

## **DORSET COUNCIL - LICENSING SUB-COMMITTEE**

### **MINUTES OF MEETING HELD ON MONDAY 27 JANUARY 2020**

**Present:** Cllrs Emma Parker, Les Fry and David Taylor

**Also present:** J Bean (Licensing Officer), Sgt Goon and PC Morris (Dorset Police); Mr E Tanyel (applicant); Mr P Watts (applicant's agent) and Cllr Ken Whatley (Weymouth Town Council).

**Officers present (for all or part of the meeting):**

Roger Greene (Senior Corporate and Regulatory Lawyer), Sarah Fazakerley (Licensing Officer), Aileen Powell (Team Leader Licensing), Steve Hartwell (Licensing Officer) and Denise Hunt (Democratic Services Officer)

**54. Election of Chairman**

It was proposed by Cllr Les Fry, seconded by Cllr David Taylor.

**Decision: That Cllr Emma Parker be elected as Chairman for the meeting.**

**55. Apologies**

No apologies for absence were received at the meeting.

**56. Licensing Sub-Committee Procedures**

The Chairman outlined the process and procedure for the meeting. There was also the opportunity to introduce all parties present at the meeting.

**57. Declarations of Interest**

No declarations of disclosable pecuniary interests were made at the meeting.

**58. Application for a variation of a premises licence for Weymouth Kebab House, 1 Westham Road, Weymouth, DT4 8NP**

Prior to introduction of the report, the Chairman stated that the supporting evidence for the Cumulative Impact Area (CIA) relied upon statistical information produced in 2016 and it was confirmed that these were the latest available figures. She also sought clarity in relation to when the Cumulative Impact Policy would be reviewed and was informed that this would be part of the review of the Statement of Licensing Policy during the forthcoming year and would include updated figures for Melcombe Regis at that time.

The Licensing Team Leader set out an application made by Emrah and Osman Tanyel to vary a premises licence to include the supply of alcohol for off sales between the hours of:-

11:00 and 05:00 from Sunday to Thursday  
11:00 and 06:00 from Friday to Saturday

She advised that a late open letter had been received from the applicant which offered a reduction in these hours from 11:00 to 01:00 daily.

The meeting was adjourned at 10.10am and the sub-committee retired to read the letter. The meeting was reconvened at 10.15am.

The Licensing Team Leader explained that the CIA had been created over a long period of time as a result of significant antisocial behaviour in Melcombe Regis and remained in place until such time as it was reviewed. The application should be refused unless the sub-committee was absolutely sure that it would not add to crime and disorder and antisocial behaviour in the area and could be granted only in exceptional circumstances, for example, a different offer such as cinema or theatre. She advised that the offer of a reduction in hours still fell within the CIA which was between 23:00 and 05:30.

Representations had been received from Dorset Police on the grounds that the application fell within the CIA and Weymouth Town Council who had concerns in relation to antisocial behaviour.

The Chairman invited the applicant to address the sub-committee. The applicant's agent stated that the letter offering a reduction in hours also sought to explain the reason why the applicant wanted to vary the licence in order that that customers could purchase alcohol with a takeaway meal. Many venues had closed in the immediate locality which, in his view, was a material consideration. He was disappointed that updated statistical information to support the CIA was unavailable, however, he also recognised that other premises with licences for off sales until 01:00 or 02:00 had been granted before the CIA came into effect. He did not believe that this application would enable those leaving clubs to have a source of further alcohol purchases in the CIA, however, if the sub-committee remained concerned then further compromises could be made as the applicant sought to benefit from evening rather than early morning trade.

The Chairman invited representatives from Dorset Police to address the sub-committee.

The Licensing Officer (Dorset Police) explained that as the area was within the CIA, there was a presumption that applications of this nature would be refused. The CIA had been put in place due to antisocial behaviour which had been proven and continued to exist. If the application were to be allowed, there must be sufficient safeguards in place through conditions so as not to increase antisocial behaviour and put pressure on policing in that area.

The Chairman asked whether there had been a rise or fall in incidents in Melcombe Regis since 2016.

The Licensing Officer (Dorset Police) explained that updated figures took a great deal of time and effort to produce. He confirmed that another premises selling alcohol would increase the issues in that area that may affect the figures in future and that the CIA had been put in place to protect the police and residents of Melcombe Regis.

The Chairman asked the applicant how long the business had been operating, whether there had been any antisocial behaviour related issues, whether there were procedures in place for people arriving from pubs and clubs and door staff would be employed.

The applicant confirmed that the business had been operating since 2016 and there had been one or two incidences at the premises during that time. He planned to refuse the sale of alcohol to late night customers who were already intoxicated. Three staff were employed that increased during the summer period, however, there were no plans to employ door staff as the business had CCTV.

The Chairman asked about competitors and the police representatives advised of similar types of business in the area, all of which did not sell alcohol. It was their view that the provision of alcohol within that environment would fuel crime and disorder and antisocial behaviour with an immediate demand for police in that area.

PC Morris stated that demand for police resources remained high and had not decreased since he had begun policing Melcombe Regis 3 years ago. There were issues with daytime drinking by the homeless as well as the night time economy. He reported that staff at the premises had been assaulted and the applicant's premises had been subject to criminal damage in the last 2-3 months.

The Chairman asked the Dorset Police Licensing Officer which conditions he would like to see in order to uphold the licensing objectives and was informed that these would include the presence of door staff and not selling alcohol above a certain abv. He had concerns in how the reduction in hours would be managed around 01:00 and bottles sold could be taken away and used as a weapon. PC Morris added that if granted, a further condition to close the premises at 01:00 should be considered.

The applicant reiterated that the proposal was mainly for evening customers interested in purchasing alcohol alongside a takeaway meal and that he was not interested in selling to late night customers. He did not feel that this would cause a problem and that the price of the alcohol would also be higher than shops. He would adhere to the hours and the CCTV could be used in incidences of antisocial behaviour. He did not wish to close the premises at 01:00.

Cllr Ken Whatley addressed the sub-committee on behalf of Weymouth Town Council who objected to a further licence being granted in the CIA and considered that another premises offering alcohol in that area would cause more antisocial behaviour and increase security concerns. He had listened to

the comments and agreed with the view of the police that a cut off time of 01:00 could cause problems if someone was waiting to be served during that time. He stated that there were enough premises in the area and off licences were also open until quite late. The Council therefore objected to a further licence being granted in the area.

The Chairman invited all parties to sum up.

The Licensing Team Leader advised that no premises had been offered later hours since the introduction of the CIA. The policy should have been reviewed in 2018, however, due to the formation of Dorset Council, this timeframe had been extended until 2021 by statutory instrument.

The applicant's agent stated that a reduction in hours had been offered from the outset of the meeting that could be further reduced if needed. The outdated policy was of concern as up to date figures would give a good indication of the current situation. A temporary licence pending a review should be offered.

The Police stated that the CIA had been introduced due to a disproportionate amount of antisocial behaviour in the area, representing 66% of all violent crime in that area, the highest incidents between 01:00 and 05:00. Two years ago incidences of public place violence were higher per capita in Weymouth than Bournemouth and Melcombe Regis represented the highest ward in Dorset. Although this had fallen due to the work undertaken it remained high and a police priority for public place violence in that area.

The sub-committee adjourned to consider its decision and on returning the Chairman informed the meeting that the Legal Advisor had joined the members in private session, not to advise on the decision itself, but to offer advice on the wording of the decision notice.

**Decision:- The Licensing Sub-Committee carefully considered all the evidence put before it and refused the variation of the licence on the following grounds:-**

1. The application, the applicant and the evidence presented did not in the view of the Sub-Committee, produce any persuasive argument that there were exceptional reasons or indeed, any reasons to go against the current Cumulative Impact Policy.
2. The Police unfortunately were unable to produce up to date statistics, however, their evidence was that another alcohol licence in this area would be undesirable.
3. Although the applicant offered to reduce the relevant hours to 1am, despite a series of questions there were no real assurances given that the premises would be able to handle a likely possible increase in antisocial behaviour.

4. It was perhaps a little surprising to the Sub Committee that in offering to reduce the hours of the application no conditions were put forward, including door staff or extra measures that could prevent further problems in that area.
5. Whilst refusing the application the Sub Committee would suggest the applicant may consider, if relevant, another application after the new Cumulative Impact Policy is reviewed and then published.

59. **Urgent items**

There were no urgent items to report.

60. **Exempt Business**

Decision

That the press and the public be excluded for the following item(s) in view of the likely disclosure of exempt information within the meaning of paragraph 1 of schedule 12 A to the Local Government Act 1972 (as amended).

61. **Exempt Report**

The sub-committee considered a report on whether the person was "fit and proper" to hold a Private Hire Drivers Licence following complaints made to the operator.

Members heard evidence from the applicant and the sub-committee asked questions for clarification.

The sub-committee adjourned for members to make a decision and on returning the Chairman read aloud its decision.

**Decision: After careful consideration of all the evidence presented to the sub-committee it was considered that the applicant was a 'fit and proper' to continue to hold a Private Hire Drivers Licence.**

62. **Exempt Report**

The sub-committee considered a report on whether the applicant was "fit and proper" to hold a Hackney Carriage Drivers Licence. The Licensing Team Leader set out the details of the application which included matters referred to as part of the Disclosure Barring Service (DBS) check.

Members heard evidence from the applicant and all parties were provided the opportunity to sum up before the sub-committee withdrew to consider its decision.

On returning the Chairman read aloud its decision.

**Decision:- That the Hackney Carriage Drivers Licence be revoked.  
The Sub-Committee did not find it possible to reconcile the matters  
arising as a result of the DBS check with being a 'fit and proper person'  
for the purpose of holding a Hackney Carriage Licence at this time.**

**Duration of meeting:** 10.00 am - 1.15 pm

**Chairman**

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