



Licensing Sub-Committee

Date: Monday, 18 March 2024
Time: 2.00 pm
Venue: Council Chamber, County Hall, Dorchester, DT1 1XJ

Members (Quorum: 3)
Derek Beer, Les Fry and Emma Parker

Chief Executive: Matt Prosser, County Hall, Dorchester, Dorset DT1 1XJ

For more information about this agenda please contact Democratic Services
Meeting Contact 01305 224877 john.miles@dorsetcouncil.gov.uk

Members of the public are welcome to attend this meeting, apart from any items listed in the exempt part of this agenda.

For easy access to all the council's committee agendas and minutes download the free public app called Modern.Gov for use on any iPad, Android, and Windows tablet. Once downloaded select Dorset Council.

Agenda

Item		Pages
1.	ELECTION OF CHAIRMAN AND STATEMENT FOR THE PROCEDURE OF THE MEETING	3 - 6
	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 disclose any pecuniary, other registrable or non-registrable interests as set out in the adopted Code of Conduct. In making their disclosure councillors are asked to state the agenda item, the nature of the interest and any action they propose to take as part of their declaration. If required, further advice should be sought from the Monitoring Officer in advance of the meeting.	

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 BAPS AND PITTA, 50 ST MARY STREET, WEYMOUTH, DORSET 7 - 110

An application has been made for a new premises licence for Baps & Pitta, 50 St Mary Street, Weymouth for late night refreshment (indoors). 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

There are no exempt items scheduled for this meeting.



THE LICENSING ACT 2003 (HEARINGS) REGULATIONS 2005

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 leave, and may refuse that person to return, 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 Services 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
 - the council officers present
 - the parties and their representatives
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.
8. The Chairman will ask any person who has made representations, who have 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 sub-committee will withdraw from the meeting to consider its decision in private. The sub-committee will be accompanied by the Democratic Services Officer and the Legal Advisor can be called upon to offer legal guidance.
11. The Chairman will:
 - advise when the sub-committee’s decision will be confirmed in writing.
 - Inform those present of their right to appeal to the Magistrates’ Court.

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.

The meeting will take place in public. However, the public can be excluded from all or part of the meeting 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.

This page is intentionally left blank

Licensing Sub Committee

18 March 2024

New premises licence application for Baps and Pitta, 50 St Mary Street, Weymouth, Dorset

For Decision

Portfolio Holder: Cllr L Beddow, Culture and Communities

Local Councillor(s): Cllr Orrell

Executive Director: J Britton, Executive Lead of Place

Report Author: Kathryn Miller

Job Title: Senior Licensing Officer

Tel: 01305 252214

Email: Kathryn.miller@dorsetcouncil.gov.uk

Report Status: Public

Brief Summary: An application has been made for a new premises licence for Baps & Pitta, 50 St Mary Street, Weymouth for late night refreshment (indoors). 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.

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

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.

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

1. Background

- 1.1 Section 4 of the Licensing Act 2003 sets out the duties of the Licensing Authority, it sets out that a Council's licensing functions must be carried out with a view to promoting the four licensing objectives of:
- (a) the prevention of crime and disorder;
 - (b) public safety;
 - (c) the prevention of public nuisance; and
 - (d) the protection of children from harm.
- 1.2 All applications and decisions are made with due regard to the [Licensing Act 2003](#) (the Act), the [Revised Guidance issued under Section 182 of the Licensing Act 2003](#) (the Guidance) and the [Dorset Council Statement of Licensing Policy](#) (the Policy).

2. Details of the application

- 2.1 An application has been made for a new premises licence for Baps & Pitta, 50 St Mary Street, Weymouth, Dorset and has been submitted to the Licensing Authority by Osman Tanyel. The application and floor plan can be found at Appendix 1.
- 2.2 The description of the premises within the application form is:
- "Ground floor café/takeaway".
- 2.3 The application is to permit:
- Late night refreshment (indoors)
 - Sunday to Thursday 2300-0300 hours
 - Friday & Saturday 2300-0400 hours
 - Food served for consumption on the premises before 2300 hours, takeaway only after 2300 hours.

2 Responsible Authorities

3.1 Section 13 of the Licensing Act contains the list of Responsible Authorities who must be consulted on each application. Dorset Police, Dorset and Wiltshire Fire Service, Public Health Dorset, the Immigration Authority, Dorset Council Trading Standards, Dorset Council Children's Services, Dorset Council Planning, Dorset Council Licensing, Dorset Council Environmental Protection and Dorset Council Health and Safety have all been consulted.

3.2 Dorset Police have made a representation under the Prevention of Crime and Disorder Licensing Objective, and requested the following condition be added to any licence granted. Their e-mail can be found at Appendix 2:

When the premises are open for licensable activities after midnight, there shall be two SIA door staff employed until the premises are closed and cleared of all patrons.

3.3 No other comments have been received from the remaining Responsible Authorities.

4 Representations from other persons

4.1 There were two relevant representations received from the Ward Member and Weymouth Town Council based on the Prevention of Crime and Disorder and Prevention of Public Nuisance. These representations can be found at Appendix 3.

4.1 There were five relevant representations received from members of the public. The objections relate to Prevention of Crime and Disorder, Public Safety, and the Prevention of Public Nuisance. The objections relate to noise and anti-social behaviour, these e-mails can be found at Appendix 4.

4.2 The solicitor for the Applicant has produced a written submission which contains several documents, one of which is a new set of proposed conditions that would be added to licence if the Sub Committee were minded to grant it:

Late night refreshment shall only be provided by way of take-aways and deliveries – it's consumption inside the premises will not be permitted. Patrons shall not be permitted to consume alcohol on the premises All staff working in the premises after 23;00 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 Police and other authorised officers on request.

The prevention of crime and disorder

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 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 reasonably 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.

The holder of the Licence shall undertake a written risk assessment to determine whether or not it is appropriate to deploy SIA registered door supervisors on any particular days or times and shall then deploy such door supervisors as may be determined by the outcome of the risk assessment

The risk assessment shall be reviewed at least once a year, 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 Licensing Authority on request.

Crime prevention notices are displayed warning customers of the possibility of crime which may target them, e.g. "Bags should not be left unattended", "Watch out for Pickpockets".

Toilet to be closed to the public after 11:00 pm

Public Safety

Where possible furniture to be fixed in place

No glass bottles to be served for soft drinks only plastic / cans

First aid equipment kept on the premises & a first aider on duty.

The prevention of public nuisance

Bins are to be collected daily by specialist waste management company and not be accessible by patrons.

Signage shall displayed at the exit from the premises asking all patrons to “Leave quietly & respect our neighbours”

Patrons will be asked to leave the premises once they have collected their order & not to congregate around the outside of the building.

Disposal of empty bottles into waste receptacles outside the premises will not be permitted to take place between the hours of 23:00 hrs and 07:00 hrs to minimise disturbance to nearby occupiers.

All ventilation and extract systems are to be designed and maintained so as to prevent noxious smells causing a nuisance to nearby properties.

All bins / refuse receptables to be cleaned on a weekly basis

The protection of children from harm

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

- 4.3 The solicitor acting for the Applicant has proposed amendments to the Application as follows:

Operating hours – Late Night refreshment

As originally applied for:

Sundays to Thursdays: 11 p.m. to 3 a.m

Friday and Saturdays: 11 p.m. to 4 a.m.

“Food served for consumption on the premises or takeaway before 11 pm with takeaway only after 11 pm”

“Bank Holidays to also open to 4 am

Amended application:

Sundays to Thursdays: 11 p.m. to 1 a.m

Friday and Saturdays: 11 p.m. to 4 a.m.

Sundays falling on Bank Holiday weekends 11 p.m. to 3 a.m.

Proposed limitation to be altered into a condition.

Opening Hours

As originally applied for:

Sundays to Thursdays: 11 p.m. to 3 a.m
Friday and Saturdays: 11 p.m. to 4 a.m.
“Bank Holidays to also open to 4 am”

Amended application:

Sundays to Thursdays: 11 p.m. to 1 a.m
Friday and Saturdays: 11 p.m. to 4 a.m.
Sundays falling on Bank Holiday weekends 11 p.m. to 3 a.m.

The full submission from the Applicant’s solicitor can be found at Appendix 5.

- 4.4 The representations contain some matters which are material considerations under planning but do not relate to the four Licensing Objectives. This would include any parts of the representations relating to the Highway, parking matters or amenity/need for a similar premises in the area. This application has been through the planning process, and these issues would have been considered at the time.
- 4.5 The relationship between planning and licensing is set out in paragraphs 6.2 to 6.5 of the Dorset Council Policy:

The use of premises for the sale or provision of alcohol, regulated entertainment or late-night refreshment is subject to planning control. Such use will require planning permission or must otherwise be lawful under planning legislation. Planning permission is generally required for the establishment of new premises or the change of use of premises.

In line with the S182 Guidance the planning and licensing regimes involve consideration of different (albeit related) matters. Licensing committees are not bound by decisions made by a planning committee, and vice versa.

Where businesses have indicated, when applying for a licence under the Act, that they have also applied for planning permission or that they intend to do so, licensing committees and officers will consider discussion with their planning counterparts prior to determination with the aim of agreeing mutually acceptable operating hours and scheme designs.

Where relevant representations are received, any decision on a licence application will not consider whether any decision to grant or refuse planning permission or building consent was lawful and

correct. It will take into account what the impact of granting the application will be on the four licensing objectives.

4.6 The Licensing Act 2003 Section 182 Guidance (the Guidance) sets out at 8.13 the role of “other persons”:

“As well as responsible authorities, any other person can play a role in a number of licensing processes under the 2003 Act. This includes any individual, body or business entitled to make representations to licensing authorities in relation to applications for the grant, variation, minor variation or review of premises licences and club premises certificates, regardless of their geographic proximity to the premises. In addition, these persons may themselves seek a review of a premises licence. Any representations made by these persons must be ‘relevant’, in that the representation relates to one or more of the licensing objectives. It must also not be considered by the licensing authority to be frivolous or vexatious. In the case of applications for reviews, there is an additional requirement that the grounds for the review should not be considered by the licensing authority to be repetitious. Chapter 9 of this guidance (paragraphs 9.4 to 9.10) provides more detail on the definition of relevant, frivolous and vexatious representations.

4.7 The Guidance states at paragraph 9.4 what a “relevant” representation is;

“A representation is “relevant” if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. For example, a representation from a local businessperson about the commercial damage caused by competition from new licensed premises would not be relevant. On the other hand, a representation by a businessperson that nuisance caused by new premises would deter customers from entering the local area, and the steps proposed by **the** applicant to prevent that nuisance were inadequate, would be relevant. In other words, representations should relate to the impact of licensable activities carried on from premises on the objectives.”

5. Considerations

5.1 The premises fall within the cumulative impact zone. The part of the policy relating to the cumulative impact policy is available under Background papers. 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.”

5.2 Paragraphs 9.42 to 9.44 of the Section 182 Guidance sets how the Licensing 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."

6 Financial Implications

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

7 Environment, Climate & Ecology Implications

None.

8 Well-being and Health Implications

None.

9 Other Implications

None.

10 Risk Assessment

10.1 **HAVING CONSIDERED:** the risks associated with this decision; the level of risk has been identified as:

Current Risk: Low

Residual Risk: Low

- 11 Equalities Impact Assessment
Not applicable
- 12 Appendices
Appendix 1 – premises licence application and plan
Appendix 2 – conditions requested by Dorset Police
Appendix 3 – representations from Ward Member and Weymouth Town Council
Appendix 4 – representations from interested parties
Appendix 5 – submission from Applicant’s solicitor
- 13 Background Papers
[Licensing Act 2003](#)
[Home Office Guidance issued under Section 182 of the Licensing Act 2003](#)
[Dorset Council Statement of Licensing Policy 2021](#)

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.

I/We Osman Tanyel
(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			
50 St Mary Street, Chapelhay, Weymouth			
Post town	Weymouth	Postcode	DT4 8PU

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£ 10250

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 *	X	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	Other Title (for example, Rev)
Surname TANYEL	First names OSMAN
Date of birth [REDACTED]	I am 18 years old or over <input checked="" type="checkbox"/> Please tick yes <input checked="" type="checkbox"/>
Nationality BRITISH	
Current residential address if different from premises address	
Post town [REDACTED]	Postcode [REDACTED]
Daytime contact telephone number [REDACTED]	
E-mail address (optional)	

Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 'share code' provided to the applicant by that service (please see note 15 for information)

Second individual applicant (if applicable)

Mr	Mrs	Miss	Ms	Other Title (for example, Rev)	
Surname			First names		
Date of birth or over		I am 18 years old		Please tick yes	
Nationality					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 'share code' provided to the applicant by that service: (please see note 15 for information)					

(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.

Name

Address
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
3	0	0623

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

DD	MM	YYYY

<p>Please give a general description of the premises (please read guidance note 1)</p> <p>Ground floor café / takeaway</p>
--

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

n/a

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)	

<u>Provision of late night refreshment</u> (if ticking yes, fill in box I)	✓
<u>Supply of alcohol</u> (if ticking yes, fill in box J)	

In all cases complete boxes K, L and M

A

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

B

Films Standard days and timings (please read guidance note 7)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 5)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 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			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Tue			
Wed			<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)
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	
				Outdoors	
				Both	
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 4)		
Tue					
Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 5)		
Thur					
Fri			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)		
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	
Day	Start	Finish		Outdoors	
Mon				Please give further details here (please read guidance note 4)	Both
Tue					
Wed			State any seasonal variations for the performance of live music (please read guidance note 5)		
Thur					
Fri			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)		
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	
Day	Start	Finish		Outdoors	
Mon				Please give further details here (please read guidance note 4)	Both
Tue					
Wed			State any seasonal variations for the playing of recorded music (please read guidance note 5)		
Thur					
Fri			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)		
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	
Day	Start	Finish		Outdoors	
Mon				Please give further details here (please read guidance note 4)	Both
Tue					
Wed			State any seasonal variations for the performance of dance (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 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	
Mon				Outdoors	
				Both	
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	x	
Day	Start	Finish		Outdoors		
				Both		
Mon	11pm	3am	<u>Please give further details here</u> (please read guidance note 4)			
Tue	11pm	3am		Food served for consumption on the premises or takeaway before 11pm with takeaway only after 11pm		
Wed	11pm	3am	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5)			
Thur	11pm	3am		Bank holidays to also open to 4am		
Fri	11pm	4am	<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 6)			
Sat	11pm	4am		Bank holidays to also open to 4am		
Sun	11pm	3am				

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	
				Off the premises	
				Both	
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					
			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)		

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):

Name	
Date of birth	
Address	
Postcode	
Personal licence number (if known)	
Issuing licensing authority (if known)	

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

<p>Hours premises are open to the public Standard days and timings (please read guidance note 7)</p>			<p><u>State any seasonal variations</u> (please read guidance note 5)</p> <p>Bank holidays to also open to 4am</p>
Day	Start	Finish	<p><u>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</u> (please read guidance note 6)</p> <p>Bank holidays to also open to 4am</p>
Mon	12 noon	3am	
Tue	12 noon	3am	
Wed	12 noon	3am	
Thur	12 noon	3am	
Fri	12 noon	4am	
Sat	12 noon	4am	

Sun	12 noon	3am	

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)

- No alcohol to be served on the premises
- No alcohol allowed to be consumed on the premises
- Staff trained to identify those under the influence of alcohol & drugs
- Staff trained how to contact Police in the event of requiring assistance or suspecting an incident may occur
- Anti-social behaviour discouraged
- CCTV in operation on site with signage displayed to notify patrons that CCTV is in operation on the premises

b) The prevention of crime and disorder

- CCTV in operation on site with signage displayed to notify patrons that CCTV is in operation on the premises
- CCTV system to be installed internally (inside service area, lobby to WC & internal lobby)
- Staff to be trained in operation of CCTV & how to download footage in a timely manner if required by Police.
- If CCTV fails staff are trained to inform Police by telephone & take steps to remedy the situation
- No alcohol to be served on the premises
- No alcohol allowed to be consumed on the premises
- No closed alcohol containers / cans / bottles to be allowed on the premises
- Staff trained to identify those under the influence of alcohol & drugs
- Staff trained how to contact Police in the event of requiring assistance or suspecting an incident may occur
- Anti-social behaviour discouraged
- Crime prevention notices are displayed warning customers of the possibility of crime which may target them, e.g. "Bags should not be left unattended", "Watch out for Pickpockets".
- Toilet to be closed to the public after 10.30pm

c) Public safety

- Where possible furniture to be fixed in place
- CCTV in operation on site with signage displayed to notify patrons that CCTV is in operation on the premises
- CCTV system to be installed internally (inside service area, lobby to WC & internal lobby)
- Staff to be trained in operation of CCTV & how to download footage in a timely manner if required by Police.
- If CCTV fails staff are trained to inform Police by telephone & take steps to remedy the situation
- No alcohol to be served on the premises
- No alcohol allowed to be consumed on the premises
- No closed alcohol containers / cans / bottles to be allowed on the premises
- We have conducted a suitable Fire Risk Assessment at the premises and implemented the necessary control measures
- Notices detailing the actions to be taken in the event of fire or other emergency are prominently displayed and maintained in good condition.
- Fire drill and emergency lighting tests are conducted weekly / monthly. Records of these tests are available upon request
- No glass bottles to be served for soft drinks only plastic / cans
- No other breakable items (eg. pottery cups or plates) to be served
- First aid equipment kept on the premises & a first aider on duty.
- Planning & listed building has been granted for the change of use & building alterations, we are in the process of applying for LBC to remove the inner lobby & inner door to improve flow of customers & safety but while this further application is being considered by the council we will keep the outer door open at all times when the business is open.

d) The prevention of public nuisance

- Bins to be collected daily by private waste management company
- Bins to be kept separate from patrons
- Signage displayed asking all patrons to "Leave quietly & respect our neighbours"
- No smoking signs on display
- Patrons will be asked to leave the premises once they have collected their order & not to congregate around the outside of the building
- Noise & odour information from planning / LBC applications (noise & odour assessments & mitigation) to be in action
- Disposal of empty bottles into waste receptacles outside the premises will not be permitted to take place between the hours of 23:00 hrs and 07:00 hrs to minimise disturbance to nearby occupiers.
- All ventilation and extract systems are designed and maintained so as to prevent noxious smells causing a nuisance to nearby properties
- All bins / refuse receptables to be cleaned on a weekly basis
- Refuse to be collected daily by a specialist waste management company
- Toilet to be closed to the public after 10.30pm

e) The protection of children from harm

- Children to only be allowed on premises when accompanied by an adult
- No children on the premises after 11pm
- Children are kept under adult supervision at all times
- Children are accounted for at all times in case of an evacuation or emergency

Checklist:**Please tick to indicate agreement**

•	I have made or enclosed payment of the fee.	✓
•	I have enclosed the plan of the premises.	✓
•	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.	✓
•	I understand that if I do not comply with the above requirements my application will be rejected.	
•	[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 or my share code issued by the Home Office online right to work checking service (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, or have
--------------------	--

	conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)
Signature	
Date	18/01/24
Capacity	Applicant

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

Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.

2. In terms of specific regulated entertainments please note that:
- Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
 - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
 - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
 - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
 - Live music: no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
 - Recorded Music: no licence permission is required for:
 - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the

- performance from a person who is responsible for the premises.
 - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
 - Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
 - Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
 4. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
 5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
 6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
 7. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.
 8. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
 9. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
 10. Please list here steps you will take to promote all four licensing objectives together.
 11. The application form must be signed.

12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
13. Where there is more than one applicant, each of the applicants or their respective agent must sign the application form.
14. This is the address which we shall use to correspond with you about this application.
15. Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:
 - A licence may not be issued to an individual or an individual in a partnership which is not a limited liability partnership who is resident in the UK who:
 - does not have the right to live and work in the UK; or
 - is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have the right to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

They do this in one of two ways:

- 1) by providing with this application, copies or scanned copies of the documents which an applicant has provided, to demonstrate their entitlement to work in the UK (which do not need to be certified) as per information published on gov.uk and in guidance.
- 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

Home Office online right to work checking service.

As an alternative to providing a copy of original documents, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

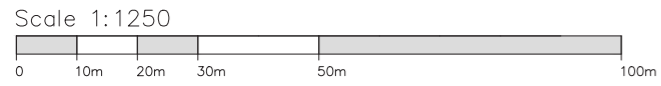
To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth, will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be shared digitally. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copies of documents as set out above.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

This page is intentionally left blank



Location Plan

REV	DATE	DESCRIPTION	DRAWN	CHECKED



BUILD ARCHITECTS
www.build-architects.co.uk

- Architecture
- Landscape
- Interiors
- Historic Buildings
- Masterplanning

This drawing is copyright of the Architect and shall not be reproduced without permission.

Check all dimensions and report any errors, or omissions.

Responsibility for setting out rests with the contractor, all dimensions & setting out to be checked on site prior to commencement of works.

Planning

CLIENT
Cafe Interior
50 St Marys Street
Weymouth

PROJECT
Location Plan
As Existing

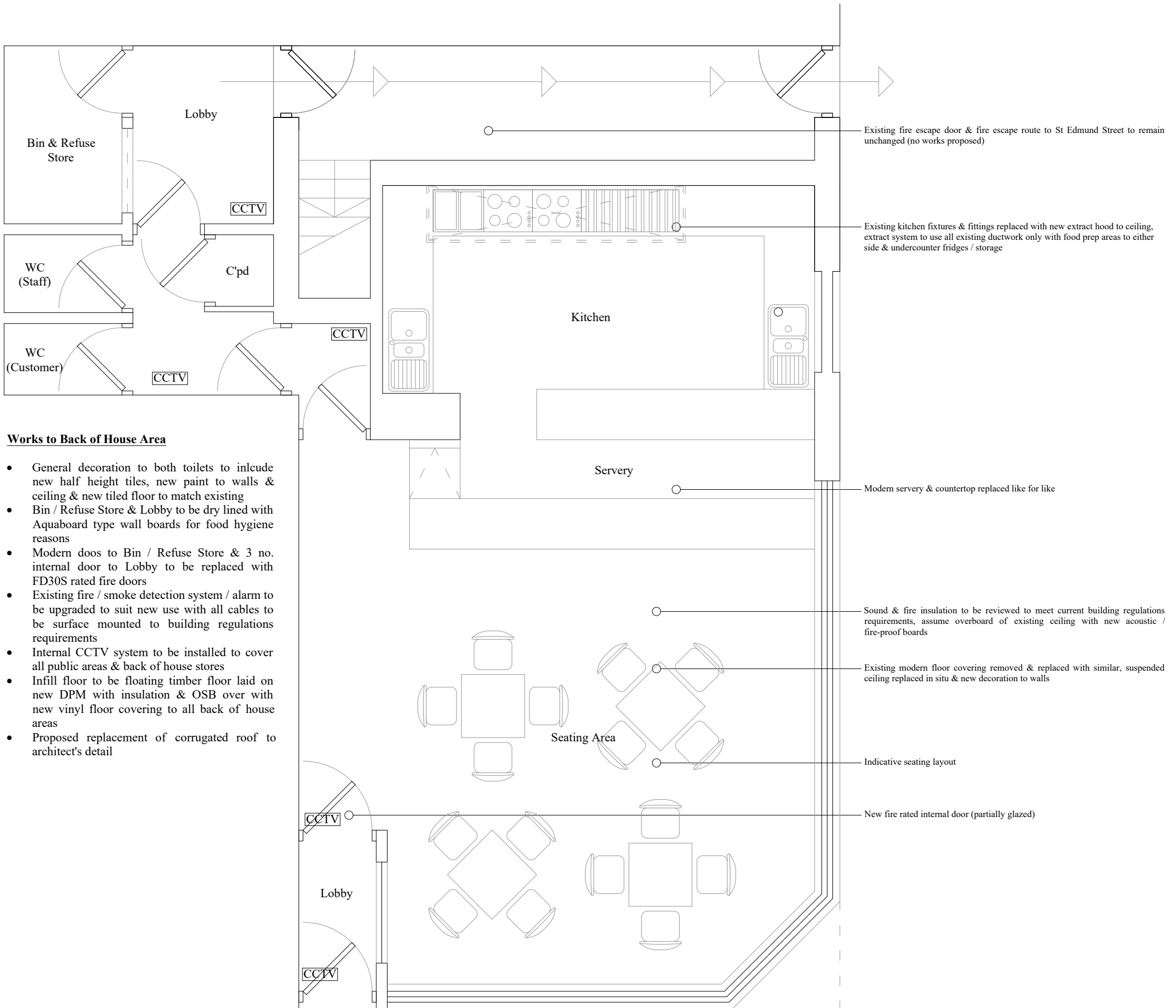
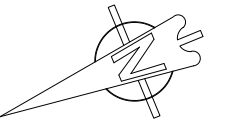
PROJECT NO
PP 001

DRAWING NO / **REVISION**

DATE / **SCALE**
August 2023 / 1:1250 @ A3

DRAWN BY / **CHECKED BY**
CM / ME

This page is intentionally left blank



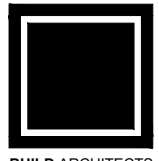
Works to Back of House Area

- General decoration to both toilets to include new half height tiles, new paint to walls & ceiling & new tiled floor to match existing
- Bin / Refuse Store & Lobby to be dry lined with Aquaboard type wall boards for food hygiene reasons
- Modern doors to Bin / Refuse Store & 3 no. internal door to Lobby to be replaced with FD30S rated fire doors
- Existing fire / smoke detection system / alarm to be upgraded to suit new use with all cables to be surface mounted to building regulations requirements
- Internal CCTV system to be installed to cover all public areas & back of house stores
- Infill floor to be floating timber floor laid on new DPM with insulation & OSB over with new vinyl floor covering to all back of house areas
- Proposed replacement of corrugated roof to architect's detail

- Existing fire escape door & fire escape route to St Edmund Street to remain unchanged (no works proposed)
- Existing kitchen fixtures & fittings replaced with new extract hood to ceiling, extract system to use all existing ductwork only with food prep areas to either side & undercounter fridges / storage
- Modern servery & countertop replaced like for like
- Sound & fire insulation to be reviewed to meet current building regulations requirements, assume overboard of existing ceiling with new acoustic / fire-proof boards
- Existing modern floor covering removed & replaced with similar, suspended ceiling replaced in situ & new decoration to walls
- Indicative seating layout
- New fire rated internal door (partially glazed)

**Ground Floor Plan
As Proposed**

REV	DATE	DESCRIPTION	DRAWN	CHECKED
1	18/01/24	Late night refreshment licence application	ME	ME



BUILD ARCHITECTS
www.build-architects.co.uk

- Architecture
- Landscape
- Interiors
- Historic Buildings
- Masterplanning

This drawing is copyright of the Architect and shall not be reproduced without permission.

Check all dimensions and report any errors, or omissions.

Responsibility for setting out rests with the contractor, all dimensions & setting out to be checked on site prior to commencement of works.

Licencing

O Tanyel

Renovation Works
50 St Mary Street
Weymouth

Ground Floor Plan
As Proposed

2023 / 039

PP 051 /

Jan 2024 1:50 @ A3

ME ME

This page is intentionally left blank

Licensing

From: Bean, John [REDACTED]
Sent: 26 February 2024 15:22
To: Licensing
Cc: Joanna Jesson; Kathryn Miller
Subject: Baps and Pizza 50 St Mary Street Weymouth

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Jo

I refer to the above premises licence application and would confirm that under Section 18 (6) (a) of the Licensing Act 2003, relevant representations are made to the application.

The premises lies within the Cumulative Impact Area of Weymouth and as such the presumption under the Licensing Act 2003 is to refuse the application.

However, the applicant has the opportunity to demonstrate that the granting of the licensing will not add to issues of crime and disorder in the area.

Although, safeguards are noted within the application to assist with this matter, Dorset Police would wish to see the following condition applied to the licence:-

- 1) When the premises are open for licensable activities after midnight, there shall be 2 SIA door staff employed until the premises are closed and cleared of all patrons.

Regards

John Bean
Licensing Officer
Dorchester Police Station
Weymouth Avenue
Dorchester DT1 1QZ

[REDACTED]
[REDACTED]



This e-mail is intended for the named recipient(s) only and may contain privileged information, which is protected in law. If you have received this e-mail in error, please contact the sender to advise them and delete this e-mail. Unauthorised use, disclosure, copying or distribution is prohibited.

E-mail should not be regarded as a secure means of communication, we take all reasonable steps to ensure that e-mails are protected from malware, but cannot accept liability for any loss or damage, howsoever arising, as a result of their transmission to the recipients' computer or network.

For more information, or to contact us, please visit us at www.devon-cornwall.police.uk or www.dorset.police.uk

Licensing

Subject: FW: Open Licence Applications

From: Cllr. Jon Orrell [REDACTED]
Sent: 13 February 2024 09:42
To: Aileen Powell [REDACTED]
Subject: RE: Open Licence Applications

Dear Aileen

On the Baps and Pitta Weymouth application.

This area is within the cumulative impact zone to recognise the concentration of night time venues has reached saturation.

There are residents nearby who have formed an association to campaign against the noise and public urination in side streets.

I think that the venue proposals do not go far enough to serve the 4 licencing objectives in that anti social behaviour is very likely with patrons remaining in the vicinity or side streets to eat outside and then go the toilet in Helen Lane or Maiden Street side alleys. This is already a major problem.

So I urge:

1. Patrons to eat in. There are tables and chairs within the building from the previous café. These should be retained and used by those eating . Where are folk meant to eat at 2am? If it is in the street this will be noisy for local residents.
2. The toilets must remain open and fully operational until 3am or whenever the licencing hours extend. The Maiden Street public toilets are closed after 8pm. Pubs have loos. It is vital that an establishment serving fluid and food maintains its own toilets for its patrons.
3. The double doors should remain to contain noisy groups from disturbing the peace.

If these conditions cannot be met then I would urge that the cumulative impact zone provision be observed and no licence granted.

Thanks
Jon
Cllr Orrell

Licensing

From: Planning Advisory Committee - Weymouth TC
[REDACTED]
Sent: 21 February 2024 10:41
To: Licensing
Subject: License Application - Baps & Pittas, Weymouth
Categories: Jo

Dear Licensing Team

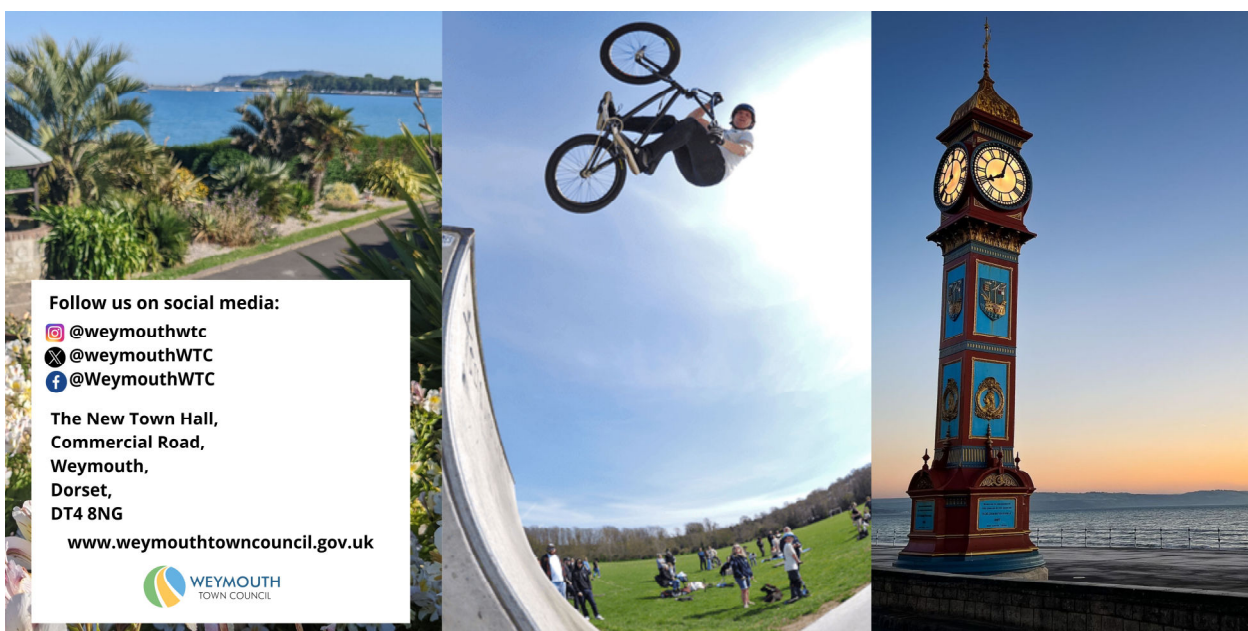
With regards to the above licensing application, please find below a representation from Weymouth Town Council:

“The Council wishes to object to the application based on the licensing objectives of “prevention of crime and disorder” and “prevention of public nuisance”. The applicant states that they will close the toilets at 10.30pm to prevent crime and disorder. However, a lack of customer toilets will increase disorder and antisocial behaviour in the local area. Closing the toilet will directly cause antisocial behaviour with abuse of side streets, such as Helen Lane. The Council would request that the applicant provides a toilet for paying customers to use throughout all of their opening hours. The double door entry is worth retaining to cut down on noise and nuisance to neighbours. People should be able to eat within the establishment, not directed to the street where they will cause littering and nuisance noise.”

Many thanks

Niki Ayles
Civic & Democratic Officer

[REDACTED]
[REDACTED]
[REDACTED]



Weymouth Town Council is committed to protecting your personal data; if you would like to find out more about this please visit www.weymouthtowncouncil.gov.uk/privacy-policy/

For the latest council news and information visit www.weymouthtowncouncil.gov.uk

This e-mail and any files transmitted with it are intended solely for the use of the individual or entity to whom they are addressed. It may contain unclassified but sensitive or protectively marked material and should be handled accordingly. Unless you are the named addressee (or authorised to receive it for the addressee) you may not copy or use it, or disclose it to anyone else. If you have received this transmission in error please notify the sender immediately. All traffic may be subject to recording and/or monitoring in accordance with relevant legislation. Any views expressed in this message are those of the individual sender, except where the sender specifies and with authority, states them to be the views of Weymouth Town Council. Weymouth Town Council does not accept service of documents by fax or other electronic means. Virus checking: Whilst all reasonable steps have been taken to ensure that this electronic communication and its attachments whether encoded, encrypted or otherwise supplied are free from computer viruses, Weymouth Town Council accepts no liability in respect of any loss, cost, damage or expense suffered as a result of accessing this message or any of its attachments. For information on how Weymouth Town Council processes your information, please see www.weymouthtowncouncil.gov.uk

This page is intentionally left blank

Licensing

From: [REDACTED]
Sent: 25 February 2024 11:18
To: Licensing
Subject: Baps and Pittas Late Food Licence Application

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Jo

Dear Licensing.

Please acknowledge this independent representation for the Baps and Pittas Late Food Licence Application. I am supported by Respect Weymouth (North Harbourside) and agree with the report they have submitted. Please set this as my own position.

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Licensing

From: [REDACTED]
Sent: 22 February 2024 15:56
To: Licensing
Follow Up Flag: Follow up
Flag Status: Flagged
Categories: Jo

Dear Licensing.

Please acknowledge this independent representation for the Baps and Pittas Late Food Licence Application. I am supported by Respect Weymouth (North Harbourside) and agree with the report they have submitted. Please set this as my own position.

Yours sincerely

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Licensing

From: [REDACTED]
Sent: 23 February 2024 16:36
To: Licensing
Subject: Baps and Pittas Late Food Licence Application
Categories: Jo

Dear Licensing,

Please acknowledge this independent representation for the Baps and Pittas Late Food Licence Application. I am supported by Respect Weymouth (North Harbourside) and agree with the report they have submitted. Please set this as my own position. I only add one question, have the police had a say in this application? If yes what was their view, if not why not, given the “activities “ that go on in these “bar” types places, to “supplement” their generally low revenue?

Yours sincerely

[REDACTED]
[REDACTED]

Respect Weymouth (North Harbourside)

Baps and Pitta Application for a Late Food Licence

Deadline for Comments 26 February

The Committee for the above Community Support Group has agreed to the following representation. It objects to the application on the following grounds.

OVERALL

This application is likely to increase adverse impacts to the cumulative impact area (CIA).

This late night food establishment does not offer anything new to the area after 23.00.

Its location is far too close to diverse, late opening bars and nightclubs with very different cultures. Lack of crowd dispersal is likely to lead to flash points in the area.

There are numerous late night food establishments within easy walking distance of this venue that are not adjacent to late night alcohol establishments. These play an important role in designing out crime here by encouraging the dispersal of large numbers of persons away from adjacent nightclubs, bars and residential areas. This can exceed 300 at peak times.

The requested hours in this application, Sunday to Thursday until 03.00, and Friday to Saturday to 04.00 do not align to the hours sought in the recent planning application. See below.

Reference: P/LBC/2023/04774

<https://planning.dorsetcouncil.gov.uk/plandisp.aspx?recno=399157>

Design Access and Heritage Statement

“It is proposed that the business will open 7 days a week from 4pm each day although we would seek that a 12-noon opening time is agreed. The business would trade until 1am from Sunday to Thursday and until 4am on Friday and Saturday only in peak season with a 1am closing time for the rest of the year. This will service the needs of the local economy with a number of cafes, bars & late venues in the area there is a need for quality takeaway food which the applicant is looking to provide.”

Application Form

Use Class:

Other (Please specify): Sui Generis Hot-Food Take-away.

Unknown: No

Monday to Friday: Start Time: 12:00

End Time: 01:00

Saturday: Start Time: 12:00

End Time: 04:00

Sunday / Bank Holiday:

Start Time: 12:00

End Time: 01:00

There are conflicting requirements in the latter, but the script clarifies the intention.

It seems the applicant has said one thing to secure planning and is now seeking another, which could increase adverse impacts to the CIA and licensing objectives.

Dorset Police have already raised concerns about this premises. They objected to the planning application on the grounds of crime and disorder.

Reference: P/FUL/2023/04773

<https://planning.dorsetcouncil.gov.uk/plandisp.aspx?recno=399156>

“I have reviewed the plans and documents for the above proposed change of use and object to this application on the grounds of crime and disorder.

Late night food take-aways are often a “flash point” for anti-social behaviour especially when situated near to pubs and clubs and other late night establishments due to the large number of people congregating in one place.”

THE LICENSING OBJECTIVES

Prevention of Crime and Disorder

From a licensing perspective, this venue is situated in a CIA.

It is in the centre of one of the highest crime rate hot-spots across the CIA.

This hot-spot area has a high occurrence of ASB and violence/sexual offences when considered against the surrounding areas. See Appendix 2.

The police already struggle to attend ASB, Nuisance, and other crimes in the area, and residents/businesses/holiday lets/nightclub managers have to deal with the fallout from this.

The police have already stated that a takeaway in this location has the potential to affect crime and disorder through the creation of flash points. It seems obvious this would be worse in peak holidays and the run up to bar/nightclub closing times.

The immediate area suffers from habitual street drinking problems right outside this building. It is likely that this will also exacerbate the impacts.

Take-Away establishments seem to make little effort in managing the impacts of crime in immediate areas outside. A notice in a window will have zero effect on intoxicated patrons. A previous well known takeaway in this pedestrianised street, now closed, employed security staff after 23.00 to try and manage the high occurrence of ASB.

It is a complete myth that late night food helps to reduce adverse symptoms of excessive alcohol and the potential for crime, Likely impacts are raised below at Public Nuisance.

Public Safety

The highest crime rates and hospitalised injuries for the Weymouth CIA involve the 16-34 year age group, as defined by a CIA impact assessment of 2020. See Appendix 2. This is the exact profile of the night time economy for the immediate area.

Prevention of Public Nuisance

It is likely that people and noise to the pedestrianised area in St Mary Street will be increased, especially Sunday to Wednesday when other venues are not physically open for the 'amended' hours now sought for this licence.

It is likely that patrons will consume their food on tables outside the Golden Lion, which are meant to be removed when licensed sitting out periods are over. This clearly has the potential to increase public nuisance for residents and guests in the immediate area.

It seems likely that litter will be increased.

Experience has demonstrated that public toileting and vomiting in shop doorways and residential streets is a significant problem around late night takeaways. A previous establishment in the immediate area demonstrated this clearly. Residents frequently had to deal with piles of takeaway vomit and human excrement outside front doors. This problem disappeared overnight when it closed.

Protection of Children from Harm

No matters to raise.

SUMMARY

There is no objection to the building's use as a cafe and takeaway without a late food licence, or if the late licence included sitting in meals only. But this is not what is applied for.

It seems very obvious that a late night food licence here has the potential to increase adverse impacts to the immediate CIA. This would clearly be unacceptable. The police have already raised this matter at the planning stage. The application also seeks to be open late during peak holidays and crime risk periods.

It does not appear that this application meets the Licensing Policy criteria for demonstrating there will be no impact to the area. It seeks to operate after midnight. It is not alcohol led, but it will clearly attract others who have consumed alcohol and recreational drugs. It has not brought anything new or culturally diverse to the area.

It is clear that once a takeaway is in place, enforcement action for matters of ASB, vomiting, public toileting etc, with a stretched police service is virtually nonexistent. This needs to be designed out at the application stage, rather than enabled for a fall after.

Police are already stretched and unable to attend many incidents of nuisance, ASB, and other crime in this area. Residents and businesses have to mop this up. In addition, the true level of crime and nuisance to the area is far greater than that presented in police statistics. Lack of attendance results in lack of reporting. That's a sad but honest fact.

The hours now sought contradict the hours presented for the planning application.

The council's licensing policy states that new applications in a CIA would normally be refused with relevant representations. If the council is minded to depart from this position after considering the risk of adverse impacts, the following is sought:

Open hours to reflect the original 'change of use' planning application, with amendments:

Base Hours

Sunday, to 00.00 (originally 01.00)

Monday - Saturday, to 01.00

Peak Hours - Bank Holidays/School Holidays

Friday - Saturday, open to 03.00 (originally Friday To Saturday 04.00), to help disperse crowds on closing of nearby venues.

Security staff to be employed from 00.00 to closing Friday to Saturday, to discourage ASB and crime immediately outside the premises. Employees will not be able to do this.

Venue to provide a sitting-in capability for consumption of food at all times.

Venue toilets to be available at all times, to help mitigate public toileting in the area.

Appendix 1

The following committee members have considered and agreed the position of this representation. This meets the requirements of the Group's constitution and the following members' involvement can be validated by personal contact, if necessary.

Respect Weymouth (North Harbourside) Support Group Committee		
Name	Address	Contact Email
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

Appendix 2

Dorset Council Cumulative Impact Assessment May 2020

The percentage share of ASB reports arising from the Melcombe Regis area compared to across Weymouth & Portland remains relatively high at around 40% of the total.

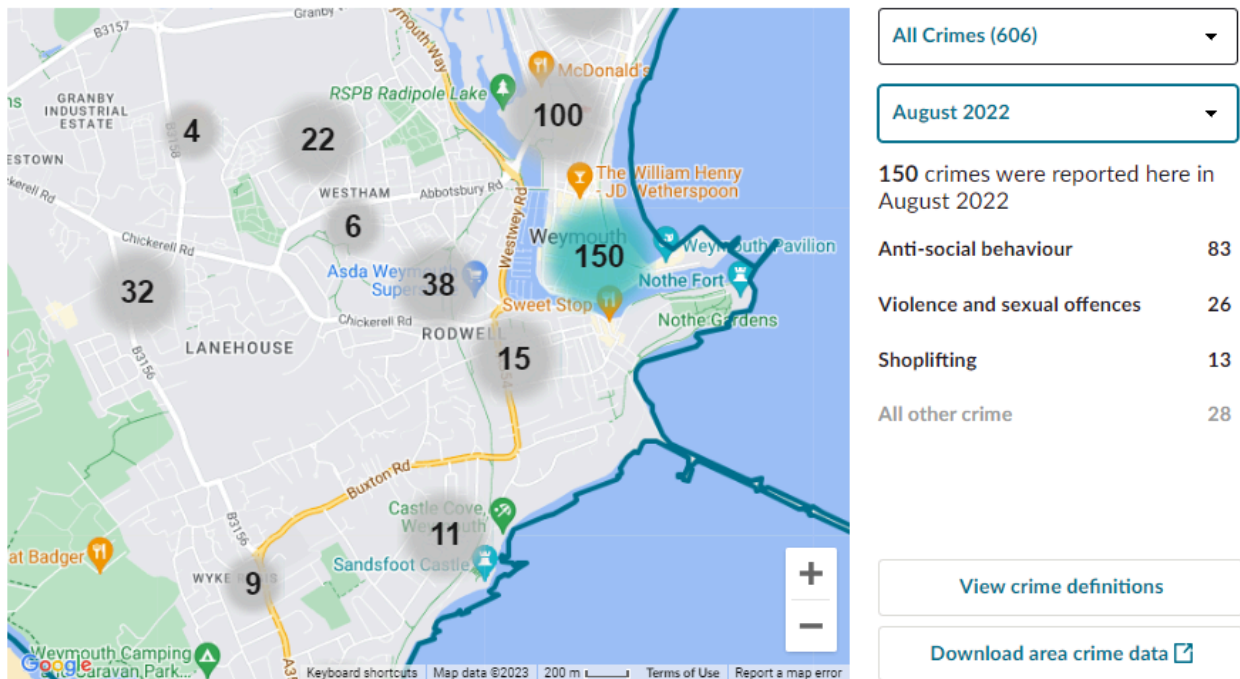
Public place assault location data also shows that the majority (46) of attendees at Dorset County hospital A+E arrived reporting an assault from within the Cumulative Impact Area.

The data also reveals that males aged 16-34 were the most likely to be assaulted

The data also shows that the majority of incidents occurred at the weekends with peaks during holiday seasons.

Police Crime UK - Statistics and Hot Spots for Weymouth Town Centre

Map 1 - Contextual map of August 2022 (2023 unavailable), showing high concentration of crime applications in the area of the application, at '150'.



Maps 2 - the following maps show hot-spots in the adjacent area of the application, shown '15' for January 2022.



All Crimes (475) ▾

January 2022 ▾

15 crimes were reported here in January 2022

Anti-social behaviour	6
Violence and sexual offences	5
Criminal damage and arson	1
All other crime	3

[View crime definitions](#)

[Download area crime data](#)



All Crimes (430) ▾

February 2022 ▾

19 crimes were reported here in February 2022

Violence and sexual offences	11
Anti-social behaviour	4
Public order	2
All other crime	2

[View crime definitions](#)

[Download area crime data](#)



All Crimes (514) ▾

March 2022 ▾

11 crimes were reported here in March 2022

Anti-social behaviour	6
Violence and sexual offences	4
Drugs	1

[View crime definitions](#)

[Download area crime data](#)



All Crimes (566) ▾

April 2022 ▾

25 crimes were reported here in April 2022

Violence and sexual offences	12
Anti-social behaviour	7
Other theft	4
All other crime	2

[View crime definitions](#)

[Download area crime data](#)



All Crimes (655) ▾

May 2022 ▾

15 crimes were reported here in May 2022

Anti-social behaviour	8
Violence and sexual offences	5
Drugs	1
All other crime	1

[View crime definitions](#)

[Download area crime data](#)



All Crimes (571) ▾

June 2022 ▾

18 crimes were reported here in June 2022

Violence and sexual offences	10
Anti-social behaviour	3
Criminal damage and arson	3
All other crime	2

[View crime definitions](#)

[Download area crime data](#)



All Crimes (634) ▼

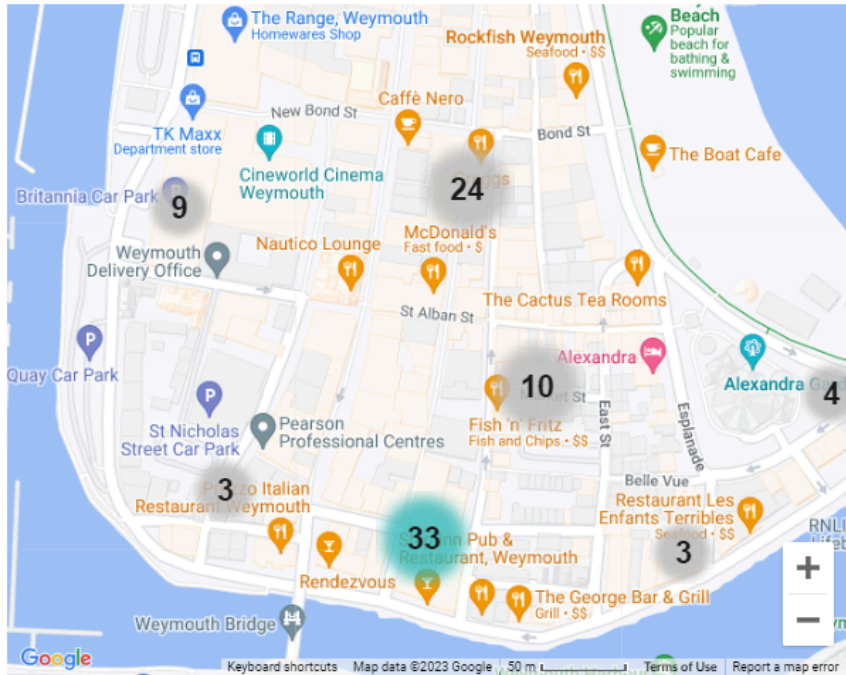
July 2022 ▼

21 crimes were reported here in July 2022

Anti-social behaviour	10
Violence and sexual offences	6
Other theft	3
All other crime	2

[View crime definitions](#)

[Download area crime data](#)



All Crimes (606) ▼

August 2022 ▼

33 crimes were reported here in August 2022

Anti-social behaviour	20
Violence and sexual offences	5
Criminal damage and arson	3
All other crime	5

[View crime definitions](#)

[Download area crime data](#)



All Crimes (443) ▾

September 2022 ▾

16 crimes were reported here in September 2022

Anti-social behaviour	10
Violence and sexual offences	6

[View crime definitions](#)

[Download area crime data](#)



All Crimes (543) ▾

October 2022 ▾

31 crimes were reported here in October 2022

Anti-social behaviour	16
Violence and sexual offences	10
Other theft	2
All other crime	3

[View crime definitions](#)

[Download area crime data](#)



All Crimes (514) ▼

November 2022 ▼

31 crimes were reported here in November 2022

Anti-social behaviour	20
Violence and sexual offences	9
Public order	2

[View crime definitions](#)

[Download area crime data](#)



All Crimes (392) ▼

December 2022 ▼

13 crimes were reported here in December 2022

Violence and sexual offences	6
Anti-social behaviour	5
Criminal damage and arson	1
All other crime	1

[View crime definitions](#)

[Download area crime data](#)



All Crimes (440)

January 2023

9 crimes were reported here in January 2023

Anti-social behaviour	5
Violence and sexual offences	3
Public order	1

[View crime definitions](#)

[Download area crime data](#)



All Crimes (367)

February 2023

8 crimes were reported here in February 2023

Violence and sexual offences	5
Criminal damage and arson	1
Other theft	1
All other crime	1

[View crime definitions](#)

[Download area crime data](#)



All Crimes (475) ▾

March 2023 ▾

16 crimes were reported here in March 2023

- Violence and sexual offences 11
- Anti-social behaviour 4
- Criminal damage and arson 1

[View crime definitions](#)

[Download area crime data](#)



All Crimes (506) ▾

April 2023 ▾

18 crimes were reported here in April 2023

- Anti-social behaviour 8
- Violence and sexual offences 6
- Other theft 2
- All other crime 2

[View crime definitions](#)

[Download area crime data](#)



All Crimes (551) ▼

May 2023 ▼

8 crimes were reported here in May 2023

- Anti-social behaviour 6
- Violence and sexual offences 2

[View crime definitions](#)

[Download area crime data](#)



All Crimes (574) ▼

June 2023 ▼

13 crimes were reported here in June 2023

- Violence and sexual offences 9
- Anti-social behaviour 2
- Criminal damage and arson 1
- All other crime 1

[View crime definitions](#)

[Download area crime data](#)



Added 14/02/2024





All Crimes (495) ▾

September 2023 ▾

16 crimes were reported here in September 2023

Violence and sexual offences	7
Anti-social behaviour	6
Burglary	1
All other crime	2

[View crime definitions](#)

[Download area crime data](#)



All Crimes (522) ▾

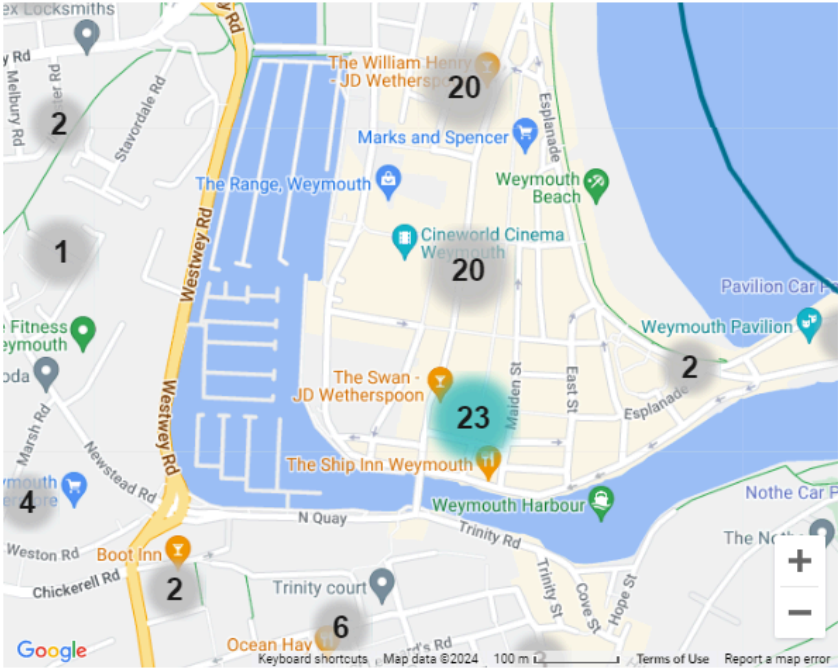
October 2023 ▾

27 crimes were reported here in October 2023

Violence and sexual offences	11
Anti-social behaviour	9
Shoplifting	4
All other crime	3

[View crime definitions](#)

[Download area crime data](#)



All Crimes (437)

November 2023

23 crimes were reported here in November 2023

Anti-social behaviour	8
Violence and sexual offences	6
Shoplifting	5
All other crime	4

[View crime definitions](#)

[Download area crime data](#)



All Crimes (459)

December 2023

27 crimes were reported here in December 2023

Anti-social behaviour	13
Violence and sexual offences	11
Shoplifting	2
All other crime	1

[View crime definitions](#)

[Download area crime data](#)

Licensing

From: [REDACTED]
Sent: 23 February 2024 20:19
To: Licensing
Subject: Babsandpita

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Jo

Dear licensing officer

Re:50 St Mary Street Dt4 8PU

I would like to object to the above application for the late night operating hours for the following reasons.

Directly above the premises are number of private residential premises owned by different individuals.

[REDACTED] [REDACTED] of 46 St Mary Street which has three flats above the shop. [REDACTED] [REDACTED] of 59 St Mary street with four flats above the shop. There are approximately 50 residential units within 50 yards of this application, which the exact numbers can be checked online. To allow this application would only open the gateway for the other three catering outlets to do the same. There are three take aways in the next Street which one already operates late hours.

Many thanks for taking time to read my objection.

Regards

[REDACTED]

Sent from my iPhone

**50 St Mary Street
Chapelhay, Weymouth
(to be known as “Baps and Pitta”)**

Applicant’s submission for the Hearing

Introduction

This is an application for the grant of a new Premises Licence authorising only the provision of late night refreshment in part of Weymouth that is within the Cumulative Impact Area of the Town.

The application has attracted representations from local people, the Town Council and the Police (but not from any other responsible authority).

There are here a number of issues to be considered but before addressing those, I will look at the application form itself.

The application form

This was not drafted by a specialist licensing lawyer and with respect to the author, it is defective in a number of ways.

It does not reflect the applicant’s intentions with regard to the opening hours of the premises and it is proposed to amend the same as follows:

Operating hours – Late Night refreshment

Sundays to Thursdays: 11 p.m. to 1 a.m

Friday and Saturdays: 11 p.m. to 4 a.m.

Sundays falling on Bank Holiday weekends 11 p.m. to 3 a.m.

Opening Hours

Sundays to Thursdays: 11 p.m. to 1 a.m

Friday and Saturdays: 11 p.m. to 4 a.m.

Sundays falling on Bank Holiday weekends 11 p.m. to 3 a.m.

Further, some of the conditions proposed are either:

Duplications of conditions proposed elsewhere in Section M of the form;

Duplicate other legislative or regulatory requirements and should not therefore be included;

Are unenforceable for one reason or another; and/or

Are badly drafted.

Please find attached two documents – the first includes all of the conditions originally proposed but is marked up with comments and additional conditions that are now proposed in response to the representation made by the Police in particular.

The second is in effect a “distilled” version containing only what the conditions would look like if the sub-committee was minded to both grant the licence and to accept the observations and proposals now being made.

In this regard, it is important to note that when granting a licence, the grant should be consistent with the Operating Schedule but not slavishly reproduce all that is included in the application form (and this is particularly true when the application has been made by someone who is not a specialist licensing practitioner, as is the case here).

The representations – an overview

Planning issues – hours sought

Much is made of the fact that the hours sought in the present application are not the same as were proposed in the planning application. However, it is important to note that the Planning Consents that were issued do not contain any restriction on hours. A copy of the same are attached (the Planning Consent itself and the Listed Building Consent).

As mentioned above, we propose an amendment to the permitted hours.

The toilet

In its response to the planning application (copied) the police commented on the risks attached to having the toilet open. The objectors request that it be kept open at all times. It is suggested that the police view should prevail (and this was included in the proposed conditions).

Eating in

The objectors ask that all late night refreshment be consumed inside the premises. This appears contrary to the view of the police and hence a condition was proposed that after 11 p.m. hot food and drink be supplied for take-away or delivery only – the police have not raised any objection to this.

The entrance lobby

Again, there seems to be a divergence of views. The plan submitted with the application shows what is proposed but to accommodate the concerns expressed by the police, further planning applications have been submitted. The applicant is content to take direction from the Licensing Authority and will change the entrance lobby if so requested (assuming planning consent is forthcoming).

Cumulative Impact

The consultant who submitted the planning application undertook a review of the opening hours of other licensed premises in the vicinity – a copy is attached.

The most significant of these is J's Kebabs at 54 St Thomas Street, but a few doors away from the application site.

These premises were trading until late for some time without a premises licence. When an application was eventually made, it attracted virtually no objections. Since being granted, we are not aware that the premises have caused any issues.

The relationship with planning

Planning and licensing are separate regimes but they overlap.

We pray in aid the planning officers report, a copy of which we attach but point to the following observations in particular (with my emphasis):

"It is considered that the use as a takeaway would maintain an appropriate mix of town centre uses which would benefit the vitality and viability of the town centre. As there are a variety of uses in the vicinity of the premises, the use as a takeaway would not result in a concentration of the same use in a small area of the town centre and therefore not necessarily be the cause of anti-social behaviour"

"The premises is located within a mixed commercial/residential area containing a high proportion of restaurant and bar uses as part of the town centre and served by busy roads where it is reasonable for residents to expect a certain level of activity close to their homes. There are a number of other premises within the town centre that have late night opening hours and the agent/applicant has provided a list of premises in the vicinity that are licensed to open as late as the applicant proposes. A site visit has verified that these businesses are operational.

"Given that the area comprises of a range of evening uses already and the character and function of the immediate area is well established in terms of serving the evening economy and given that the Environmental Protection Officer is satisfied that the development would not give rise to undue noise and disturbance and that there is no need for a condition to control hours of opening, it is considered that the addition of this one unit would not exacerbate the level of noise and disturbance to an unacceptable level that would be enough to justify refusing this application.

"The proposed use as a takeaway would have no significant adverse effect on the living conditions of occupiers of residential properties through loss of privacy and would not generate a level of activity or noise that would detract significantly from the character and amenity of the area.

"As such, the development would accord with Policy ENV16 of the West Dorset, Weymouth & Portland Local Plan (2015).

"It is considered that the proposal, subject to appropriate conditions, would not result in an undue adverse impact on the amenity of neighbouring residents nor that it would harm the vitality or viability of the town centre. On the contrary, the re use and appropriate renovation of the premises would preserve and enhance the significance of this heritage asset within the Conservation Area. Therefore, the scheme complies with policies ENV4, ENV10, ENV12, ENV14, ENV16, ECON4, WEY1 and WEY2 of the West Dorset, Weymouth & Portland Local Plan (2015)".

In conclusion

This is clearly a contentious application but it would appear that the only responsible authority to have made a representation is the Police and the applicant is happy to accommodate an additional condition relating to door supervision.

It is of note that the application in respect of the premises at 54 Thomas Street did not attract similar objections and has not apparently caused any issues and that the Town Council made no objection to the planning application (which in turn was granted without any restriction on hours).

By allowing a further "late night take away" in this immediate locality, if it is submitted that the usual concern about "flashpoints" would be reduced as people wanting food would have a choice of venues and would not be forced to congregate in one place, thereby reducing queuing and resulting in earlier dispersal of crowds from the vicinity.

We therefore request that the application be granted, subject to the amended hours and conditions proposed.

Attachments

- A copy of the conditions originally proposed with amendments and comments.
- A copy of the conditions now proposed
- Planning Consents (including Listed Building Consent)
- Police representation re planning
- Details of other premises opening hours
- Planning Officer's report

Philip Day – Partner
Laceys Solicitors LLP

██████████
████████████████████
██
██████████

5th March 2024



Planning Services

County Hall, Colliton Park
Dorchester, Dorset, DT1 1XJ

) 01305 838336- **Development Management**

) 01305 224289- **Minerals & Waste**

8 www.dorsetcouncil.gov.uk

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Date: 18 December 2023

Ref: P/FUL/2023/04773

Case Officer: Shanta Parsons

Team: Western and Southern

) [REDACTED]

* [REDACTED]

Planning Decision Notice

Full Planning Application

Town and Country Planning Act 1990

Town and Country Planning

(Development Management Procedure) (England) Order 2015

Application Number: P/FUL/2023/04773

Location: 50 St Mary Street Weymouth Dorset DT4 8PU

Description: Change of Use from Class E(b) Cafe/restaurant to Sui Generis Hot Food Take-away

Dorset Council **grants** planning permission for this development as detailed in the application. In making this decision the Council considered whether the application could be approved with or without conditions or should be refused.

This planning permission does not cover Building Regulations Approval or any other Byelaw, Order or Regulation. Please see our website www.dorsetcouncil.gov.uk/planning-buildings-land/building-control/building-control for more details about making a building regulation application and contacting our Building Control Team.

This planning permission is subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - PP001 Location Plan
 - PP021 Proposed Elevations
 - PP031 Proposed Sections
 - PP013 Proposed Roof Plan

PP010 A Existing and proposed ground floor plans

PP011 A Proposed ground floor plan

Reason: For the avoidance of doubt and in the interests of proper planning.

2. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: This condition is required to be imposed by Section 91 of the Town and Country Planning Act 1990 (as amended).

3. Prior to the development hereby approved being first brought into use, the approved kitchen extraction scheme as specified by Tunc Metal Ltd (London) contained within e-mail dated 02/10/2023 from Matthew Elsinor shall be installed and fully functioning and shall be retained for the duration of the permitted use.

Reason: In the interests of residential amenity.

4. Prior to the development hereby approved being first brought into use, the approved sound insulation as detailed within SoL Ecoustics Limited Technical Report dated 03/10/2023 shall be installed and shall be retained for the duration of the permitted use.

Reason: In the interests of residential amenity.

5. The new slate for the roof shall be natural slate to match the existing roof.

Reason: To preserve/enhance the character and appearance of the heritage asset.

6. All new and replacement rooflights shall be top hung metal Conservation rooflights with vertical glazing bar and fitted flush to the roof plane.

Reason: To preserve or enhance the character and appearance of the heritage asset.

Informatives:

1. Informative: National Planning Policy Framework Statement

In accordance with paragraph 38 of the NPPF the council, as local planning authority, takes a positive approach to development proposals and is focused on providing sustainable development.

The council works with applicants/agents in a positive and proactive manner by:

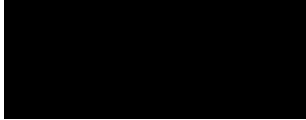
- offering a pre-application advice service, and

- as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

In this case:

- The applicant/agent was updated of any issues and provided with the opportunity to address issues identified by the case officer.
- The applicant was provided with pre-application advice.
- The application was acceptable as submitted and no further assistance was required.

Decision Date: 15 December 2023


Mike Garrity
Head of Planning
Economic Growth and Infrastructure

Planning Decision Notes

Power to grant planning permission

This permission is issued by Dorset Council as the local planning authority set out by the Town and Country Planning Act 1990 (as amended) and the Town and Country (Development Management Procedure) (England) Order 2015.

Site notice

If you have not already done so I would be grateful if you could take down and dispose of this application's site notice if it is still being displayed outside the property.

Conditions

You should not start work until you have agreed with the Council the information requested by the conditions. If you fail to do this the works on site could be unauthorised and the Council may consider enforcement action.

The information must be submitted in writing. There is a standard form which you can download from the website www.dorsetcouncil.gov.uk/planning. A fee is required each and every time you apply to discharge any or all of the conditions (£43 per request for householder applications, £145 per request for all other applications).

Please check that any plans approved under the building regulations match the plans approved in this planning permission or listed building consent. Do not start work until revisions are secured to either of the two approvals to ensure that the development has the required planning permission or listed building consent

Appeals

If you disagree with our planning decision or the attached conditions, then you can appeal to the Secretary of State (Planning Inspectorate) under section 78 (1) of the Town and Country Planning Act 1990.

If you want to appeal, then you must do so within Six Months of the date of this notice.

If an enforcement notice is served relating to the same or substantially the same land and development as in your application and you want to appeal against our enforcement notice, then you must do so within 28 days of the date of service of the enforcement notice.

If you intend to submit an appeal that you would like examined by inquiry, then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. <https://www.gov.uk/appeal-planning-decision>

An appeal must be made by the applicant. Forms are available on-line at Appeals - Appeals - Planning Portal

The Planning Inspectorate can allow a longer period for giving notice of an appeal, but they will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Planning Inspectorate need not consider an appeal if it seems that we could not have granted planning permission for the proposed development or could not have granted it without the conditions imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order.

The Planning Inspectorate does not normally refuse to consider appeals solely because we based our decision on a direction given by them.

For further information about making can be found at www.planningportal.co.uk

Southern Gas Networks – Overbuild Advisory

There are several risks created by building over gas mains and services. If you plan to dig, or carry out building work to a property, site or public highway you should check your proposal against the information held at <https://www.linesearchbeforeudig.co.uk/> for any underground services.

Purchase Notices

If either the Council or the Planning Inspectorate refuses permission to develop land or grants it subject to conditions, the owner may claim, in exceptional circumstances, that neither the land can be put to a reasonably beneficial use in its existing state, nor can the land be rendered capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

If this happens, the owner may serve a purchase notice on the Council. This notice will require the Council to purchase their interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990 (as amended).

Street Naming and Numbering

The Council is responsible for street naming and numbering within our district. This helps to effectively locate property for example, to deliver post or in the case of access by the emergency services. If this permission results in the creation, deletion or change to an address, you must let us know. You need to register the new or changed address by completing a form. You can find out more and download the form from our website www.dorsetcouncil.gov.uk



Planning Services

County Hall, Colliton Park
Dorchester, Dorset, DT1 1XJ

) 01305 838336- **Development Management**

) 01305 224289- **Minerals & Waste**

8 www.dorsetcouncil.gov.uk

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Date: 18 December 2023

Ref: P/LBC/2023/04774

Case Officer: Shanta Parsons

Team: Western and Southern

) [REDACTED]

* [REDACTED]

Planning Decision Notice

Listed Building Consent

Planning (Listed Buildings & Conservation Areas) Act 1990

The Planning (Listed Buildings & Conservation Areas) Regulations 1990

Application Number: P/LBC/2023/04774

Location: 50 St Mary Street Weymouth Dorset DT4 8PU

Description: Carry out internal alterations, repair fascia, replace perspex roof with slate roof and install 2no. Conservation rooflights to enable change of Use from Class E(b) Cafe/restaurant to Sui Generis Hot Food Take-away

Dorset Council **grants** listed building consent for the works as detailed in the application. In making this decision the Council considered whether the application could be approved with or without conditions or should be refused.

This consent does not cover Building Regulations Approval or any other Byelaw, Order or Regulation. Please see our website www.dorsetcouncil.gov.uk/planning-buildings-land/building-control/building-control for more details about making a building regulation application and contacting our Building Control Team.

This listed building consent is subject to the following conditions:

1. The work to which this listed building consent relates must be begun not later than the expiration of three years beginning with the date on which the consent is granted.

Reason: This condition is required to be imposed by reason of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

2. The works hereby permitted shall be carried out in accordance with the following approved plans:

PP001 Location Plan

PP021 Proposed Elevations

PP031 Proposed Sections

PP013 Proposed Roof Plan

PP011 A Proposed ground floor

PP010 A Existing & Proposed ground floor

Reason: To preserve the architectural and historical qualities of the building.

3. The new slate for the roof shall be natural slate to match the existing roof and the proposed rooflights shall be conservation style rooflights.

Reason: To preserve or enhance the character and appearance of the heritage asset.

Informatives:

1. Informative: National Planning Policy Framework Statement

In accordance with paragraph 38 of the NPPF the council, as local planning authority, takes a positive approach to development proposals and is focused on providing sustainable development.

The council works with applicants/agents in a positive and proactive manner by:

- offering a pre-application advice service, and
- as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

In this case:

- The applicant/agent was updated of any issues and provided with the opportunity to address issues identified by the case officer.

Decision Date: 18 December 2023


Mike Garrity
Head of Planning
Economic Growth and Infrastructure

Planning Decision Notes

Power to grant listed building consent

This permission is issued by Dorset Council as the local planning authority set out by section 16 of the Planning (Listed Buildings & Conservation Areas) Act 1990 and The Planning (Listed Buildings & Conservation Areas) Regulations 1990.

Site notice

If you have not already done so I would be grateful if you could take down and dispose of this application's site notice if it is still being displayed outside the property.

Conditions

You should not start work until you have agreed with the Council the information requested by the conditions. If you fail to do this the works on site could be unauthorised and the Council may consider enforcement action.

The information must be submitted in writing. There is a standard form which you can download from the website www.dorsetcouncil.gov.uk/planning. A fee is required each and every time you apply to discharge any or all of the conditions (£43 per request for householder applications, £145 per request for all other applications).

Please check that any plans approved under the building regulations match the plans approved in this planning permission or listed building consent. Do not start work until revisions are secured to either of the two approvals to ensure that the development has the required planning permission or listed building consent.

Appeals

If you disagree with our planning decision or the attached conditions, then you can appeal to the Secretary of State (Planning Inspectorate) under section 20 of the Town and Country Planning Act 1990.

If you want to appeal, then you must do so within Six Months of the date of this notice.

If an enforcement notice is served relating to the same or substantially the same land and development as in your application and you want to appeal against our enforcement notice, then you must do so within 28 days of the date of service of the enforcement notice.

If you intend to submit an appeal that you would like examined by inquiry, then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

An appeal must be made by the applicant. Forms are available on-line at Appeals - Appeals - Planning Portal

The Planning Inspectorate can allow a longer period for giving notice of an appeal, but they will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Planning Inspectorate need not consider an appeal if it seems that we could not have granted planning permission for the proposed development or could not have granted it without the conditions imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order.

The Planning Inspectorate does not normally refuse to consider appeals solely because we based our decision on a direction given by them.

For further information about making can be found at www.planningportal.co.uk

Street Naming and Numbering

The Council is responsible for street naming and numbering within our district. This helps to effectively locate property for example, to deliver post or in the case of access by the emergency services. If this permission results in the creation, deletion or change to an address, you must let us know. You need to register the new or changed address by completing a form. You can find out more and download the form from our website www.dorsetcouncil.gov.uk

From: [Oldfield, Debbie](#)
Sent: 12 October 2023 12:18
To: [Shanta Parsons](#)
Subject: P/FUL/2023/04773 - 50 South Street, Weymouth

Good Morning Shanta

I have reviewed the plans and documents for the above proposed change of use and **object** to this application on the grounds of crime and disorder.

Late night food take-aways are often a “flash point” for anti-social behaviour especially when situated near to pubs and clubs and other late night establishments due to the large number of people congregating in one place.

The current layout of the building is not suitable for a late night food take-away. The entrance lobby is very confined which makes entering and exiting difficult especially if there are a group of people together.

The public toilet is not overlooked and access to it is gained via two swing doors. Unfortunately, public toilets bring their own issues of drug abuse and sometimes sexual assaults especially when people have been drinking and the toilets are not segregated.

The table and chairs are not going to be fixed to the floor making them ideal weapons should a disturbance take place within the premises.

If planning is granted for this application then I would strongly ask that the following statements are made a condition of planning.

- CCTV is fitted within the entrance lobby, the eating area and a CCTV camera is placed in the corridor facing the public toilet. All staff to be trained in how to use the system including down loading footage in a timely fashion if required by Police.
- The tables and chairs are fixed to the floor so they cannot be used as weapons.
- Ideally, the internal door from the entrance lobby needs to be removed so the entrance is open and people have a clear view of people coming out. I see from the ground floor layout that a new fire rated door is being fitted so removal must be done in conjunction with Fire Regulations and advice sought from the Fire Service.

If you require any further information from me please do not hesitate to get in touch.

Yours sincerely

Debbie

Crime Prevention/Designing Out Crime Officer

*Complex Problem Solving Team
Prevention Department
Dorset Police*

This e-mail is intended for the named recipient(s) only and may contain privileged information, which is protected in law. If you have received this e-mail in error, please contact the sender to advise them and delete this e-mail. Unauthorised use, disclosure, copying or distribution is prohibited.

E-mail should not be regarded as a secure means of communication, we take all reasonable steps to ensure that e-mails are protected from malware, but cannot accept liability for any loss or damage, howsoever arising, as a result of their transmission to the recipients' computer or network.

For more information, or to contact us, please visit us at www.devon-cornwall.police.uk or www.dorset.police.uk

OPENING HOURS – OTHER PREMISES

PUBS/BARS/NIGHTCLUBS	PERMITTED (LICENSED) HOURS
The Golden Lion 19 St. Edmund Street DT4 8AR	Mon-Thurs: 08.00 - 02.00; Fri/Sat: 08.00 - 03.00; Sun: 08.00 - 01.00
The Duke of Cornwall 1 St Edmund Street DT4 8AS	Mon - Sun: 11.00 - 02.30
The Closet 38a Maiden Street DT4 8BA	Mon - Sun: 09.00 - 05.00
Chic Bar & Nightclub Maiden Street DT4 8BB	Mon - Sun: 11.00 - 03.00
The Globe Inn 24 East Street DT4 8BN	Mon - Sun: 09.00 - 01.30
The George Bar & Grill 2 Custom House Quay DT4 8BE	Mon - Sun: 08.00 - 02.00 plus some allowable exceptions (e.g. Bank Holidays): 08.00 - 03.00
The Ship Inn Custom House Quay DT4 8BE	Mon - Sun: 08.00 - 02.00
The Royal Oak 1 Custom House Quay DT4 8BE	Sun - Thurs: 10.00 - 00.00; Fri/Sat: 10.00 - 02.00
The Anchor Custom House Quay DT4 8BE	Sun - Wed: 09.00 - 03.00; Thurs - Sat: 09.00 - 05.00 plus some allowable exceptions (e.g Bank Holidays): 10.00 - 06.00
Rendezvous 49 St Thomas Street DT4 8AW	Sun - Wed: 09.00 - 03.00; Thurs - Sat: 09.00 - 05.00 plus some allowable exceptions (e.g Bank Holidays): 10.00 - 06.00
The Sailor's Return 1-2 St Nicholas Street DT4 8AD	Mon - Sat: 06.30 - 02.30; Sun: 06.30 - 00.30
The Swan 41-43 St Thomas Street DT4 8EH	Mon - Sun: 06.00 - 04.00
Play Yard 59 St Thomas Street DT4 8EQ	Mon - Sun: 07.00 - 02.00
Ayya 60 St Thomas Street DT4	Mon - Sun: 10.00 - 02.00

[8EQ](#)

Hardy's Hop House Sun - Thurs: 09.00 - 00.00; Fri/Sat 09.00 - 02.00

[62 St Thomas Street DT4](#)

[8EQ](#)

Bar Batida

Mon - Sun: 09.00 - 03.00

[36 St Thomas Street DT4](#)

[8EH](#)

**FAST FOOD TAKE-
AWAYS**

J's Kebabs

Mon - Sun: 23.00 - 04.00

[54 St Thomas Street DT4](#)

[8EQ](#)

The Former McDonald's

24 Hours

[72-73 St Mary Street DT4](#)

[8PJ](#)

**50 St Mary Street
Chapelhay, Weymouth
(to be known as “Baps and Pitta”)**

Proposed amendments to the Operating Schedule

Operating hours – Late Night refreshment

Currently

Sundays to Thursdays: 11 p.m. to 3 a.m.

Friday and Saturdays: 11 p.m. to 4 a.m.

“Food served for consumption on the premises or takeaway before 11 pm with takeaway only after 11 pm”

“Bank Holidays to also open to 4 am

Proposed:

Sundays to Thursdays: 11 p.m. to 1 a.m.

Friday and Saturdays: 11 p.m. to 4 a.m.

Sundays falling on Bank Holiday weekends 11 p.m. to 3 a.m.

Proposed limitation to be altered into a condition

Opening Hours

Currently

Sundays to Thursdays: 11 p.m. to 3 a.m.

Friday and Saturdays: 11 p.m. to 4 a.m.

“Bank Holidays to also open to 4 am”

Proposed:

Sundays to Thursdays: 11 p.m. to 1 a.m.

Friday and Saturdays: 11 p.m. to 4 a.m.

Sundays falling on Bank Holiday weekends 11 p.m. to 3 a.m.

Section M

General

Late night refreshment shall only be provided by way of take-aways and deliveries – it’s consumption inside the premises will not be permitted.

~~No alcohol to be served on the premises~~

Patrons shall not be permitted to consume alcohol on the premises

~~Staff trained to identify those under the influence of alcohol & drugs~~

~~Staff trained how to contact Police in the event of requiring assistance or~~

~~suspecting an incident may occur~~

All staff working in the premises after 23:00 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)

Commented [PD1]: New proposed condition

Commented [PD2]: See below under staff training

shall be maintained and made available for inspection by Police and other authorised officers on request

~~Anti-social behaviour discouraged~~

~~CCTV in operation on site with signage displayed to notify patrons that CCTV is in operation on the premises~~

Commented [PD3]: This condition is unenforceable

Commented [PD4]: See reworded CCTV condition below

The prevention of crime and disorder

~~CCTV in operation on site with signage displayed to notify patrons that CCTV is in operation on the premises~~

~~CCTV system to be installed internally (inside service area, lobby to WC & internal lobby)~~

~~Staff to be trained in operation of CCTV & how to download footage in a timely manner if required by Police.~~

~~If CCTV fails staff are trained to inform Police by telephone & take steps to remedy the situation~~

Commented [PD5]: Replaced with the condition below

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 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.

The holder of the Licence shall undertake a written risk assessment to determine whether or not it is appropriate to deploy SIA registered door supervisors on any particular days or times and shall then deploy such door supervisors as may be determined by the outcome of the risk assessment

The risk assessment shall be reviewed at least once a year, 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 Licensing Authority on request.

~~No alcohol to be served on the premises~~

~~No alcohol allowed to be consumed on the premises~~

~~No closed alcohol containers / cans / bottles to be allowed on the premises~~

~~Staff trained to identify those under the influence of alcohol & drugs~~

~~Staff trained how to contact Police in the event of requiring assistance or suspecting an incident may occur~~

~~Anti-social behaviour discouraged~~

Crime prevention notices are displayed warning customers of the possibility of crime which may target them, e.g. "Bags should not be left unattended", "Watch out for Pickpockets".

Commented [PD6]: See comments above under "General" These are also duplicate conditions

Commented [PD7]: It will be for the sub-committee to determine if this is proportionate and appropriate

Commented [PD8]: The condition can only apply to a licensable activity

Toilet to be closed to the public after 11:00 pm

Public Safety

Where possible furniture to be fixed in place
 CCTV in operation on site with signage displayed to notify patrons that CCTV is in operation on the premises
 CCTV system to be installed internally (inside service area, lobby to WC & internal lobby)
 Staff to be trained in operation of CCTV & how to download footage in a timely manner if required by Police.
 If CCTV fails staff are trained to inform Police by telephone & take steps to remedy the situation
 No alcohol to be served on the premises
 No alcohol allowed to be consumed on the premises
 No closed alcohol containers / cans / bottles to be allowed on the premises
 We have conducted a suitable Fire Risk Assessment at the premises and implemented the necessary control measures
 Notices detailing the actions to be taken in the event of fire or other emergency are prominently displayed and maintained in good condition.
 Fire drill and emergency lighting tests are conducted weekly / monthly.
 Records of these tests are available upon request
 No glass bottles to be served for soft drinks only plastic / cans
 No other breakable items (eg. Pottery cups or plates) to be served
 First aid equipment kept on the premises & a first aider on duty.
 Planning & listed building has been granted for the change of use & building alterations, we are in the process of applying for LBC to remove the inner lobby & inner door to improve flow of customers & safety but while this further application is being considered by the council we will keep the outer door open at all times when the business is open.

The prevention of public nuisance

Bins are to be collected daily by specialist waste management company and not be accessible by patrons
 Signage shall displayed at the exit from the premises asking all patrons to "Leave quietly & respect our neighbours"
 No smoking signs on display
 Patrons will be asked to leave the premises once they have collected their order & not to congregate around the outside of the building
 Noise & odour information from planning / LBC applications (noise & odour assessments & mitigation) to be in action
 Disposal of empty bottles into waste receptacles outside the premises will not be permitted to take place between the hours of 23:00 hrs and 07:00 hrs to minimise disturbance to nearby occupiers.
 All ventilation and extract systems are to be designed and maintained so as to prevent noxious smells causing a nuisance to nearby properties
 All bins / refuse receptables to be cleaned on a weekly basis
 Refuse to be collected daily by a specialist waste management company
 Toilet to be closed to the public after 10.30pm

The protection of children from harm

Commented [PD9]: Duplication - see above

Commented [PD10]: These condition relate to Fire Safety and under the Legislative Reform (Fire Safety) Order 2005 and duplicate other regulations

Commented [PD11]: Unnecessary as the LNR will be take-away only

Commented [PD12]: The plan shows the doors and any change would require a variation application to approve a new plan.

Commented [PD13]: This is no longer a legal requirement but smoking inside would be unlawful anyway

Commented [PD14]: These would be requirements under planning and building control consents so duplication of other requirements

Commented [PD15]: Duplicates condition above

Commented [PD16]: Duplicates condition above

~~Children to only be allowed on premises when accompanied by an adult~~
~~No children on the premises after 11pm~~
~~Children are kept under adult supervision at all times~~
~~Children are accounted for at all times in case of an evacuation or emergency~~
Children (i.e. persons under the age of 18) shall not be permitted in the premises after 23:00 hours

Commented [PD17]: Conditions re-written as most of this is irrelevant

**50 St Mary Street
Chapelhay, Weymouth
(to be known as “Baps and Pitta”)**

Proposed amendments to the Operating Schedule

Operating hours – Late Night refreshment

Sundays to Thursdays: 11 p.m. to 1 a.m.
Friday and Saturdays: 11 p.m. to 4 a.m.
Sundays falling on Bank Holiday weekends 11 p.m. to 3 a.m.

Opening Hours

Sundays to Thursdays: 11 p.m. to 1 a.m.
Friday and Saturdays: 11 p.m. to 4 a.m.
Sundays falling on Bank Holiday weekends 11 p.m. to 3 a.m.

Section M

General

Late night refreshment shall only be provided by way of take-aways and deliveries – it's consumption inside the premises will not be permitted.

Patrons shall not be permitted to consume alcohol on the premises.

All staff working in the premises after 23:00 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 Police and other authorised officers on request

The prevention of crime and disorder

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 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.

The holder of the Licence shall undertake a written risk assessment to determine whether or not it is appropriate to deploy SIA registered door supervisors on any

particular days or times and shall then deploy such door supervisors as may be determined by the outcome of the risk assessment

The risk assessment shall be reviewed at least once a year, 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 Licensing Authority on request..

Toilet to be closed to the public after 11:00 p.m.

Public Safety

Where possible furniture to be fixed in place.

No glass bottles to be served for soft drinks only plastic / cans

First aid equipment kept on the premises & a first aider on duty.

The prevention of public nuisance

Bins are to be collected daily by specialist waste management company and not be accessible by patrons

Signage shall displayed at the exit from the premises asking all patrons to "Leave quietly & respect our neighbours"

Patrons will be asked to leave the premises once they have collected their order & not to congregate around the outside of the building

Disposal of empty bottles into waste receptacles outside the premises will not be permitted to take place between the hours of 23:00 hrs and 07:00 hrs to minimise disturbance to nearby occupiers.

All ventilation and extract systems are to be designed and maintained so as to prevent noxious smells causing a nuisance to nearby properties

All bins / refuse receptables to be cleaned on a weekly basis

The protection of children from harm

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

Officer Report

Application Number:	P/FUL/2023/04773		
Webpage:	https://planning.dorsetcouncil.gov.uk/		
Site address:	50 St Mary Street Weymouth Dorset DT4 8PU		
Proposal:	Change of Use from Class E(b) Cafe/restaurant to Sui Generis Hot Food Take-away		
Applicant name:	Mr Osman Tanyel		
Case Officer:	Shanta Parsons		
Ward Member(s):	Cllr Orrell		
Publicity expiry date:	29 September 2023	Officer site visit date:	07-09-23
Decision due date:	12 October 2023	Ext(s) of time:	1
No of Site Notices:	2		
SN displayed reasoning:	One on post on corner of premises adjacent to the highway and the other within the window of the premises facing the highway		

1.0 Summary of recommendation: GRANT subject to conditions.

2.0 Reason for the recommendation:

- It is not considered that the proposal, subject to appropriate conditions, would result in an undue adverse impact on the amenity of neighbouring residents nor that it would harm the vitality or viability of the town centre. On the contrary, the re use and appropriate renovation of the premises would preserve and enhance the significance of this heritage asset. Therefore, the scheme complies with policies ENV4, ENV10, ENV12, ENV14, ENV16, ECON4, WEY1 and WEY2 of the West Dorset, Weymouth & Portland Local Plan (2015).

4.0 Key planning issues

Issue	Conclusion
Principle of development	The site is within Weymouth's Primary Shopping Frontage, within the Primary Shopping Area and within the Town Centre as

Officer Report

	<p>designated within the West Dorset, Weymouth and Portland Local Plan (2015) where there are various commercial businesses including retail units, hairdressers, cafes/restaurants, public houses and takeaways and where the principle of the use of the premises as a takeaway together with the upgrade and repair of this listed building is acceptable and accords with Policies ECON4, WEY 1 and WEY2 of the West Dorset, Weymouth and Portland Local Plan (2015).</p>
Impact on the Character of the area and heritage assets	<p>The development would positively contribute to the heritage asset and as such the development is considered to accord with Policies ENV4, ENV10, ENV12 and ENV14 of the West Dorset, Weymouth and Portland Local Plan (2015).</p>
Impact on amenity	<p>Taking into consideration the additional soundproofing and extraction system proposed to secure the necessary standard of noise and odour amenity, the development would not give rise to undue noise and disturbance to the neighbouring residential properties.</p> <p>Given that the area comprises of a range of evening uses, it is not considered that the addition of this one unit would exacerbate the level of noise and disturbance to an unacceptable level that would be enough to justify refusing this application.</p> <p>The development would accord with Policy ENV16 of the West Dorset, Weymouth & Portland Local Plan (2015).</p>

5.0 Description of Site

50 St. Mary Street is a Grade II listed building, within Weymouth Town Centre Conservation Area, located on the corner of St Mary Street and St Edmund Street.

It is within Weymouth's Primary Shopping Frontage, within the Primary Shopping Area and within the Town Centre as designated within the West Dorset, Weymouth and Portland Local Plan (2015) where there are various commercial businesses including retail units, hairdressers, cafes/restaurants, public houses and takeaways.

Officer Report

The property is currently closed but was formally used as a café with a flat above.

6.0 Description of Development

This proposal is to convert and renovate the café to form a takeaway. It is proposed to redecorate and upgrade the internal area to include a new servery counter, kitchen, floor, internal fire door, upgraded suspended ceiling for fire protection & acoustic insulation.

Externally, the fascia on both frontages would be repaired and the existing corrugated perspex roof which is currently over part of the building would be replaced with a new slate roof with 2 conservation type rooflights.

7.0 Relevant Planning History

P/LBC/2022/05295 - Decision: GRA - Decision Date: 02/02/2023
Replacement bay sliding sash window to first floor

8.0 List of Constraints

Grade: II Listed Building: 50, ST MARY STREET List Entry: 1132664.0; - Distance: 0

Grade: II Listed Building: 49, ST MARY STREET List Entry: 1132663.0; - Distance: 6.66

Grade: II Listed Building: DUKE OF CORNWALL PUBLIC HOUSE List Entry: 1132623.0; - Distance: 17.8

Grade: II Listed Building: 21 AND 22, ST EDMUND STREET List Entry: 1132629.0; - Distance: 9.49

Weymouth Town Centre Conservation Area

Primary Shopping Frontage; St Mary Street, Weymouth

Primary Shopping Area; Weymouth

Town Centre Areas; Weymouth

Town Centre and Commercial Road Area

Area of Archaeological Potential

Defined Development Boundary; Weymouth

Neighbourhood Plan Area; Name: Weymouth; Status Designated 18/05/2020;

DESI - Natural England Designation - RAMSAR: Chesil Beach & the Fleet (UK11012); - Distance: 2794.23

Special Area of Conservation (SAC) (5km buffer): Chesil & The Fleet (UK0017076); - Distance: 2775.56

Flood Zone 3

Flood Zone 2

Radon: Class: Class 1: Less than 1%

ONR portland_12km_zone

9.0 Consultations

Officer Report

All consultee responses can be viewed in full on the website.

Consultees

1. **Environmental Protection Officer** – No objection. Recommends conditions regarding odour emission and sound insulation.
2. **Conservation Officer**- No objection to the proposed internal layout. The alterations to the elevations of the building would preserve and enhance the significance of this heritage asset and would not have a negative impact on the Conservation Area.
3. **Dorset Police Architectural Liaison Officer**- object on the grounds of crime and disorder due to the use as a takeaway near to pubs and clubs; the confined lobby into the building; public toilet not over-looked, loose furniture. If granted recommend conditions regarding provision of CCTV, fixings of furniture and removal of a door.
4. **P - Weymouth Town Council** – No objection.
5. **Cllr Orrell** - Material objection would be NPPF 185a with noise impact. Also, contravention of the local cumulative impact area policy for licencing. More anti-social behaviour being likely.

Representations received

8 local residents and a community group (Respect Weymouth) object :

- There is too much noise from the pub opposite, this will increase anti-social behaviour and crime impacting on other businesses.
- Wrong type of business for this street which has a very small boutique feel.
- No need for a further takeaway in this area of town.
- Site is too close to residential areas.
- Other existing late night venues serving until 5 am are within walking distance and in less concentrated residential areas.
- Having another food business open so close to already existing takeaways is unfair and can take away trade for those already struggling.
- Will be messy and dirty.
- Increase obesity rates rising especially in children.
- Increases pressure on emergency services.
- Will increase more homeless people sleeping in doorways escalating situations between them and intoxicated people.

10.0 Duties

s38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications must be in accordance with the development plan unless material circumstances indicate otherwise.

Officer Report

The Planning (Listed Buildings and Conservation Areas) Act 1990- section 16 requires that in considering whether to grant listed building consent, special regard is to be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72 of the 1990 Act requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.

11.0 Relevant Policies

- INT1 Presumption in favour of Sustainable Development
- ENV1 Landscape, seascape & sites of other geological interest
- ENV2 Wildlife and habitats
- ENV4 Heritage assets
- ENV5 Flood risk
- ENV10 The landscape and townscape setting
- ENV 12 The design and positioning of buildings
- ENV 13 Achieving High Levels of Environmental Performance
- ENV14 Shopfronts & advertisements
- ENV 16 Amenity
- SUS2 Distribution of development
- WEY1 Weymouth Town Centre Strategy
- WEY2 Town Centre Core & Commercial Road Area
- ECON4 Retail and Town Centre Development

Other material considerations

Emerging Dorset Council Local Plan: Paragraph 48 of the NPPF provides that local planning authorities may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant plan policies (the less significant the unresolved objections, the greater the weight that may be given); and

Officer Report

- the degree of consistency of the relevant policies in the emerging plan to the NPPF (the closer the policies in the emerging plan are to the policies of the NPPF, the greater the weight that may be given).

The Dorset Council Local Plan Options Consultation took place between January and March 2021. Being at a very early stage of preparation, the Draft Dorset Council Local Plan should be accorded very limited weight in decision making.

Neighbourhood Plans

Weymouth Neighbourhood Plan - In preparation – limited weight applied to decision making.

Supplementary Planning Documents/Guidance For Weymouth:

Weymouth & Portland Listed Buildings and Conservation Areas (2002)

Weymouth & Portland Urban Design (2002)

Conservation Area Appraisals:

Weymouth – Town Centre Conservation Area Appraisal adopted December 2012

National Planning Policy Framework:

Paragraph 11 sets out the presumption in favour of sustainable development. Development plan proposals that accord with the development plan should be approved without delay. Where the development plan is absent, silent or relevant policies are out-of-date then permission should be granted unless any adverse impacts of approval would significantly and demonstrably outweigh the benefits when assessed against the NPPF or specific policies in the NPPF indicate development should be restricted.

Other relevant NPPF sections include:

- Section 4. Decision taking: Para 38 - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available...and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
- Section 6 'Building a strong, competitive economy',
- Section 12 'Achieving well designed places indicates that all development to be of a high quality in design, and the relationship and visual impact of it to be compatible with the surroundings. In particular, and amongst other things, Paragraphs 126 – 136 advise that:

The Government attaches great importance to the design of the built

Officer Report

environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.

- Section 14 'Meeting the challenges of climate change, flooding and coastal change'

Section 15. 'Conserving and enhancing the natural environment'- Ground Conditions and Pollution – Paragraph 185 (a): Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should: a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life

- Section 16 'Conserving and Enhancing the Historic Environment'- When considering designated heritage assets, great weight should be given to the asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (para 199). The effect of an application on the significance of non-designated heritage assets should also be taken into account (para 203).

12.0 Human rights

Article 6 - Right to a fair trial.

Article 8 - Right to respect for private and family life and home.

The first protocol of Article 1 Protection of property.

This recommendation is based on adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.

13.0 Public Sector Equalities Duty

As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have "due regard" to this duty. There are 3 main aims:-

- Removing or minimising disadvantages suffered by people due to their protected characteristics

Officer Report

- Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people
- Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove or minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the Public Sector Equalities Duty. The existing access would remain unchanged except for a fire door. This would not result in a disadvantage to users of the premises.

14.0 Financial benefits: None that are relevant material considerations.

15.0 Environmental Implications: The applicant’s design and access statements states that where economically feasible it is intended to use sustainable materials and employ environmentally friendly techniques. The efficient use of water will be promoted during the building phase and all disposable materials will be collected by a reputable local firm for recycling where possible. Local materials such as timber will also be specified for the proposed works and it is hoped to appoint a local builder to carry out the works thus helping to maintain and sustain the local economy. It is intended that the development will include low energy light fittings and low water use sanitary ware with appropriate controls, that all new white goods and other fittings will be energy efficient. In the rear portion of the premises, it is proposed to use rooflights in the replacement roof to provide natural lighting & natural background ventilation to this area.

16.0 Planning Assessment

Principle of Development

50 St. Mary Street is a Grade II listed building, within Weymouth Town Centre Conservation Area, located on the corner of St Mary Street and St Edmund Street.

It is within Weymouth’s Primary Shopping Frontage, within the Primary Shopping Area and within the Town Centre as designated within the West Dorset, Weymouth and Portland Local Plan (2015) where there are various commercial businesses including retail units, hairdressers, cafes/restaurants, public houses and takeaways.

The property is currently closed but was formally used as a café with a flat above and this proposal is to convert and renovate the café to form a takeaway.

In the adopted local plan policy ECON4, Retail and Town Centre Development, seeks to ensure that development likely to lead to significant adverse impacts on existing centres are not allowed and that any development will be expected to maintain an appropriate concentration and mix of retail and other town centre uses in the centre, to protect its vitality and viability.

Policy WEY1 seeks to support a thriving town centre with a range of traders, a rich and varied cultural offer throughout the year and an active night-time economy and reduce the co-location of uses likely to cause anti-social behaviour.

Officer Report

It is considered that the use as a takeaway would maintain an appropriate mix of town centre uses which would benefit the vitality and viability of the town centre. As there are a variety of uses in the vicinity of the premises, the use as a takeaway would not result in a concentration of the same use in a small area of the town centre and therefore not necessarily be the cause of anti-social behaviour.

The principle of the use of the premises as a takeaway and the upgrade and repair of this listed building is acceptable and accords with Policies ECON4, WEY 1 and WEY2 of the West Dorset, Weymouth and Portland Local Plan (2015).

Character and impact upon heritage assets

In the adopted local plan Policy ENV14, Shop Fronts and Advertisements, supports high quality design in shop front redevelopment provided they respect the character, appearance and scale of the building and do not result in the loss of historic fabric.

Policy ENV4, Heritage Assets, seeks to protect the character of listed buildings and conservation areas.

50 St. Mary Street is a Grade II listed building, within Weymouth Town Centre Conservation Area.

It is proposed to redecorate and upgrade the internal area to include a new servery counter, kitchen, floor, internal fire door, upgraded suspended ceiling for fire protection & acoustic insulation. Externally, the fascia on both frontages would be repaired and the existing corrugated perspex roof to part of the building would be replaced with new slate roof with 2 conservation type rooflights.

The Conservation Officer confirms that there is no objection to the proposed alterations to the internal layout and that the alterations to the external elevations, which are in need of repair, would preserve and enhance the significance of this heritage asset and would not have a negative impact on the Conservation Area.

It is concluded that the proposal would cause no harm to the character and appearance of the town centre conservation area nor to this listed building or the setting of the neighbouring Listed buildings.

As such the proposal accords with policy ENV4 of the West Dorset, Weymouth & Portland Local Plan (2015) and Section 16 of the NPPF (2023).

It is considered that the proposal also accords with Policies ENV10, ENV12 and ENV14 of the West Dorset and Weymouth & Portland Local Plan 2015.

Impact on Amenity

Policy ENV 16 of the West Dorset and Weymouth & Portland Local Plan 2015 seeks to ensure that development is designed to minimize its impact on the amenity and quiet enjoyment of both existing residents and future residents within the development and close to it.

The premises is located within an area where there are commercial uses on the ground floors and a number of residential uses above which is typical of many town centres.

The applicant proposes to open 7 days a week from 4pm each day, although they seek that a 12-noon opening time is agreed. The business would trade until 1am

Officer Report

from Sunday to Thursday and until 4am on Friday and Saturday only in peak season with a 1am closing time for the rest of the year.

As part of the renovation of the premises, it is proposed to upgrade the existing extraction system internally and to upgrade the insulation between the ceiling of the existing ground floor premises and the first floor flat above.

A technical report on noise transfer and specification of the kitchen extraction system has been submitted in support of the application. The report considers the noise sources within the take-away, the kitchen extract system and the potential for noise from customers.

Taking into consideration the additional soundproofing proposed as part of this application, the Environmental Protection Officer confirms that provided the specifications and details regarding the sound insulation and the kitchen extraction system are implemented in order to secure the necessary standard of noise and odour amenity, there is no objection.

The Environmental Protection Officer is satisfied that the development would not give rise to undue noise and disturbance to the neighbouring residential properties and the necessary measures can be secured by planning condition and therefore addressing paragraph 185a of the NPPF.

In terms of the potential noise, disturbance and litter dropped from visitors to the takeaway, this is matter that would to a certain degree, need to be managed by the operators of the takeaway.

The premises is located within a mixed commercial/residential area containing a high proportion of restaurant and bar uses as part of the town centre and served by busy roads where it is reasonable for residents to expect a certain level of activity close to their homes. There are a number of other premises within the town centre that have late night opening hours and the agent/applicant has provided a list of premises in the vicinity that are licensed to open as late as the applicant proposes. A site visit has verified that these businesses are operational.

Given that the area comprises of a range of evening uses already and the character and function of the immediate area is well established in terms of serving the evening economy and given that the Environmental Protection Officer is satisfied that the development would not give rise to undue noise and disturbance and that there is no need for a condition to control hours of opening, it is considered that the addition of this one unit would not exacerbate the level of noise and disturbance to an unacceptable level that would be enough to justify refusing this application.

The proposed use as a takeaway would have no significant adverse effect on the living conditions of occupiers of residential properties through loss of privacy and would not generate a level of activity or noise that would detract significantly from the character and amenity of the area.

As such, the development would accord with Policy ENV16 of the West Dorset, Weymouth & Portland Local Plan (2015).

Impact on Flood Risk

Officer Report

Policy ENV5 of the West Dorset, Weymouth & Portland Local Plan (2015) seeks to ensure that new development or the intensification of existing uses should be planned to avoid risk of flooding.

The site is within Flood Zone 3. However, the new use as a takeaway would not result in a higher vulnerability classification in terms of flood risk. Furthermore, there is no extension or addition to the building footprint proposed & all finished floor levels (FFL) will remain as existing or will be increased to match the existing.

The development would not increase the vulnerability of flooding at the site or the surrounding area and as such accords with Policy ENV5 of the West Dorset, Weymouth & Portland Local Plan (2015).

Other Matters

- In respect of the comments of the Police Architectural Liaison Officer regarding the recommendation to provide CCTV, the fixing of furniture and removal of a door, this is a matter that will be considered under the application for a licence in terms of the prevention of crime and disorder; public safety and the prevention of public nuisance.
- The objection to the addition of another food business so close to existing takeaways and that is unfair appears to be based on competition between businesses which is not a material planning consideration.
- The application site is not adjacent or close to a school and the objection to the increase in obesity rates is not a material planning consideration.

17.0 Conclusion

It is considered that the proposal, subject to appropriate conditions, would not result in an undue adverse impact on the amenity of neighbouring residents nor that it would harm the vitality or viability of the town centre. On the contrary, the re use and appropriate renovation of the premises would preserve and enhance the significance of this heritage asset within the Conservation Area. Therefore, the scheme complies with policies ENV4, ENV10, ENV12, ENV14, ENV16, ECON4, WEY1 and WEY2 of the West Dorset, Weymouth & Portland Local Plan (2015).

18.0 Recommendation

Recommendation: Approve subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the following approved plans:
PP001 Location Plan
PP021 Proposed Elevations
PP031 Proposed Sections
PP013 Proposed Roof Plan
PP010 A Existing and proposed ground floor plans
PP011 A Proposed ground floor plan

Reason: For the avoidance of doubt and in the interests of proper planning.

2. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.

Officer Report

Reason: This condition is required to be imposed by Section 91 of the Town and Country Planning Act 1990 (as amended).

3. Prior to the development hereby approved being first brought into use, the approved kitchen extraction scheme as specified by Tunc Metal Ltd (London) contained within e-mail dated 02/10/2023 from Matthew Elsinor shall be installed and fully functioning and shall be retained for the duration of the permitted use.

Reason: In the interests of residential amenity.

4. Prior to the development hereby approved being first brought into use, the approved sound insulation as detailed within SoL Ecooustics Limited Technical Report dated 03/10/2023 shall be installed and shall be retained for the duration of the permitted use.

Reason: In the interests of residential amenity.

5. The new slate for the roof shall be natural slate to match the existing roof.

Reason: To preserve/enhance the character and appearance of the heritage asset.

6. All new and replacement rooflights shall be top hung metal Conservation rooflights with vertical glazing bar and fitted flush to the roof plane.

Reason: To preserve or enhance the character and appearance of the heritage asset.

Informative Notes:

1. Informative: National Planning Policy Framework Statement

In accordance with paragraph 38 of the NPPF the council, as local planning authority, takes a positive approach to development proposals and is focused on providing sustainable development.

The council works with applicants/agents in a positive and proactive manner by:

- offering a pre-application advice service, and
- as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

In this case:

- The application was acceptable as submitted and no further assistance was required.

Officer Report

Case Officer Signature:	SHP	Authorising Officer Signature:	KT
Date:	15.12.2023	Date:	15.12.2023