional may include, though are not limited to:

*It is anticipated that an exception won't be permitted if there are foreseeable impacts on the licensing objectives, as reported above. A small venue is just as capable of having a large impact, as this one does.*

- Small premises with a capacity of 50 persons or less who only intend to operate during the hours 10:00 and 23:00

*The venue has a license capacity of 250. The amount of new, open container off-sales will be uncontrolled and unrestricted. They could easily reach very high numbers for unmanaged consumption in the street. Whilst the capacity is reduced during pandemic restrictions, this application is permanent. It is extremely likely that the future daytime capacity will not be restricted to 50 persons when Covid-19 measures are lifted. The venue is now open from 10.00 to 03.00 every day, and because of this the impacts in this report are likely to increase. It is foreseeable that some patrons will start earlier with off-*



*sales, and then go to the bar/club later, more intoxicated. Adverse impacts will be increased and brought forward.*

- Premises which are not alcohol-led and operate only within the hours 08:00 and 22:00

*This premises is alcohol led. Day and night. The new daytime off-sales promotions are conspicuously advertised on windows around the venue and the applicant will clearly continue to sell alcohol inside without restriction when the pandemic is over. The new advertising is also openly promoting an unwanted off-sale drinking culture. No other off-sale establishments are doing this.*

[Advertising Off-Sales](#)  
[Advertising Off-Sales2](#)

6.12.7 Examples of factors the Licensing Authority will not consider as exceptional include that the :

- Premises will be well managed and run

*From a Public Nuisance perspective, this venue has been served a stage 1 and 2 statutory nuisance notice with unresolved issues for bass emissions, unresolved complaints about excessive shouting and noise in controlled areas outside and, at the moment, there is no social distancing in queues or smoke break areas, See Ground Truth in the representation.*

- Premises will be constructed to a high standard

*As it stands, the ex jewellers shop is not fit for purpose as a loud bass music nightclub. Some improvements have been made but the bass issues remain.*

- Applicant operates similar premises elsewhere without complaint.

*The applicant runs the venue next door, which is built to a completely different standard. There have been few complaints about noise emissions from inside, but unmanaged noise from outside is frequently excessive and a problem. See Ground Truth in the representation.*

**8. The view of Respect Weymouth remains, that this application for permanent variation should be rejected on the grounds of long term impacts to the Licensing Objectives and the refusal condition of the Special Licensing Policy for the cumulative impact area.**

**It is still accepted that the new Act will enable all the things the applicant wishes to do to compensate for loss of pandemic income. And that the above impacts could be realised. However, this is a bearable position to support the hospitality sector and serious matters of ASB can be managed very swiftly with new summary review measures in the Act.**

**Notwithstanding the above, the following points for the revised conditions are made.**

Putting off-sales on the front of the licence between 10.00hrs and 21.30hrs

*Given the impacts outlined above, the desire for a much more family friendly al fresco culture on the harbour, without off-sale related ASB, which is supported by responsible authorities, harbourside bars and restaurants, visitors and residents, these hours go against this. It is suggested that the new and expanded off-sales should not be permitted to the harbour and adjacent streets of this cumulative impact area until traffic restrictions and sitting out arrangements are finished. This would limit the existing impacts and help to enable a new, exciting and welcoming culture to emerge during the day and early evening. So, 18.00-23.00 (as per the new Act's closing limit) would support this.*

and amend the three conditions to

40) Glass and Bottles No glass whether it is open bottles, drinking vessels or anything similar will be taken from the premises at any time. Empty bottles and glasses will be collected regularly and promptly. Glass and other sharp objects will be stored and disposed of using tamper proof receptacles. Receptacles will be secured and not accessible to the customers.

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

*This condition will be taken literally and the applicant will, as already demonstrated for 'notices' to address excessive noise in controlled areas, avoid the management responsibility to make this happen, especially after 23.00 when there are no door supervisors available for the newly extended hours every night of the week. 'Informing' customers is not enough. The condition should be revised to ensure that management has an enforceable responsibility to actually do something.*

*The new operating schedule includes very late opening every night of the week and the risk assessment for the provision of door supervisors should also be reviewed.*

*The CCTV camera facing Mitchell Street, required after the last hearing, needs to be checked following reports that it is not working.*

42) All off sales will be made in paper, plastic, toughened polycarbonate or similar receptacles.



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