

LICENSING SUB-COMMITTEE

MINUTES OF MEETING HELD ON MONDAY 18 MARCH 2024

Present: Cllrs Derek Beer, Les Fry and Emma Parker

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

Philip Crowther (Legal Business Partner - Regulatory), Kathryn Miller (Senior Licensing Officer), John Miles (Democratic Services Officer) and Joshua Kennedy (Democratic Services Officer)

Also present: Mr Philip Day (Solicitor for the Applicant), Mr Osmann Tanyel (Applicant), Mr Emrah Tanyel (Applicant), Mr Nigel Shearing (Respect Weymouth), Mr Mehdi Rezaei (Local Resident) and Mr John Bean (Dorset Police).

Also present remotely: Cllr Luke Wakeling (Weymouth Town Council).

183. **Election of Chairman and Statement for the Procedure of the Meeting**

Proposed by Cllr Derek Beer, seconded by Cllr Les Fry.

Decision: that Cllr Emma Parker be elected as chairman for duration of the meeting.

184. **Apologies**

Apologies for absence were received from Cllrs Sarah Williams and Paul Harrison, substituted by Cllrs Les Fry and Derek Beer.

185. **Declarations of Interest**

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

186. **Urgent items**

There were no urgent items.

187. **New Premises Licence Application for Baps and Pitta, 50 St Mary Street, Weymouth, Dorset**

The Senior Licensing Officer introduced the report. One representation was received by Dorset Police, which requested that a condition be added to the licence.

The meeting was adjourned for 5 minutes.

Mr Day spoke on behalf of the applicant and suggested that there should be a risk assessment with regard to the deployment of door staff. The risk assessment would have to be in writing and determine if it was appropriate to deploy SIA door staff on any day or times. He informed that the police wanted to uphold their condition to have SIA door staff for any date that would be open late and to have at least two door supervisors. If there was a problem that the risk assessment did not address, then the premises would be recalled for a review on the licence. He added that they would be happy for any required risk assessment for SIA door staff to include a requirement to consult the Police and to take into account their views particularly for the peak season and particular events in the town. He informed that for a small premises to have two door staff at the door would be commercially unviable and would not work. Opening a new takeaway would not bring new people into town that were not already there. He identified the main problems with late night takeaways was queuing and having a drink.

In response to questions from Cllrs, Mr Day informed that there would be 3 full time and one part time members of staff working at the premises. They would ensure that customers do not cause any problems. He agreed that a telephone number and website address could be provided. He requested that the toilets be closed after 23.00 hours due to concerns that opening the toilets brought the risk of drug use and sexual assaults.

Mr Tanyel made the committee aware that the acoustic report found that the sound from the premises would not cause disturbance. A soundproof ceiling had been installed to reduce noise further.

Mr Bean from Dorset Police raised that the police conditions to have SIA trained security staff at the premises would give comfort to local residents and prevent crime and disorder. Door staff would be able to manage the queue and persuade people to move on if they became loud and noisy and manage the toilets whether they were open or closed. He said that a risk assessment would not deal with an issue as it arose and so the Police wished to deal with the potential for crime and disorder now and not at a review. In response to questioning, he informed that the condition for 2 door staff was added so that they could back up each other. If one was on their own, it would be a greater danger. Mr Bean also stated that the Police's concern would be addressed by having SIA door supervisors during the proposed hours on Friday, Saturday, and Bank Holiday Sundays.

Mr Shearing represented Respect Weymouth expressed concerns regarding crime and antisocial behaviour as shown in statistics and unreported petty crime. He covered that the premises was different to other local premises as it had a more diverse customer age groups and backgrounds. Unlike other premises, the takeaway would be in a pedestalled area, where people could congregate causing noise and disturbance. He raised concerns with people using the streets as toilets and believed the toilet should be opened to the public. There should be sit-in dining at all times and that the police's request for SIA door staff on Friday, Saturdays and Bank Holiday Sundays, should be a condition and not left to the applicant's own risk assessment. He added that opening times should stay the same as outlined in the planning application and SIA door staff should be employed during high-risk periods.

Mr Rezaei informed that late night takeaways near roads caused a lot of problems with people using the toilet in the streets. He said that his wife owns J's Kebabs and that he was not concerned with the applications impact on his wife's business.

Weymouth Town Councillor Mr Wakeling addressed the committee. The Town Council wanted the retention of the inner door to help to retain sound and that toilets should be available to customers. He agreed that it would not be ideal to have a wait and see approach to door staff. He highlighted that trade in Weymouth was seasonal and therefore, having two door staff during the winter months would be excessive. Some premises licences in the area were out of date and had closed, like McDonalds. He said that the Town Council supported the cumulative impact area.

All parties were given the opportunity to have their say and sum up.

Decision

To GRANT a Premises Licence with the conditions consistent with the Operating Schedule and the conditions modified and added by the Licensing Sub-Committee as set out below, to permit the following:

The provision of late-night refreshments (indoors):

Sunday to Thursday 2300 to 0100 hours

Friday and Saturday 2300 to 0400 hours

Sundays falling on Bank Holiday weekends 2300 to 0300 hours

Conditions consistent with the amendments to the Operating Schedule and Conditions and Conditions added and/or modified by the Licensing Sub-Committee

General

1. No alcohol shall not be permitted to be consumed on the premises.
2. All staff working in the premises after 2300 hours shall be trained with regard to the four licensing objectives and the conditions of the Premises Licence. A written record of all training (including refresher training to be provided at least once a year) shall be maintained and made available for inspection by the Licensing Authority, the Police and other authorised officers on request.

The prevention of crime and disorder

3. A digital CCTV system shall be installed and thereafter maintained in good working order that covers all internal parts of the premises, except the WC.

Recordings shall be retained for a minimum of 31 days.

Facilities shall be made available to allow the Licensing Authority, the Police and other authorised officers to view recordings whenever the premises are open to the public and to be provided with copies in a playable format as soon as is reasonable practicable, provided all requests to view recordings or be provided with copies are compliant with data protection regulations.

A member of staff trained and authorised to operate the CCTV system shall be on duty whenever the premises are open.

The system shall be checked at least weekly, a written record shall be

maintained of the checks, any fault notified to the police and rectified as soon as possible.

Public Safety

4. Where possible furniture to be fixed in place.
5. No glass bottles to be served for soft drinks; only plastic bottles or cans
6. First aid equipment kept on the premises & a first aider on duty.

The prevention of public nuisance

7. Bins are to be collected daily by specialist waste management company and not be accessible by patrons.
8. Signage shall displayed at the exit from the premises asking all patrons to "Leave quietly & respect our neighbours".
9. Unless consuming food on the premises, all customers will be asked to leave the premises once they have collected their order and not to congregate around the outside of the building.
10. All ventilation and extract systems are to be designed and maintained so as to prevent noxious smells causing a nuisance to nearby properties
11. All bins / refuse receptables to be cleaned on a weekly basis

The protection of children from harm

12. Children (i.e. persons under the age of 18) shall not be permitted in the premises after 23:00 hours.

[Amend WC condition.]

Conditions added and/or modified by the Licencing Sub-Committee

13. During the periods of:

- the Easter school holidays;
- Spring Bank Holiday to the end of the first weekend in September inclusive;
- the weekend immediately before Christmas Eve until New Year's Eve inclusive; and
- during any large event taking place in Weymouth as notified by the Police,

there shall be a minimum of two door supervisors on duty from 0000 hours until the premises are closed and cleared of customers. The premises licence holder shall ensure that all door supervisors on duty at the premises are registered or accredited by the Security Industry Authority (SIA).

The premises licence holder shall undertake a written risk assessment to cover all other times to determine whether or not it is appropriate to deploy SIA registered door supervisors on any particular days or times. The premises licence holder shall consult the Police in preparing the risk assessment and the risk assessment shall be reviewed at least once every three months, following any incident or crime and disorder at or in the near vicinity of the premises or at the request of the

Police. A copy of the risk assessment shall be provided to the Police and the Licencing Authority on request.

14. The premises licence holder shall carry out a risk assessment to determine whether any measures which are necessary, including the deployment of SIA registered door supervisors to ensure that the toilets at the premises are not used for the purposes of crime or disorder.
15. The customer toilet inside the premises shall be available to the public at all times when the premises is open.
16. Disposal of any waste, including glass bottles, into waste receptacles outside the premises will not be permitted to take place between 2200 and 0800 hours to minimise disturbance to nearby occupiers.
17. The premises licence holder shall ensure that any litter originating from the premises within a 50 metre of the premises is collected immediately after the premises have closed to the public each day and disposed of at the premises.
18. A direct telephone number and e-mail address for the manager at the premises shall be included on any website for the premises and made available to residents and businesses within a 50 metre radius of the premises. The telephone shall be staffed by the manager or designated member of staff at all times when the premises is open.

188. Exempt Business

There was no exempt business.

Duration of meeting: 2.00 - 4.30 pm

Chairman

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