



Licensing Sub-Committee

Date: Tuesday, 27 April 2021
Time: 10.00 am
Venue: A link to the meeting can be found on the front page of the agenda.

Membership: (Quorum 3)
Councillors Derek Beer, Cathy Lugg and Kate Wheller

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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Due to the current coronavirus pandemic and social distancing rules, the Council has reviewed its approach to holding committee meetings. Members of the public are welcome to watch and listen to the live meeting online by using the following link

<https://youtu.be/3lyleo2xu2k>

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A G E N D A

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

5 - 8

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 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.

5 NEW PREMISES LICENCE APPLICATION FOR TROPICAL TURTLE, WEYMOUTH

9 - 76

An application has been made for a new premises licence for the Tropical Turtle in Weymouth. The application has been out to public consultation and has attracted relevant representations. A Licensing Sub-Committee must consider the application and representations at a public hearing

6 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

27 April 2020

New Premises Licence Application for Tropical Turtle, Weymouth

For Decision

Portfolio Holder: Cllr J Haynes, Customer and Community Services

Local Councillor(s): Cllr J Orrell

Executive Director: J 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 and proportionate for the promotion of the licensing objectives of;

- a) The prevention of crime and disorder
- b) The prevention of public nuisance
- c) Public safety
- d) The protection of children from harm

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 has been made for a new premises licence for the Tropical Turtle in Weymouth. The application has been out to public consultation and has attracted relevant representations. A Licensing Sub-Committee must consider the application and representations at a public hearing.

2. Financial Implications

Any decision of the Sub-Committee could lead to an appeal by any of the parties involved that could incur costs.

3. Climate implications

None

4. Other Implications

Public Health and Community Safety

5. Risk Assessment

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

Current Risk: Medium

Residual Risk: Medium

6. Equalities Impact Assessment

Not Applicable

7. Appendices

Appendix 1 – Application

Appendix 2 – Representations

Appendix 3 – Further Correspondence

Appendix 4 – Cumulative Impact Policy

Appendix 5 – Conditions consistent with the Operating Schedule

8. Background Papers

[Licensing Act](#)

[Live Music Act](#)

[Section 182 Guidance](#)

[Dorset Council Licensing Policy](#)

[LGA Councillors Handbook](#)

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

9. Details

- 9.1. Kristian Barker has applied for a new premises licence for the Tropical Turtle at 38 Maiden Street in Weymouth. The premises is described as a town centre restaurant and bar. The full application is attached at appendix 1.

9.2. Mr Barker has applied for: -

Supply of Alcohol (on and Off the premises)

Every day 10:00 to 23:00

With the premises opening hours of 08:00 to 24:00.

- 9.3. The application has been advertised on the premises, in a newspaper and the Council's web site.
- 9.4. Three representations were received objecting to the application. The representations are included in full at appendix 2.
- 9.5. Following receipt of the representations the applicant offered to remove off sales from the application. Two of the representations were consequently withdrawn leaving the representation from the residents group of Respect Weymouth. This correspondence and any responses are attached at appendix 3.

10. Considerations

- 10.1. The part of the policy relating to the cumulative policy is attached in full at appendix 4. Paragraphs 7.17 and 7.22 put the onus on the applicant to demonstrate how the new premises will not add to the anti-social behaviour or crime and disorder, and the types of premises that are likely to be considered as such.

“Applications for premises situated within a designated cumulative impact area for new premises licences or variations that are likely to add to the existing cumulative impact will normally be refused if relevant representations are received. It is for the applicant to demonstrate that their application would not add to the cumulative impact of such licensed premises in the area and so give good reason for the council to depart from its own policy.

When considering an application where the subject premises is in a cumulative impact area, the council will need to be satisfied that the grant of the licence or variation will not impact on the cumulative impact of existing licensed premises in the area and as the burden of proof is on the applicant, they will often suggest measures which they assert will demonstrate there will be no impact. Examples of factors the licensing authority may consider as demonstrating there will be no impact may include, though are not limited to:

- Small premises who intend to operate up to midnight.
- Premises which are not alcohol led and only operate during the day time economy

- Instances where the applicant is relocating their business to a new premises but retaining the same style of business.
- Conditions which ensure that the premises will operate in a particular manner such as a minimum number of covers or waiter/waitress service to secure a food led operation.
- Premises which will bring a variety of cultural activities to the area and expand the range of activities on offer for customers.”

10.2. Paragraphs 9.42 to 9.44 of the Section 182 Guidance sets how the Authority should decide what actions are appropriate.

“9.42 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.

9.43 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.

9.44 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.”

10.3. The Live Music Act 2012 allows any premises with a licence that allows the consumption of alcohol on the premises to have live amplified music between 08:00 and 23:00 without a licence. This only applies when the audience is under 500 people. The Legislative Reform (Entertainment Licensing) Order 2014 has amended the Licensing Act so that there is a similar provision for recorded music, and also states that any conditions relating to any of this entertainment would not have any effect between 8am and 11pm. There is a safeguard within the Licensing Act that at a Review hearing the provisions of the Live Music Act could be disapplied.

11. Recommendation

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

- a) the prevention of crime and disorder
- b) the prevention of public nuisance
- c) public safety
- d) the protection of children from harm.

11.2. The steps that the Sub-Committee may take are:

- a) to grant the licence subject to such conditions as the authority considers appropriate for the promotion of the licensing objectives, and the mandatory conditions
- b) to exclude from the scope of the licence any of the licensable activities to which the application relates;
- c) to refuse to specify a person in the licence as the designated premises supervisor;
- d) to reject the application.

11.3 If the licence is to be granted the steps outlined in the Operating Schedule must be translated into conditions that are consistent with that schedule to be attached to the licence. A list of conditions as they appear in the operating schedule is attached at appendix 5, together with the conditions proposed in the representation and a list of the conditions as they are worded within the Dorset Council Policy that would be consistent with the operating schedule. Any conditions that relate to regulated entertainment would not be appropriate as this is not being applied for.

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.

**Application for a premises licence to be granted
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.

Kristian James Barker

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description 38 Maiden Street			
Post town	Weymouth	Postcode	DT4 8BA

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£14250

Part 2 - Applicant details

Please state whether you are applying for a premises licence as appropriate Please tick as appropriate

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual *
 - i as a limited company/limited liability partnership please complete section (B)
 - ii as a partnership (other than limited liability) please complete section (B)
 - iii as an unincorporated association or please complete section (B)
 - iv other (for example a statutory corporation) please complete section (B)

- c) a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or

I am making the application pursuant to a statutory function or

a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname Barker			First names Kristian James		
Date of birth [REDACTED]			<input checked="" type="checkbox"/> Please tick yes		
Nationality British					
Current residential address if different from premises address		[REDACTED]			
Post town	[REDACTED]	Postcode	[REDACTED]		
Daytime contact telephone number					
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth over		I am 18 years old or		<input type="checkbox"/>	Please tick yes
Nationality					
Current postal address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

DD		MM		YYYY		
0	3	1	4	2	0	2

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD		MM		YYYY		

Please give a general description of the premises (please read guidance note 1)
Town center restaurant and bar.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

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)

Supply of alcohol (if ticking yes, fill in box J)

X

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue			<u>State any seasonal variations for performing plays</u> (please read guidance note 5)		
Wed					
Thur			<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 6)		
Fri					
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 7)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue			State any seasonal variations for the exhibition of films (please read guidance note 5)		
Wed					
Thur			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 (please read guidance note 6)		
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Mon			
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			
			<u>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</u> (please read guidance note 6)
Mon			
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 5)		
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 6)		
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue			State any seasonal variations for the performance of live music (please read guidance note 5)		
Wed					
Thur			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 (please read guidance note 6)		
Fri					
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4) Music post 24.00 played in dining areas only		
Mon					
Tue			State any seasonal variations for the playing of recorded music (please read guidance note 5)		
Wed					
Thur			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 (please read guidance note 6)		
Fri					
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 7)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)					
Mon								
Tue								
Wed						<u>State any seasonal variations for the performance of dance</u> (please read guidance note 5)		
Thur								
Fri						<u>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</u> (please read guidance note 6)		
Sat								
Sun								

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			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 3)	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 4)		
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 5)		
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 6)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
Day	Start	Finish		Both	X
Mon	10.00	23.00	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Tue	10.00	23.00			
Wed	10.00	23.00			
Thur	10.00	23.00	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 6)		
Fri	10.00	23.00			
Sat	10.00	23.00			
Sun	10.00	23.00			

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Kristian James Barker	
	
Postcode	
Personal licence number (if known) BH178724	
Issuing licensing authority (if known) BCP	

□□□□

K

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 9).
none

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	08.00	24.00	
Tue	08.00	24.00	
Wed	08.00	24.00	
Thur	08.00	24.00	
Fri	08.00	24.00	
Sat	08.00	24.00	
Sun	08.00	24.00	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 6)

M Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

See attached

b) The prevention of crime and disorder

Incident, nuisance complaint and challenge records will be kept and made available to police or licensing enforcement officer on request.

CCTV to cover all parts, recordings retained for 28 days, all recordings will be made available to police and licensing enforcement officer in accordance with prevailing Data protection legislation.(or other CCTV condition as required by Dorset Police)

c) Public safety

No particular or exceptional risk identified.
all current and future legislation will be complied with.

d) The prevention of public nuisance

Incident, nuisance complaint and challenge records will be kept and made available for inspection by the police or licensing enforcement officer on request.

Litter will be cleared on a regular basis.

Notices will be posted reminding customers to vacate the premises in a quiet and peaceful manner.

e) The protection of children from harm

Challenge 21 will operate as the age verification policy.

All staff will be trained in their responsibilities in regard to the licensing act 2003 and other relevant legislation. Training will happen on or before their first shift and maintained on a regular basis.

Training records will be kept for each member of staff and be available for inspection by the police or licensing enforcement officer on request.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises. x
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application. x
- I understand that if I do not comply with the above requirements my application will be rejected. x
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15).

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant’s solicitor or other duly authorised agent (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Declaration	<ul style="list-style-type: none"> • [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). • The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)
Signature	Tim Munro
Date	2/03/2021
Capacity	Licensing Agent

For joint applications, signature of 2nd applicant or 2nd applicant’s solicitor or other authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature			
Date			
Capacity			
Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)			
Tim Munro			
[REDACTED]			
Post town	[REDACTED]	Postcode	[REDACTED]
Telephone number (if any)	[REDACTED]		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			
[REDACTED]			

This authority is under a duty to protect the public funds it administers, and to this end may use the information you have provided on this form for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes.

For further information, see the Audit Commission website.

General information

In forming the application for the premises licence at the Tropical Turtle, 38 Maiden Street, time has been taken to reflect on the history of the premises and considering Dorset Councils Cumulative impact Area Policy.

The applicant has absolutely no connection with the previous holder of the licence.

Mr Barker responded to an advertisement offering the lease for sale.

Mr Barker has of course been in negotiation with the lease holder regarding the assignment of the lease.

The situation currently is that Mr Barker will purchase the lease, when a licence is granted to enable Mr Barker to trade a food led business on the premises.

Should the application not succeed the assignment of the lease will not take place.

Mr Barker is content, to avoid any ambiguity over the ownership, at the point a licence is granted prior to the lease being exchanged, to offer a condition that the permission, if granted would be subject to producing a lease to the satisfaction of the licensing authority. Or any other such arrangement that gives confidence to the licensing authority.

The application is fundamentally different to the previous permission enjoyed by these premises.

Proposed hours of operating for the sale of Alcohol are 10.00 until 23.00, the previous permission was 10.00 until 05.00. This application is not for a late-night alcohol and music led operation as was the previous business, this is an application for a food led business with alcohol sales ceasing at 23.00.

The application is for a much-reduced area, ground floor bar capacity 15-20 people, restaurant a maximum of 30 diners, a total of around 45-50 people.

First floor bars, dancing, music and smoking area do not form any part of this application. The removal of the upper floors drinking and dancing areas from the application changes completely the style of operation from a late-night liquor led music and dancing venue to a small restaurant and bar targeted at mature customers in the early late evening.

Dorset Councils licensing policy 7.22 "Examples of factors the licensing authority may consider as demonstrating there will be no impact may include, but not limited to:-

Small premises who intend to operate up to midnight"

The application is for a premises licence operating until 23.00 with a capacity of 15-20 in the bar and a maximum of 30 diners. This application fits within the licensing authorities' criteria that demonstrate there will be no impact.

The intention is for a food led business that does not negatively impact on the licensing objectives.

The proposed operating schedule is for the sale of alcohol until 23.00 in both bar and restaurant.

Having viewed the statistics around public place assaults in Melcombe Regis and noting most assaults concern young men at weekends, the peak time however for violent crime is mid-afternoon around 15.00, there is an upswing in of violent crime in the hours between 24.00 and 02.00 which is lower but significant however that is after the Tropical Turtle has ceased daily trading and is consistent with the Councils policy of consideration of premises applying to trade until 24.00.

The restaurant is the largest and most important feature in the business plan for this business that has been trading successfully as a takeaway only business for the last three months, sustaining 4/5 full time equivalent jobs.

From 23.00 onwards there will be no sale of alcohol on the premises, to clear matters up around "Bring your own" other than in circumstances where no permissions are granted, there is no thought or intention to permit customers to bring and consume their own alcohol on the premises. the consumption of alcohol will not be permitted on the premises after 23.00.

In the retention of the CIA and adoption of the revised policy, no evidence was offered or considered regarding takeaways and/or restaurants negatively impacting on alcohol related violence, no special measure were taken by the Licensing Authority or Police to manage such incidents in takeaways and restaurants.

The presumption is that the "Impact" referred to, in the Cumulative Impact Area title, is evidenced only by reference (Licensing policy 7.15) to alcohol related violence being perpetrated in the area at peak hours. Peak hours for violent crime are during the day around 15.00, there is another but lower peak between 24.00 and 02.00 predominantly by males between 18 and 36 in bars and clubs.

As no other evidence was produced about any other "Impact" or any reference to any other "Impact" in the policy, it is unlikely that small ethnic restaurant and bar closing at 23.00 will negatively impact on alcohol related violence as described in the CIA policy.

In summary.

Having regard for the CIA policy of Dorset Council. We rebut the presumption of refusal on the following grounds.

The scope of the proposed business falls within the policy guidelines of those applications that may be considered within a CIA.

The applicant has, having considered the history of the premises and the information and concerns of the Licensing Authority regarding premises operating within the CIA.

The applicant has taken the following steps. in order to eliminate the "impact" referred to in the Licensing policy, alcohol related violent crime and promote the licensing objectives.

Reduced the capacity of the premises 2/3rds

Food led rather than late night music liquor led.

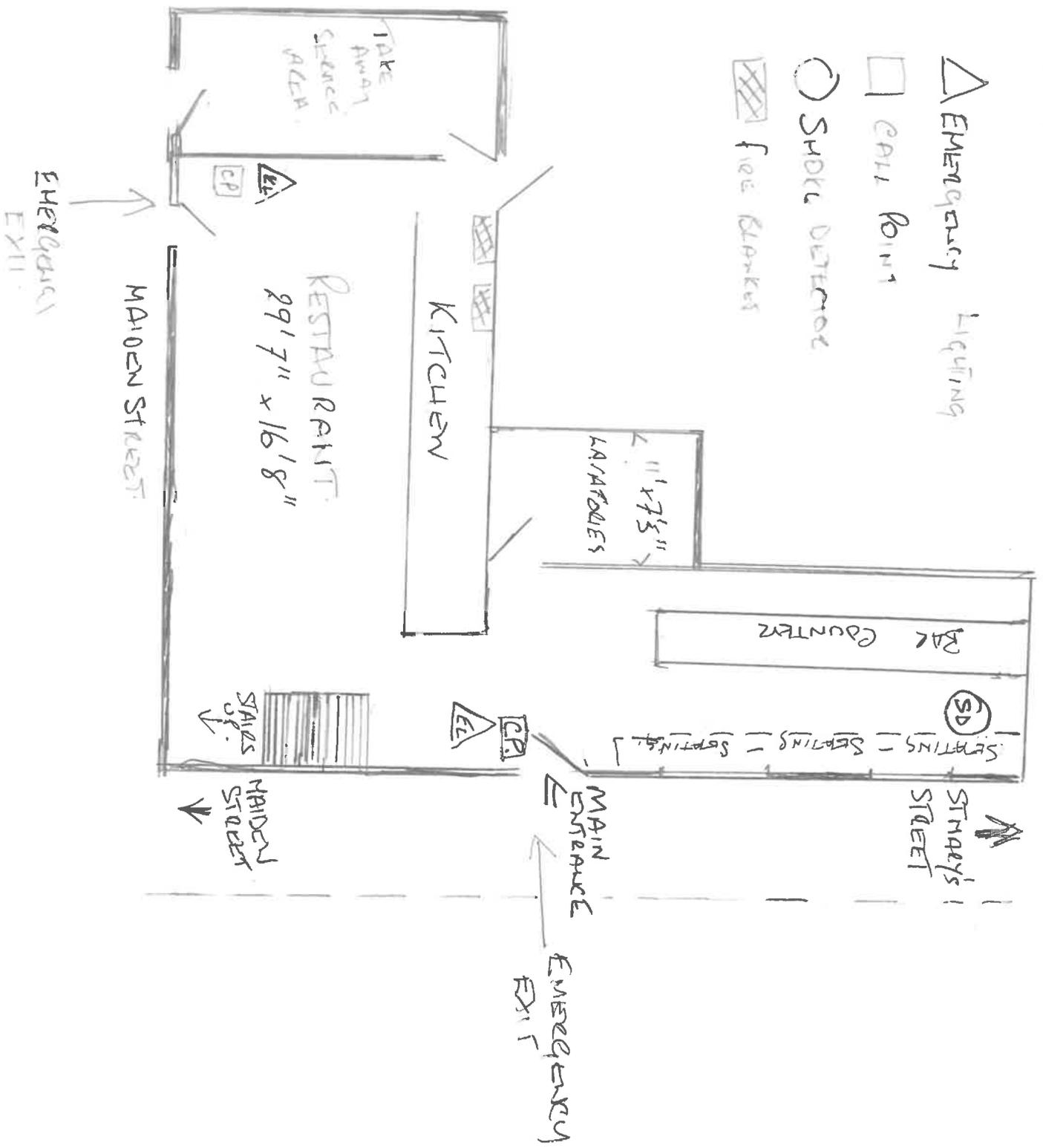
Removal of music and dancing.

Ceasing the sale of Alcohol at 23.00.

Takeaway operation to cease at 23.00.

We are of course happy to discuss any and all suggestions for conditions and phrasing of conditions that are consistent with building an operating schedule which all parties have confidence will not undermine the licencing objectives and will support positively the aims of the CIA policy.

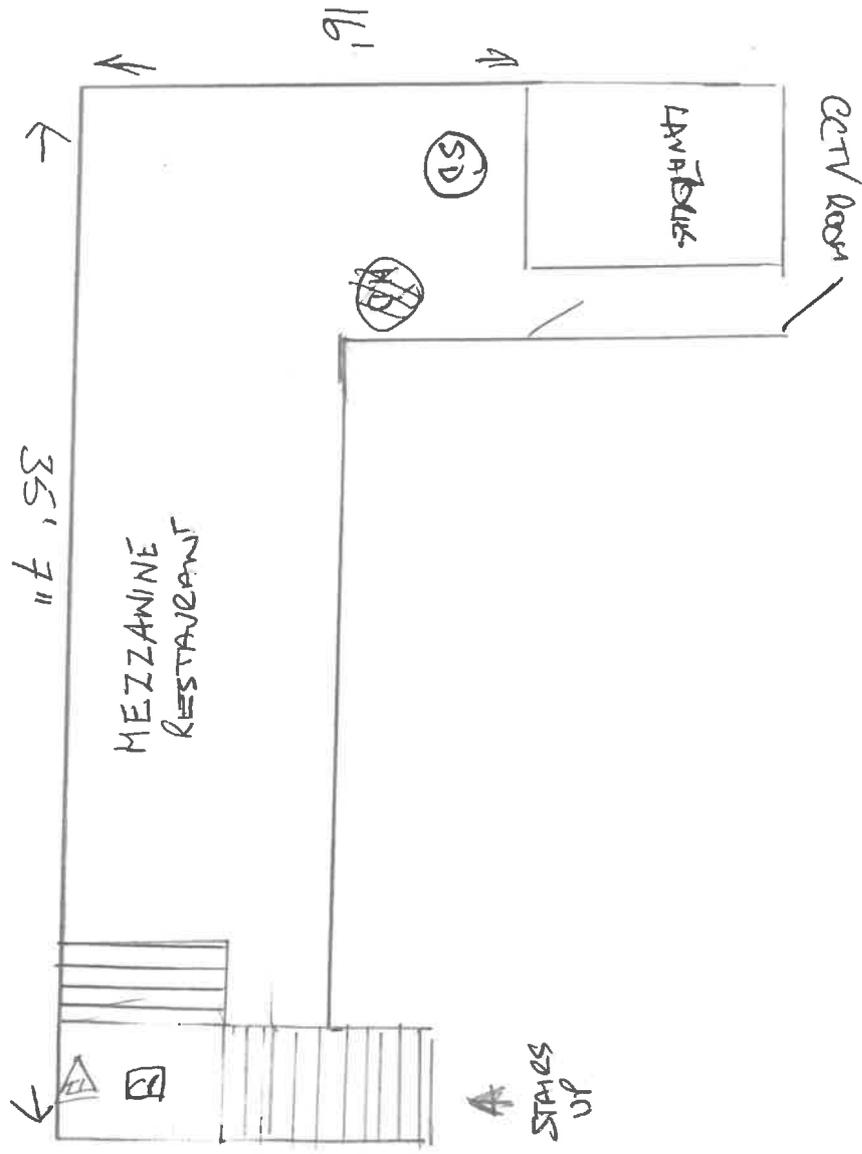
FAT CAT - RESTAURANT AND BAR (PLAN A)
 Ground Floor



MEZZANINE RESTAURANT (PLAN B)

AT THE FAT CAT
DIRECTLY ABOVE FAT CAT RESTAURANT PLAN A

- SMOKE DETECTOR
- CALL BOOTH
- △ EMERGENCY EXIT
- ⊗ HEAT DETECTOR



Weymouth Town Council

Sent on: Wednesday, March 17, 2021 1:56:31 PM

Subject: Licensing Applications considered by the Planning and Licensing Committee on 16.03.21

Dear Licensing Team B

At last night's Planning and Licensing Committee, four licensing applications were considered in respect of the following premises:

- Sandbar, Weymouth
- Ivy Coffee House, Weymouth
- Fish and Chips Weymouth Ltd
- Tropical Turtle, Weymouth

Please see below an extract from the minutes of the meeting, giving Councillor's views on the applications:

"Members considered the following new applications for premises license:

- Sandbar, Weymouth
- Ivy Coffee House, Weymouth
- Fish and Chips Weymouth Ltd
- Tropical Turtle Weymouth

Members supported licensing applications where alcohol was being served alongside food or at tables. However, there were concerns regarding bars that serve alcohol through hatches and for people to take away. There have been problems around the Pier Bandstand and harbour in particular and it was felt that off license sales that are not linked to food needed to be limited.

Cllr Hamilton was in discussion with the Licensing Team last week and advised Members that for each of the 4 applications include an operating schedule which includes their commitment to the four licensing objectives. These are the benchmarks by which their operation of that license will be judged.

Cllr Hamilton noted Members concerns regarding litter and public disorder and pointed out that WTC can observe that but that there is a difficulty in managing litter as businesses cannot be tracked down unless drinking receptacles have trademarks all over them.

Cllr Hamilton thought that most applicants had signed to not serving people who are drunk and managing public areas.

Cllr Hamilton felt that Members needed more information regarding the Cumulative Impact Area (CIA) but wondered whether that request should be made now or once the businesses are open. The Town Clerk advised that if a property is within the CIA,

concerns can be raised, although she is sure that this will already be flagged by Licensing Officers.

Cllr Northam advised that the Local Plan refers to needing to control new premises serving alcohol and therefore the Committee should raise concerns and let the Licensing Authority adjudicate.

Resolved:

Proposer: Cllr Hamilton Second: Cllr Orrell

Members voted unanimously in favour of objecting to all four applications on the grounds of the risk of public nuisance and littering. Members supported the serving of alcohol with food but have concerns about takeaway alcohol.”

Cllr John Orrell

From: Cllr. Jon Orrell

Sent on: Wednesday, April 7, 2021 3:17:40 PM

Subject: RE: Tropical Turtle 5

This is a problematic site which was shut down on police advice due to severe anti-social behaviour.

It is not entirely clear that it is in established new ownership (though the proposed licensee appears new) so in order to be consistent; I am in favour of restaurants serving food with meals.

So have removed objections to other establishments when they clarified they would not supply off licence to street drinkers or operate as bars.

This is a cumulative impact zone , meaning it is saturated with drinking establishments, and there is no room for more.

So if they remove the proposed bar area and replace it with restaurant tables , like the rest of the proposed floor plan, then I would be satisfied.

I object to reopening a bar in this location.

Thanks

Jon
Cllr Orrell

Licensing Application - Tropical Turtle_v2

1. INTRODUCTION

This collective representation is made via the Respect Weymouth action group, comprising local residents, landlords and businesses in and around the North Harbourside. The group is about:

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

This is, in effect, **36** separate representations from existing residents, landlords, and business owners that have collaborated online to develop a single report. As identified in Appendix 1. It is not a petition. All members of the group have agreed with the final position of the report.

Given the previous licensee is still connected to the building, all members are fearful of the potential for retaliation and criminal damage. So, in line with current Licensing Act Guidance, it is requested that all personal information in Appendix 1 is redacted for public documents, press releases, the applicant, leaseholder and the applicant's agents or representative(s). It is understood that hearing councillors and officers will see this information to validate the representations.

The group has taken legal advice from Poppleston Allen, but will represent itself at a hearing, with guidance, via the lead of Respect Weymouth.

2. NOTICE

Respect Weymouth is making this representation against the public notice of application for a new premises license under the Licensing Act 2003.

<https://www.dorsetcouncil.gov.uk/business-consumers-licences/licences-and-permits/alcohol-and-entertainment-licences/pdfs/premises-new-premises-licence-application-tropical-turtle-redacted.pdf>

All representations must be made by 2 April.

Please note there may be additional information to follow for the council and the hearing committee to consider, as enabled under Regulation 18 of the Licensing Act. This may include proposed licence conditions to meet the operating schedule and any unmanaged risks.

3. APPLICATION SUMMARY

The application is seeking:

- *A town centre restaurant, takeaway and bar*
- *No Plays*
- *No Films*
- *No Indoor Sporting Events*
- *No Boxing or Wrestling Entertainment*
- *No Live Music*
- *No Recorded Music*
- *No Performance of Dance*
- *No Other Music or Dance*
- *No Late Night Refreshment*
- *Supply of alcohol on and off the premises from 10.00 to 23.00 Monday to Sunday*
- *Hours open to the public 08.00 to 24.00 Monday to Sunday*

4. THE AREA

The premises is located on the edge of town off a very narrow pathway adjacent to St Mary's Church. See Appendix 2. It sits in a busy and vibrant conservation area which is also part of a designated Cumulative Impact Area (CIA). This adjoins a long standing residential area with historic importance behind the North Harbourside. The other side of the pathway leads to a pedestrianised shopping area that includes well established, high quality licensed restaurants and residential accommodation over shops.

The town centre's conservation and heritage has recently been assessed as 'deteriorating significantly'. The application building is extremely run down. It drags the conservation area down and its condition has set the tone for a troublesome patron profile with daytime drinking and intimidating behaviour into the early hours. There is nothing to demonstrate that this risk has been mitigated in this application.

From a central point in Mitchell Street, there are numerous licensed bars, clubs and restaurants within a small radius of around 50 metres. This area appears to have one of the highest concentrations of licensed venues adjoining high concentrations of residential/holiday let premises in the CIA.

The residential profile here is changing. The burned out church 50 yards from the venue has new planning permission for 25 apartments. Other recent developments include a block of harbour view apartments in Helen lane, a stunning warehouse conversion into apartments at the end of Helen lane in Templeman's Mill, and a new conversion for expensive, high quality apartments in a large warehouse abutting Helen Lane and the harbour. A new planning application for converting an adjacent commercial premises into residential accommodation is in progress.

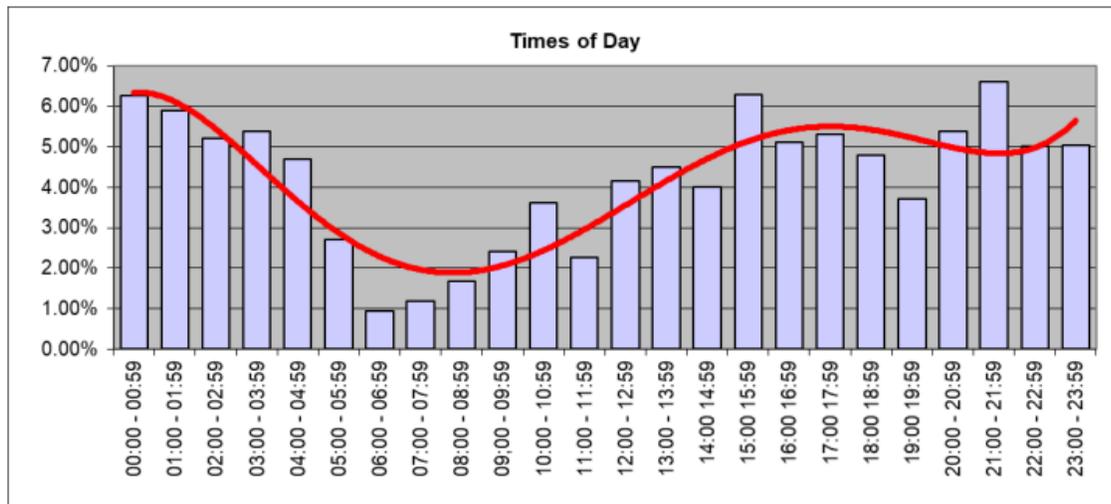
There is an emerging concern related to this application. Late night public entertainment venues on the seafront are closing down and there is a rising fear that the centre of late night bars, late food and refreshments is being encouraged to migrate to this extremely sensitive part of the CIA.

The balance here is already out of kilter and it's foreseeable that granting this application with a new bar could make the impacts worse. Members of Respect Weymouth do not object to a licensed restaurant. It's the bar that's the problem. It is understood that the applicant has demonstrated that sufficient employment and trade has been established, as it stands.

5. VIOLENT CRIME IMPACTS FOR THE CUMULATIVE IMPACT POLICY 2020

This table is from a commissioned report to support the new cumulative impact and licensing policy.

Total Violent Crime within Melcombe Regis



Within Melcombe Regis, whilst 15:00 to 15:59 is a notable peak for volumes of violent crime as it was within the Weymouth & Portland section as a whole, the hour between 21:00 and 21:59 actually accounts for a slightly higher proportion of violent crime, particularly on a Sunday, Tuesday and Friday. There is also a noticeable difference in the profile of violent crime for the later hours of the day generally; rather than volumes simply reducing as the evening wears on, Melcombe Regis sees a second wave of violent crimes from 22:00 into the early hours of the next morning, suggesting a potential night-time economy influence within this beat area.

This graph demonstrates that violent crime impacts are not restricted to beyond 00.00. It is very likely that the proposed bar would have an impact on these statistics between 10.00 and 23.00 and beyond. This is exacerbated by the history of this bar, and the very likely potential for a returning client profile with more of where it left off. This has not been raised in the application.

6. EXISTING IMPACTS - GROUND TRUTH

Council Licensing Policy 7.1 - Cumulative impact is the potential impact on the promotion of the licensing objectives of a number of licensed premises concentrated in one area.

Cumulative impact is clearly not just about violent crime, but it's accepted this is a very significant issue.

Council Licensing Policy 4.4 The council recommends that applicants risk assess their operation against the four licensing objectives to identify potential areas of concern.

Section 182 Guidance 1.4 Each objective is of equal importance. There are no other statutory licensing objectives, so the promotion of the four objectives is a paramount consideration at all times.

The application is woefully short in its assessment of likely risk for the licensing objectives. For apparently obvious reasons. And this implies that it could rebut the policy position of refusal with no additional impacts for the area. Residents and local business owners do not accept this, particularly for the bar aspect of the operation.

The purpose of this section is to demonstrate that, in any event, the impacts being suffered by the community, across the licensing objectives, and particularly for Public Nuisance, are already excessive. There is absolutely no justification or capacity for introducing additional impacts or foreseeable risks here.

Residents, businesses, landlords and visitors aren't expecting silence here. But they are expecting a fair and respectful balance with rights to enjoy private property. Unfortunately, the impacts have become much worse in recent years. The area suffers from three very significant issues:

- i. excessive noise from inside venues that are not responsibly managed or fit for purpose, these impacts occur from 21.00 to early hours, and
- ii. excessive noise, nuisance and ASB from patrons in 'controlled areas' outside of venues, these impacts have occurred from 10.00 to 00.00 and beyond, to the early hours and
- iii. excessive noise, nuisance, ASB and crimes from patrons leaving venues, and from a rapidly escalating off-sales drinking/free party culture, mostly from 22.00.

As a result of the above, the local community has regularly suffered littering with broken glass and drug paraphernalia, criminal damage, significant public toileting, vomiting, lewd acts, drug use, drug selling, arguing, foul language, and fighting. Particularly from this building.

Sadly, at least **ten** families in the immediate area have found it too difficult and stressful to live here (that we know of). So, they have moved out in the last 12 months prior to lockdown. Some have been long

standing residents of over 30 years. Some have been assaulted. And some have been under medical care for health problems caused by licensing impacts. At least **four** homes have been put up for sale since lockdown. **One** guest house is for sale. **One** commercial venue is seeking planning permission to change its use into residential accommodation. Long term tenants rarely stay beyond their initial agreement. Holiday lets end up with bad reviews that threaten the business. Responsible landlords can't let their properties. And home owners are at their wit's end as the area's reputation deteriorates. There is no doubt that excessive and 'severe' Public Nuisance and other impacts have destroyed the neighbourhood's sense of community and safety here. There is absolutely no room for another bar.

The church adjacent to the application venue has also been a long standing sufferer of the impacts too, with littering and broken glass dumped in their grounds and intimidating behaviour from patrons congregating in the passageway between the church and the main entrance to the bar.

Unfortunately, there is a gap in the 'ground truth' between the community and responsible authorities. The majority of low level crime, disorder and nuisance here does not get reported. There has been no CCTV to validate the issues in peak periods prior to lockdown. And the ground truth is not reflected in police statistics and heat maps. It's probably the same for complaints in Licensing and Environmental Health. It has to be said that this gap has been caused by inaction, dismissal of complaints from the council and contradictory advice from the police. Some of which has been acknowledged. Some evenings have been so bad here that residents could quite easily have stayed up most of the night reporting events for no intervention to take place. It's easy to see how such a despondent culture has emerged. It's a very real and worrying dilemma. And it is not conducive to promoting the licensing objectives. This historic, once friendly and vibrant residential area is now under serious threat. Residents have also feared retaliation for very justifiable reasons.

To evidence this gap, Respect Weymouth has completed a local survey. It is acknowledged that this licensing representation can only present contributions from those living in the area, but this survey is extremely valuable because it includes views of those that have been forced to move away from the area.

In the 12 months prior to lockdown:

- 24 separate resident and business addresses completed the questionnaire
- 15 respondents have lived here >5 yrs (some >30), 5 between 3-5 yrs, and 4 between 1-2 yrs
- 16 homes reported significant nuisance/crime impacts 3 or more times a week, 6 at least twice a week
- 12 homes suffered impacts between 21.00 and 23.00, and 22 homes suffered between 23.00 to 01.00
- 13 households reported significant impacts from *The Duke of Cornwall*

Note: this venue has had enforcement action for statutory nuisance

- 17 reported significant impacts from *Somewhere Else* (currently *The Closet Bar*)

Note: this venue has had enforcement action for statutory nuisance

- 9 reported significant impacts from the *Working Men's Club*

Note: this venue has had enforcement action for statutory nuisance

- 16 reported significant impacts from *The Closet*
- 14 reported significant impacts from *The Fat Cat* (this is the application building)
- 22 have regular, disturbed sleep through noise impacts from **inside** licensed venues

- 22 have regular, disturbed sleep through noise impacts from people congregating **outside** venues
- 18 households have suffered disturbed sleep from venues operating beyond licensing hours
- 24 stated the impacts are not limited to the holiday season
- 10 stated the impacts had got worse since moving to the area, 12 felt they had got much worse
- 24 state that the balance between licensed venues and households is unfair and not acceptable
- 23 state they want to see no drinking outside in the street
- 23 thought better licence conditions were needed
- 22 want to enforce excessive noise from those outside venues (in controlled areas), 19 from inside
- 18 want to see more effective 'preventative' noise conditions in licences
- 7 households state they always report crime, 11 state sometimes, and 6 don't report any
- 14 respondents gave written explanations to say they were dissatisfied with action following a complaint
- 13 households have lost faith in the system
- 23 want to see better police and council monitoring with CCTV
- 15 have been forced to think about moving out of the area
- 14 have been unable to enjoy friends/family for sleepovers, because of noise and ASB
- 13 have been unable to enjoy home entertainment because of noise outside
- 11 have been unable to enjoy normal conversation, without having to raise voices
- 18 are affected by anxiety, tiredness and feelings of helplessness, frustration, etc.
- 8 families with children have noticed them suffering from tiredness and loss of concentration
- 23 respondents know nothing or little of their role and responsibilities under the Licensing Act

It is acknowledged that the application does not seek anything beyond 00.00, but all these impacts are not limited to 23.00 and beyond. Many of them, especially from the application premises, have been during the day and up to 00.00. The community does not want this to return. Provision of a new bar here will simply add to these impacts and cause more suffering to the local community. Foreseeable risks have not been identified or mitigated in the application. Again, for obvious reasons. Here are some community quotes about the existing impacts, from the survey:

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.

More noise, urinating in the road, vomit and smashed bottles.

The disruption 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.

We bought our house in Helen lane 20 years ago and the antisocial behaviour has become out of control. It was never like this.

The noise screaming drunken fights urinating sex excrement in the alley leading to my door all have got worse in the last year or so.

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.

The drug usage, toilet habits in the street and noise. Enforcement has degenerated so people become indifferent to the rules and do what they want.

More people using my indoor communal space for toilets drug use and drug dealing also finding drunk people sleeping on my stairs.

I have complained to the police and council about problems I've had no one get back to me when they say they will, what are we paying council tax for exactly?

I would not choose to live here if it wasn't to run < my business> and it is only running the business that keeps me here (we are for sale) because of the noise and antisocial behaviour I have witnessed since living here, 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 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 and heard and been subjected to behaviour that is completely unacceptable! We now have rented 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 affect my work and personal life. The level of fighting and shouting is 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.

Lack of enforcement, lack of collective resident will and action, and lack of meaningful proactive community engagement. It feels like the council does not support the rights of residents and need for a fair balance. It doesn't feel like the Licensing Objectives are being upheld. Evidence has demonstrated that licenses are not robustly enforced. And that Licensees are not troubled unless there are complaints which then means that licensees flout their license conditions without challenge.

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 shouting and fights would be so frightening for her, that we have had to move from our much-loved home.

We have now had so many complaints from guests in our holiday let about the noise from Fat Cat that we had started to think it was unviable as a business.

The purpose of this survey is to demonstrate the actual impacts residents and business owners are suffering in the area. A lack of police and council reports doesn't mean a lack of problems here. And responsible authorities have played a part in the poor reporting culture that has emerged. It is hoped that the hearing committee will recognise that the gap, and this evidence is very real and has an equivalent weighting to other contributions. Licensing Act Guidance also states that each licensing objective has equal weighting. Provision of another bar here, with more of the same, is only going to add to these impacts. This vehemently opposed.

7. EXISTING LICENSING IMPACTS

The purpose of this section is to further demonstrate that the concentration of existing licence hours, regulated activity, management and cumulative licence impacts on the community are already excessive and continue to have a detrimental impact on the local community.

Licensed Premises with On/Off-Sales

The Duke of Cornwall

Condition	From	To
Hours Open		
Monday to Sunday	11.00	02.30
Live Music		
Monday to Saturday	11.00	02.00
Sunday	11.00	01.00
Recorded Music		
Monday to Saturday	11.00	02.00
Sunday	11.00	01.00
Alcohol on and off (off is for contained drinks only)		
Monday to Saturday	11.00	02.00
Sunday	11.00	01.00

This bar recently has a new owner. The previous licensee caused significant impacts for the community and has moved on. The new operating model will continue with live music when restrictions are lifted. The impacts could be the same, less or worse. Comments from the new landlord suggest more of the same.

For the 12 months prior to lockdown (previous owner):

Excessive music levels and noise bursts have caused significant public nuisance after 21.00, especially Friday to Sunday when louder bands have played. This has been exacerbated by very poor soundproofing with single glazing and single doors with no lobby protection.

The same soundproofing and construction issues face the application venue, which is somewhat worse with poor quality, openable windows. It is noted that this new application is not seeking to play live or recorded music. At this stage. And there is a question over deregulated permissions of the Live Music Act 2012, regardless of the intent shown in the licence.

This premises has a 'preventative' noise condition that is currently unenforceable following a challenge at the court of appeal. Respect Weymouth has been discussing this with licensing for some time. The majority of residents taking part in the Ground Truth survey want this condition and the granted level of protection to be reinstated.

Licensing has offered support for this, to meet guidance from the court of appeal ruling. Respect Weymouth has recently taken legal advice from Poppleston Allen and an associated noise consultant, and has prepared a community review with proposed conditions to address this issue when lockdown restrictions are lifted.

There is a history of noise nuisance at the application premises because of its poor soundproofing ability to contain amplified music. It is not fit for this purpose. And there are potential impacts from deregulation of the live Music Act 2012, so a preventative noise condition of the same 'inaudible' standard that is in The Duke of Cornwall Licence could be sought via a community review.

This venue has been served a stage 1 and 2 statutory nuisance letter from environmental health after sound monitoring in a noise sensitive property. It was very foreseeable that the formal step, stage 3, was emerging prior to lockdown and this would have led to an abatement notice and a court hearing.

This bar has condoned drinking on the pavement outside the venue and this has caused nuisance and ASB for local residents between 21.00 and 00.00, and beyond, made worse by no door supervision and constant noise bursts as patrons enter and leave through a single door.

It is extremely likely that this application would add to unwanted street drinking impacts. It includes off sales which are strongly opposed given the emerging off-sales impacts for the area. And it is foreseeable that, because of limited numbers inside, external drinking could be used to supplement restricted alcohol sales. These impacts would then be much worse here because the proposed bar's entrance is off a very narrow passageway that provides public access to St Mary Street. This has been one of the most consistent, significant and intimidating issues of this premises when it has previously held a bar licence. During all hours. Coupled with broken glass, litter, and restricted access. This risk has not been mitigated for in the application.

Ultimately, residents and business owners have been unable to enjoy the rights and protections afforded to them because of this venue. Impacts have included disruption of normal activities, like enjoyment of conversation, television, radio, reading, loss of concentration and accidents because of tiredness, impacts on children for school, and regular waking with prevention of sleep. Some residents are under medical supervision for related health & wellbeing conditions.

The Closet Nightclub

Condition	From	To
Hours Open		
Sunday to Thursday	09.00	05.00
Friday and Saturday	09.00	05.00
Recorded Music (Indoors)		
Sunday to Thursday	09.00	04.00
Friday and Saturday	09.00	04.00
Film (Indoors)		
Indoor Sporting Event (Indoors)		

Live Music (Indoors)		
Performance of Dance (Indoors)		
Late Night Refreshment (Indoors)		
Alcohol on and off		
All above as Hours Open	As Hours Open	As Hours Open

This venue is adjacent to the application building. It is progressing an application to vary its licence to include the adjoining licenced building (The Closet Bar) into a single venue. The community is having to raise a licensing representation for this. See The Closet Bar below.

For the 12 months prior to lockdown:

There have been few complaints for noise from inside this venue because its glazing has been sealed and covered. It also has two door lobby protection. However, residents and holiday let visitors have regularly experienced very noisy and disruptive patrons on smoke breaks in controlled areas outside this venue, up to and beyond closing times. Made worse when this occurs during the week. Patrons often act like they are still at the party inside. To date, management has not intervened effectively and this behaviour has been condoned. Even with management assurances.

It is likely that this application would add to these smoke break impacts up to 00.00 and beyond during dispersal. And this would add to the outside drinking issues raised for The Duke of Cornwall above. This risk is not about small numbers. It is about lack of management responsibility and intervention. It has not been considered or mitigated for in the application.

Evidence from this (and other venues) shows that provision of a 'respect our neighbours' sign alone, without active management of noise does absolutely nothing to prevent public nuisance. Respect Weymouth are seeking outside noise limits when they are measurable against low background levels as part of the formal representation for the variation of this licence.

Given the significant history of outside noise nuisance at the application premises, offering a sign outside to put the responsibility onto patrons alone is far from adequate. A preventative noise condition with limits for outside in controlled areas would be needed. This would not be restricted by conditions of the Live Music Act 2012.

This licence has a Late Night Refreshment condition but, in reality, it is not used inside or outside. And there is no take-away service.

This license permits open container off-sales, and therefore street drinking. However, the licensee prevents street drinking to reduce nuisance risks to the local community.

As raised for The Duke of Cornwall, it is very likely that street drinking outside the application premises would have significant and additional impacts for the local community and visitors using the passageway. This risk has not been considered or mitigated for in the application.

There have been occasions where patrons have been involved in criminal damage and disorder on dispersal from this venue, with fighting and damage to resident's cars and homes.

It is foreseeable that this impact could be added to by the bar aspect of this application.

Resident impacts are as above, for The Duke of Cornwall.

The Closet Bar (previously Somewhere Else, same licensee as The Closet)

Condition	From	To
Hours Open		
Monday to Sunday	09.00	05.00
Film		
Monday to Sunday	09.00	04.00
Boxing or Wrestling Entertainment		
Sunday	09.00	04.00
Live Music		
Sunday to Thursday	09.00	00.30
Friday and Saturday	09.00	02.30
Recorded Music		
Monday to Sunday	09.00	04.00
Late Night Refreshment (Indoors)		
Monday to Sunday	23.00	04.00
Alcohol on and off (off is for contained drinks only)		
Monday to Sunday	09.00	04.00

This venue is joined to The Closet and the licensee is progressing an application to vary its licence to include it within that licence. As above. The full impacts cannot be determined yet and will be somewhat dependent on the outcome of an application to transfer this premises to a lesser standard of licence for The Closet.

In the last 12 months prior to lockdown:

There has been excessive noise from inside this venue from 23.00 to 00.00 and beyond, especially Thursday to Sunday. Noise bursts and heavy bass have been a particular problem. The former has been addressed with a new lobby and entrance corridor following environmental health support and intervention. But overall levels have still exceeded the preventative noise condition (granted but unenforceable at the moment) and heavy bass cannot be contained at loud levels because of poor soundproofing. Environmental Health has described this building as not fit for purpose. The preventative noise condition is a critical matter and has not been carried across in the current licence variation for The Closet. A representation is in progress for this.

Prior to lockdown, Somewhere Else was served a stage 1 and 2 statutory nuisance letter from environmental health after noise monitoring in a local noise sensitive property. The final step, stage 3, was likely to have occurred because of low frequency bass, resulting in a formal notice and court hearing. It is anticipated that these impacts will continue when pandemic restrictions are lifted, unless the preventative noise condition is included and revised to be enforceable in the proposed variation.

Noise issues are likely for the application premises, as covered above.

This licence has a Late Night Refreshment condition but in reality this is not used inside or outside. And there is no take-away service.

This venue has been responsible for significant ASB and disorder impacts. Ranging from arguing in controlled areas, to fighting, screaming, vomiting, lewd acts, toileting and criminal damage to homes and cars, up to and beyond closing times.

It is extremely likely that the bar aspect of this application could result in additional ASB and crime impacts for the local community. As before.

Resident impacts are as above, for The Duke of Cornwall.

Weymouth and Melcombe Regis Working Men’s Club

Condition	From	To
Hours Open		
Monday to Sunday	-	-
Live Music (indoors)		
Monday to Sunday	12.00	00.00
Recorded Music (indoors)		
Monday to Sunday	12.00	00.00
Performance of Dance (indoors)		
Monday to Sunday	12.00	00.00
Alcohol on and off		
Monday to Sunday	12.00	00.00

Whilst this venue is quiet compared to the surrounding bars and nightclubs, there has been regular and excessive noise from inside, from 21.00.

This has resulted in the venue being served a stage 1 and 2 statutory nuisance letter from environmental health after noise monitoring in a local noise sensitive property. This venue has not been particularly constructive in its response towards environmental health and it’s anticipated that noise impacts will reappear when pandemic restrictions are lifted, and formal action will be needed.

Resident impacts are as above, for The Duke of Cornwall.

The Market House Tavern

Condition	From	To
Hours Open		
Monday to Wednesday	06.00	02.30
Thursday to Saturday	06.00	03.30
Sunday	06.00	01.30

Live Music (indoors)		
Daily	18.00	23.59
Recorded Music (indoors)		
Monday to Wednesday	06.00	02.00
Thursday to Saturday	06.00	03.00
Sunday	06.00	01.00
Late Night Refreshments (indoors)		
Monday to Wednesday	23.00	02.30
Thursday to Saturday	23.00	03.30
Sunday	23.00	01.30
Alcohol on and off		
Monday to Wednesday	06.00	02.00
Thursday to Saturday	06.00	03.00
Sunday	06.00	01.00

This is a vibrant and busy pub with a regular patron profile.

Residents have not raised complaints about noise from here, mainly because this venue has been overshadowed by the considerable impacts of others.

The Late Night Refreshments does not include takeaway or related impacts.

The Globe Inn

Condition	From	To
Hours Open		
Monday to Sunday	09.00	01.30
Indoor Sporting Event		
Monday to Sunday	09.00	01.00
Live Music (Indoors)		
Sunday to Thursday	09.00	23.00
Friday and Saturday	09.00	23.59
Recorded Music (Indoors)		
Monday to Saturday	09.00	01.00
Late Night Refreshments (Indoors)		

Monday to Sunday	23.00	01.30
Alcohol on and off		
Monday to Sunday	09.00	01.00

This is a vibrant and busy pub with a regular patron profile.

Residents have not raised complaints about noise from here, mainly because this venue has been overshadowed by the considerable impacts of others.

However, there have been complaints about noise from outside, with drinking, to the early hours and this has affected guests and reviews of local hotels and guest houses.

The George Bar and Grill

Hours Open		
Monday to Sunday	08.00	02.00
Film (Indoors)		
Monday to Sunday	08.00	01.00
Live Music (Indoors)		
Monday to Sunday	08.00	01.00
Recorded Music (Indoors)		
Monday to Sunday	08.00	01.00
Late Night Refreshment (Indoors)		
Monday to Sunday	23.00	01.00
Alcohol on and off		
All as open hours above	08.00	01.00

This is a vibrant and busy pub, with a mixed patron profile. Residents have not raised complaints about noise from inside or outside here.

The Ship

Condition	From	To
Hours Open		
Monday to Sunday	11.00	02.30
Live Music		
Monday to Saturday	11.00	02.00

Sunday	11.00	01.00
Recorded Music		
Monday to Saturday	11.00	02.00
Sunday	11.00	01.00
Alcohol on and off (off is for contained drinks only)		
Monday to Saturday	11.00	02.00
Sunday	11.00	01.00

This is a vibrant and busy pub, with a mixed patron profile. Residents have not raised complaints about noise from inside or outside here.

The Golden Lion

Condition	From	To
Hours Open		
Monday to Thursday	08.00	02.00
Friday and Saturday	08.00	03.00
Sunday	08.00	01.00
Live Music (Indoors)		
Recorded Music (Indoors)		
Monday to Thursday	10.00	01.00
Friday and Saturday	10.00	02.00
Sunday	10.00	23.59
Late Night Refreshment (Indoors)		
As Hours Open	As Hours Open	As Hours Open
Alcohol on and off (off is for contained drinks only)		
Monday to Thursday	10.00	01.00
Friday and Saturday	10.00	02.00
Sunday	10.00	23.59

This is another small, vibrant and busy pub, with a mixed patron profile.

There have been seasonal complaints about noise from here, but these have been very overshadowed by the considerable impacts of other bars and nightclubs in the immediate area.

Escalating Off-Sales Impacts

In addition to the above, the local community has suffered disastrous impacts from a rapidly growing, off-sales driven free-party culture on the harbour. This change started with pandemic restrictions, but it has escalated very quickly and continued. It is a cause of significant concern. And it is a serious threat to the council's expectations for family friendly al-fresco dining. It has fuelled high levels of ASB involving mass toileting, drug use, drug selling, vomiting, fighting, lewd acts, intimidation, etc. It is very foreseeable that this new culture will escalate, exacerbated by limited enforcement resources and a lack of visible policing/PSPO enforcement.

It is clearly being supported by local shops with off-sales capacity, who are visibly increasing their supplies substantially to support the problem.

It is extremely likely that off-sale permissions for this application will only add to this escalating problem. Off-sales of any kind are vehemently opposed. This risk has not been identified or mitigated. And responsible authorities are now struggling to cope with the impacts. It's a mess.

Examples of Existing Impacts

Existing Public Nuisance impacts are widespread in this part of the CIA/conservation area, especially around Governors Lane, Helen Lane, Mitchell Street, and to a lesser degree East Street. Examples have been captured by residential CCTV at the Maiden Street end of Helen Lane.

[Criminal Damage](#) [Controlled Area](#) [Controlled Area 2](#) [Urinating ASB 1](#) [Urinating ASB 2](#)

[NoisyBreak](#) [Vomit 1](#) [Vomit 2](#) [Vomit 3](#) [Defecating](#) [DrugASB](#) [Spilling into Residential](#)

[Driveway](#) [Urinating 2](#) [Toileting Events](#) [Wasted](#) [WeyPortCCOS - Morning After](#)

[Public Toileting and Disorder.MP4](#)

8. EXISTING CUMULATIVE LICENCE IMPACTS

This section aims to demonstrate the existing spread of on/off sales licences for this part of the CIA.

Condition	From	To
Hours Open		
Monday to Sunday	06.00	05.00
Live Music (Indoors)		
Monday to Sunday	09.00	05.00
Recorded Music (Indoors)		
Monday to Sunday	09.00	04.00
Late Night Refreshment (Indoors)		
Monday to Sunday	06.00	05.00
Alcohol on and off		

Monday to Sunday	06.00	05.00
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The **existing** cumulative impacts have severely damaged the sense of community here, and this is now being made much worse with impacts from off-sales.

There is now a very serious question to be asked around **'when is enough enough'**. When a CIA is recognised as having **'severe impacts'** by the council with significant evidence of such from the community, albeit not formally reported, when is an optimum concentration and balance achieved? Permitting licences that will clearly add to the impacts of the area would simply be reckless. And against the Council's Policy of refusal for a Cumulative Impact Area.

There is a significant risk that the lack of reporting and community driven ground truth is passed over. There are very valid reasons for this and we are working to restore reporting, trust and faith in the complaint system. But this is a two way street. It is confidently proposed that, if every incident of ASB and public nuisance was reported here, it would have the highest figures in Melcombe Regis. By far.

To exacerbate this, police resources are very limited and the current impacts are significant but mostly low level crime, so they are not a priority. They don't get an attendance. And they escalate. The same applies for PSPO enforcement. And for environmental health and licensing with few or no out of hours capacity for emergency enforcement.

Excessive noise from more venues with no soundproofing and irresponsible management will make subjective sound assessments more difficult (for statutory nuisance). An unintended consequence of granting a new bar application would be the provision of a defence for those that choose to be irresponsible. As already experienced. Not my music. Not my noise outside. Not my fights. Not my vomiting. Not my problem. It's a draining experience from the community side of the fence. This is why reinstatement of preventative noise conditions and limits are being sought here.

In addition to the above, recent actions for statutory nuisance were curtailed by the pandemic. It is likely that things could return after the restrictions are lifted. And maybe worse because of new found freedoms. The last week alone has confirmed this. With ASB at such a scale that it had to be handled from the police command centre.

Noise and ASB from controlled areas outside is also ongoing. After a joint authority on-site inspection, these were recently described to the group as **'unbelievable'** by the investigating officer for Environmental Health. Who stated that he'd **'not experienced anything like it before'**. **Recent events with off-sales have quadrupled the impacts of this event.**

It would seem nothing short of reckless to increase this with another bar, even to 00.00, with the likelihood of new impacts to the area and further pressures on enforcement.

In addition to the above, the World Health Organisation makes it very clear that resident's children are an 'at risk' group from the impacts of sleep loss. A number of local residents adjacent to the application premises have young children and infants who have suffered from past impacts. This has already had detrimental impacts on their health and wellbeing. Some are not in a position to move.

This application has not considered or mitigated these risks. And the bar would add to the impacts.

So, cumulatively, the foreseeable outcome of granting this licence with a bar is that the licensed premises concentration will increase, along with hours, activities, people and negative impacts to the area. Licensing objectives will continue to **not be upheld**. The community will suffer more. And responsible authorities will be placed under more pressure with limited resources. They are not coping now.

Residents believe that cumulative impacts, especially for Public Nuisance, are already significant and way above an acceptable level. The application has not demonstrated sufficient risk mitigation for the issues raised. And it is believed that mitigation is not possible for the bar.

9. NEW APPLICATIONS IN A CUMULATIVE IMPACT AREA (CIA)

Before assessing the impacts of the application detail, there is a need to clarify the council's policy position for granting licenses in a CIA.

*Licensing Policy 7.14 - Weymouth Town Centre is an area where the impact of the licensed premises is considered **so severe** that the council's position is that any application for a new licence or the variation of an existing licence within the area should be refused unless the applicant can show how their application would not lead to an increase in the detrimental impact of licensed premises in this area.*

Licensing Policy 7.17 - Applications for premises situated within a designated cumulative impact area for new premises licences or variations that are likely to add to the existing cumulative impact will normally be refused if relevant representations are received. It is for the applicant to demonstrate that their application would not add to the cumulative impact of such licensed premises in the area and so give good reason for the council to depart from its own policy.

All members of Respect Weymouth believe the existing impacts in this CIA are already excessive and significantly detrimental to our rights to enjoy private property.

Licensing Policy 7.21 The council recognises that cumulative impact policies should not be absolute. The circumstances of each application will be considered properly on its own merits and applications for licences that are unlikely to add to the cumulative impact on the licensing objectives may still be granted, depending on the individual circumstances.

It is hoped that the licensing authority recognises the excessive levels of existing impacts from late night bars and nightclubs with live and recorded music, as shown in this report. And that the bar operation of this application will simply add to these. The restaurant and take away aspect of the operation are supported, with conditions.

Licensing Policy 7.21 "After receiving representations in relation to a new application or for a variation of a licence, the licensing authority will consider whether it would be justified in departing from its policy and cumulative impact assessment in the light of the individual circumstances of the case. The impact can be expected to be different for premises with different styles and characteristics. If the council decides that an application should be refused, it will still need to show that the grant of the application would undermine the promotion of the licensing objectives and that appropriate conditions would be ineffective in preventing the problems involved."

This representation highlights a significant level of ongoing, unresolved, and detrimental public nuisance impacts for the CIA already. Given the circumstances around this, Respect Weymouth believes the council cannot justify a move away from this policy position or the licensing objectives will be further undermined.

*Licensing Policy 7.22 The burden of proof is on the applicant, they will often suggest measures which they assert will demonstrate there will be no impact. Examples of factors the licensing authority **may** consider as demonstrating there will be no impact may include, though are not limited to:*

- *Small premises who intend to operate up to midnight.*
- *Premises which are not alcohol led & only operate during the day time economy*
- *Instances where the applicant is relocating their business to a new premises but retaining the same style of business.*
- *Conditions which ensure that the premises will operate in a particular manner such as a minimum number of covers or waiter/waitress service to secure a food led operation.*
- *Premises which will bring a variety of cultural activities to the area and expand the range of activities on offer for customers."*

For this application, taken on its own merits, a small venue definitely does not mean little or no impact. As raised above. For location, structural, and other reasons. This very small bar has been the cause of the most significant public nuisance in the area. The application shows no mitigation to prevent this occurring.

It also feels like the application is playing with words to try and meet these conditions. And it is full of contradictions. It is not just a food led operation. It is, as it stands now. But the addition of a new stand alone bar, which has just been named - 'Tiki Bar' - operating significantly beyond the opening times of the food led business, makes this something extremely different altogether.

10. THE APPLICATION DETAIL

This section looks at the impacts of the application against the impacts raised above.

Condition	From	To
Hours Open		
Daily	08.00	00.00
Live Music (Indoors)		
Daily (Bar)	-	-
Daily (Dining Area)	-	-
Recorded Music (Indoors)		
Daily (Bar)	-	-
Daily (Dining Area)	-	-
Light Night Refreshments (Indoors)		
Daily	-	-
Alcohol on and off		
Daily	10.00	23.00

It feels like the application is seeking to present a food led operation and bar with minimum impacts to get a foot in the door for future variations. It would bring a total of 112 more open hours and 91 more on/off-sale hours to the community each week, against alcohol provision and impacts that are already excessive. And from an off-sales perspective, out of control. This is **not** supported.

If this is a genuine food led operation, as stated in the application and very cautiously supported by the community, then the bar aspect of the building should **not be stand alone**, as is emerging now - before the application has been decided. It needs to be a restaurant and takeaway only. And given recent events, the take-away aspect of this is also problematic.

The proposed bar should be part of the restaurant and food led operation, as clearly presented in the application, named as such under one licence, and tied to the opening hours that substantial food is being served in the restaurant, not the hours of takeaway, and starting from 17.00. And **not** a bar.

No alcohol should be served without a seated, served, substantial/main meal taken from the menu of the restaurant.

No off-sales should be provided for any aspect of the application. The emerging off-sales impacts on the community here are escalating, out of control, and creating **severe** impacts for local residents and businesses. Recent police, licensing, and council responses to formally raised community concerns can verify this. These impacts have been so bad in recent weeks that Respect Weymouth has been a hair's breadth from using the Community Trigger and progressing significant press and media action. All responsible authorities and the MP for Dorset are now engaged in trying to resolve this. A free-party and off-sales driven culture is a significant risk to the area. And responsible authorities. **There is no room for further off-sales to fuel these impacts. Period.**

A stand alone bar in this location with related history, foreseeable impacts from all day drinking, and still apparent leaseholder involvement, is **vehemently opposed**. Granting this is a recipe for disaster and a route to impacts of old, with future variation potential towards late licensing and a disastrous return of impacts to the local community involving upper floors, including potential change of lease arrangements.

There are also issues around the requested hour long 'drinking up' time. This is covered below.

The licensing authority has a duty to not increase the extreme likelihood of more impacts, especially given those from existing on and off sales are already excessive and far from resolved with responsible authorities.

The application presents the following **General Information**:

In forming the application for the premises licence at the Tropical Turtle, 38 Maiden Street, time has been taken to reflect on the history of the premises and considering Dorset Council's Cumulative impact Area Policy.

The applicant has absolutely no connection with the previous holder of the licence. Mr Barker responded to an advertisement offering the lease for sale. Mr Barker has of course been in negotiation with the lease holder regarding the assignment of the lease. The situation currently is that Mr Barker will purchase the lease, when a licence is granted to enable Mr Barker to trade a food led business on the premises. Should the application not succeed the assignment of the lease will not take place.

Mr Barker is content, to avoid any ambiguity over the ownership, at the point a licence is granted prior to the lease being exchanged, to offer a condition that the permission, if granted would be subject to producing a lease to the satisfaction of the licensing authority. Or any other such arrangement that gives confidence to the licensing authority.

The application is fundamentally different to the previous permission enjoyed by these premises. Proposed hours of operating for the sale of Alcohol are 10.00 until 23.00, the previous permission was 10.00 until 05.00.

This application is not for a late-night alcohol and music led operation as was the previous business, this is an application for a food led business with alcohol sales ceasing at 23.00.

The application is for a much-reduced area, ground floor bar capacity 15-20 people, restaurant a maximum of 30 diners, a total of around 45-50 people.

First floor bars, dancing, music and smoking areas do not form any part of this application.

The removal of the upper floors drinking and dancing areas from the application changes completely the style of operation from a late-night liquor led music and dancing venue to a small restaurant and bar targeted at mature customers in the early late evening.

Dorset Councils licensing policy 7.22 "Examples of factors the licensing authority may consider as demonstrating there will be no impact may include, but not limited to:- Small premises who intend to

operate up to midnight” The application is for a premises licence operating until 23.00 with a capacity of 15-20 in the bar and a maximum of 30 diners. This application fits within the licensing authorities’ criteria that demonstrate there will be no impact.

As raised above, it feels like this application is calling itself a food led operation to try and shoehorn ‘no impact’ for the CIA policy. The bar is clearly able to stand alone when the food led aspect is closed. It already has a separate name.

The application presents a ‘no impact’ case but it has failed to identify some of the most likely and detrimental impacts for the local community. Contrary to the statement above. The application and Ground Truth in this representation demonstrate that there will actually be quite significant impacts of a bar being granted a licence in this area.

A change to the lease agreement on granting of this application could easily be changed or reversed at any point in the future, unless it were possible to make a condition preventing this. It means nothing.

It is accepted that the council **may** consider the application’s impacts against the policy position of small bars up to 00.00, but the reality, evidenced by past impacts, is that small bar numbers do not equate to reduced impacts. Especially here. Because of the bar layout and the passageway, and an inadequate licence, small numbers here have been responsible for some of the worst ASB and public nuisance in the area, from 10.00 to 00.00 and beyond. This bar has consistently demonstrated an exception to the policy assumption. There is nothing to suggest this will change.

Licensing Policy 6.17 The council considers that a 30 minute drinking up time will assist in the gradual dispersal of customers and consequently reduce impact on the local area.

Licensing Policy 6.18 Where relevant representations are made the council will consider imposing a condition on drinking up time where such a condition is appropriate in order to promote the licensing objectives in any individual case.

The application is pushing for an hour. This is too long and will encourage bulk buying for last orders and continuation of drinking, rather than cooling down and dispersing. The premises should be closed by 23.30. There is also a risk of illegal drinking into the early hours.

Comparing this application to the previous licence has some use, but it’s not really relevant when the existing area is already suffering severe impacts due to the concentration of licensed venues and off-sales already in place.

Council Licensing Policy 1.4 - The council adopts the overall approach of encouraging the responsible promotion of licensed activities. However, in the interests of all its residents, it will not tolerate irresponsible licensed activity.

It is hoped this would include the suitability and responsibility of those involved with an application at the time of the application. Based on the conduct prior to and during the application.

It’s interesting to see the following given the general intentions proposed above. This is definitely **not** a set up for background music. It’s a professional DJ deck. And given the theme of the application, it’s very likely that reggae and heavy, low frequency bass could be prevalent. **The building is definitely not fit enough to contain this.**

https://m.facebook.com/story.php?story_fbid=117566883503937&id=100057518776805

The licence should include a preventative noise condition with inside limits for mid to high frequency, and low frequency sound.

The Application's Operating Schedule

The Prevention of Crime and Disorder

Incident, nuisance complaint and challenge records will be kept and made available to police or licensing enforcement officers on request.

CCTV to cover all parts, recordings retained for 28 days, all recordings will be made available to police and licensing enforcement officer in accordance with prevailing Data protection legislation (or other CCTV condition as required by Dorset Police)

The Assurance of Public Safety

No particular or exceptional risk identified. All current and future legislation will be complied with.

The Prevention of Public Nuisance

Incident, nuisance complaint and challenge records will be kept and made available for inspection by the police or licensing enforcement officer on request.

Litter will be cleared on a regular basis.

Notices will be posted reminding customers to vacate the premises in a quiet and peaceful manner.

The Protection of Children from Harm

Challenge 21 will operate as the age verification policy. All staff will be trained in their responsibilities in regard to the licensing act 2003 and other relevant legislation. Training will happen on or before their first shift and maintained on a regular basis. Training records will be kept for each member of staff and be available for inspection by the police or licensing enforcement officer on request.

As stated throughout this representation, it is firmly believed that this operating schedule has completely failed to demonstrate an honest and comprehensive risk assessment of the potential impacts to the local community. The purpose of which, it is believed, is to present an application that tries to demonstrate little or no impact so the duty of refusal in a CIA can be rebutted.

11. RESPONSIBILITY, PROFESSIONALISM AND INTEGRITY

There is absolutely no trust in the professionalism or integrity of this application. It does not feel like it has been completed honestly. At the last hearing with the same leaseholder, agent and applicant, which was refused and now pending appeal, a recording was taken of a conversation between the agent and the leaseholder which demonstrates utter contempt for the licensing authority, the hearing and the community. We reserve the right to introduce this recording and a transcript of it as it is clearly relevant to whether the applicant will promote the licensing objectives.. Along with proposed conditions for the application.

12. SYMPATHY FOR THE HOSPITALITY ECONOMY

It is accepted that the pandemic has been damaging to this sector. However, this application is in a CIA and there is a policy that needs to be adhered to. **Licensing impacts here are severe.**

13. SUMMARY POSITION OF RESPECT WEYMOUTH

The aim of this representation is to present a realistic, balanced and fair position against known and foreseeable risks. It has not taken this lightly. And although the proposed restaurant seems like a viable proposition, support for it is tentative. There is no support for the bar aspect of the operation.

The concentration of existing licensed premises and the severity of existing impacts is so great that a further premises licence with all day bar provisions will add to an already failing area and licensing objectives would be damaged further. The community will suffer more. The council has a duty to not increase these impacts.

Given the rapidly escalating off-sales impacts, which are clearly out of control, the provision of a takeaway service has the potential to extend severe free-party impacts up Maiden Street and into the residential area. The council has a duty to not increase these impacts.

Responsible Authorities are already unable to deal with escalating and excessive levels from On and Off-Sale impacts here, especially the latter, and this means that any additional impacts from this application would be suffered by the community directly. The council has a duty to not increase these impacts.

The construction and soundproofing qualities of the building are poor, and nowhere near suitable for the proposed use if any form of amplified live or recorded music above background levels are used.

The application has not provided sufficient evidence of foreseeable risks and impacts for the whole operating schedule. It appears to be purposefully light and misleading to present acceptable risk.

The application purports to be a food led operation to align itself with potential cumulative impact policy exceptions, which may be considered, but clearly the proposed bar is not tied to the restaurant and takeaway. It presents separate and significant risks to the local community. The council has a duty to not increase bar related impacts.

The application presents itself as a small premises operating up to 00.00 to align itself with the cumulative impact policy exceptions, which may be considered, but given the licence and bar history, location, layout and likely impacts presented in this representation, this small bar is clearly an exception to the 'small bar = small impact' assumption. The council has a duty to not increase bar related impacts.

The application goes to great lengths to distance the current leaseholder from the building and any future plans, but this does not feel authentic. The existing leaseholder and the agent have demonstrated decision making responsibility for applications that are meant to be led by the applicant, and have shown contempt for the community and responsible authorities.

The application's open hours and licensing hours are clearly not for a food led operation alone. They should be aligned to minimise the likelihood of additional impacts to the community and meet the assertion of the application.

The application has not sufficiently demonstrated that there will be no additional impacts.

The provision of a restaurant and takeaway is supported. The latter with severe reservations given potential links to out of control off-sale impacts. With conditions.

The provision of a stand alone bar operating outside the hours of a food led operation is vehemently opposed.

The application has not given good reason for the Licensing Authority to move away from the CIA policy position of refusal, unless the stand alone bar is integrated and tied to the restaurant opening times and operation, as presented. And as supported in the evidence of this representation. If this cannot be achieved, it is believed the application should be refused.

If the hearing committee is minded to allow the application, without the stand alone bar, as a food led operation only, the following conditions are proposed to support this representation:

There should be no off-sales. In any form.

On-Sales should be limited to the asserted food led operation from 17.00 - 23.00.

Open hours should be limited to the asserted food led operation, from 17.00 - 23.30.

The bar aspect of the operation should not be presented as a stand alone bar with a different name and operation to the food led operation, as is emerging now. It should be part and parcel to it.

There should be no staff or patrons taking smoke breaks in the narrow passageway outside the main entrance. All persons wishing to have a smoke break should be directed to Maiden Street.

There should be no drinking in any controlled areas outside of the premises. From glasses or bottles or any other container. This includes non alcoholic beverages.

No alcohol should be served without a seated, served, substantial/main meal taken from the menu of the restaurant. At any time.

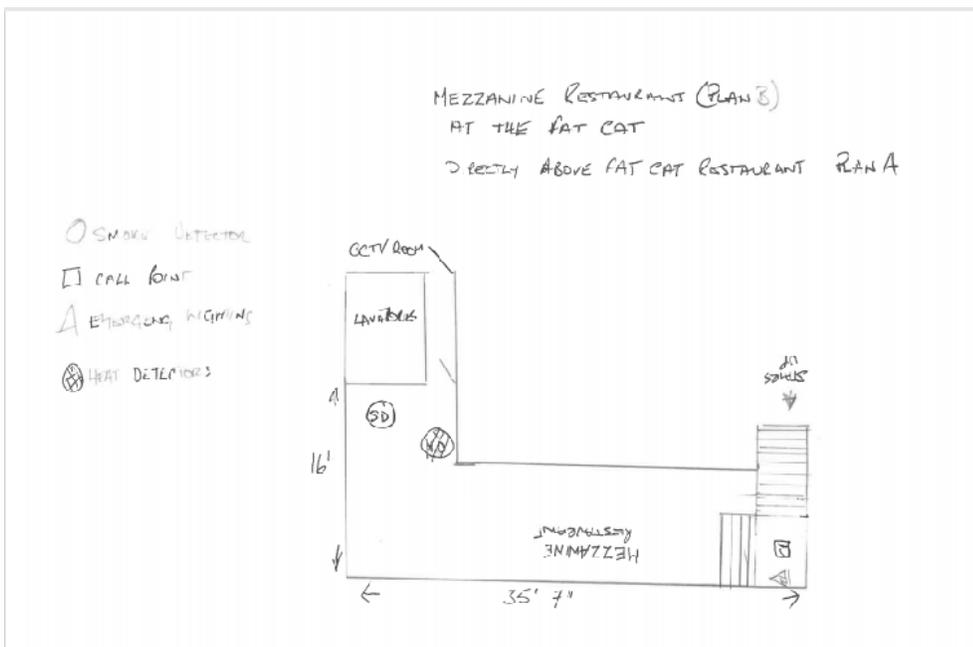
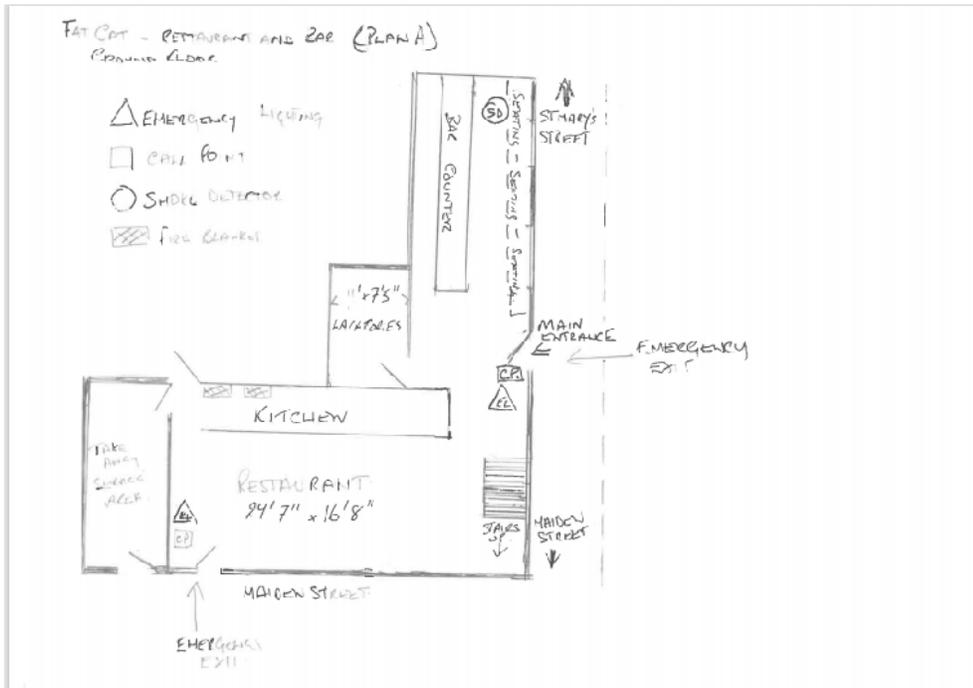
Continued and extended serving of alcohol for drinking purposes only, beyond serving that has been supplementary to the enjoyment and completion of a seated meal, should not be permitted. The purpose of this is to ensure that the licensee and patrons do not use the menu as an excuse and loophole to order a small meal that's completed in 10 minutes, like the Scotch Egg farce, and then stay to drink 5 pints of lager. As a bar. It's a food led operation. As the application states.

A background noise condition is required for any use of music.

A preventative noise condition with limits and measuring locations at noise sensitive properties should be provided for outside patron noise in controlled areas. Details of this will follow this representation.

The building is not fit to play amplified music above background levels. A preventative noise condition with limits and measuring locations at noise sensitive properties should be provided for inside noise (for bass and mid to high level frequencies). Details of this will follow this representation.

Appendix 4 - Application Plans



Appendix 2 - The Application Premises

All images open with the link, please scroll/zoom in for detail where needed.

[IMG_3526.JPG](#) - view towards the harbour from the venue

[IMG_3520.JPG](#) - public footpath outside main entrance of the venue

[IMG_3521.JPG](#) - main entrance to the venue, off the above path

[IMG_3523.JPG](#) - structural issues and poor maintenance

[IMG_3522.JPG](#) - poor maintenance

[IMG_3524.JPG](#) - glazing to side of the venue

[IMG_3527.JPG](#) - Governors Lane, directly opposite the venue

[IMG_3529.JPG](#) - Mitchell Street, 30 yards from the venue

[IMG_3530.JPG](#) - Helen Lane, 40 yards from the venue

Appendix 3 - Increasing Off-Sales

Once a small supermarket with minor off-sales. The same is happening with all off-sale suppliers around the harbour.

IMG 3635.JPG

IMG 3636.JPG

IMG 3634.JPG

From: LicensingTeamB

Sent on: Tuesday, April 6, 2021 1:34:51 PM

Following your representation to the new premises licence application for the Tropical Turtle at 38 Maiden Street, Weymouth, the applicants agent has offered to remove the off-sales of alcohol from the application.

I am required under the Licensing Act to ask if the above point has, or hasn't, alleviated your concerns and if you are now satisfied with the application. Due to the time constraints surrounding an application I would be grateful if you could please let me know by **9 April 2021** whether or not you wish to have your representation withdrawn.

If, however, you wish to continue with your representation, I will arrange a Licensing Sub Committee hearing and I will inform you of the date and time in due course.

I would also like to inform you that any premises that holds a licence under the Licensing Act 2003, can be subject to a review at any time if an establishment fails to satisfy one or all of the four licensing objectives. (The prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm). A review would be heard at a Licensing Sub Committee where conditions or restrictions may be added to the licence to resolve outstanding issues.

Please do not hesitate to contact me if you have any additional queries or would like to discuss the matter further.

From: Kris Barker <rumshack88@gmail.com>

Sent: 08 April 2021 18:41

To: Jon Orrell <cllrjonorrell@weymouthtowncouncil.gov.uk>

Subject: Re: License application

Dear Cllr,

The owner of the premises is Peter Ellis, he has no interest in my business other than being my landlord, I know the rum shack was a particular problem site and i have changed the layout so much compared to when I took the building over, the upstairs bars namely the rum shack and fat cat bar have totally gone, The floor the rum shack was situated on is totally closed off with no access and won't ever be used as a bar again, the bar area the fat cat bar was situated has been totally ripped apart and now is just a table and chairs eating area. The downstairs where I have now got the bar is a small bar area for 20 people maximum, **I have 2 small barrel**

tables and bar stools for snack foods from our restaurant to be eaten, the bar area is for customers who come and collect their take away so they are not outside and can have a drink whilst waiting and for our customers to have a cocktail or drinks after they have eaten their meal, i have explained and tried to prove to everybody who has concerns that it is nothing like the place it was which is why the police, fire service and licensing committee have no objections, this is a family restaurant with a small bar, I am not interested in having any people in likely to cause trouble and will not tolerate any bad doings, we have backing from the church next door and have a great relationship with many of the neighbours close by who can see the change already, we are not interested in selling alcohol for anybody to take away and cause trouble away from our bar, we are aiming to just be a fun place with a great atmosphere where families can come and have a nice day/night without any worrying about any trouble, there will be no loud music as claimed, we will not tolerate any anti social behaviour in or around our premises, we have a cctv system that covers all areas inside and out that would be available to the police if they needed any footage from outside. We really are different from what was there before and want to continue what we are doing in Weymouth, we will be employing at least 12 local people once we are fully open and genuinely believe we bring something that Weymouth is missing.

I hope you can see that we are here for the local people and would help any of our neighbours, we have a great relationship with many and would like to build an even better one with many more.

Thank you.

From: Cllr. Jon Orrell
Sent: 08 April 2021 19:01

I hear that the police and Licensing have no objections. So having received firm assurance from the prospective licence that this is to be a food led restaurant and that the bar is for customers having meals, rather than an open bar, I withdraw my objection.

Thanks

Jon

Cllr Orrell

From: Niki Ayles <nikiayles@weymouthtowncouncil.gov.uk>
Sent: 09 April 2021 07:59

Thank you for your email. I can confirm that Weymouth Town Council is happy to withdraw its objection to the application for the Tropical Turtle, provided that the new establishment is a food-led operation.

Appendix 4 – Cumulative Impact Policy

- 7.1 The concept of “cumulative impact” has been described in the Section 182 guidance issued by the Home Office since the commencement of the Licensing Act 2003. Cumulative impact assessments were introduced at Section 5A in the Licensing Act 2003 by the Policing and Crime Act 2017. Cumulative impact is the potential impact on the promotion of the licensing objectives of a number of licensed premises concentrated in one area.
- 7.2 In some areas, where the number, type or density of licensed premises, such as those selling alcohol or providing late night refreshment, is high or exceptional, serious problems of nuisance and disorder may arise outside or some distance from those premises. Such problems generally occur as a result of large numbers of drinkers being concentrated in an area, for example when leaving premises at peak times or when queuing at fast food outlets or for public transport.
- 7.3 Queuing in itself may lead to conflict, disorder and anti-social behaviour. Moreover, large concentrations of people may also attract criminal activities such as drug dealing, pick pocketing and street robbery. Local services such as public transport, public lavatory provision and street cleaning may not be able to meet the demand posed by such concentrations of drinkers leading to issues such as street fouling, littering, traffic and public nuisance caused by concentrations of people who cannot be effectively dispersed quickly.
- 7.4 Variable licensing hours may facilitate a more gradual dispersal of customers from premises. However, in some cases, the impact on surrounding areas of the behaviour of the customers of all premises taken together will be greater than the impact of customers of individual premises. These conditions are more likely to arise in town centres, but may also arise in other urban centres and the suburbs, for example on smaller high streets with high concentrations of licensed premises.
- 7.5 Once away from the licensed premises, a minority of customers will behave badly. Other mechanisms for addressing such concerns may be more appropriate than cumulative impact, or may work alongside licensing policy. For example:
- Planning controls
 - Positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the local authority, including best practise schemes such as Purple Flag, Best bar None, Pubwatch or BIDs
 - Community Protection Orders
 - The provision of CCTV surveillance in town centres, taxi ranks, provision of public conveniences open late at night, street cleansing and litter patrols
 - Public Spaces Protection Orders
 - Police enforcement of the law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices
 - Prosecution for the offence of selling alcohol to a person who is drunk (or allowing such a sale)
 - Late Night Levy
 - Early Morning Restriction Orders
 - Other licensing measures such as fixed closing times, staggered closing times and zoning.

Cumulative Impact Assessments

- 7.6 A cumulative impact assessment (CIA) may be published by a licensing authority to help it limit the number or type of licences granted in an area where there is evidence to show that the number or density of licensed premises in the area is having a cumulative impact and leading to problems which are undermining the licensing objectives.
- 7.7 Weymouth and Portland Borough Council, one of the predecessor councils which were merged into Dorset Council on 1st April 2019 had an existing Cumulative Impact Area (CIA) in Weymouth town centre, designated following consultation and consideration of a Cumulative Impact Assessment. The CIA applies to applications for new premises licences and club premises certificates and applications to vary existing premises licences and club premises certificates within the Area.
- 7.8 The initial assessment included a call for evidence from the responsible authorities, including crime statistic reports commissioned from Dorset Police and ASB/nuisance statistics provided by the council's Licensing, Community Safety and Environmental Health Services. Local residents were also given the opportunity to comment on the proposals through the consultation period and relevant elected ward councillors and Community Committees during the development of the cumulative impact assessment.
- 7.9 As required by the law, the council is conducting a formal consultation process on retaining the cumulative impact Area with:
- The responsible authorities
 - Licensees and those representing licensees
 - Local residents and businesses
 - Those representing local residents and businesses.
- 7.10 Responses from these consultations will be reviewed and reports are available from the Licensing team.
- 7.11 The council will review the cumulative impact policy area at least every three years, as required by the legislation. The Cumulative Impact Assessments are available on the council's website. Applicants should contact the Licensing team to ensure they are in possession of the latest information before making their application.

Cumulative Impact Areas

- 7.12 The cumulative impact assessment has shown that the number or type of licence applications granted in the following area(s) are having a cumulative impact and this is leading to problems which are undermining the licensing objectives.

Weymouth Town Centre

- 7.13 The council has considered the available data and has determined that there is an area that is suffering from the cumulative impact of licensed premises and as a consequence this is leading to problems which are undermining the licensing objectives.

- 7.14 Weymouth Town Centre is an area where the impact of the licensed premises is considered so severe that the council's position is that any application for a new licence or the variation of an existing licence within the area should be refused, unless the applicant can show how their application would not lead to an increase in the detrimental impact of licensed premises in this area. Maps showing the exact geographical area can be found in the cumulative impact assessment at Appendix A to this Policy.
- 7.15 In this area the nature of the problems are alcohol related violent crime being perpetrated by people visiting and using this area during specific peak hours. More information on the evidence can be found in the cumulative impact assessment.
- 7.16 It would be inconsistent with the council's duty to promote the licensing objectives to grant new and variation application for any premises licence (on sales, off sales and late night takeaways), that seek to operate during the peak hours described in the cumulative impact assessment for the town centre.

Applications within a cumulative impact area

- 7.17 Applications for premises situated within a designated cumulative impact area for new premises licences or variations that are likely to add to the existing cumulative impact will normally be refused if relevant representations are received. It is for the applicant to demonstrate that their application would not add to the cumulative impact of such licensed premises in the area and so give good reason for the council to depart from its own policy.
- 7.18 An applicant wishing to obtain a new or varied licence for premises falling within the cumulative impact area must identify, through the risk assessment process (if used) and operating schedule, the steps that they intend to take so that the council and responsible authorities can be satisfied that granting a new licence will not add to the problems already being experienced.
- 7.19 To assist this process applicants are encouraged to submit a full and thoroughly considered application at the earliest opportunity. The onus is on the applicant to demonstrate to the responsible authorities the suitability and detail for their planned operation. The applicant is encouraged to make early contact with the responsible authorities to discuss their plans, and suggested control measures. Applicants should also have particular regard to the guidance issued by the Home Office under section 182 of the Act.
- 7.20 The existence of a cumulative impact assessment for a specific area does not relieve the responsible authorities or any other person of the need to make relevant representations where they consider it appropriate to do so for the promotion of the licensing objectives. Anyone making a representation may base it on the evidence published in the cumulative impact assessment, or the fact that a cumulative impact assessment has been published for that area. It remains incumbent on all responsible authorities and other people to ensure that their representations can withstand the scrutiny to which they would be subject at a hearing. As with all licensing applications under the Licensing Act 2003, if there are no representations, the licensing authority must grant the application in terms that are consistent with the operating schedule submitted as part of the application.

- 7.21 The council recognises that cumulative impact policies should not be absolute. The circumstances of each application will be considered properly on its own merits and applications for licences that are unlikely to add to the cumulative impact on the licensing objectives may still be granted, depending on the individual circumstances. After receiving representations in relation to a new application or for a variation of a licence, the licensing authority will consider whether it would be justified in departing from its policy and cumulative impact assessment in the light of the individual circumstances of the case. The impact can be expected to be different for premises with different styles and characteristics. If the council decides that an application should be refused, it will still need to show that the grant of the application would undermine the promotion of the licensing objectives and that appropriate conditions would be ineffective in preventing the problems involved.
- 7.22 When considering an application where the subject premises is in a cumulative impact area, the council will need to be satisfied that the grant of the licence or variation will not impact on the cumulative impact of existing licensed premises in the area and as the burden of proof is on the applicant, they will often suggest measures which they assert will demonstrate there will be no impact. Examples of factors the licensing authority may consider as demonstrating there will be no impact may include, though are not limited to:
- Small premises who intend to operate up to midnight.
 - Premises which are not alcohol led and only operate during the day time economy
 - Instances where the applicant is relocating their business to a new premises but retaining the same style of business.
 - Conditions which ensure that the premises will operate in a particular manner such as a minimum number of covers or waiter/waitress service to secure a food led operation.
 - Premises which will bring a variety of cultural activities to the area and expand the range of activities on offer for customers.
- 7.23 Examples of factors the licensing authority will not consider as meeting the standard of rebuttal include:
- That the premises will be well managed and run (as all licensed premises should meet this standard)
 - That the premises will be constructed to a high quality standard
 - That the applicant operates similar premises elsewhere, such as in another licensing authority area, without complaint
- 7.24 Any relevant representations submitted in support of an application will be taken into consideration by the council when making its determination.

Representations based on cumulative impact outside cumulative impact areas

- 7.25 In cases where either responsible authorities or other people seek to establish that an application should be refused on the grounds that it would result in or further contribute to a cumulative impact in an area not already designated as such, which would undermine one or more of the licensing objectives, they will be expected to:
- Identify the boundaries of the area from which it is alleged problems are arising
 - Identify the licensing objective which it is alleged will be undermined
 - Identify the type of licensable activity alleged to be causing the problem (e.g. sale of alcohol, late night refreshment)
 - Provide full details and evidence to show the manner and extent to which

it is alleged that the licensing objectives are being, or at risk of being, undermined in the area

- Provide evidence to show that the undermining of the objective is caused by the patrons of licensed premises in the area.

7.26 The reason for this is to ensure that there is an evidential basis for the licensing sub-committee to reach a decision and in the case of a representation submitted by persons other than responsible authorities, their objections are neither frivolous nor vexatious.

Appendix 5 - Conditions proposed on the Operating Schedule

Incident, nuisance complaint and challenge records will be kept and made available to police or licensing enforcement officer on request.

CCTV to cover all parts, recordings retained for 28 days, all recordings will be made available to police and licensing enforcement officer in accordance with prevailing Data protection legislation.

Incident, nuisance complaint and challenge records will be kept and made available for inspection by the police or licensing enforcement officer on request.

Litter will be cleared on a regular basis.

Notices will be posted reminding customers to vacate the premises in a quiet and peaceful manner.

Challenge 21 will operate as the age verification policy.

All staff will be trained in their responsibilities in regard to the licensing act 2003 and other relevant legislation. Training will happen on or before their first shift and maintained on a regular basis.

Training records will be kept for each member of staff and be available for inspection by the police or licensing enforcement officer on request.

The Premises Licence will not come into effect until the Lease for 38 Maiden Street, in Mr Kristian Barkers name has been produced to the licensing Authority.

The ground floor bar capacity is 15-20 people, restaurant a maximum of 30 diners, a total of around 45-50 people.

From 23.00 onwards there will be no sale of alcohol on the premises, to clear matters up around "Bring your own" other than in circumstances where no permissions are granted, there is no thought or intention to permit customers to bring and consume their own alcohol on the premises.

The consumption of alcohol will not be permitted on the premises after 23.00.

Conditions Proposed by Respect Weymouth

There should be no off-sales.

On-Sales should be limited to the asserted food led operation from 17.00 - 23.00.

Open hours should be limited to the asserted food led operation, from 17.00 - 23.30.

The bar aspect of the operation should not be presented as a stand alone bar with a different name and operation to the food led operation, as is emerging now. It should be part and parcel to it.

There should be no staff or patrons taking smoke breaks in the narrow passageway outside the main entrance. All persons wishing to have a smoke break should be directed to Maiden Street.

There should be no drinking in any controlled areas outside of the premises. From glasses or bottles or any other container. This includes non alcoholic beverages.

No alcohol should be served without a seated, served, substantial/main meal taken from the menu of the restaurant. At any time.

Continued and extended serving of alcohol for drinking purposes only, beyond serving that has been supplementary to the enjoyment and completion of a seated meal, should not be permitted. The purpose of this is to ensure that the licensee and patrons do not use the menu as an excuse and loophole to order a small meal that's completed in 10 minutes, like the Scotch Egg farce, and then stay to drink 5 pints of lager. As a bar. It's a food led operation. As the application states.

A background noise condition is required for any use of music.

A preventative noise condition with limits and measuring locations at noise sensitive properties should be provided for outside patron noise in controlled areas. Details of this will follow this representation.

The building is not fit to play amplified music above background levels. A preventative noise condition with limits and measuring locations at noise sensitive properties should be provided for inside noise (for bass and mid to high level frequencies). Details of this will follow this representation.

Conditions from the Policy that would be Consistent with the Operating Schedule

The Premises Licence will not come into effect until the lease for 38 Maiden Street, in Mr Kristian Barkers name has been produced to the licensing Authority.

The Premises Licence Holder shall ensure that an "Incident report register" is kept in a bound book, in which full details of all incidents and any complaints received are recorded. This shall be completed as soon as possible and, in any case, no later than the close of business on the day of the incident or complaint. The time and date when the report was completed, and by whom, is to form part of the entry as is any action taken. The register is always to be kept on the premises and shall be produced to an authorised officer of the Licensing Authority or the Police when required.

A CCTV system shall be installed at the premises. The CCTV system shall be maintained in working condition and record the premises 24 hours every day. Recordings to be retained for a minimum of 28 days and be made available to the Police or officers of the Council upon request and be of evidential quality.

The equipment MUST have a suitable export method i.e. CD/DVD/USB facility so that the Police and officers of the Council can make an evidential copy of the data they require. This data should be in the native file format to ensure that no image quality is lost when making the copy. If this format is nonstandard (i.e. manufacturers proprietary), then the licence holder shall within 14 days of being requested supply the replay software to ensure that the video on the CD can be replayed by the Police and officers of the Council on a standard computer. Copies MUST be made available to the police and officers of the Council upon request.

Staff working at the premises will be trained in the use of the equipment and a log will be kept verifying this.

Cameras on the entrances must capture full frame shots of the heads and shoulders of ALL people entering the premises, i.e. capable of identification.

There shall be signs displayed in the customer area to advise that CCTV is in operation.

Should the CCTV become non-functional this will be reported immediately to the Licensing Authority.

CCTV cameras shall monitor all areas used by premise patrons including any external area to monitor numbers and prevent crime and disorder.

The occupancy shall be restricted to 50 persons in the premises (ground floor bar, restaurant and mezzanine floor). The occupancy figure includes staff, performers and public.

The Premises Licence Holder shall ensure that there are appropriate management controls to ensure that the occupancy figure is not exceeded at any time.

Litter will be cleared on a regular basis.

Notices will be posted reminding customers to vacate the premises in a quiet and peaceful manner.

The Licensee will adopt a "Challenge 21" policy where all customers who appear to be under the age of 21 and attempt to purchase alcohol or other age-restricted products are asked for proof of their age.

The Licensee to prominently display notices advising customers of the "Challenge 21" policy. The following proofs of age are the only ones to be accepted:

- Proof of age cards bearing the "Pass" hologram symbol
- UK Photo Driving licence
- Passport

The Licensee will keep a written record of all staff authorised to sell alcohol, the record to contain the full name, home address, date of birth and national insurance number of each person so authorised. The staff record to be kept on the licensed premises and made available for inspection by the Licensing Officer, Trading Standards or the Police.

The Licensee will ensure that each member of staff authorised to sell alcohol has received adequate training on the law with regard to age restricted products and that this has been properly documented and training records kept. The training record to be kept on the licensed premises and made available for inspection by the Licensing Officer, Trading Standards or the Police.

The Licensee will ensure that each member of staff authorised to sell alcohol is fully aware of his /her responsibilities in relation to verifying a customer's age and is able to effectively question purchasers and check evidence of proof of age.

The Licensee will ensure that each member of staff authorised to sell alcohol is sufficiently capable and confident to confront and challenge under - 18s attempting to purchase alcohol.

The licence holder will keep a register of refused sales of all age- restricted products (Refusals Book).

The refusals book will contain details of time and date, description of the attempting purchaser, description of the age restricted products they attempted to purchase, reason why the sale was refused and the name/signature of the salesperson refusing the sale.

The Refusals book will be examined on a regular basis by the Licensee and date and time of each examination to be endorsed in the book.

The Refusals Book will be kept on the licensed premises and made available for inspection by the Licensing Officer, Trading Standards or the Police.