



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

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



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<https://youtu.be/Pq4attcm5aY>

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A G E N D A

Page No.

**1 ELECTION OF CHAIRMAN AND STATEMENT FOR THE
PROCEDURE OF THE MEETING**

To elect a Chairman for the meeting and the Chairman to present and explain the procedure for the meeting.

2 APOLOGIES

To receive any apologies for absence.

3 DECLARATIONS OF INTEREST

To receive any declarations of interest.

4 LICENSING SUB-COMMITTEE PROCEDURES

5 - 8

5 MY AMAZING FANTASY, WEYMOUTH

9 - 58

To determine an application to vary a sex shop licence.

6 SOMEWHERE ELSE, WEYMOUTH

59 - 110

To determine an application to vary the premises licence.

7 URGENT ITEMS

To consider any items of business which the Chairman has had prior notification and considers to be urgent pursuant to section 100B (4) b) of the Local Government Act 1972. The reason for the urgency shall be recorded in the minutes.

8 EXEMPT BUSINESS

To move the exclusion of the press and the public for the following item in view of the likely disclosure of exempt information within the meaning of paragraph x of schedule 12 A to the Local Government Act

1972 (as amended).

The public and the press will be asked to leave the meeting whilst the item of business is considered.

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TEMPORARY LICENSING SUB-COMMITTEE HEARINGS PROCEDURE AND GUIDANCE

The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 and The Licensing Act 2003 (Hearings) Regulations 2005

This Temporary Procedure and Guidance notes makes provision for the conduct of local authority Licensing Sub-Committee hearings, held between 4 April 2020 and 7th May 2021, and for public and press access to these meetings and are made in accordance with Coronavirus Act 2020 and The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020.

The following points of clarification apply throughout:

- A reference to a “meeting of the Licensing Sub-Committee” or reference to a “place” where a meeting is held, includes more than one place, electronic, digital or virtual locations such as internet locations, web addresses or conference call telephone numbers.
- Any reference to being “attend” “attendance” “present” at a meeting includes through remote attendance.
“Remote access” means remote access of public and press to a Council meeting to enable them to attend or participate in that meeting by electronic means, including by telephone conference, video conference, live webcasts, and live interactive streaming.
- A Member of the Licensing Sub-Committee who is a “Member in remote attendance” attends the meeting at any time if all of the conditions in subsection section 5(3) of The Local Authorities and Police and Crime Panel (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 are satisfied, which means the Member in remote attendance is able at that time—
 - (i) to hear, and where practicable see, and be so heard and, where practicable, be seen by, the Members in attendance,
 - (ii) to hear, and where practicable see, and be so heard and, where practicable, be seen by, any members of the public entitled to attend the meeting in order to exercise a right to speak at the meeting, and

(iii) to be so heard and, where practicable, be seen by any other members of the public attending the meeting.

- Any reference to a member, or a member of the public, attending a meeting includes that person attending by remote access.

Rights of a Party

1. A party has the right to attend the hearing and may be represented by any person.
2. A party is entitled to give further information where the authority has asked for clarification.
3. A party can question another party, and/or address the authority, with consent of the authority.

Failure to Attend

4. If the authority is informed a party does not wish to attend, the hearing may proceed in their absence.
5. If a party has not indicated their attendance and fails to attend the hearing may be adjourned if considered in the public interest, or hold the hearing ensuring the party's representation is considered.
6. Where the authority adjourns the hearing it shall notify the parties of the date, time and place.

Procedural Information

7. At the start of the hearing, the authority shall explain the procedure which it proposes to follow and shall consider any request for permission for another person to appear at the hearing.
8. A hearing shall take the form of a discussion led by the authority and cross-examination shall not be permitted unless the authority considers that it is required.
9. The authority will allow the parties an equal maximum period of time in which to speak.
10. The authority may require any person behaving disruptively to be disconnected from the hearing, and may refuse that person to be reconnected, but such a person may, before the end of the hearing, submit in writing information they would have been entitled to give orally had they not been required to leave.

FOOTNOTE:

In relation to all other matters governed by the Licensing Act 2003 (Hearings) Regulations 2005 any party or their representative may contact the Licensing Department at Dorset Council and they will be provided with a full copy of the regulations on request.

LICENSING SUB-COMMITTEE PROCEDURE

1. At the start of the meeting the Chairman will introduce:
 - the members of the sub-committee in attendance
 - the council officers in attendance
 - the parties and their representatives in attendance
2. The Chairman will then deal with any appropriate agenda items.
3. The Licensing Officer will be asked to outline the details of the application, including details of any withdrawn representations.
4. The applicant or their representative is then invited to present their case.
5. Committee members will be invited to ask questions.
6. Where appropriate the Responsible Bodies e.g. representatives of Police, Fire Services, Environmental Services or Trading Standards will be invited to address the sub-committee on any relevant representations they may have.
7. The Chairman may then allow an opportunity for questions asking each person in turn if they wish to ask a question.
8. The Chairman will ask any person who has made representations, who has already expressed a wish to do so, to address the sub-committee. The sub-committee will have read all the papers before them, including any letters of representation. Members of the public are asked to keep their comments concise and to the point.
9. All parties will be given the opportunity to “sum up” their case.
10. The Chairman will ask the Legal Advisor if all relevant points have been addressed before advising all parties present that the public part of the meeting will conclude. The sub-committee will then consider its decision in private. The sub-committee will also have the Democratic Services Officer in remote attendance, and the Legal Advisor can be called upon to offer legal guidance.
11. The decision of the Licensing Sub-Committee shall be communicated to the parties and made available on the Council’s website as soon as practicable.

NOTE

The Chairman may vary this procedure, as circumstances require but will have regard to the rules of natural justice and the Licensing Act 2003 (Hearings) Regulations 2005, and the requirements of The Local Authorities and Police and

Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020.

The remote meeting will be available to via web-link details of which will be set out on the agenda. However, the public can be excluded from all or part of the meeting by removal of remote access where the sub-committee considers that the public interest in so doing outweighs the public interest in the meeting or that part of the meeting, taking place in public.

Under no circumstances must the parties or their witnesses offer the sub-committee information in the absence of the other parties.

The Chairman and the Sub-Committee have discretion whether to allow new information or documents to be submitted and read at the meeting.

Licensing Sub-Committee

5 August 2020

**Local Government (Miscellaneous Provisions) Act 1982 –
Application to vary a sex shop licence for My Amazing Fantasy,
Weymouth**

For Decision

Portfolio Holder: Cllr A Alford, Customer, Community and Regulatory Services

Local Councillor(s): Cllr Jon Orrell

Executive Director: John Sellgren, Executive Director of Place

Report Author: Kathryn Miller
Title: Licensing Officer
Tel: 01305 252214
Email: Kathryn.miller@dorsetcouncil.gov.uk

Report Status: Public

Recommendation: The Sub-Committee determines the application in the light of written and oral evidence and resolves to take such steps as it considers appropriate for the promotion of the licensing objectives.

Reason for Recommendation: The Sub-Committee must take into account the oral representations and information given at the hearing.

1. Executive Summary

An application to vary a sex shop licence has been made by Nick Honeybun to vary two conditions from the conditions attached to the licence.

Representations have been received and remain unresolved therefore a hearing by the licensing Sub-Committee must be held to determine the application.

- 2. Financial Implications**
The applicant will have the right to appeal any decision of the Licensing Sub Committee to the magistrate's court.
- 3. Climate implications**
Not applicable
- 4. Other Implications**
None
- 5. Risk Assessment**
Having considered the risks associated with this decision, the level of risk has been identified as:
Current Risk: Low
Residual Risk: Low
- 6. Equalities Impact Assessment**
Not applicable
- 7. Appendices**
Appendix 1 – Current sex shop conditions
Appendix 2 – Plan of premises
Appendix 3 – Renewal/variation application
Appendix 4 – Representation from Weymouth Town Council
Appendix 5 – Representation from an interested party
- 8. Background Papers**
Current Weymouth & Portland Sex Establishment Policy
Current sex shop licence conditions
[Local Government \(Miscellaneous Provisions\) Act 1982 Schedule 3](#)
[EHRC - Guide to the Human Rights Act for Public Authorities](#)
- 9. Details of variation of current conditions**
 - 9.1 An application has been received from Mr Nick Honeybun to renew and vary two conditions attached to the sex shop licence at My Amazing Fantasy, 1 Ranelagh Road, Weymouth, Dorset, DT4 7JD. The current conditions are attached at appendix 1.
 - 9.2 The variation is to amend two conditions from the existing licence;
 - a) 29. The entrance to the premises shall be so designed and constructed as to prevent persons outside the premises having a view of the interior.

b) 43. An LCD display unit (no bigger than 23" screen) can be used internally to identify products

9.3 The variation is sought to amend the conditions to:-

a) 29. The entrance lobby be arranged as to allow the opening of the front internal door to allow circulation of air and to arrange the internal layout of the premises that will prevent passers-by from seeing licensed products when this door is open. Plan of premises is attached at appendix 2.

b) 43. A television screen of any size to be used in the window display to advertise non sex related articles.

9.4 The renewal/variation application form is attached at appendix 3.

9.5 There were no objections made to the renewal of the sex shop licence by any responsible authority or interested party and this has been granted.

9.6 No representations have been received from any of the responsible authorities.

9.7 Two representations have been received objecting to the variation application. One is from the Weymouth Town Council attached at appendix 4, who have stated that:-

a) "The above application was considered by the Weymouth Town Council Planning and Licensing Committee on Tuesday 16th June 2020. Please see below the Council's representation:

b) Members voted to object to the use of a TV or any size to be used in the window display. Committee Members also felt that the lobby must be set up to prevent passers-by from seeing licensed products.

9.8 The second is from a local resident and is attached in full at appendix 5. The representation is in support of the decision and reasons given by Weymouth Town Council to object to the variation of the two conditions.

9.9 The premises has held a sex shop licence at 1 Ranelagh Road, Weymouth, Dorset, DT4 7JD for a number of years and overall the premises has operated in a responsible manner, however, there has been one recent issue that was reported to the Licensing Authority in February 2020. A complaint was received from Weymouth Town Council that a large television screen was being in used in the window of the premises to advertise female underwear.

9.10 The matter was investigated by the council and it was found that two television screens approximately 50-55 inches were in the window approximately 50-55 inches displaying advertisement of female underwear.

9.11 The officer spoke to the employee at the premises and explained that the televisions screens were too big. He pointed out that they were breaching condition number 43 on their licence and they could only have one television screen up to 23 inches in their window and they needed to be taken down immediately.

9.12 Having taken into account the representations and the evidence presented at the hearing the sub-committee may:

- a) make the variation specified in the application ;or
- b) make such variations as they think fit; or
- c) refuse the application

9.13 The Sub Committee could impose terms, considerations or restrictions other than those specified in the application if it is deemed appropriate and the applicant is given the reasons for this.

9.14 The Local Government Miscellaneous Provisions Act 1982 states that the layout, character or condition of the premises are material considerations when deciding to grant the application.

9.15 Members need to be minded what these conditions are seeking to achieve. With regards to the opening of the lobby doors, the condition is there to stop anyone seeing inside the premises.

Footnote:

Issues relating to financial, legal, environmental, economic and equalities implications have been considered and any information relevant to the decision is included within the report.

CONDITIONS ATTACHED TO THIS LICENCE WPSS0001

DORSET COUNCIL

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

SECTION 2 & SECTION 3 (Licensing of Sex Establishments)

Dorset Council, in exercise of the powers conferred upon them by paragraph 13 of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 and of all other powers enabling them in that behalf make the following standard conditions

INTRODUCTION

1. In these conditions "The Council" shall mean Dorset Council and all enquiries concerning this licence shall be directed to Licensing, South Walks House, South Walks Road, Dorchester, Dorset DT1 1UZ. Telephone - 01305 838028.
2. These conditions are imposed by The Council pursuant to its powers under paragraph 13 (1) of Schedule 3 to the above Act and apply to all premises licensed as a "Sex Shop" as defined by this Act or Section 27 of the Policing and Crime Act 2009, save and insofar as they do not conflict with any special conditions forming part of the licence nor with the provisions of the Act itself.

DEFINITIONS

3. In these standard conditions, the following expressions, that is to say "Sex Establishment", "Sex Shop", "Sex Cinema", "Sex Article" and "Vessel" shall have the meanings respectively assigned to them by Schedule 3 of the Act.
4. In these standard conditions, the following expressions shall have the meanings respectively assigned to them, namely:

"the Act" means the Local Government (Miscellaneous Provisions) Act 1982

"the Council" means Dorset Council

"the licensed premises" means any premises, vehicle, vessel or stall licensed under the Act

"Licence Holder" means a person who is the holder of a Sex Establishment licence

"Sex Establishment Licence" means a licence granted pursuant to Schedule 3 of the Act

"Approval of the Council" means the approval or consent of the Licensing Authority.

Or

“Consent of the Council”

“Approved” means approved by the Licensing Authority in writing

GENERAL

5. In the event of a conflict between these standard conditions and any special conditions contained in a licence relating to a Sex Establishment, the special conditions shall prevail.

6. The grant of a licence for a Sex Establishment shall not be deemed to convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than the Third Schedule of the Local Government (Miscellaneous Provisions) Act 1982 as amended.

TIMES OF OPERATION

7. Opening times - Monday to Saturday 10:00 to 20:00, Sunday 10:00 to 18:00 except for Good Friday, Easter Sunday, Christmas Day, Boxing Day and New Year's Eve when the store will remain closed.

CONDUCT AND MANAGEMENT OF SEX ESTABLISHMENTS

8. Where the licensee is a body corporate or an unincorporated body, any change of director, company secretary or other person responsible for the management of the body is to be notified to the Licensing Authority in writing within 14 days of such change. Such written details as the Licensing Authority may require in respect of any new director, secretary or manager are to be furnished within 14 days of a request in writing from the Licensing Authority.

9. The licensee or some responsible person nominated by the Licensee in writing for the purpose of managing the Sex Establishment in the Licensee's absence, and of whom details have been supplied and approved in writing by the Licensing Authority, shall be in charge of and upon the premises during the whole time they are open to the public.

10. The name of the person responsible for the management of a Sex Establishment, whether the Licensee or a manager approved by the Licensing Authority shall be prominently displayed within the Sex Establishment throughout the period during which that person is responsible for its conduct.

11. The Licensee shall maintain a daily register in which shall be recorded the name and address of any person who is to be responsible for managing the Sex Establishment in the Licensee's absence and the names and addresses of those employed in the Sex Establishment. The Register is to be completed each day within 30 minutes of the Sex Establishment opening for business and is to be available for inspection by the Police and by authorised officers of the Licensing Authority.

12. The licensee shall provide the Council with a list of all staff employed at the premises and shall advise the Council and the Dorset Police in writing of all staff changes within fourteen days of such changes. The licensee shall ensure that all staff are subject to a Police Check at least annually and copies of the checks shall be made available to the Council.

13. The Licensee shall retain control over all portions of the premises and not let, licence or part with possession of any part of the premises.

14. The Licensee shall ensure that the public is not admitted to any part or parts of the premises other than those, which have been approved by the Licensing Authority.

15. Neither the Licensee nor any employee or other person shall seek to obtain custom for the Sex Establishment by means of personal solicitation outside or in the vicinity of the Premises. No part of the Premises shall be used by prostitutes (male or female) for the purposes of solicitation or of otherwise exercising their calling.

16. The Licensee shall maintain good order in the Premises.

17. The Licensee shall ensure that during the hours the Sex Shop is open for business every employee wears staff uniform.

18. A copy of the licence and of these conditions are to be exhibited in accordance with paragraph 14 (1) of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982. The copy of the licence required to be displayed shall be suitably framed and a copy of these conditions shall be retained in the shop in a clean and legible condition.

CHANGE OF LOCATION AND ALTERATIONS TO PREMISES

19. No alteration of any kind shall be made to the interior or the exterior of the premises including any change in the permitted signs displayed thereat or in the manner in which the windows and doors are obstructed unless the Licensee shall first obtain written consent from the Licensing Authority.

USE

20. A Sex Shop shall be conducted primarily for the purpose of the sale of goods by retail.

21. No change of use of any portion of the Premises from that approved by the Licensing Authority shall be made until the consent of the Licensing Authority has been obtained.

22. No change from a Sex Shop to a Sex Cinema shall be effected without the consent of the Licensing Authority.

GOODS AVAILABLE IN SEX ESTABLISHMENTS

23. All Sex Articles and other things displayed for sale, hire, exchange or loan within a Sex Shop shall be clearly marked to show to persons who are inside the Sex Shop the respective prices being charged. Stock can be altered i.e. smaller percentage of adult goods.

24. All printed matter, films and video films offered for sale, hire, exchange or loan shall be openly displayed and available for inspection prior to purchase and a notice to this effect is to be prominently displayed within the Sex Establishment.

25. No film or video film shall be exhibited, sold or supplied unless it has been passed by the British Board of Film Classification or such other authority performing a similar scrutinising function as may be notified to the Licensee by the Licensing Authority, and bears a certificate to that effect and is a reproduction authorised by the owner of the copyright of the film or video film so certified.

26. The Licensee shall, without charge, display and make available in the Sex Establishment such free literature on counselling on matters related to sexual problems as may be published by the Family Planning Association and by such other similar organisations as may be specified and in particular any such material relating to AIDS as may be supplied by the Licensing Authority. Such literature is to be displayed in a prominent position.

EXTERNAL APPEARANCE

27. No display, advertisement, word, letter, model, sign, placard, board, notice, device, representation, drawing, writing or similar matter shall be displayed outside the premises without the written permission of Dorset Council, except for those signs or notices that are required to be displayed by these licence conditions.

28. Signs to be displayed outside the premises to read "Licensed Adult Shop" and "Strictly over 18s, ID may be required"

29. The entrance to the premises shall be so designed and constructed as to prevent persons outside the premises having a view of the interior.

30. Window displays must be of items not covered under a sex shop licence such as underwear. All windows must be dressed or designed so as to prevent persons outside the premises having a view of the interior.

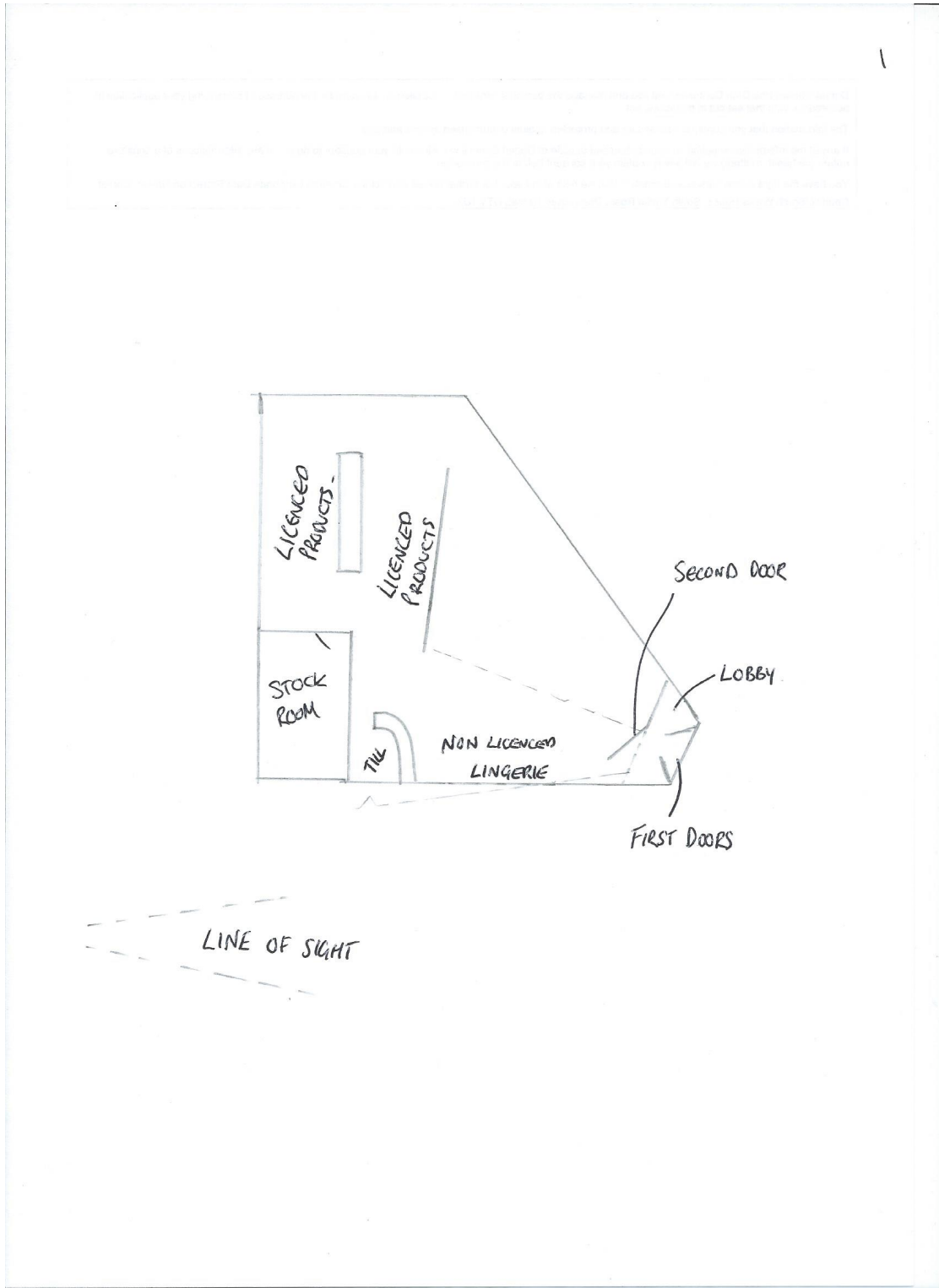
31. Lighting in all parts of the premises must be in operation continuously during the whole time the premises are open as a Sex Establishment.

32. The premises shall be maintained in good repair and condition.

33. All parts of the premises shall be kept in a clean and hygienic condition to the satisfaction of the Licensing Authority.

34. Doors and openings which lead to parts of the premises which are not open to the public shall be clearly marked "staff only" or by some other sign that deters the public from using such doors or openings.
35. The external doors to the Sex Establishment shall be fitted with a device to provide for their automatic closure and such devices shall be maintained in a good working order.
36. The number, size and position of all doors or openings provided for the purposes of ingress and egress of the public shall be approved by the Council. Any entrance to and exit from the shop shall be provided with a lobby, which has two sets of doors, one opening to the Street and one into the shop. The lobby shall be so arranged as to prevent passers by from looking into the shop whilst persons are entering or leaving the shop.
37. The Licensee shall make provision in the means of access both to and within the Sex Establishment for the needs of members of the public visiting the premises who are disabled.
38. All exhibits, displays, demonstrations and like activities must be open and available to all customers at no charge and there shall be no individual cubicles or rooms designed to accommodate individual persons or groups of persons where exclusive demonstrations, displays, exhibits or similar activities may take place, unless authorisation/consent is first granted by the Council.
39. The licensee shall take all reasonable precautions for the safety of the public and employees.
40. The Licensee shall comply with any fire prevention and safety measures that may be required by the Council and/or Dorset Fire and Rescue Service and shall maintain and keep available for use all specified fire fighting equipment and extinguishers.
41. No alterations or additions either internal or external, permanent or temporary, to the structure, lighting or layout of the premises shall be made except with prior approval of the Licensing Authority.
42. A CCTV system shall be installed and fully operational before a licence is issued with a camera directed at each entry point, with the front door camera positioned to get a clear image of people as they enter the shop. Additional cameras must be installed looking at all internal areas for the protection of the staff. The CCTV system is to be maintained in good working order and to record continuously while the shop is open with the recordings date coded. The tapes or disks from the recorder are to be kept on site in a secure place for 6 weeks and available for examination by authorised officers of the authority and the Dorset Police. A sign must be displayed at the shop entrance indicating that there is a CCTV system in operation.
43. An LCD display unit (no bigger than 23" screen) can be used internally to identify products.

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SEX ESTABLISHMENT RENEWAL/VARIATION APPLICATION FORM

This application is made under the Local Government (Miscellaneous Provisions) Act 1982

Sex Shop Sex Cinema Sexual Entertainment Venue (please tick)

The applicant/s may wish to consult the Council's Sex Establishment Policy prior to completion of this application.

Please use **BLOCK CAPITALS**

1. Applicant Details

Surname <u>HONEYBUN</u>	Forename <u>NICK</u>	Title (Mr/Mrs/Miss/Ms/Other) <u>MR</u>	Date of Birth _____
Address* _____	_____	e-mail <u>_____</u>	_____
_____	_____	Telephone no. _____	_____
_____	_____	Alt Telephone no. _____	_____
Postcode _____	_____	Fax _____	_____
Mobile _____			

**if a Body Corporate, name of Body and Registered Address*

Important note, In the case of a Company/Partnership being the applicant please use additional paper to provide full names, private addresses, and dates of birth, of all directors or persons responsible for management of the establishment, or partners of a Partnership.

2. Additional information (not required if applicant is Body Corporate)

Ethnic origin

White	<input checked="" type="checkbox"/> British <input type="checkbox"/> Irish <input type="checkbox"/> Any other white background	Black or Black British	<input type="checkbox"/> Caribbean <input type="checkbox"/> African <input type="checkbox"/> Any other black background
Asian or Asian British	<input type="checkbox"/> Indian <input type="checkbox"/> Pakistani <input type="checkbox"/> Bangladeshi <input type="checkbox"/> Any other Asian background	Mixed	<input type="checkbox"/> White and black Caribbean <input type="checkbox"/> White and black African <input type="checkbox"/> White and Asian <input type="checkbox"/> Any other mixed background
Chinese	<input type="checkbox"/> Chinese <input type="checkbox"/> Other ethnic group	Do you consider yourself to have a long standing illness, disability or infirmity? Yes <input type="checkbox"/> No <input type="checkbox"/>	

3. The Premises (if this application relates to vehicle/vessel/stall give description of where it is to be used)

Name MY AMAZING FANTASY

Address 1 RANELAGH ROAD
WEYMOUTH

Postcode DT4 7SD

Telephone no. 01305 787758

Alt. Telephone no. _____

Fax _____

4. Nature of variation (please give details of the variation)

43/ AN LCD OR SIMILAR SCREEN OF ANY SIZE CAN BE USED INTERNALLY TO ID PRODUCTS
 36/ THE LOBBY SHALL BE ARRANGED AS TO PREVENT PASSERS BY FROM SEEING LICENCED PRODUCTS WHEN THE DOOR IS OPEN

5. Declaration

	Yes	No
Are any of the applicants disqualified from holding a licence for a sex establishment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Have any of the applicants previously been refused a licence for a sex establishment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

No

If 'Yes' Please provide details _____

Have any of the above applicants ever been convicted of any offence under the 1982 Act?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
---	--------------------------	-------------------------------------

Yes

No

If 'Yes' Please give details

Offence _____

Date Of Conviction _____

Date spent (if Known) _____

Court _____

6. Your Signature

On signing this form you declare that any information you have provided is true and complete in every respect. The giving of false information may result in revocation of the licence and possible enforcement action taken against you that may result in prosecution.

I/~~we~~ have made payment of the relevant application fee (£720) (please call 01305 838028 to make a credit/debit card payment)

I/~~we~~ enclose the relevant Criminal Record Check/s (Standard Disclosure)

I/~~we~~ have advertised this application at the premises and in a local publication within 7 days from the date of submission of this form.

Signature _____

Date 03-06-2020

Print Name N HONEYBUN

Notes

1. A licence may only be granted to an individual over the age of eighteen or a body corporate

2. A licence is valid from the date of issue.

This form should be e-mailed to: licensingteamb@dorsetcouncil.gov.uk

Data Protection Act 1998

Sent: 19 June 2020 15:26
To: Licensing Inbox (WPBC) <LicensingTeamB@dorsetcouncil.gov.uk>
Subject: Renewal and vary of My Amazing Fantasy, 1 Ranelagh Road, Weymouth

Good Afternoon Licensing Team B

The above application has been considered by the Weymouth Town Council Planning and Licensing Committee, who have made the following comments:

"Members voted unanimously to submit a comment of "no objection" regarding the renewal of the license but object to the use of a TV of any size in the window display. Committee members also felt that the lobby must be set up to prevent passers-by from seeing licensed products."

Kind Regards

Niki Ayres
Democratic & Administration Officer



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Sent: 19 June 2020 10:37

To: Licensing Inbox (WPBC) <LicensingTeamB@dorsetcouncil.gov.uk>

Subject: My Amazing Fantasy, 1 Ranelagh Road, Weymouth

Hi,

The variation of a sex establishment licence, dtd 03 - 06-2020, to use a tv screen of any size in the shop window has just been turned down by Weymouth Town Council's Planning & Licensing Committee.

I fully endorse this decision and agree with the reasons given by the committee members to keep the limits as currently operating.

R. Lovell
Weymouth

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CONDITIONS ATTACHED TO THIS LICENCE WPSS0001

DORSET COUNCIL

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

SECTION 2 & SECTION 3 (Licensing of Sex Establishments)

Dorset Council, in exercise of the powers conferred upon them by paragraph 13 of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 and of all other powers enabling them in that behalf make the following standard conditions

INTRODUCTION

1. In these conditions "The Council" shall mean Dorset Council and all enquiries concerning this licence shall be directed to Licensing, South Walks House, South Walks Road, Dorchester, Dorset DT1 1UZ. Telephone - 01305 838028.
2. These conditions are imposed by The Council pursuant to its powers under paragraph 13 (1) of Schedule 3 to the above Act and apply to all premises licensed as a "Sex Shop" as defined by this Act or Section 27 of the Policing and Crime Act 2009, save and insofar as they do not conflict with any special conditions forming part of the licence nor with the provisions of the Act itself.

DEFINITIONS

3. In these standard conditions, the following expressions, that is to say "Sex Establishment", "Sex Shop", "Sex Cinema", "Sex Article" and "Vessel" shall have the meanings respectively assigned to them by Schedule 3 of the Act.

4. In these standard conditions, the following expressions shall have the meanings respectively assigned to them, namely:

"the Act" means the Local Government (Miscellaneous Provisions) Act 1982

"the Council" means Dorset Council

"the licensed premises" means any premises, vehicle, vessel or stall licensed under the Act

"Licence Holder" means a person who is the holder of a Sex Establishment licence

"Sex Establishment Licence" means a licence granted pursuant to Schedule 3 of the Act

"Approval of the Council" means the approval or consent of the Licensing Authority.

Or

“Consent of the Council”

“Approved” means approved by the Licensing Authority in writing

GENERAL

5. In the event of a conflict between these standard conditions and any special conditions contained in a licence relating to a Sex Establishment, the special conditions shall prevail.

6. The grant of a licence for a Sex Establishment shall not be deemed to convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than the Third Schedule of the Local Government (Miscellaneous Provisions) Act 1982 as amended.

TIMES OF OPERATION

7. Opening times - Monday to Saturday 10:00 to 20:00, Sunday 10:00 to 18:00 except for Good Friday, Easter Sunday, Christmas Day, Boxing Day and New Year's Eve when the store will remain closed.

CONDUCT AND MANAGEMENT OF SEX ESTABLISHMENTS

8. Where the licensee is a body corporate or an unincorporated body, any change of director, company secretary or other person responsible for the management of the body is to be notified to the Licensing Authority in writing within 14 days of such change. Such written details as the Licensing Authority may require in respect of any new director, secretary or manager are to be furnished within 14 days of a request in writing from the Licensing Authority.

9. The licensee or some responsible person nominated by the Licensee in writing for the purpose of managing the Sex Establishment in the Licensee's absence, and of whom details have been supplied and approved in writing by the Licensing Authority, shall be in charge of and upon the premises during the whole time they are open to the public.

10. The name of the person responsible for the management of a Sex Establishment, whether the Licensee or a manager approved by the Licensing Authority shall be prominently displayed within the Sex Establishment throughout the period during which that person is responsible for its conduct.

11. The Licensee shall maintain a daily register in which shall be recorded the name and address of any person who is to be responsible for managing the Sex Establishment in the Licensee's absence and the names and addresses of those employed in the Sex Establishment. The Register is to be completed each day within 30 minutes of the Sex Establishment opening for business and is to be available for inspection by the Police and by authorised officers of the Licensing Authority.

12. The licensee shall provide the Council with a list of all staff employed at the premises and shall advise the Council and the Dorset Police in writing of all staff changes within fourteen days of such changes. The licensee shall ensure that all staff are subject to a Police Check at least annually and copies of the checks shall be made available to the Council.

13. The Licensee shall retain control over all portions of the premises and not let, licence or part with possession of any part of the premises.

14. The Licensee shall ensure that the public is not admitted to any part or parts of the premises other than those, which have been approved by the Licensing Authority.

15. Neither the Licensee nor any employee or other person shall seek to obtain custom for the Sex Establishment by means of personal solicitation outside or in the vicinity of the Premises. No part of the Premises shall be used by prostitutes (male or female) for the purposes of solicitation or of otherwise exercising their calling.

16. The Licensee shall maintain good order in the Premises.

17. The Licensee shall ensure that during the hours the Sex Shop is open for business every employee wears staff uniform.

18. A copy of the licence and of these conditions are to be exhibited in accordance with paragraph 14 (1) of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982. The copy of the licence required to be displayed shall be suitably framed and a copy of these conditions shall be retained in the shop in a clean and legible condition.

CHANGE OF LOCATION AND ALTERATIONS TO PREMISES

19. No alteration of any kind shall be made to the interior or the exterior of the premises including any change in the permitted signs displayed thereat or in the manner in which the windows and doors are obstructed unless the Licensee shall first obtain written consent from the Licensing Authority.

USE

20. A Sex Shop shall be conducted primarily for the purpose of the sale of goods by retail.

21. No change of use of any portion of the Premises from that approved by the Licensing Authority shall be made until the consent of the Licensing Authority has been obtained.

22. No change from a Sex Shop to a Sex Cinema shall be effected without the consent of the Licensing Authority.

GOODS AVAILABLE IN SEX ESTABLISHMENTS

23. All Sex Articles and other things displayed for sale, hire, exchange or loan within a Sex Shop shall be clearly marked to show to persons who are inside the Sex Shop the respective prices being charged. Stock can be altered i.e. smaller percentage of adult goods.

24. All printed matter, films and video films offered for sale, hire, exchange or loan shall be openly displayed and available for inspection prior to purchase and a notice to this effect is to be prominently displayed within the Sex Establishment.

25. No film or video film shall be exhibited, sold or supplied unless it has been passed by the British Board of Film Classification or such other authority performing a similar scrutinising function as may be notified to the Licensee by the Licensing Authority, and bears a certificate to that effect and is a reproduction authorised by the owner of the copyright of the film or video film so certified.

26. The Licensee shall, without charge, display and make available in the Sex Establishment such free literature on counselling on matters related to sexual problems as may be published by the Family Planning Association and by such other similar organisations as may be specified and in particular any such material relating to AIDS as may be supplied by the Licensing Authority. Such literature is to be displayed in a prominent position.

EXTERNAL APPEARANCE

27. No display, advertisement, word, letter, model, sign, placard, board, notice, device, representation, drawing, writing or similar matter shall be displayed outside the premises without the written permission of Dorset Council, except for those signs or notices that are required to be displayed by these licence conditions.

28. Signs to be displayed outside the premises to read "Licensed Adult Shop" and "Strictly over 18s, ID may be required"

29. The entrance to the premises shall be so designed and constructed as to prevent persons outside the premises having a view of the interior.

30. Window displays must be of items not covered under a sex shop licence such as underwear. All windows must be dressed or designed so as to prevent persons outside the premises having a view of the interior.

31. Lighting in all parts of the premises must be in operation continuously during the whole time the premises are open as a Sex Establishment.

32. The premises shall be maintained in good repair and condition.

33. All parts of the premises shall be kept in a clean and hygienic condition to the satisfaction of the Licensing Authority.

34. Doors and openings which lead to parts of the premises which are not open to the public shall be clearly marked "staff only" or by some other sign that deters the public from using such doors or openings.
35. The external doors to the Sex Establishment shall be fitted with a device to provide for their automatic closure and such devices shall be maintained in a good working order.
36. The number, size and position of all doors or openings provided for the purposes of ingress and egress of the public shall be approved by the Council. Any entrance to and exit from the shop shall be provided with a lobby, which has two sets of doors, one opening to the Street and one into the shop. The lobby shall be so arranged as to prevent passers by from looking into the shop whilst persons are entering or leaving the shop.
37. The Licensee shall make provision in the means of access both to and within the Sex Establishment for the needs of members of the public visiting the premises who are disabled.
38. All exhibits, displays, demonstrations and like activities must be open and available to all customers at no charge and there shall be no individual cubicles or rooms designed to accommodate individual persons or groups of persons where exclusive demonstrations, displays, exhibits or similar activities may take place, unless authorisation/consent is first granted by the Council.
39. The licensee shall take all reasonable precautions for the safety of the public and employees.
40. The Licensee shall comply with any fire prevention and safety measures that may be required by the Council and/or Dorset Fire and Rescue Service and shall maintain and keep available for use all specified fire fighting equipment and extinguishers.
41. No alterations or additions either internal or external, permanent or temporary, to the structure, lighting or layout of the premises shall be made except with prior approval of the Licensing Authority.
42. A CCTV system shall be installed and fully operational before a licence is issued with a camera directed at each entry point, with the front door camera positioned to get a clear image of people as they enter the shop. Additional cameras must be installed looking at all internal areas for the protection of the staff. The CCTV system is to be maintained in good working order and to record continuously while the shop is open with the recordings date coded. The tapes or disks from the recorder are to be kept on site in a secure place for 6 weeks and available for examination by authorised officers of the authority and the Dorset Police. A sign must be displayed at the shop entrance indicating that there is a CCTV system in operation.
43. An LCD display unit (no bigger than 23" screen) can be used internally to identify products.

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Weymouth and Portland Borough Council Sex Establishment Policy 2016 to 2020

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- A Model Pool of Conditions re: sex entertainment venues
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1 Introduction

- 1.1 Weymouth and Portland Borough Council has adopted Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 and the amendments made to Schedule 3 by S.27 of the Policing and Crime Act 2009 with regard to sex establishments. The Council will apply this policy to sex establishments within its area to ensure consistency of decision making and enforcement. Each application for grant, variation, transfer or renewal will however be considered on its own merits so that individual circumstances, where appropriate, are taken into consideration.
- 1.2 There are 3 different types of sex establishment licensable under the above Act. These are sex shops, sex cinemas and sexual entertainment venues. If one premises operated as more than one of these establishments, a separate licence for each activity is required.
- 1.3 No sex establishment, as defined by Schedule 3, can operate unless it has consent from the Council or the requirement for a licence has been waived by the Council.

- 1.4 The Council will have regard to a number of factors and conditions when determining any premises application or variation, etc. for sexual entertainment. These factors and conditions are outlined in this document.

2. Scope of Legislation & Definitions

- 2.1 A sex establishment according to the Local Government (Miscellaneous Provisions) Act 1982 as amended is a sex shop, sex cinema or sexual entertainment venue.
- 2.2 A sex shop is defined as ‘any premises, vehicle, vessel or stall used for a business which consists to a significant degree of selling, hiring, exchanging, lending, displaying or demonstrating sex articles or other things intended for use in sexual activity.

There is no definition of significant degree.

- 2.3 A sex cinema is defined as any premises (except a dwelling house to which the public are not admitted), vehicle, vessel or stall used to a significant degree for the exhibition of moving pictures concerned primarily with the portrayal of, deal with, or relate to sexual activity.
- 2.4 A sexual entertainment venue is defined as any premises (except a dwelling house to which the public are not admitted), vehicle, vessel or stall at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer.

Relevant entertainment is defined as any live performance or live display of nudity which is of such nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of an audience (whether by verbal or other means). An audience can consist of one person.

The following forms of entertainment would generally be understood to fall within the definition; Lap dancing, pole dancing, table dancing, strip shows, peep shows and live sex shows.

3. Application Process

3.1 The process for an application under the provisions of the LGMPA 1982 is as follows:

- The applicant must be over the age of 18 and not disqualified from holding such a licence
- The applicant must submit to the Council an application containing information as may be reasonably required by the authority. A copy of the application form can be requested from the Council
- A copy of the application must be served on Dorset Police within 7 days after the date of the application. The application must be advertised within 7 days in a local newspaper
- The application must be advertised by way of a public notice on the premises for 21 days beginning with the date of the application, on or near the premises in a place where it can be conveniently read by members of the public
- The applicant must submit to the Council the required fee

3.2 The Council will therefore require a completed application form containing the following information:

- The name and home address of the applicant
- Details of any business partners or other staff involved in the business
- If a company, the registered name and address of the company, the names of directors and shareholders of the company
- If the shareholder, or a shareholder of the company is another company then details may be required as to the membership of that company
- If the premises are a leasehold, information about who holds the lease and if it is a head lease or sub-lease

3.3 The Council will also require a criminal record check (standard disclosure) issued within the last month. This would apply to the applicant and all of the directors if the applicant is a company. The cost of any criminal record checks will be paid by the applicant.

3.4 Each application will also require a statement showing how the applicant will operate the premises, together with a location plan of the premises in relation to buildings within 100 metres and an internal detailed layout plan including the location of all exits and entrances (Scale 1:50)

As well as exits/entrances internal plans should contain:

- Sex shops – the location of the sales counter and the location of any rooms to which the public do not have access

- Sex cinemas – the location of the screen/s and the seating layout for customers
- Sexual entertainment venues – the location and height of any stages/raised areas or areas where performances take place and the seating layout for customers

The statement, plan, views of the Police and Business Licensing Manager or other duly authorised Officer, and the general acceptability of the premises for the type of “entertainment” applied for will be important considerations for the Committee or Sub-Committee when determining the application.

4. Waiver Process

- 4.1 Upon written application, Weymouth and Portland Borough Council may waive the requirement to a licence in any case where it considers a licence would be unreasonable or inappropriate.
- 4.2 Each application for waiver will be considered on its own merits taking into account the type of activity, frequency, circumstances and controls.

5 Consideration of the Impact of a sex establishment

- 5.1 In considering applications for the grant of a sex establishment licence or variation the Council will consider the potential adverse impacts particularly to local residents.
- 5.2 Any person is entitled to object to an application for grant / renewal / variation / transfer of a sex establishment. They must do so, in writing, stating in general terms the grounds of the objection, no later than 28 days after the date of the application. All objections will be openly copied to Members of the Licensing Committee or Sub-Committee for their use when considering any application.

The Council are required to have regard to relevant objections and police observations.

6 Consultation process

- 6.1 Before a sex establishment licence is granted varied or renewed the Council will consult with any person it deems necessary to enable it to make an informed decision. In particular, the Council will consult the following:

- Dorset Police
- Dorset Fire and Rescue Service
- Ward Councillors
- Town Councils
- Other Council departments such as Environmental Health and Planning
- Local residents

6.2 The Council may take into consideration the following:

- Type of activity
- Duration of the activity
- Layout and condition of the premises
- Use and character of the surrounding premises in the vicinity i.e. residential/commercial
- Potential impacts on crime and disorder
- Potential impacts on people who may be vulnerable as a result of their gender, disability, race, age, religion and belief or sexual orientation.
- Cumulative impact of premises within the vicinity

This list is not exhaustive.

7 Determining and granting an application

7.1 In determining any contested applications for sex establishments, the Council's Licensing Committee or Sub Committee shall have regard to the relevant matters in the legislation and this policy. Each case will be assessed on its own merits and individual circumstances may be taken into consideration.

7.2 Contested applications may be heard by a Committee or Sub Committee of the Council except in the following cases:

- The Business Licensing Manager or other duly authorised Officer has deemed all objections as frivolous and/or vexatious and is therefore satisfied that the application should be granted
- The Business Licensing Manager or other duly authorised Officer has decided to grant the licence subject to the attachment of suitable conditions, following mediation between applicant(s) and objector(s).

7.3 Once arrangements have been made to hear an application, the applicant will be informed in writing of the date, time and place of the hearing. They will be expected to attend the hearing and can be accompanied by a solicitor, or supported by a friend or colleague.

8 Considerations Based on Location

8.1 There will be a presumption against granting consent for any sex establishment licence when the proposed premises are in the vicinity of:

- schools, colleges, nurseries, play areas, children's centres or any other premises predominantly used for and by children
- Any access route to and from any of the above premises
- Any place of religious worship
- Prime visitor locations such as Weymouth Esplanade/Seafront/Harbourside
- Dense retail areas
- Museums, libraries, Council buildings, or other community and public buildings.
- Any community premises such as swimming pools, leisure centres, youth centres, clubs, shelters, public parks and recreational areas
- Historic buildings and Tourist attractions
- Residential Homes
- An area proposed for regeneration
- Any premises of a similar nature to the above

8.2 It is not considered appropriate to define a precise distance from any of the above premises as sufficiently far enough away to make a sex establishment suitable and each case will be considered on its own merits and in light of any consultation undertaken.

9 Grounds for Refusal

9.1 The Act provides Local Authorities with two grounds for refusal, mandatory grounds and discretionary grounds. Where an application falls within a mandatory ground for refusal the Council shall have no discretion but to reject the application.

9.2 The Mandatory grounds for refusal within the Act are as follows:

- The applicant is a person under the age of 18;
- The applicant is a person who is for the time being disqualified following the revocation of a licence; or
- The applicant is a person who has, within a period of 12 months immediately preceding the date when the application was made, been refused the grant or renewal of a licence of the premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been reversed on appeal.

9.3 The discretionary grounds for refusal within the Act are as follows:

- The applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason

- The applicant is merely a front for a person who would otherwise be refused a licence
- The number of sex establishments in the relevant locality exceed the number which the authority consider appropriate for the area.
- The licence would be inappropriate having regard to the relevant locality, or to the use to which the premises in the vicinity are put, or to the layout, character and condition of the premises in respect of which the application is made

9.4 The Council will therefore consider each application on its merits in relation to the above grounds.

10 Suitability of applicant

10.1 The Council wishes to ensure that only applicants who are suitable will be granted licences and only in relation to suitable premises. The Council will therefore consider the following grounds:

- Any convictions or cautions of the applicant
- If a Company, any convictions or cautions of Directors of the company to ensure that the company is not being used as a front for persons who would otherwise not be licensed
- The involvement of any other person in the operation of the premises, or prior business relationships with other people who would otherwise not be licensed by the Council
- The experience of the applicant and their knowledge of running a sex establishment
- Any previous licence held by the applicant, whether in this Council's area or another
- Any report or information submitted to the council by the Police, other consultees and objectors

10.2 The suitability of each applicant will be considered on its own merits but in cases where the applicant, or one of its members, has an unspent conviction, the Council will normally refuse the application unless they are satisfied by the applicant that there are exceptional circumstances to justify the granting of the licence.

10.3 Where an objection has been raised by the Police or another consultee regarding the suitability of the applicant the Council will in most cases defer to the experience and knowledge of the consultee and refuse the application unless they are satisfied by the applicant that there are exceptional circumstances to justify the granting of the licence.

11 Duration of Licences

11.1 Licences shall be issued for a maximum period of one year but can be issued for a shorter term if deemed appropriate.

12 Renewal of Licences

12.1 On application to renew a licence for the same proposed hours and licensing activities and conditions as previously granted, the Council shall give due weight to the fact the licence was granted in the previous year and any years before that.

13 Legal implications

When considering its functions, a local authority has to bear in mind the Human Rights Act and the Crime and Disorder Act 1998. It is considered that the policy meets the requirements of both these Acts.

14 Appeals

The following persons have the right of appeal to the Magistrates Court within 21 days from the date of notification of the decision:

- Applicants for grant, renewal, transfer or variation whose application is refused
- A licence holder who is aggrieved by conditions
- A licence holder whose licence is revoked

N.B. There is no right of appeal against refusals on grounds that:

- There are sufficient sex establishments in the locality
- Grant has been deemed inappropriate having regard to the character of the locality, use to which the premises are put, layout, character and condition of premises.

15 The EU Services Directive

Tacit consent does not apply to an application for a new sex establishment licence as local residents and the Police have a legitimate interest in the outcome of sex establishment applications. If an application is not processed within a defined period of time it will not be deemed granted.

APPENDIX A
MODEL POOL OF CONDITIONS

RE: SEXUAL ENTERTAINMENT VENUES
Premises and Performers

DESIGNATED AREAS

- 1) The authorised entertainment must only take place in designated areas approved by the Council.

NO ADMITTANCE UNDER THE AGE OF 18 YEARS

- 2) No person under the age of 18 must be on the premises when the entertainment authorised by the licence is taking place.

A clear notice must be displayed at each entrance to the premises, in a prominent position so that it can easily be read by people entering the premises, stating:

“No persons under 18 years will be admitted”

PERFORMERS UNDER 18 YEARS

- 3)
 - a) No performers or other employees on the premises during the authorised entertainment shall be under 18 years of age.
 - b) The proprietor/director of the company is to ensure that, prior to engagement, all performers for approved adult entertainment shall provide documents of proof that they are over 18 years of age. Copies of such documents shall be retained on the performers' file held at the premises.

NO PHYSICAL CONTACT

- 4) There must be no sexual physical contact between performers.

There must be no physical contact between performers and customers before, during or after the performance (other than the transfer of money or tokens to the hands of the dancer at the beginning or conclusion of the performance). Notices to this effect shall be clearly displayed at each table and at each entrance to the premises.

PERFORMANCE

5)

- a) No performer shall be allowed to work if, in the judgement of the management, they appear to be intoxicated or under the influence of illegal substances.
- b) Whilst dancers are performing there shall be a minimum distance of one metre between the dancer and the audience
- c) Any performance will be restricted to dancing and the removal of clothes. There must not be any other form of sexual activity or stimulation
- d) No performance shall be visible to any person outside the premises (eg. through windows or open doors)
- e) Sex toys must not be used and penetration of the genital area by any means must not take place

Lap dancers must not:

- Show their genitals or anus
- Sit on customer's laps (dry ride)
- Climb onto the furniture provided for patrons

Podium dancers must not:

- Entice other dancers onto the podium
- Interfere with their undergarments (if worn) in such a way as to show their genitals or anus

CCTV

- 6) CCTV must be installed, maintained and be in working order at all times. It must cover all areas where dancing will take place and at the entrance of the premises. All cameras shall continually record whilst the premises are open to the public.

All CCTV tapes or other medium used for CCTV recording, must be kept for 31 days with accurate time and date markings, and must not leave the premises unless requested by the Police or the licensing authority; or destroyed at the premises with the records kept of such destruction. Destruction records must include the name and position within the organisation of the person(s) who destroyed the tape or other medium, the reason for the destruction and the identity of the tape or other medium that was destroyed.

No copying of the CCTV tapes or other mediums is permitted.

The Data Protection Act 1998 also covers the use of CCTV tapes and other CCTV mediums.

PATRONS

- 7) The licence holder must take all reasonable steps to ensure patrons remain seated and fully clothed whilst the authorised entertainment is taking place. No voluntary audience participation will be permitted.

Patrons will not be permitted to arrange contacts or liaisons with the dancers whilst on the licensed premises or exchange telephone numbers or other means of making future contact with each other.

Patrons shall not be permitted to throw money at the performers or take photographs of them.

DOOR SUPERVISORS

- 8) There shall be at least 1 door supervisor per 100 persons on the premises when the authorised relevant entertainment is taking place to ensure good order and the safety of performers and customers. Door supervisors must be Security Industry Authority (SIA) registered.

NO NUDITY VISIBLE OUTSIDE

- 9) Entertainment including dancing, which involves nudity or sexual performances of any kind must not be visible from the outside of the premises.

ADVERTISING

- 10) There must be no display visible on the outside of the premises either in writing, symbols, photographs or other images, which indicate that entertainment involving nudity or sexual performances takes place on the premises. Performances shall not be subject to any advertising involving the distribution of leaflets; promotion by canvassers or touting.

HOUSE RULES

- 11) The licence holder shall provide a copy of the House Rules to the licensing authority for approval. A clear copy of these conditions and the house rules shall be given to all performers and displayed at all times in or near the performers' changing rooms. A clear copy of the house rules shall be displayed at the reception and on each table and each bar area.

CHANGING ROOMS/FACILITIES

- 12) a) Secure private changing facilities must be provided for the performers (to include private toilet and washing facilities and/or shower facilities, the numbers and design of facilities to be approved prior to installation).
- b) No persons other than performers and authorised staff shall be permitted in the changing room/s.

APPENDIX B

MODEL POOL OF CONDITIONS RE: SEX SHOPS

GENERAL

1. The grant of a licence for a sex shop shall not be deemed to convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than the Third Schedule of the Local Government (Miscellaneous Provisions) Act 1982 as amended.

TIMES OF OPERATION

2. Except with the previous consent of the Council, a sex shop shall not be open to the public before 08:00 and shall not be kept open after 20:00 on any Monday, Tuesday, Wednesday, Thursday, Friday and Saturday. It may not open before 10:00 or close later than 16:00 on any permitted Sunday.

CONDUCT AND MANAGEMENT OF SEX SHOPS

3. Where the Licensee is a body corporate or an unincorporated body, any change of director, company secretary or other person responsible for the management of the body is to notify the licensing authority in writing within 14 days of such change and such written details as the licensing authority may require in respect of any new director, secretary or manager are to be furnished within 14 days of a request from the licensing authority.
4. The Licensee or some responsible person nominated by the Licensee in writing for the purpose of managing the sex shop in the Licensee's absence and of whom details have been supplied and approved in writing by the licensing authority shall be in charge of and upon the premises during the whole time they are open to the public.
5. The name of the person responsible for the management of a sex shop, whether the Licensee or a manager approved by the licensing authority shall be prominently displayed within the sex shop throughout the period during which that person is responsible for its conduct.
6. The Licensee shall maintain a daily register in which shall be recorded the name and address of any person who is to be responsible for managing the sex shop in the Licensee's absence and the names and addresses of those employed in the sex shop. The Register is to be completed each day within 30 minutes of the sex shop opening for business and is to be available for inspection by the Police and by authorised officers of the licensing authority.

7. The Licensee shall provide the Council with a list of all staff employed at the premises and shall advise the Council and the Dorset Police in writing of all staff changes within fourteen days of such changes. The licensee shall ensure that all staff are subject to a Criminal Record Check (basic disclosure) at least annually and copies of the checks shall be made available to the Council.
8. The Licensee shall retain control over all portions of the premises and not let, licence or part with possession of any part of the premises.
9. No person under the age of 18 shall be admitted to the premises or employed in the business of a sex shop, and a notice to this effect shall be displayed in the lobby between the double doors leading into the shop so that they are visible before entering the shop but not visible from the outside.
10. The Licensee shall ensure that the public is not admitted to any part or parts of the premises other than those, which have been approved by the licensing authority.
11. Neither the Licensee nor any employee or other person shall seek to obtain custom for the sex shop by means of personal solicitation outside or in the vicinity of the premises. No part of the premises shall be used by prostitutes (male or female) for the purposes of solicitation or of otherwise exercising their calling.
12. The Licensee shall maintain good order in the premises.
13. The Licensee shall ensure that during the hours the sex shop is open for business every employee wears a badge of a type to be approved by the Council indicating their name and that they are an employee of the sex shop.
14. A copy of the licence and of these conditions are to be exhibited in accordance with paragraph 14 (1) of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982. They shall be reproductions to the same scale as those issued by the Council. The copy of the licence required to be displayed as aforesaid shall be suitably framed and the copy of these conditions shall be retained in the shop in a clean and legible condition.

CHANGE OF LOCATION AND ALTERATIONS TO PREMISES

15. In the case of licensed premises which are a vessel or stall, the Licensee shall not move the licensed vessel or stall from the location specified in the licence unless the licensing authority is given not less than 28 days notice in writing of such intended removal along with such fee as may be deemed reasonable. This requirement shall not apply to a vessel or stall that habitually operates from a fixed location but is regularly moved (whether under its own propulsion or otherwise) from another place as is specified in the licence.
16. In the case of a business conducted from fixed premises, no alteration of any kind shall be made to the interior or the exterior of the premises including any change in the permitted signs displayed thereat or in the manner in which the windows and doors are obstructed unless the Licensee shall first obtain written consent from the licensing authority.

USE

17. A sex shop shall be conducted primarily for the purpose of the sale of goods by retail.
18. No change of use of any portion of the premises from that approved by the licensing authority shall be made until the consent of the licensing authority has been obtained.
19. No change from a sex shop to a sex cinema shall be effected without the consent of the licensing authority.

GOODS AVAILABLE IN SEX SHOPS

20. All sex articles and other things displayed for sale, hire, exchange or loan within a sex shop shall be clearly marked to show to persons who are inside the sex shop the respective prices being charged.
21. All printed matter, films and video films offered for sale, hire, exchange or loan shall be openly displayed and available for inspection prior to purchase and a notice to this effect is to be prominently displayed within the sex shop.
22. No film or video film shall be exhibited, sold or supplied unless it has been passed by the British Board of Film Classification or such other authority performing a similar scrutinising function as may be notified to the Licensee by the licensing authority, and bears a certificate to that effect and is a reproduction authorised by the owner of the copyright of the film or video film so certified.

23. The Licensee shall, without charge, display and make available in the sex shop such free literature on counselling on matters related to sexual problems as may be published by the Family Planning Association and by such other similar organisations as may be specified and in particular any such material relating to AIDS as may be supplied by the licensing authority. Such literature is to be displayed in a prominent position.

EXTERNAL APPEARANCE

24. No display, advertisement, word, letter, model, sign, placard, board, notice, device, representation, drawing, writing or similar matter shall be displayed outside the premises without the written permission of Weymouth and Portland Borough Council, except for those signs or notices that are required to be displayed by these licence conditions.
25. The entrance to the premises shall be so designed and constructed as to prevent persons outside the premises having a view of the interior.
26. All windows must be dressed or designed so as to prevent persons outside the premises having a view of the interior.
27. No window shall contain any sign, advertising material, goods or display without the written consent of the Borough Council.

STATE, CONDITION AND LAYOUT OF THE PREMISES

28. Lighting in all parts of the premises must be in operation continuously during the whole time the premises are open as a sex shop.
29. The premises shall be maintained in good repair and condition.
30. All parts of the premises shall be kept in a clean and hygienic condition to the satisfaction of the licensing authority.
31. Doors and openings which lead to parts of the premises which are not open to the public shall be clearly marked "staff only" or by some other sign that deters the public from using such doors or openings.
32. The external doors to the sex shop shall be fitted with a device to provide for their automatic closure and such devices shall be maintained in a good working order.
33. The number, size and position of all doors or openings provided for the purposes of ingress and egress of the public shall be approved by the Council. Any entrance to and exit from the shop shall be provided with a

lobby, which has two sets of doors, one opening to the street and one into the shop. The lobby shall be so arranged as to prevent passers by from looking into the shop whilst persons are entering or leaving the shop.

34. The Licensee shall make provision in the means of access both to and within the sex shop for the needs of members of the public visiting the premises who are disabled.
35. All exhibits, displays, demonstrations and like activities must be open and available to all customers at no charge and there shall be no individual cubicles or rooms designed to accommodate individual persons or groups of persons where exclusive demonstrations, displays, exhibits or similar activities may take place, unless authorisation/consent is first granted by the Council.
36. The licensee shall take all reasonable precautions for the safety of the public and employees.
37. The Licensee shall comply with any fire prevention and safety measures that may be required by the Council and/or Dorset Fire and Rescue Service and shall maintain and keep available for use all specified fire fighting equipment and extinguishers.
38. No alterations or additions either internal or external and whether permanent or temporary to the structure, lighting or layout of the premises shall be made except with prior approval of the licensing authority.
39. A CCTV system shall be installed and fully operational before a licence is issued with a camera directed at each entry point, with the front door camera positioned to get a clear image of people as they enter the shop. Additional cameras must be installed looking at all internal areas for the protection of the staff. The CCTV system is to be maintained in good working order and to record continuously while the shop is open with the recordings date coded. The tapes or disks from the recorder are to be kept on site in a secure place for 6 weeks and available for examination by authorised officers of the authority and the Dorset Police. A sign must be displayed at the shop entrance indicating that there is a CCTV system in operation.

APPENDIX C

MODEL POOL OF CONDITIONS RE: SEX CINEMAS

DISPLAY OF TARIFF OF CHARGES

- 1) There shall be prominently and legibly displayed a comprehensive tariff of all charges and prices which shall be illuminated and placed in such a position that it can easily and conveniently be read by persons before entering the premises. No employee shall stand in such a position as to obscure the notice.

SEATING

- 2)
 - a) The premises shall not be used for a closely-seated audience, except in accordance with plans approved by the Council
 - b) No article shall be attached to the back of any seat which would either reduce the clear width of seatways or cause a tripping hazard or obstruction.
 - c) A copy of the approved seating plan(s) shall be kept available at the premises and shall be shown to Council officers on request.

STANDING AND SITTING IN GANGWAYS

- 3)
 - a) In no circumstances shall persons be permitted to:-
 - (i) Sit in any gangway; or
 - (ii) Stand in any gangway which intersects the seating; or
 - (iii) Stand or sit in front of any exits.
 - b) Waiting and standing shall not be permitted except in areas approved by the Council; and subject to the conditions specified in such approval.

WHEELCHAIRS

- 4) **PLEASE NOTE:** In addition to the duties imposed by the Disability Discrimination Act 1995, it is the Council's policy that wherever possible there should be proper access for disabled people including wheelchair users. Consequently the Council will grant consent whenever it can do so without risk to persons using the premises.

SPECIAL RISKS AND SPECIAL EFFECTS

- 5) Any activity which involves special risks, (e.g. use of firearms), and special effects, (e.g. lasers, dry ice and smoke machines, strobe lighting, real flame, pyrotechnics), or the bringing onto the premises of any explosive or flammable substance may only be permitted or used with the Council's prior consent in writing. At least seven days' notice shall be given for an application for consent under this rule. Full details of what is proposed shall be given including the date and time of any proposed rehearsal.

MINIMUM LIGHTING

- 6) The level of normal lighting in the auditorium shall be as great as possible consistent with the effective presentation or exhibition of the pictures.

PLEASE NOTE: At premises licensed by the Council for film exhibitions, the level of illumination maintained in the auditorium during the showing of pictures will be regarded as satisfactory if it complies with the standards specified in the current edition of British Standard Code of Practice C.P.1007. Maintained Lighting for cinemas published by the British Standards Institution

FILM CATEGORIES

- 7) The categories U, PG, 12, 15 and 18 have the following effect:-

U	Universal - suitable for all
PG	Parental Guidance. Some scenes may be unsuitable for young children
12	Passed only for persons of 12 years and over
15	Passed only for persons of 15 years and over.
18	Passed only for persons of 18 years and over.
Restricted (18)	Passed only for persons of 18 or over who are members (or their guests) of a properly constituted club.

EXHIBITION OF FILMS

- 8) No film shall be exhibited at the premises unless:
- (a) it is a current news-reel; or
 - (b) it has been passed by the British Board of Film Classification as a U, PG, 12, 15, 18 or RESTRICTED (18) film and no notice of objection to its exhibition has been given by the Council; or

RESTRICTED (18) FILMS – COUNCIL’S CONSENT

- 9) Films in the RESTRICTED (18) category may be shown at the premises only with the Council’s prior written consent and in accordance with the terms of any such consent.

UNCLASSIFIED FILMS

- 10) Not less than twenty-eight days notice in writing shall be given to the Council of any proposal to exhibit any other film which has not been classified as specified in rule 39 or 40 above. Such a film may only be exhibited if the Council’s prior written consent has been obtained and in accordance with the terms of any such consent.

AGE RESTRICTION NOTICE

- 11) When the programme includes a film in the 12, 15 or 18 category no person appearing to be under the age of 12, 15 or 18 as appropriate shall be admitted to any part of the programme. The licensee shall display in a conspicuous position at each entrance to the premises a notice in clear letters in the following terms: PERSONS UNDER THE AGE OF (insert 12, 15 or 18 as appropriate) CANNOT BE ADMITTED TO ANY PART OF THE PROGRAMME

PLEASE NOTE: Where films of different categories are shown the notice shall refer to the oldest age restriction.

CATEGORY NOTICES

- 12) Immediately before each exhibition at the premises of a film (other than a current news-reel) there shall be exhibited on the screen for at least 10 seconds in such a manner as to be easily read by all persons in the auditorium. For a film passed by the British Board of Film Classification - a reproduction of the certificate of the Board or, as regards a trailer advertising a film, of the statement approved by the Board.

OBJECTION TO EXHIBITION OF A FILM

- 13) No film shall be exhibited at the premises:-
- (1) which is likely:-
 - (a) to encourage or to incite crime; or
 - (b) to lead to disorder; or
 - (c) to stir up hatred against any section of the public in Great Britain on grounds of colour, race or ethnic or national origins, sexual orientation or sex; or
 - (d) to promote sexual humiliation, degradation or violence.
 - (2) the effect of which is, if taken as a whole, such as to tend to deprave and corrupt persons who are likely to see it; or
 - (3) which contains a grossly indecent performance thereby outraging the standards of public decency

If the licensee is notified by the Council in writing that it objects to the exhibition of a film on any ground, such film shall not be exhibited.

POSTERS, ADVERTISEMENTS, ETC.

- 14) Every poster, advertisement, photograph, sketch, synopsis or programme of, or relating to a film (other than a current news-reel) exhibited or to be exhibited at the premises, which is displayed, sold or supplied anywhere by or on behalf of the licensee shall indicate clearly the category in which the film has been passed for exhibition.

FLAMMABLE FILMS

- 15) No flammable films may be upon the premises without the prior consent of the Council in writing.

RULE RELATING TO TELEVISION EXHIBITIONS – ENTERTAINMENTS UNSUITABLE FOR SOME AUDIENCES

- 16) When any television entertainment or part of such entertainment is described by the broadcasting authority in advance of the day on which it is to be broadcast as unsuitable for viewing by any particular group of persons, a notice to that effect, indicating the group of persons concerned, shall be displayed in a conspicuous position to the satisfaction of the Council at each entrance to the premises.

RESTRICTED 18 CATEGORY – ADDITIONAL CONDITIONS FOR ‘CLUB’ CINEMAS (SHOWING FILMS IN THE RESTRICTED 18 CLASSIFICATION)

17) (a) No club showing films in the ‘restricted 18’ category may operate in a multi-screen complex whilst persons under 18 are being admitted to any performance in the complex unless the Council’s written consent has first been obtained.

(b) When the programme includes a film in ‘restricted 18’ category the licensee shall display in a conspicuous position at each entrance to the premises a notice in clear letters in the following terms:-

CINEMA CLUB - MEMBERS AND GUESTS ONLY. PERSONS UNDER 18 CANNOT BE ADMITTED TO THIS CINEMA FOR ANY PART OF THE PROGRAMME

(In case of a multi-screen complex where consent has been granted the notice shall specify the particular part of the premises in which films in the ‘restricted 18’ category are being exhibited).

(c) All registers of members and all visitors’ books of their guests shall be available for immediate inspection by the Council’s Officers during any performance, or at any other reasonable time.

(d) Tickets shall in no circumstances be sold to persons other than members.

(e) No persons under 18 years of age shall be employed in any capacity at licensed premises which are operating as cinema clubs.

(f) Subject to prior written consent by the Council, a subscription may entitle the club member to attend other clubs under the same management.

(g) Membership rules for these club cinemas shall include the matters set out in Appendix A, be submitted to the Council 14 days before the club commences operation and notice of all rule changes shall be given to the Council within 14 days of the change.

RULES WHICH APPLY TO SEX CINEMAS WHERE THERE ARE SPECIAL CIRCUMSTANCES

* Larger premises will usually be taken to mean premises having a maximum accommodation limit in excess of 300 persons

ATTENDANTS – NUMBERS IN CINEMAS

18) (a) In the case of cinemas which are not equipped with a staff alerting system the number of attendants on duty in any zone where customers are present shall not be less than one for every 250 persons (or part thereof) present in that zone provided that an attendant shall be present in any auditorium where the number of customers present in that auditorium exceeds 150 persons.

(b) In the case of a cinema equipped with staff alerting and communication systems the number of attendants shall be the following scale:

PERSONS PRESENT	ATTENDANTS ON DUTY	STAFF ON CALL IN AN EMERGENCY
Up to 250	1	0
251 to 500	1	1
501 to 750	1	2
751 to 1000	2	3
1001 to 1500	3	3
1501 to 2000	3	4

(c) Attendants shall remain in their allocated zone and where there is more than one auditorium within the zone shall patrol throughout the zone and need not remain within a particular auditorium.

NOTE: For the purpose of this rule:

- (i) “Floor” means a level on which the entrances to one or more auditoria, or a separate level of an auditorium, are situated.
- (ii) “Zone” means part of a floor where the greatest distance of travel between an entrance to the two most distant auditoria does not exceed 100 metres.
- (iii) “Staff alerting system” means a system by which staff who are available on duty or on call may be warned that a fire or other emergency has arisen on the premises
- (iv) A member of staff is not “on call” if:

- (a) they are the licensee or the person nominated for the time being to be in charge of the premises.
- (b) their normal duties or responsibilities are likely materially to affect adversely or delay their response to an emergency situation
- (c) they are more than 75 metres from:-
 - (i) the position to which they are required to go on alerting signals being activated;
 - (ii) a doorway normally affording a means of egress for the public from a floor or zone.

APPENDIX D

MEMBERSHIP RULES FOR CLUB CINEMAS

The membership rules for club cinemas where restricted (18) films are to be shown should include the following:

- (a) The club rules must be submitted to the Council 14 days before the club commences operations and notice of all rule changes shall be given to the Council within 14 days of the change.
- (b) Only members and their guests shall attend exhibitions of moving pictures classified in the restricted (18) classification.
- (c) Membership shall be open to persons of both sexes of not less than 18 years of age. Applications for membership, including both name and address, shall be in writing, signed by the applicant, and if deemed necessary such applicants shall provide satisfactory references and proof of age.
- (d) No person shall be admitted to membership until the expiration of at least 24 hours after such written application has been approved by the licensed proprietors.
- (e) New members shall be supplied with a personal copy of the club rules before being admitted to membership and be given a copy of any rule changes within 14 days of the change.
- (f) An annual subscription shall be fixed for the club and shall run for 12 months from the date of registration. Membership may be renewed annually at the subscription for the time being in force, but the licensed proprietors may refuse to renew any membership without assigning reason for such refusal.
- (g) Members shall be entitled on any day to bring not more than one guest to accompany the member, and the name of the guest shall be entered in the visitors' book and counter-signed by the member.
- (h) On admission a member and his guest shall be bound by the rules of the club and by any by-laws and regulations made there under.

- (i) Tickets shall be sold only to members on the production of a membership card, and members shall, if required, sign an acknowledgement for the ticket or tickets issued.
- (j) Membership cards shall be personal to the member and shall not be transferable to any other person.
- (k) Neither membership tickets nor guest tickets shall be transferable.
- (l) No member shall introduce as a guest any persons under the age of 18 or any persons whose application for membership has been refused. The licensed proprietors will reserve the right to refuse admission to any person.
- (m) Proof of identify, or of age, or of any particulars of any guest shall be produced by any member or guest if demanded by the licensed proprietors.
- (n) Members shall undertake to behave in a proper and orderly manner. Any member or guest acting in a manner which is offensive, or a nuisance or annoyance to others may be refused admission or expelled from the premises. A member may also be deprived of membership.

Licensing Sub-Committee

5 August 2020

Licensing Act 2003 – Application to vary the premises licence for “Somewhere Else”, Weymouth

Choose an item.

Portfolio Holder: Cllr A Alford, Customer, Community and Regulatory Services

Local Councillor(s): Cllr J Orrell

Executive Director: John Sellgren, Executive Director of Place

Report Author: Aileen Powell
Title: Licensing Team Leader
Tel: 01258 484022
Email: aileen.powell@dorsetcouncil.gov.uk

Report Status: Public

Recommendation: The Sub-Committee determines the application in the light of written and oral evidence and resolves to take such steps as it considers appropriate for the promotion of the licensing objectives.

Reason for Recommendation: The Sub-Committee must consider the oral representations and information given at the hearing before reaching a decision.

1. Executive Summary

An application to vary a premises licence has been made by Jamie Crage to remove three conditions from the licence for “Somewhere Else” to allow for a different operating model. Representations have been received and remain unresolved therefore a hearing by the licensing Sub-Committee must be held to determine the application.

2. Financial Implications

The applicant or any person or body making a relevant representation will have the right to appeal any decision of the Licensing Sub Committee to the magistrate's court.

3. Climate implications

None

4. Other Implications

Human Rights Act 1998. Article 6 of the Convention requires that everyone be given a fair and public hearing within a reasonable. The applicant has received a copy of this report and has been invited to attend the Committee meeting or submit written representations to be placed before the Members when considering this matter.

5. Risk Assessment

Having considered the risks associated with this decision, the level of risk has been identified as:

Current Risk: Low

Residual Risk: Low

6. Equalities Impact Assessment

Not applicable

7. Appendices

Appendix 1 – Premises licence

Appendix 2 – Variation application

Appendix 3 – Representation from Respect Weymouth

Appendix 4 – Response from Applicant

8. Background Papers

[Licensing Act](#)

[Live Music Act](#)

[Licensing Act 2003 \(Descriptions of Entertainment\) \(Amendment\) Order 2013](#)

[Section 182 Guidance](#)

[LGA Councillors Handbook](#)

[EHRC - Guide to the Human Rights Act for Public Authorities](#)

9. Details of Application

- 9.1. An application has been received from Jamie Crage to vary the premises licence at Somewhere Else, 23 St Edmunds Street, Weymouth, DT4 8AS.
- 9.2. The current licence allows for both on and off sales between 0900hrs and 0400hrs on a daily basis with the opening hours of the premises as 0900hrs to 0500hrs. The licence is attached at appendix 1.
- 9.3. The variation seeks to remove three conditions from the existing licence.

40) Glass and Bottles

Drinks, open bottles and glasses will not 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 open bottles or glasses may not be taken off the premises.

42) Plastic or toughened polycarbonate (or similar) glasses/bottles will be used in all outdoor areas.

The variation is sought in order to:-

“.. extend the current offering of products to safely deliver a takeaway service of cold and hot beverages.

The proposed plan is to use the main entrance for customers to sit in for consumption of products on the premises. Using the rear door as exit only.

The use of the 2nd door to the left of the main entrance for take away sales only for consumption off the premises these products will be hot beverages, iced drinks, and cold beverages between the hours of 11am – 10pm. This entrance will be safely monitored for social distancing and a queuing system will be implanted for the safety of staff and the public.”

The full variation application is attached at appendix 2.

- 9.4. No representations have been received from any of the Responsible Authorities.

- 9.5. Two representations have been received objecting to the application. One is from the Town Council, who have stated that;-

“The above application was considered by the Weymouth Town Council Planning and Licensing Committee on Tuesday 30th June 2020. Please see below the Council’s representation:

Members voted unanimously to object on the grounds of possible public nuisance, public safety and the premises being located within the Cumulative Impact Area.”

- 9.6. The second representation is from a residents group called “Respect Weymouth” and is attached in full at appendix 3. The representation is a detailed report from a group of residents and objects to a permanent change to the licence and a change to the conditions for the whole of the hours covered by the licence.
- 9.7. For representations to be relevant they must relate to both the proposed variation and one of the four licensing objectives of prevention of public nuisance, prevention of crime and disorder, public safety or the prevention of harm to children.
- 9.8. Paragraphs 9.42 – 9.44 of The Section 182 Guidance states that; -

“Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be.

The authority’s determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.

Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. While this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters. As with the consideration of licence

variations, the licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business. Further advice on determining what is appropriate when imposing conditions on a licence or certificate is provided in Chapter 10. The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination”

9.9. Having considered the representations and the evidence presented at the hearing the Sub-Committee may; -

- modify the conditions of the current licence as applied for, or
- reject the whole or part of the application.

The conditions can be modified by alteration, omission or by adding new conditions if the Sub-Committee believe it is appropriate for the prevention of public nuisance or the prevention of crime and disorder.

9.10. After having sight of the representations Mr Crage stated via email that he appreciated the concerns that had been raised and offered to restrict the times for off sales to between 1000hrs and 2130hrs and to ensure that only paper or plastic cups left the building, the email is attached at appendix 4.

9.11. Officers therefore suggest putting off sales on the front of the licence between 1000hrs and 2130hrs 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.

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

9.12. These conditions have been put to Mr Crage and he has indicated he would be happy for the licence to be varied by applying them. They have been sent to the other parties who have yet to respond.

Footnote:

Issues relating to financial, legal, environmental, economic and equalities implications have been considered and any information relevant to the decision is included within the report.

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Licensing Act 2003
Premises Licence

WPPL0408

Part 1 - Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Somewhere Else

22-23 ST EDMUND STREET, WEYMOUTH, DORSET, DT4 8AR.

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- an exhibition of a film
- an indoor sporting event
- a boxing or wrestling entertainment
- a performance of live music
- any playing of recorded music
- provision of late night refreshment
- the supply of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
B. Exhibition of films (Indoors)	Monday to Sunday	9:00am	4:00am
C. Indoor sporting event	Monday to Sunday	9:00am	4:00am
D. Boxing or wrestling entertainment (Indoors)	Monday to Sunday	9:00am	4:00am
E. Performance of live music (Indoors)	Sunday to Thursday Friday & Saturday	9:00am 9:00am	12:30am 2:30am
F. Playing of recorded music (Indoors)	Monday to Sunday	9:00am	4:00am
I. Late night refreshment (Indoors)	Monday to Sunday	11:00pm	4:00am
J. Supply of alcohol for consumption ON and OFF the premises	Monday to Sunday	9:00am	4:00am

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Sunday	9:00am	5:00am

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- J. Supply of alcohol for consumption ON and OFF the premises



Licensing Act 2003
Premises Licence

WPPL0408

Part 2

NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

Jamie Paul CRAGE

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR OR MANAGEMENT COMMITTEE WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Jamie Paul CRAGE

PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL

Licence No. WPPA0417

Issued by Weymouth and Portland

ANNEXES

ANNEX 1 - MANDATORY CONDITIONS

The licence is granted subject to the Mandatory conditions for sale of alcohol as set out in the Licensing Act 2003 as amended by the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010 and Order 2014.

1. No supply of alcohol may be made under the Premises Licence -
 - (a) At a time when there is no Designated Premises Supervisor in respect of the Premises Licence; or
 - (b) At a time when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended.
2. Every supply of alcohol under the Premises Licence must be made, or authorised by a person who holds a Personal Licence.
3. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises.
 - a) games or other activities which require or encourage, or are designed to require or encourage, individuals to -
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of

Licensing Act 2003 Premises Licence

WPPL0408

ANNEXES continued ...

alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

- d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
- e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

5. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licences must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:-

- (a) a holographic mark or
- (b) an ultraviolet feature.

6. The responsible person shall ensure that -

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml; and

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

Minimum Drinks Pricing

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1 -

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979

Licensing Act 2003 Premises Licence

WPPL0408

ANNEXES continued ...

- (b) "permitted price" is the price found by applying the formula -

$$P = D + (D \times V)$$

Where -

- (i) P is the permitted price
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
- (i) The holder of the premises licence
- (ii) The designated premises supervisor (if any) in respect of such a licence, or
- (iii) The personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from the paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

If the Premises Licence allows Exhibition of Films

1. Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.
2. Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation by that body.
3. Where
- (a) The film classification body is not specified in the licence, or
- (b) The relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question,
- admission of children must be restricted in accordance with any recommendation made by that licensing authority.

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ANNEXES continued ...

4. In this section "children" means any person aged under 18; and

"film classification body" means the person or persons designated as the authority under Section 4 of the Video Recordings Act 1984(c39) (authority to determine suitability of video works for classification).

If the Premises Licence has conditions in respect of Door Supervision

except theatres, cinemas, bingo halls and casinos

1. Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, each such individual must:

- (a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
- (b) be entitled to carry out that activity by virtue of section 4 of the Act.

2. But nothing in subsection (1) requires such a condition to be imposed:

- (a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c12) (premises with premises licences authorising plays or films); or
- (b) in respect of premises in relation to:
 - (i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or
 - (ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).

3. For the purposes of this section:

- (a) "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies, and, which is licensable conduct for the purposes of that Act, (see Section 3(2) of that Act) and
- (b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

ANNEX 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE Crime and Disorder

- 1) A Closed-Circuit Television (CCTV) system will be operational at the premises at all times when licensable activities are being carried out and at any other times when members of the public are present on the premises.
- 2) The CCTV system will cover all areas of the premises occupied by the public under the terms of the licence (licensed areas), including corridors and stairways (excluding WCs and changing rooms).
- 3) The CCTV system will cover the main entrance/s and exit/s and designated emergency egress routes from the premises.
- 4) The CCTV system will cover all external areas of the premises occupied by the public, i.e. queuing areas, beer gardens, smoking areas and car parks.
- 5) The location of CCTV cameras are identified on the site plan of the premises. No amendments to the locations of the cameras will be made without prior consultation with Dorset Police and the Licensing Authority
- 6) The CCTV system will be of a resolution quality which will enable the identification of persons and activities, and other fine details such as

Licensing Act 2003 Premises Licence

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ANNEXES continued ...

vehicle registration number plates in any light condition.

7) The CCTV system will contain the correct time and date stamp information.

8) The CCTV system will have sufficient storage retention capacity for a minimum of 31 days' continuous footage.

9) The CCTV footage will be controlled and kept in a secure environment to prevent tampering or unauthorised viewing. A record will be kept of who has accessed the system, the reason why and when. This record must be made available to Police/Licensing on request.

10) A designated member/members of staff at the premises will be authorised to access the CCTV footage and be conversant with operating the CCTV system. At the request of an authorised officer of the Licensing Authority or a Responsible Authority (under the Licensing Act 2003) any CCTV footage, as requested, will be downloaded immediately or secured to prevent any overwriting. The CCTV footage material will be supplied, on request, to an authorised officer of the Licensing Authority or a Responsible Authority with the absolute minimum of delay.

11) The CCTV system will be capable of securing relevant pictures for review or export at a later date.

12) The CCTV system will be adequately maintained and be capable of transporting recorded material onto a removable media.

13) The CCTV system replay software must allow an authorised officer of the Licensing Authority or Responsible Authority to search the picture footage effectively and see all the information contained in the picture footage.

14) It must be possible to replay exported files immediately e.g. no re-indexing of files or verification checks.

15) Persons entering or re-entering the premises may be searched at random by an SIA trained member of staff and monitored by the premises CCTV system.

16) 1 (one) x SIA door staff FRIDAY from 23:00 hours (11pm) until close of business shall wear Hi Visibility jackets/covers when on duty at all times (colour of your choice).

17) 1 (one) x SIA door staff SATURDAY from 2200 hrs (10pm) and a further 2 (two) x SIA door staff from 2300 hrs (11pm) OR MIDNIGHT until close of business (seasonal dependant/changes)

18) Bank Holiday SUNDAYS apply to the above.

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

20) The Premises Licence Holder (PLH)/Designated Premises Supervisor (DPS) will ensure that a 'Daily Record Register' is maintained on the premises by the door staff.

21) The Daily Record Register will contain consecutively numbered pages, the full name and registration number of each person on duty, the employer of that person and the date and time he/she commenced duty and finished duty (verified by the individual's signature).

22) The Daily Record Register will be retained on the premises for a period of twelve months from the date of the last entry and made available to an authorised officer from the Licensing Authority or Police on request.

23) Security staff/designated supervisors will be familiar with the premises policy concerning the admission, exclusion and safeguarding of customers whilst in the premises.

24) All external fire exit doors shall be fitted with sensor alarms and visible or audible indicators to alert staff when the doors have been opened.

25) The PLH/DPS will ensure that an Incident Report Register is maintained on the premises to record incidents such as anti social behaviour, admissions refusals and ejections from the premises.

26) The Incident Report Register will contain consecutively numbered pages, the date time and location of the incident, details of the nature of the incident, the names and registration numbers of any door staff involved or to whom the incident was reported, the names and personal licence numbers (if any) of any other staff involved or to whom the incident was reported, the names and numbers of any police officers attending, the police incident and / or crime number, names and addresses of any witnesses and confirmation of whether there is CCTV footage of the incident.

27) The Incident Report Register will be produced for inspection immediately on the request of an authorised officer from the Licensing Authority or Police.



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ANNEXES continued ...

- 28) A policy for searching patrons at the entrance to premises will be adopted and prominently displayed on the premises.
- 29) The PLH/DPS will inform Dorset Police as soon as possible of any search resulting in a seizure of drugs or offensive weapons.
- 30) A suitable purpose-made receptacle for the safe retention of illegal substances will be provided and arrangements made for the safe disposal of its contents as agreed with Dorset Police.
- 31) Notices will be prominently displayed at the entrances of the premises which state:
- Random searches will be conducted as a condition of entry to premises;
 - Incidents of crime and disorder will be reported to the police and a full recorded entry will be made in the incident report register.
 - Entry to the premises will be refused to any person who appears to be drunk, acting in a threatening manner or is violent; or appears to be under the influence of drugs.
- entry will be refused to any person who has been convicted of an offence of drunkenness, violent or threatening behaviour or the use or distribution of illegal substances
- 32) There will be a communication link via radio to other venues in the town centre. This will be the system recognised by Weymouth and Portland Borough Council, West Dorset District Council and Dorset Police.
- 33) A radio communication link will be kept in working order at all times when licensable activities are taking place.
- 34) The radio communication link will be available to the Designated Premises Supervisor or other nominated supervisor and be monitored by that person at all times that licensed activities are being carried out.
- 35) Any police instructions or directions given via the radio link will be complied with whenever given.
- 36) All incidents of crime or disorder will be reported via the radio link to an agreed police contact point.
- 37) The PLH/DPS staff will ask for proof of age from any person appearing to be under the age of **25** who attempts to purchase alcohol at the premises.
- 38) The PLH/DPS staff will ask for photographic identification in the form of either a passport, EU photographic driving licence or PASS accredited identification, from any person appearing to be under the age of **25** who attempts to purchase alcohol at the premises.
- 39) A log shall be kept detailing all refused sales of alcohol. The log should include the date and time of the refused sale, a description of the person refused, why they were refused (e.g. no ID, fake ID) and the name of the member of staff who refused the sale. The log shall be available for inspection at the premises by the police or an authorised officer of a Responsible Authority (Licensing Act 2003).
- 40) Glass and Bottles**
Drinks, open bottles and glasses will not 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 open bottles or glasses may not be taken off the premises.
- 42) Plastic or toughened polycarbonate (or similar) glasses/bottles will be used in all outdoor areas.
- 43) Plastic or toughened polycarbonate (or similar) glasses/bottles will be used when requested by Dorset Police (e.g. football match days or at certain times i.e. after 23:00 hours).
- 44) The PLH/DPS will belong to a recognised trade body or Pub Watch Scheme where one exists, whose aims include the promotion of the licensing objectives.
- 45) The PLH/DPS will operate to a written dispersal policy which ensures the safe and gradual dispersal of customers from the premises. The policy will be agreed with Dorset Police. The PLH/DPS will ensure that staff receive training on the policy and a record of training shall be kept/made available to an authorised officer upon request.

Public Safety

- 46) The number of persons permitted in the premises at any one time (including staff) shall not exceed **250** persons.

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ANNEXES continued ...

- 47) Before opening to the public, checks will be undertaken to ensure all accesses to the premises are clear for emergency vehicles. Hourly checks will be undertaken when the premises are open.
- 48) Written records of all accidents and safety incidents involving members of the public and/or staff will be kept. These will be made available at the request of an authorised officer.
- 49) During opening hours the cellar door must be kept locked or supervised to prevent unauthorised access by the public.
- 50) A suitably trained and competent person must ensure **daily** safety checks of the premises, decorative and functional fixtures, floor surfaces and equipment (including electrical appliances) to which the public may come into contact are undertaken. Records of these safety checks must be kept and made available for inspection by an authorised officer.
- 51) Empty bottles and glasses will be collected at least hourly, paying particular attention to balcony areas and raised levels.
- 52) A written spillage policy will be kept to ensure spillages are dealt with in a timely and safe manner. All staff will be made aware of the policy.
- 53) A suitably trained First Aider or appointed person to deal with first aid issues will be provided at all times when the premises are open.
- 54) First Aid equipment and materials adequate for the number of persons on the premises will be available on the premises at all times. All staff will be made aware of first aid location.
- 55) A procedure for dealing with unwell members of the public will be in place including those who appear to be affected by alcohol or drugs. Staff will be appropriately trained in such procedures.

Prevention of Public Nuisance

- 56) Licensable activities will be conducted and operated so as to prevent the transmission of audible noise or perceptible vibration through the fabric of the building or structure to adjoining properties.
- 57) Noise from a licensable activity at the premises will be inaudible at the nearest noise sensitive premises.
- 58) There will be no external loudspeakers.
- 59) All windows and external doors shall be kept closed after **during all hours**, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
- 60) 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.
- 61) Bottles will not be placed in any external receptacle after 02.00 hours and before 07.00 hours to minimise noise disturbance to neighbouring properties.
- 62) No deliveries to the premises shall be arranged between 23:00 hours and 07:00 hours.
- 63) All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
- 64) There shall be no admittance or re-admittance to the premises after 03:00 hours.
- 65) Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks with them.
- 66) The PLH/DPS will adopt a "cooling down" period where music volume is reduced towards the closing time of the premises e.g. for the last hour of opening.
- 67) The pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel at its junction with the kerb edge, shall be swept and or washed, and litter and sweepings collected in accordance with the business's refuse storage arrangements.
- 68) No advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) that advertises or promotes the establishment, its premises, or any of its events, facilities, goods or services shall be inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree, or any other property, or be distributed to the public.
- 69) Clear and legible notices will be displayed at exits, car parks and other circulatory areas requesting patrons to leave the premises quietly having regard to the needs of local residents, in particular emphasising the need to refrain from shouting, slamming car doors, sounding horns



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ANNEXES continued ...

and loud use of vehicle stereos and anti-social behaviour.

70) 1 - 3 SIA Registered door staff will be employed and used to manage queues and ensure queues are restricted to cordoned areas to prevent them obstructing footpaths and spilling out onto roads, and to keep noise and obstructions away from residential property.

71) The premises supervisor and any door supervisors will monitor the activity of persons leaving the premises and remind them of their public responsibilities where necessary.

Protection of Children from Harm

72) People under 18 years of age will be allowed on to the premises between 09.00hrs and 22.00hrs when accompanied by an adult.

ANNEX 3 - CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY

12 An additional CCTV camera will be mounted and trained towards Mitchell Street, Weymouth.

13 A direct telephone number for the manager and 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.

14 A log shall be kept detailing all refused sales of alcohol. The log should include the date and time of the refused sale, a description of the person refused, why they were refused (e.g. no ID, fake ID, intoxicated) and the name of the member of staff who refused the sale. The log shall be available for inspection at the premises by the police or an authorised officer of a Responsible Authority (Licensing Act 2003).

15 The PLH/DPS will operate to a written dispersal policy which ensures the safe and gradual dispersal of customers from the premises. The policy will be agreed with Dorset Police. The PLH/DPS will ensure that staff receive training on the policy and a record of training shall be kept/made available to an authorised officer upon request.



Business Licensing

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Application to vary a premises licence 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/We Jamie Crage

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number

WPPL0408

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description

23 st Edmund Street

Post town	Weymouth	Postcode	DT4 8AS
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Telephone number at premises (if any)	07984609040
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Non-domestic rateable value of premises	£16500
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Part 2 – Applicant details

Daytime contact telephone number	07984609040
----------------------------------	-------------

E-mail address (optional)	jamie@closetweymouth.co.uk
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Current postal address if different from premises address	
---	--

Post town		Postcode	
-----------	--	----------	--

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible? Yes No

If not, from what date do you want the variation to take effect? DD MM YYYY

--	--	--	--	--	--	--	--

Please describe briefly the nature of the proposed variation (Please see guidance note 1)

Removal of existing licence conditions detailed below:

40) Glass and Bottles

Drinks, open bottles and glasses will not 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 open bottles or glasses may not be taken off the premises.

42) Plastic or toughened polycarbonate (or similar) glasses/bottles will be used in all outdoor areas.

This application is to assist with the rising challenges to support the government requirements to operate safely during the Covid 19 pandemic. The purpose of the change is to be able to extend the current offering of products to safely deliver a takeaway service of cold and hot beverages.

Using one way systems throughout the venue for entrances and exits adhering to the 2 meter distance rule.

The proposed plan is to use the main entrance for customers to sit in for consumption of products on the premises. Using the rear door as exit only.

The use of the 2nd door to the left of the main entrance for take away sales only for consumption off the premises these products will be hot beverages, iced drinks, and cold beverages between the hours of 11am – 10pm. This entrance will be safely monitored for social distancing and a queuing system will be implanted for the safety of staff and the public.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment

Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Sale by retail of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue					
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue					
Wed			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)
Day	Start	Finish	
Mon			State any seasonal variations for indoor sporting events (please read guidance note 4)
Tue			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 5)
Wed			
Thur			
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 4)		
Wed			<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Thur					
Fri					
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue					
Wed			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)		
Tue			State any seasonal variations for the performance of dance (please read guidance note 4)		
Wed			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 5)		
Thur					
Fri					
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 3)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
Day	Start	Finish		Both	<input checked="" type="checkbox"/>
Mon			State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Tue					
Wed					
Thur			Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri					
Sat					
Sun					

K

<p>Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8).</p>

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon			
			Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

M

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 9)

All sales for drinks for consumption off the premises will adhere to the relevant conditions listed on the premises licence

b) The prevention of crime and disorder

Will continue to work with local authorities and local pubwatch scheme.
Will display all relevant signage required for respecting the neighbourhood.
Entry and service will be refused for any one who is drunk, violent, or under the influence of drugs.

c) Public safety

All existing conditions will be adhered to.
Drinks will be served in plastic where suitable.

d) The prevention of public nuisance

Outside areas will be monitored and large groups and persons whom appear drunk will be asked to move on and will not be served.

e) The protection of children from harm

All sales will be subject to the challenge 25 policy

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee. ✓
- I have sent copies of this application and the plan to responsible authorities and others where applicable. ✓
- I understand that I must now advertise my application. ✓
- I have enclosed the premises licence or relevant part of it or explanation. ✓
- I understand that if I do not comply with the above requirements my application will be rejected. ✓

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 5 – Signatures (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent (please read guidance note 11). **If signing on behalf of the applicant, please state in what capacity.**

Signature	Jamie Crage
Date	10 July 2020
Capacity	Premises licence holder

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent (please read guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)

Post town		Post code	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

The council has a duty to protect the public funds it administers, and to do this may use the information you have provided on this form to prevent and detect fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes. Where appropriate, and as part of its commitment to improving customer service, the council may also share the information provided on this form with other council services. For more information, see <http://www.dorsetforyou.com/fraud> or contact Finance Manager on 1305 252292.

Notes for Guidance

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
3. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

Version 2.

1. REPRESENTATION

This license representation is made by Nigel Shearing, the chair of RESPECT WEYMOUTH action group, set up by local residents and hospitality support businesses in and around the North Harbourside. The group's members are extremely concerned about the potential impact this application could have on their business, health, wellbeing and quality of life. The application is ambiguous and seems to be at odds with the professed intention of the council's new, draft licensing policy to promote all these things as important. The group is all about:

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

It has been encouraging this since July 2019.

Nineteen residents and business owners have contributed to this collective report. They are identified in Appendix 1. All have fears over retaliation and criminal damage because of events and reasonable suspicions over the last 12 months. (It is requested that Appendix 1 is redacted for all public documents, press releases, the licensee, and the licensee's representative. It is understood that council officers and hearing councillors will need to see this information to validate the representation.)¹

Residents and business owners making this collective representation wish to mediate through RESPECT WEYMOUTH.

Given the level of community interest, if the applicant makes changes to the variation before a hearing, RESPECT WEYMOUTH would like an extension of variation time to consider the new position.

2. NOTICE

Notice ID: WEY1752351

Notice effective from 17th June 2020 to 17th July 2020

Notice is given that Jamie Crage has applied to Dorset Council for a variation of premises licence in respect of Somewhere Else, 23 St Edmunds Street, Weymouth, DT4 8AS. For the removal of conditions 40, 41 & 42 from Annex 2. Any interested party or responsible authority may make representations in writing to, The Licensing Section, Dorset Council, South Walks House, South Walks Road, Dorchester, Dorset, DT1 1UZ within 28 days from the date of notice.

Note: the electronic variation document in the council's Dorset For You page is not clear on the matters of variation.

Representations to be made BY 9 JULY 2020

Link to Existing License https://wam.westdorset-dc.gov.uk/PAforLalpaLIVE/2/LicensingActPremises/Search/8176/Detail?LIC_ID=28799

3. VARIATION

The proposed variations are to:

REMOVE CONDITION 40) Glass and Bottles. Drinks, open bottles and glasses will not 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.

Meaning all drinks that are available inside can be taken outside.

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

Meaning display notices can be removed. They won't apply.

REMOVE CONDITION 42) Plastic/toughened polycarbonate (or similar) glasses/bottles will be used in all outdoor areas.

Meaning glass can be used for all drinks, inside and outside. And carried/left away from the venue.

¹ Supported by Revised Guidance issued under section 182 of the Licensing Act 2003 (April 2018)

The full application states:

This application is to assist with the rising challenges to support the government requirements to operate safely during the Covid 19 pandemic. The purpose of the change is to be able to extend the current offering of products to safely deliver a takeaway service of cold and hot beverages.

Using one way systems throughout the venue for entrances and exits adhering to the 2 meter distance rule.

The proposed plan is to use the main entrance for customers to sit in for consumption of products on the premises. Using the rear door as exit only.

The use of the 2nd door to the left of the main entrance for take away sales only for consumption off the premises these products will be hot beverages, iced drinks, and cold beverages between the hours of 11am - 10pm. This entrance will be safely monitored for social distancing and a queuing system will be implanted for the safety of staff and the public.

It is noted that, for crime and prevention, the applicant will:

Continue to work with local authorities and local pubwatch scheme.

Display all relevant signage required for respecting the neighbourhood.

Refuse entry and service for any one who is drunk, violent, or under the influence of drugs.

And for public safety

Drinks will be served in plastic where suitable

All sales will be subject to the challenge 25 policy

The reasons for justifying the removal of conditions may not be conditional on the license.

4. THE AREA

Appendix 1 shows the location of the venue and its immediate surroundings. It is located on the edge of the town next to a long standing residential area tucked behind the North Harbourside. This is a conservation area. The venue was once a jeweller's shop. The music style has changed significantly in recent years, as have the visitor profiles. And it is now very young. Long term residents have verified that its public nuisance impacts have got worse in recent years.

The burned out church opposite the venue is due for conversion into 30 small but high quality apartments. Development is due to start this year. Other recent developments include a new block of harbour view apartments in Helen lane, a stunning warehouse conversion into apartments at the end of Helen lane, and an ongoing conversion for high quality apartments in a large warehouse abutting Helen Lane and the harbour. The residential population of the area is increasing while the impacts from bars and clubs are getting worse.

Maiden Street provides a busy one-way route through the centre of town - day and night. To date, there are no plans to close it for 'opening-up' the local economy during the lifting of pandemic restrictions.² It is noted that a new application for a sitting out license has been submitted by Somewhere Else, to use the loading bays. A separate representation will be made for this given the likely nuisance impacts and 'Covid Secure' risks for patrons, road users and passers by.

The harbour area is covered by the Weymouth & Portland Anti Social Behaviour Related Public Spaces Protection Order 2018 (PSPO) and a Cumulative Impact Area (CIA) policy. The harbour itself has a drinking culture that condones open drinks in glass containers. Even though it is covered by the PSPO. More recently this has escalated towards public nuisance but, in any event, it's all over when the sun disappears as crowds disperse and move on. This permanent variation will add to this by encouraging new drinking arrangements into the streets of Weymouth's CIA.

4. OVERALL APPLICATION & LICENSING OBJECTIVE ISSUES

The application seems ambiguous. Permanent removal of these conditions could pave the way for future changes beyond the proposed operating model, with others following suit, and added impacts for cumulative impact (CIA).

The variation is being used to secure permanent changes for temporary problems and economic hardship. These

² Confirmed by Dorset Highways on 7 July.

changes will go beyond the imminent support measures of emerging legislation³, due to end 30 September 2021.

This representation is therefore made for the proposal and its potential worst case impacts.

The full application does not state how patrons would be managed in controlled areas with new 'open' off-sales.

There is potential for conflict with the council's strategic licensing policy in a number of areas.

There is potential for conflict with the council's image and tourist vision for Weymouth.

The variation could pave the way for uncontrolled, unregulated and expanding street drinking in a CIA and well established residential, hospitality support and conservation area.

There is potential for conflict with the Weymouth & Portland Anti Social Behaviour Related Public Spaces Protection Order 2018 (PSPO) enforcement principles, and challenges to enforcement with limited resources.

There is potential for new impacts to influence the future of Purple Flag awards, with reduced safety, wider public nuisance, more reporting, less enforcement resources and more serious crime with glass in the street.

There is potential for conflict with the Health Protection (Coronavirus Restrictions) (England) Regulations 2020 (as amended) due to the venue's inability to be 'Covid Secure' and safe for patrons and passers by with drinking in the street. Including the emerging guidance for sitting out licenses. See Appendix 3.

The permanent variation is limited to Somewhere Else, but the applicant also runs the adjacent nightclub, The Closet. Both are being promoted for a new, daily joint venture between 09.00 and 03.00. It is foreseeable that the proposed operating model could change, especially in the summer months. And this could increase the numbers of customers in very limited areas outside of both venues. To date, the controlled areas of both have unresolved nuisance issues.

The existing license permits 'contained' off-sales between 09.00 to 04.00. The drinks menu for this does not include 'open' drinks, jugs, shots or cocktail promotions, which are a bedrock of the venue. And there is no drinking in the street between hours of 22.00 to 04.00 because 'open' drinks are not permitted outside. This naturally limits the duration and level of nuisance and the number of people on breaks outside.

There appears to be two emerging scenarios:

1) During pandemic restrictions, using the venue as a daily coffee shop and 'Covid Secure' cocktail bar, with potential to serve 'open' off-sales with/without outside seating or controls between 11.00 and 22.00, as proposed. With inside arrangements for the rest of the licensing hours.

2) After the pandemic, without nightclub restrictions, serving 'open' off-sales as proposed, with drinking enabled outside between 22.00 and 04.00, especially in the summer months.

The existing public nuisance outside the venue is unresolved. Residents are already suffering with things as they are. Most noise nuisance has gone unreported up to June 2019 for various reasons, see GROUND TRUTH below. It's not clear how door supervision or other control measures will support the new, wider scope of the proposal.

If people are able to drift away from controlled areas with 'open' drinks and glass into adjacent streets, between bars and into residential areas, within the CIA and the PSPO area, it is foreseeable that this will bring new problems.

Granting a permanent 'open' off-sales variation will set a precedent for other bars in the CIA. And some have licenses to 06.00. They also have unresolved complaints about public nuisance. So, it is very foreseeable that other bars and nightclubs could follow suit, bringing more alcohol to the streets, without sitting out arrangements, and more related impacts to the CIA.

Emerging legislation will temporarily override the council's Licensing Policy for the CIA and, in particular, the rebuttable presumption of refusal for proposed variations that are **likely** to make things worse by adding to the cumulative impact.

It is not clear if or how the venue will use music to support the variation. At the moment, this is restricted under 'Covid Secure' measures to prevent people raising their voices. It already has a Stage 2 Notice for statutory nuisance from Environmental Health and, although some remedial work has been done for noise bursts, the issue of pulsating, low frequency bass is unresolved. It is noted that there are conditions to prevent music in the street from external speakers. And it is noted that a venue door is open for exit and off-sales now. If internal music is used to encourage off-sales or entertain those congregating outside, now or after the pandemic, this could lead to a Stage 3 Notice and legal action.

It is understood that the council has already considered consultant proposals to develop this part of the CIA for more 'alfresco' entertainment. ⁴ But the guiding report ignores Licensing Objective impacts, PSPO principles, CIA limitations and the common law rights of local residents. The cornerstone of the study was also based on the burned out church conversion to a large hospitality premises with a rooftop bar. But this building is now being developed into apartments and other residential developments are in progress. It is hoped this outdated report does not influence the application.

³ The Business and Planning Bill 2020

⁴ <http://www.feria-urbanism.eu/weymouth-master-plan/4589715160>

5. THE GROUND TRUTH

This variation has the potential to further affect what was once a respectable, balanced and family centred neighbourhood in a small conservation area. In the last ten years, the delicate balance here has been almost desimated. Some homes have been turned into holiday lets and are struggling. Some have been let out to rent and have a constant turnover of suffering tenants. Houses are difficult to sell. Guest houses deal with complaints. And those who are left fear what's to become. Especially given the potential for introducing Houses in Multiple Occupation. And this is mostly because of irresponsible licensees and a lack of proactive enforcement. In the last 12 months, 6 families have found it too stressful and moved out. At least 2 homes are for sale now. And 1 guest house is for sale. It's a very real and worrying situation and the balance needs to be redressed.

The approach to licensing enforcement is predominantly reactive. Because of this and a lack of local reporting, the applicant and other licensees have been left alone when conditions have been breached. There is no out of hours enforcement from Licensing or Environmental Health either. And most residents have lost faith in the system and stopped reporting all but serious crime. This impacts the council's and the police's ability to secure ground truth with formal statistics, especially for public nuisance and noise, because people have either kept quiet or moved on. Ultimately, police crime and disorder statistics do not reflect the ground truth for public nuisance here. There is no CCTV to support enforcement either. And this clearly has a significant impact on patron behaviour in the area.

The chair of RESPECT WEYMOUTH has been working with Environmental Health to address nuisance issues since June 2019. And because of this, it was agreed that no further complaints were needed from others. This reduced the impacts on very limited resources of environmental health, and focussed the issues in one investigation which had shared impacts elsewhere. But there has been a significant drawback to this. Enforcing bodies have not acknowledged or appreciated the public nuisance impacts on other residents or businesses, because they haven't complained, as asked, believing the impacts were a sole issue for the group's chair.

To help demonstrate the GROUND TRUTH, RESPECT WEYMOUTH initiated a qualitative survey on 15 June. So far:

- 17 residents and hospitality support residents/businesses have completed the questionnaire⁵
- 11 respondents have lived here more than 5 years (some over 25), 3 between 3-5 years, and 3 between 1-2 years
- 14 have sited Somewhere Else a venue responsible for excessive noise outside
- 11 have regular disturbed sleep through noise from people congregating outside
- 9 have been anxious about retaliation as a complainant
- 9 have been unable to enjoy friends or family for sleep overs, because of the excessive noise from outside
- 10 have been unable to enjoy home entertainment without having to raise sound levels, to help cancel out the noise
- 8 have been unable to enjoy normal conversation, without having to raise voices
- 12 have had their well-being affected by anxiety, tiredness and feelings of helplessness, frustration, etc.
- 5 families with children have noticed them suffering from tiredness and loss of concentration
- 16 respondents have been regularly forced to close windows and suffer hot, stale air in bedrooms
- 11 have suffered loss of sleep and disturbance 3 or more times a week, and 4 have suffered 2 times a week
- 16 were affected between 11pm and 1am, and 17 were affected between 1am and 3am
- 17 have stated that disorderly and noisy behaviour was not limited to holiday periods
- 7 have stated that overall, the problems have got worse, and 8 feel they have got much worse
- 16 have stated that dealing with excessive noise outside of venues is a priority (not transient crowds)
- 17 believe the existing balance between licensed venues and the residential community is unfair and not acceptable

⁵ This is now 20, the report will be updated for the hearing if necessary

- 5 always report crime, 6 report it sometimes, and 6 don't report it at all
- 11 current residents have been forced to think about moving out of the area
- 11 respondents don't understand their role in the licensing review process
- 14 respondents want to support collective action to restore the balance with a community review

Here are some quotes from the survey:

If you said things have got worse, what's changed?

"Originally a reasonably quiet street at night but things started to get worse with the introduction of smoking regulations and extended licensing hours. On warm dry summer evenings crowds sit in the street. Girls/women scream, boys/men fight and some distance themselves from the crowd and sit on window sills and doorsteps holding loud conversations. I have witnessed a stabbing on the corner with East Street. Heard cars zooming around. Taxi doors banging and bottles being loaded in to bins. I have had a wing mirror kicked off my car and a neighbors bottle recycling box hurled up the street. A doorman did sweep that up. The drug dealing was happening during the day time. I did inform the police and the usual suspects did eventually move on elsewhere. Music is now more invasive."

"Louder and later music and more people outside at all hours making lots of noise urinating and drug taking throughout the night week and weekends. Horrific at times."

"When we moved to Helen Lane in 1996, the balance between the effects from licensed venues and residents was fair and acceptable, and the area was a lively, but very pleasant place to live. The balance has changed dramatically. The disruption has included anti-social behaviour of the most extreme kind: violent behaviour, including fights, intimidation of residents and damage to property, public drug taking including discarded hypodermic needles, public sex acts, public urination and defecation, extremely loud music from venues, shouting and swearing from clientele."

"Later drinking hours have led to more drunkenness and associated rowdy and anti-social behaviour. Visitors to my house frequently report being unable to sleep at night."

"Damage to property. Years ago when somewhere else was Celevinoes and the closet was Verdis, there were loud rock bands yet you never heard the noise. The licensees and door staff kept the noise under control and had much more respect for local residents. Queuing and noise after hours was better controlled and regulated."

"The drug usage, toilet habits in the street and noise. People have become indifferent to the rules and do what they want."

If you reported crime or nuisance, were you satisfied with the action and outcomes?

"No point, I just moved."

If you've been forced to think about moving out of the area, why?

"I would not choose to live here if it wasn't to run <a hospitality support business> and it is only running this that keeps me here because of the noise and unsocial behaviour I have witnessed, including drug dealing, lewd acts in the street, foul language fighting urinating and defecating on my doorstep vomiting over my railings onto the property to name a few. If I was a resident only I would have moved years ago."

"We bought the property as a holiday home to relax and unwind from our busy lives and spend quality time with our children. We were left sleep deprived stressed and anxious. My children have seen, heard and been subjected to behaviour that is completely unacceptable! We now rent our property out on a long term let."

"Because of the noise every single night of the week i get no sleep, this in turn is starting to effect my work and personal life. The level of fighting and shouting is also becoming unbearable."

"Because I'm sick of my daughter having to be subjected to seeing the way people treat the street and outside of our home. We don't feel safe there anymore, or like we are being listened to."

"Affecting my two children. Feeling unsafe. Exposed."

"I have had to accommodate my 91-year-old mother who has dementia, and the area was no longer safe or conducive to her wellbeing. The severity, nature and persistence of noise and anti-social behaviour through the night and early morning would have made it impossible for her to live with us there. The shouting and fights were so frightening for her, that we have had to move away from our much-loved home."

The licensing policy and Licensing Act state the need to uphold the licensing objectives, and that each objective has an equal weighting. This Public Nuisance survey is a true reflection of what is actually happening here, to who, when and how, and as such needs to carry the same weight as reported statistics for more serious Crime and Disorder.

Somewhere Else has been a significant contributor to this problem. It is the busiest venue in the street. And the noise produced by existing patrons in managed areas has been significant. Followed closely by those from the adjacent

partner premises, The Closet. Because of different opening hours, social groups, people numbers and music styles, it is usually very simple to attribute nuisance to this venue.

Some public nuisance, statutory nuisance, and license condition issues at Somewhere Else are still unresolved. There is an unresolved complaint about an unenforceable, 'preventative' noise condition. This has left the applicant ignoring the condition, the council unable to enforce it, and local residents in a worse place than the spirit of the license intended.

6. PREVENTING CRIME AND DISORDER

It is very foreseeable that granting permanent 'open' off-sales could increase the number of people drinking outside, who will be controlled and uncontrolled, mobile, intoxicated, and congregating for longer, potentially up to 04.00 and beyond. The impact of this on Crime and Disorder is:

The existing council's licensing policy states that it has *"a duty to do all that it reasonably can to prevent crime and disorder in the area, under Section 17 of the Crime and Disorder Act 1998. The Council has paid special attention to this in formulating its policies."* Granting a permanent variation across all licensing hours with foreseeable impacts could challenge this position.

Drinking in public spaces with disorder or nuisance behaviour is enforceable by the PSPO. So, permitting the supply of new, additional alcohol into the street with 'open' off-sales is likely to make the impacts for this worse. At any time. Council PSPO enforcing officers do not work late hours. Police are thin on the ground dealing with more serious crime. Licensing also has very limited resources and is unable to enforce street drinking. So, it is foreseeable that granting a permanent variation across all licensing hours is likely to make things worse for residents and enforcement bodies. It is also very likely that increased impacts will get worse without CCTV support.

Serious crime may not increase, but there is potential for worse outcomes of intoxicated conflict with more drinks and glass outside. Especially if drinking areas are not supervised, cannot be controlled and containers aren't collected.

There is potential for other variations to follow suit in this CIA, with even more drinking in the street and people mixing across different venues. These have very unique and different social groups. It is foreseeable that uncontrolled drinking could increase the risk of disorder, street skirmishes and violent crime.

When busy, and without a sitting out area, Somewhere Else patrons cannot be contained on the narrow pathways outside the venue, even with door supervision. They spill onto the road and side streets, leaving residents feeling vulnerable and unsafe. As things stand, they openly deal and use recreational drugs in the street and under windows of residents, then re-enter the premises. They do the same after urinating, vomiting and defecating against resident's homes and cars. More people in the street, drinking alcohol, with less control will make this much worse, for longer, especially if toilet facilities are unavailable.

It appears that the 'Off-sales and compliance with the Health Protection (Coronavirus Restrictions) (England) Regulations 2020 (as amended)' can't be met. See Appendix 3

7. ASSURING PUBLIC SAFETY

It is very foreseeable that granting permanent 'open' off-sales across all licensing hours could increase the number of people drinking outside, who will be controlled and uncontrolled, mobile, intoxicated, and congregating for longer, potentially up to 04.00 and beyond. The impact of this on Assuring Public Safety is:

As we emerge from the pandemic, it is understood that the Town Council and Dorset Highways are not planning to close Maiden Street in the 'opening up' plan. All temporary road closures that do take place will be limited to 10.30 - 21.00.

It is noted that Somewhere Else has applied for a 'cafe license'. Without a permanent or temporary road closure, it seems very unlikely that this could be permitted given the narrow pavement widths, the status and business of the road, the need for loading bays, and ability to meet Covid Secure arrangements. Granting a permanent variation with no sitting-out arrangements is very likely to increase risks to patrons, passers by and road users. It is accepted that the emerging Bill could enable this in any event, but it would have protection measures for the CIA.

Somewhere Else has a very young visitor profile. With drink promotions, this encourages binge drinking. The public nuisance associated with this has been excessive. In the early hours, traffic can be erratic and fast moving. Patrons have been seen falling into the road and lying on pathways, presenting risk to themselves and others from passing vehicles. Granting a permanent variation across all licensing hours could increase this risk.

Given the above, and the historic use of residential areas to congregate and take recreational drugs, the use of 'open' off-sales will encourage more patrons to temporarily leave the venue and do this for longer, with drinks. Note that police are unable to respond quickly enough to deal with this. It is foreseeable that granting a permanent variation across all licensing hours could increase this risk.

The use of glass could cause serious problems with broken debris or worse, malicious wounding if fighting occurs outside. Glass use won't be managed or controlled if patrons leave the area. And it's likely that it would 'travel' to be disposed of outside resident's homes. This doesn't happen now, so granting a permanent variation across all licensing hours could make this worse.

There is a risk that increased numbers of patrons congregating outside the venue will not socially distance from each other. And that the 'Off-sales and compliance with the Health Protection (Coronavirus Restrictions) (England) Regulations 2020 (as amended)' will not be met. See Appendix 3.

There is a risk that increased numbers of patrons from open off-sales could influence the ability of passers by to be socially distanced, forcing them onto a busy highway and adjacent pathways. This has made residents feel intimidated.

8. PREVENTING PUBLIC NUISANCE

It is very foreseeable that granting permanent 'open' off-sales across all licensing hours could increase the number of people drinking outside, who will be controlled and uncontrolled, mobile, intoxicated, and congregating for longer, potentially up to 04.00 and beyond. The impact of this on Preventing Public Nuisance is:

The Council's licensing policy states that it *"is under a duty to protect the rights of residents to privacy and family life under Article 8 of the European Convention of Human Rights. At the same time, the Council respects the interests of commercial landowners to operate their premises without unnecessary restraint. This Statement of Licensing Policy is intended to reflect a balance between those rights."* Granting a permanent variation across all licensing hours with foreseeable impacts could challenge this position.

"In its role of implementing local authority cultural strategies, the Council policy recognises the need to encourage and promote live music, dance and theatre for the wider cultural benefit of the community. A natural concern to prevent disturbance in neighbourhoods will always be carefully balanced with these wider cultural benefits, particularly those for children." There appears to be few cultural benefits to permanently introducing drinking to the busy streets of a historic conservation area. Moving street drinking closer to the town in controlled and uncontrolled areas, with potential to creep into early mornings, every day, with new impacts for the CIA and PSPO could have an adverse impact on the cultural feel and experiences for visiting families. It is foreseeable that granting a permanent variation across all licensing hours could increase, not prevent, disturbances.

It is foreseeable that more street drinking in this sensitive location could create a more intimidating atmosphere for visitors and residents. The residential and hospitality support includes holiday lets and guest houses, some of which suffer poor reviews as things are now.

The council's licensing policy position states that *"the role of the Council as licensing authority is to hold a balance between the needs of the licensing, entertainment and food industry and the needs of residents and other users of the Borough including businesses, workers, shoppers and visitors."* It is foreseeable that granting a variation across all licensing hours with foreseeable impacts would swing the balance even further away from the needs of adjacent residents and business.

This CIA is has suffered excessive nuisance. So far, 3 venues have been served with Stage 2 Statutory Nuisance Notices. Somewhere Else is one of these. It is foreseeable that this could end in legal action.

The chair of RESPECT WEYMOUTH has worked closely with the applicant to try and resolve noise outside and signs were jointly designed and made. But they haven't been actively managed in controlled areas. Door supervisors stand by.

9. PROTECTING CHILDREN

It is very foreseeable that granting permanent 'open' off-sales across all licensing hours could increase the number of people drinking outside, who will be controlled and uncontrolled, mobile, intoxicated, and congregating for longer, potentially up to 04.00 and beyond. The impact of this on Protecting Children is:

Safety of children with 'open' off-sales is a concern. Given the age profile of visitors frequenting Somewhere Else, it is foreseeable that under age drinking could be increased by the handing over of permitted 'open' off-sales in the street.

There is likely to be more shouting, swearing, and foul language exposure for resident's children of impressionable age. The World Health Organisation makes it very clear that children are an 'at risk' group from the impacts of sleep loss.

10. SUMMARY POSITION

This representation is based on advice from licensing lawyers, Poppleston Allen.

RESPECT WEYMOUTH believes that granting permanent 'open container' off-sales across all hours of the license would make things worse for the future of this CIA.

RESPECT WEYMOUTH sympathises with the financial hardships being suffered by the applicant, but seeking a permanent license variation for a finite crisis that is being supported by new Government legislation and financial help seems very unnecessary. The Bill will bring problems of its own. But they are temporary. The applicant appears to be using the pandemic to remove conditions and lever-in permanent change, with risks to the CIA and local community.

The council's new, draft licensing policy promotes overarching priorities of strong healthy communities, and staying safe and well. Granting a permanent variation across all licensing hours could challenge these priorities.

The tailored conditions of this variation were offered and agreed by the licensing authority as proportionate, necessary and appropriate for the specific risks and circumstances of this venue and the CIA. Not that long ago. The conditions are still available in the current Licensing proforma risk assessment at:

CD44 - Glass and Bottles. Drinks, open bottles and glasses will not 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.

CD45 - The PLH/DPS will prominently display notices which inform customers that open bottles or glasses may not be taken off the premises.

CD46 - Plastic/toughened polycarbonate (or similar) glasses/bottles will be used in all outdoor areas.

Nothing has changed. The venue is still next to an expanding residential area (over 35 new homes are planned to be built in the next 12 months). The license is in a CIA. The CIA has been challenged and maintained in the latest licensing policy review and has been added to a revised policy that is now on consultation. Street drinking with public nuisance and disorder is enforceable by the PSPO. This will bring new challenges. And the disturbance from existing public nuisance, crime and disorder without street drinking is still unresolved.

Permanent removal of the conditions could only add to the problems being faced for now and the future. They are still necessary and appropriate for this license and the CIA. It is foreseeable that granting this application could eventually mean more people using unsuitable outside space with less supervisor control and more people 'drifting' into residential areas. There could be more people at risk on the highway, more noise and disorder, for longer, with more recreational drug use, vomiting, urinating and defecating in hidden pockets of residential side streets. And there is more likelihood of ASB and glass related violence between different bar patrons that follow suit. And this would be exacerbated by limited out of hours enforcement resources and no CCTV.

Annexe 3 of the License demonstrates that further conditions were required following a hearing for the venue. It is understood these were provided to reduce public nuisance and disorder. However, this is still an unresolved issue.

It is foreseeable that permanently removing these conditions could bring new impacts for:

'Best Bar None', "An accreditation scheme supported by the Home Office and drinks industry that aims to improve standards in the evening and night time economy through a combination of responsible management and operation of licensed premises, ongoing improvements, and social responsibility. Best Bar None's goal is to help provide a safer night out to all. The scheme intends to:

1. Reduce alcohol related crime and disorder

It is foreseeable that more nuisance, crime and disorder could take place with this variation.

2. Build a positive relationship between licensed trade, police and local authorities and the private sector

Granting this variation is likely to impact local hospitality support in guest houses and holiday lets, and private long term letting businesses. It won't create positive relationships.

3. Improve knowledge and skills of enforcement and regulation agencies, licensees, and bar staff to help them responsibly manage licensed premises

4. Make sure that accredited venues meet the minimum standards and champion ongoing improvements

It is foreseeable that granting this variation could champion how to make a CIA worse, and other venues in the CIA could follow suit. Bringing more drink to the streets and more challenges to enforcement.

5. Recognise responsible premises and share good practices with others

As above, with good practice of permanent street drinking with adverse impacts for a CIA and conservation area.

6. Highlight how operating more responsibly can improve the profitability of an individual business and attractiveness of a general area

It is foreseeable that granting a permanent variation could make the area more intimidating and less attractive to visitors with families. And less attractive to those wishing to move into emerging residential developments.

Granting this variation appears to be at odds with the council's enforcement policy position of "A Balanced Approach. In assessing enforcement action, the Council will aim to adopt a proportionate approach to the problem." Especially with the new Bill emerging.

Granting this variation appears to be at odds with the council's enforcement policy position of "Helpfulness. The Council believes that prevention is better than cure and will often work to advise and assist on compliance with the law.

It seems likely that the emerging Business and Planning Bill will temporarily relax all off-sale conditions. As the applicant is seeking. So this variation will mirror that but could trigger long term damage to the CIA. Granting this variation will prevent the swift, 48 hour protection measures of the Bill too, because there will be no 'relaxed conditions' to reverse. They will be permanently removed. It seems the only way to deal with a problem after this would be through the Licensing Act, and it's likely this would take much longer and be far more problematic.

The existing and new draft council licensing policy has a CIA policy position that:

"creates a rebuttable presumption that applications for new premises licences, club premises certificates, or variation applications that are likely to add to the existing cumulative impact will normally be refused, unless the applicant can demonstrate why the operation of the premises involved will not add to the cumulative impact or otherwise impact adversely on the promotion of the licensing objectives.

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."

For the reasons outlined in this summary and preceding sections, RESPECT WEYMOUTH believes it is very foreseeable that granting this permanent variation will add to the existing cumulative impact, without the support needed to mitigate it, for now and the future. The rebuttable presumption of refusal should be upheld.

For the reasons outlined in this summary and preceding sections, RESPECT WEYMOUTH strongly objects to the permanent removal of license conditions 40, 41 and 42 for this CIA. They are still needed beyond the life of the emerging pandemic legislation. The risks in this CIA have not changed.

For the reasons outlined in this summary and preceding sections, RESPECT WEYMOUTH strongly supports the emerging Business and Planning Bill. This will enable the applicant to achieve what he's proposing without permanently adding to the long term impacts of the CIA. And if things don't work out, there will be swift enforcement measures to satisfy the needs of the local community.

RESPECT WEYMOUTH remains willing to work with the applicant to explore issues and improvements around respect and balance for the night time economy in this neighbourhood.

Appendix 1 - Representation, Mediation and Protection Register (For Redaction as necessary)

Name	Address	Survey	Contributed to Representation	Mediate in 'Respect Weymouth'	Fear of Retaliation	Requires Anonymity
1.N. Shearing	Chair of RESPECT WEYMOUTH	Yes	Yes	Yes	Yes	Yes (address)
2		Yes	Yes	Yes	Yes	Yes
2.1		Yes	Yes	Yes	Yes	Yes
3		-	Yes	Yes	Yes	Yes
3.1		-	Yes	Yes	Yes	Yes
4		-	-	-	-	-
5		-	-	-	-	-
6		-	-	-	-	-
7		-	-	-	-	-
8		Yes	Yes	Yes	Yes	Yes
9		Yes	Yes	Yes	Yes	Yes
10		Yes	Yes	Yes	Yes	Yes
11		Yes	Yes	Yes	Yes	Yes
11.1		Yes	Yes	Yes	Yes	Yes
12		Yes	Yes	Yes	Yes	Yes
13		Yes	Yes	Yes	Yes	Yes
13.1		-	Yes	Yes	Yes	Yes
14		Yes	Yes	Yes	Yes	Yes
15		Yes	Yes	Yes	Yes	Yes
16		-	-	-	-	-
17		Yes	Yes	Yes	Yes	Yes
17.1		Yes	Yes	Yes	Yes	Yes
18		Yes	Yes	Yes	Yes	Yes
Moved out						
A		Yes	Yes	Yes	Yes	Yes
B		Yes	-	-	-	-
C		Yes	-	-	-	-
D		Yes	-	-	-	-
E		Yes	-	-	-	-

Note: The survey is ongoing and more residents and businesses will be canvassed to support future action.

Appendix 2 – Location and Character of Neighbourhood



1.



2.



3.



4.



5.



6.



Appendix 3 - Guidance for Off-sales and compliance with the Health Protection (Coronavirus Restrictions) (England) Regulations 2020 (as amended) and the Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020 (as amended)

<https://www.popall.co.uk/>

<https://www.popall.co.uk/docs/Applications/OFFSALESADVICE.pdf>

This information and following questions and answers has been developed by a cross sector group looking to reduce risk for licensed premises operating during the current pandemic and so ensure the safety of the public, premises staff and officers and provide clarity for all involved.

Jim Cathcart (UK Hospitality)
Ian Graham (National Police Chiefs Council, Licensing Advisory Group)
Rebecca Johnson (Local Government Association)
John Miley (National Association of Licensing Enforcement Officers)
Clare Eames (Poppleston Allen)
Leo Charalambides (Kings Chambers)
David Lucas (Institute of Licensing)

Introduction

The recent fine weather and relaxation in some lockdown measures has seen the public understandably seek to regain a degree of the life that existed before lockdown and this includes consumption of alcohol with friends and family. Licensed premises have seen their businesses severely impacted and are having to adapt quickly to this new world to ensure the reactivation of their businesses can meet the new challenges and laws. The Police and Local Authority are responsible for ensuring compliance and likewise face new challenges and as lockdown is further relaxed no doubt more questions will arise.

One particular concern over the past few weeks has been groups gathering outside or close to premises that are offering off sales and, in some cases ignoring social distancing guidelines or engaging in anti-social behaviour requiring police involvement.

This is challenging for both the Premises and the Police and Local Authorities. The regulations are new, untested and have caused confusion for many. Partnership has never been so important to enable problems to be identified and resolved swiftly. Premises will need to ensure their risk assessment and methods of operation have considered these new risks and where relevant there should be engagement with local police and licensing authorities and we are seeing some Authorities helpfully provide guidance to premises to support them.

Whilst premises licences may allow off sales of alcohol for collection and takeaway, if problems are identified, premises could still face potential enforcement under Coronavirus regulations and the Licensing Act 2003. Given that social distancing is a public health issue, breaches of these rules is not an offence and would not appear to engage the licensing objective of public safety which section 182 Guidance (para 2.7) defines this as “ safety of persons using the relevant premises rather than public health which is addressed in other legislation”.

Whilst police can and will deal with those persons committing offences, they will also take a holistic view and where alcohol is thought to have played a part in the cause of the problem, they may seek to mitigate further risk by taking action against a premises.

Regulations and laws are always open to interpretation and challenge but in these challenging times with new social risks and rules it is hoped pragmatic partnership working will avoid many issues and resolve the few that might arise quickly as there is a shared common aim to have safe and compliant premises.

Legislative overview

The practical effect of Regulation 41 is that pubs and restaurants are required to stop selling food and/or drink for consumption on the premises unless exempt under Regulation 4(2).

Regulation 4(3) states that: "An area adjacent to the premises of the business where seating is made available for customers of the business (whether or not by the business) is to be treated as part of the premises of that business".

The practical effect of Regulation 4(3) is that the prohibition includes places where seating is available that are next to or adjoining premises that sell food or drink, and prevents people from sitting or congregating in those areas.

This is to prevent consumption taking place in beer gardens, outside seating and other "adjacent" areas. Although they are not subject to the closure provisions, supermarkets and off licences would be expected to prevent the consumption of alcohol in areas adjacent to their premises.

These Q and A's have been prepared to assist all involved in how to navigate the issues identified:

Q: Can I legally provide off-sales in sealed or open containers from my premises – for example a pint of draught beer to take away and consume elsewhere?

A: Yes, if you have the necessary off-sales permission on your licence with no further restrictions. This will be stated on your premises licence and you should check the times and days permitted and review any conditions that might be relevant. Note: Any off-sales authorised by a Club Premises Certificate MUST be sold in sealed containers.

Q: Can I provide seating for customers of the business, for the purposes of consumption?

A: No. Seating cannot be made available (and this can include areas not under the control of the premises) and this is not restricted to seating within the premises such as beer gardens and adjoining smoking areas, but would include areas adjacent to the premises which also might include public benches.

Q: If I knowingly allow customers to take alcohol away in open or sealed containers for consumption in a seated area as outlined above, is there an offence committed?

A: Yes, this would be a breach of Regulation 4, which is a criminal offence and a Prohibition Notice could be served, or it could be felt that this is undermining the licensing objectives and a licence review could be instigated.

Q: What if customers take away alcohol and are congregating in the immediate vicinity, and consuming their alcohol?

A: It is clear that the intention of the regulations was to discourage any sort of congregation on or near licensed premises. If there are breaches of the regulations or ASB then as above, the premises could be subject to enforcement.

Q: What social distancing measures need to be in place?

A: Adequate social distancing measures should be put in place to protect staff and customers wishing to purchase or collect food or drink from your premises. Consider accepting only contactless payments and consider relevant government guidance.

Q: To what extent am I responsible for behaviour of customers who lawfully purchase drinks to take away, but then congregate elsewhere in such a fashion to be breaching regulations or social distancing guidelines in an area away from the premises?

A: It would be hoped that premises will take a common sense approach and would promote and encourage social responsibility of customers (as within the existing Licensing Act responsibilities), and it would not be expected that customers are asked to confirm where they intend to take the alcohol to. If however off sales are made in open containers it might be reasonable to consider where the customer is going to consume the alcohol. Enforcement could be both under LA 2003 and the Coronavirus Regulations.

Q: What about customers who take their drinks whether in sealed or open containers and consume them in an area that is caught by a Public Space Protection Order (PSPO) also known as controlled drinking zones?

A: If persons are consuming alcohol in a controlled area or PSPO, their alcohol can be seized or the person can be asked to dispose of the alcohol (check your local authority controlled zones). Consider posters to advise your customers.

Q: What about individual responsibility? – is it right that the premises can be responsible for the behaviour of individuals or groups beyond the premises or adjacent to them?

A: Yes they can be – it will depend on the specific circumstances at the time. While individuals have responsibility for their actions depending on the facts their behaviour could be linked to the premises.

Q: What advice should I give to customers and should I be warning them about social distancing?

A: While customers are attending to collect or order food or drinks best practice would suggest you have undertaken a risk assessment to consider the issues and in the same way you advertise under age sales policies you may wish to consider customer messaging as their behaviour could have a direct impact on the premises. You may wish to contact your local authority for advice and guidance. Please note that this document does not constitute legal advice but is the group's considered opinion of the matters contained within.

Appendix 4 – Hearing Evidence to Support this Representation

Video

To be confirmed as needed

Photographic

To be confirmed as needed

Other

To be confirmed as needed

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Aileen Powell

From:
Sent: 14 July 2020 15:39
To: Aileen Powell
Cc: Samantha Spracklen
Subject: Re:

Hi Aileen

After reading through the representation I appreciate some of the concerns for this.

I would like to put forward that the operations times I would like to have off sales are from 10am - 21:30 hours and all drinks and products would be in paper or plastic cups.

I am happy to have these conditions clearly stated on the licence.

I'm not sure if this is something you put forward before the hearing?

Kind regards

Jamie

Sent from my iPad

On 10 Jul 2020, at 14:41, Aileen Powell <aileen.powell@dorsetcouncil.gov.uk> wrote:

Hi Jamie

We have had two representations to your variation. One from the Town Council which just states "Members voted unanimously to object on the grounds of possible public nuisance, public safety and the premises being located within the Cumulative Impact Area." And the attached one from the Respect Weymouth Group. At the request of the group individual names and addresses have been removed. I have numbered them per household and put letters for the ones that have moved out of the area so you can get a fair idea of the group. I can confirm that the 18 households represented in the group are all in the vicinity of the premises.

I will now arrange a hearing which will be in the first week of August in all probability and get the paperwork ready for that. You can either respond or not to the representations, but anything you send into me will be included in the paperwork that goes in front of the committee. If you want a meeting arranged please ask, but if you do not then that is fine.

The Bill looks like it will have its last bit in Parliament on the 20 July and it may become law directly after that, but nothing is certain.

Kind regards
Aileen

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