



Supplementary Agenda

Licensing Sub-Committee

Date: Monday, 12 December 2022
Time: 10.00 am
Venue: Council Chamber, County Hall, Dorchester, DT1 1XJ

Members (Quorum)

Jon Andrews, 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 224202 elaine.tibble@dorsetcouncil.gov.uk

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Agenda

Item		Pages
5.	TEMPORARY EVENT NOTICE- SUNSET WEYMOUTH	3 - 16

A Temporary Event Notice (TEN) has been served on the Council for the sale of alcohol, regulated entertainment and late-night refreshment. The Notice has been considered by the Police and Environmental Protection. Both the Police and Environmental Protection have served Objection Notices. A Licensing Sub Committee must consider the Notice and the Objection Notices.

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Kathryn Miller

Subject: FW: TEN - SUNSET WEYMOUTH
Attachments: Application for Temporary Event Notice - Supplementary Details Supporting Representation - Sunset Weymouth.docx; Notification of Determination Sunset Bar (002).docx
Importance: High

Kathryn Miller
Senior Licensing Officer
Place Services
Dorset Council



[dorsetcouncil.gov.uk](https://www.dorsetcouncil.gov.uk)



From: Gosling, Gareth [REDACTED]

Sent: 06 December 2022 16:55

To: Licensing [REDACTED] Kathryn Miller [REDACTED]

Cc: [REDACTED] Gatehouse, Kirsty [REDACTED]

Subject: TEN - SUNSET WEYMOUTH

Importance: High

Good Afternoon Kathryn,

Apologies for the delay in preparing this document, however, we do like to be precise in our reports to aide the understanding of the Sub-Committee in advance of any hearing.

Please find attached the Supplementary Supporting Document for our representation along with a copy of the Notice of Determination for the recent Hearing for Sunset Bar.

If the Sub-Committee have any queries or concerns in advance of the Hearing I am happy to receive them.

I look forward to receiving details of the evidence or information to be relied upon during the hearing from the person submitting the TEN in advance of the Hearing. As the hearing is due to take place on Monday morning I hope to receive any details of the evidence being submitted by 9am on Friday morning to ensure that we have sufficient time to process and scrutinise the evidence in advance of the hearing.

I would be grateful to understand if the below is to be included in the package of evidence. I would contest that it is evidence of Mr Kakuba not being forthcoming regarding the various periods of contact that we have had with him following the several reports of activity taking place at Sunset and should therefore be included.

In the event that Mr Kakuba wishes to withdraw the TEN, please can I be informed at the soonest opportunity.

Regards,

Gareth



**DORSET
POLICE**

Gareth Gosling 2551

Police Sergeant
[REDACTED]

Drug & Alcohol Harm Reduction Team

Bournemouth Divisional Headquarters, 5 Madeira Road, Bournemouth, Dorset, BH1 1QQ

From: [REDACTED]
Sent: 05 December 2022 15:11
To: Gatehouse, Kirsty <[REDACTED]>
Subject: RE: TEN - SUNSET WEYMOUTH
Importance: High

Not sure that previous email reach the destination, then sending again as matter is urgernt:

Dear Kirsty Gatehouse,

Thanks for explanation, I understand all. But now I have question: What can I do to sort all of issues?

From my side:

- I can control level of music volume on basement to be on adequate low level on ground floor level
- I can ask all clients buying alcohol to show ID
- I can ask guests for staying reasonable quiet when are on premise
- I can do all reasonable steps you propose to keep premise on proper level

The party (closed) in October was finished just before 11pm. We only allow to guests sit outside for a while when we are closing (asking to be quietly). But restaurant was closed, guests went out – so can't be responsible for all other people – especially at early morning?).

About your last paragraph: "Despite an apparent change in ownership, we have still received similar reports to those we were getting prior to the revocation. We therefore do not feel we can support this TEN application". That's very worried me! I – as the owner not understand WHY I have not information about. I should be the first who should be asked for. So – if I was not asked yet – I understand it is no issues.

So – Please one more time revise your statement, let me know what steps I can do to prevent any antisocial behaviour, and hope – we will be happy to demonstrate that is now good place!

Kind Regards
Radoslaw Kakuba

From: Gatehouse, Kirsty [REDACTED]
Sent: 02 December 2022 13:47
To: [REDACTED]
Cc: Licensing [REDACTED].Licensing [REDACTED]
Subject: RE: TEN - SUNSET WEYMOUTH

Good afternoon

On behalf of the Chief Officer of Police, we would like to object to this Temporary Event Notice on the grounds that we feel it would undermine the Licensing Objective of the Prevention of Crime and Disorder.

As per the attached decision notice, this premises recently had their Premises Licence revoked following a review hearing in September 2022. We submitted an objection alongside Environmental Health after it had been proposed by local residents. The committee decided that revocation was the appropriate action following the evidence put forward.

Since the revocation, a Section 19 closure notice was served on the Premises as they still had alcohol out for sale and were still advertising its sale once the Premises Licence had been removed at the end of September. This was however rescinded at the start of October when proof had been received that all alcohol had been removed from display. Despite the Section 19 being withdrawn, it showed that the Premises Licence revocation had not been understood and complied with.

At the end of October, we were informed of a large gathering of young people outside the premises in the early hours of the morning, seemingly after a party had been held. During a follow up visit, empty beer bottles could be seen around the room alongside a large cannister of nitrous oxide. In an email from Mr Kakuba received after this visit, we were told this was an 18th birthday party where they said they were not selling alcohol but the party goers had brought their own alcohol with them.

Despite an apparent change in ownership, we have still received similar reports to those we were getting prior to the revocation. We therefore do not feel we can support this TEN application.

Many thanks
Kirsty



**DORSET
POLICE**

Kirsty Gatehouse 6084

Licensing Officer

T [REDACTED]
[REDACTED]

Drug and Alcohol Harm Reduction Team

Weymouth Police Station, Radipole Lane, DT4 9WW

From: Licensing [REDACTED]

Sent: 30 November 2022 10:36

To: .Licensing [REDACTED] ENV Health [REDACTED]

Subject: TEN - SUNSET WEYMOUTH

Please find attached a TEN

If you have any comments can I have them by the 5th December

Please note that the dates have been amended and are now from the 16th to the 22nd and not the 23rd

Laura Goff
Licensing Officer
Place Services



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Temporary Event Notice – Supplementary Information in Support of Representation

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Sunset, 78 The Esplanade, Weymouth

This report is to be considered alongside the formal representation submitted in respect of a Temporary Event Notice submitted to the Licensing Authority by the applicant. It is the intention of Dorset Police to avoid any repeat of information previously submitted and to provide both the applicant (or their representative) and members of the Licensing Sub-Committee with additional information, context and evidence in support of the representation. This report is being completed and submitted as soon as practicable for the benefit of all parties. Whilst all details are correct at the time of completion, Dorset Police reserve the right to amend / introduce additional information and evidence in advance of the hearing.

Background

The Temporary Event Notice (TEN) is submitted for a 7-day period to take place at a premise previously operating as a Licensed Premises. The Notice is intended to enable the person serving the notice to host a Birthday party and a number of other evenings of licensable activity following the Birthday party. The weekend provision is intended to provide licensable activities from 0900 – 2359hrs and the weekday provision between the hours of 0900-2000hrs. Food is intended to be served alongside alcohol and some entertainment.

This premise was recently subject of an Application for a Review of Licensed Premises, instigated by nearby residents and supported by Dorset Police and Environmental Health Officers for Dorset Council. I have attached a copy of the determination following the hearing, dated 9th September 2002, which sets out, in detail, the reason for the revocation of the premises licence.

Concerns

Whilst Dorset Police are consistently driven to supporting ‘event’ organisers and those operating in the hospitality industry, we continue to have significant concerns regarding the compliance and safety standards of the operator at Sunset.

Following the revocation of the Premises Licence in September 2022 our partners at Dorset Council accompanied, by Licensing Officer Kirsty Gatehouse, responded to a report of alcoholic products being present and displayed for customers at the premises on Wednesday 5th October 2022.

A Section 19 Closure Notice was issued by a Dorset Council Licensing Officer, requiring the removal of all alcoholic products from points of sale/display was issued to the same person applying for this TEN who had advised that they believed there to be a Premises Licence in place at the premises.

A follow up visit took place on Tuesday 11th October and the downstairs bar continued to have alcohol on display. A different member of staff was present who said they knew nothing about having to remove any alcohol but did say they knew they couldn’t sell alcohol. They were asked to inform Mr Kakuba of the visit but had no knowledge of Mr Kakuba, instead advising that they would inform their manager, [REDACTED] believed to be the partner of [REDACTED] the person operating the premises prior to the revocation of the Premises Licence.



A further visit was conducted on Wednesday 19th October and the same staff member was present, and on this occasion, could pass a message to Mr Kakuba, informing him of the visit.

Kathryn Miller of Dorset Council Licensing Authority again spoke to Mr Kakuba on the telephone to inform him that all alcohol on the premises had to be removed, despite the basement apparently being closed.

An email with photos was received that evening showing that all alcohol had been removed from view and put into the storeroom, leading to the withdrawal of the S19 Notice.

During a recent visit, Licensing Officer Kirsty Gatehouse noticed a package containing San Miguel branded glasses had been addressed to [REDACTED] [director of Edmon Ltd, the previous Premises Licence Holder] and the date on the label on the packages being the 13th October 2022, suggesting this was a recent order that had been placed. On querying this with a member of staff they said that they did not know anything about the boxes and didn't know who the person named on the label was.

Further reports from members of the public identified a further event which took place at the premises. No permissions had been sought and whilst the operator of the premises insisted that no alcohol sales had taken place, with guests able to bring their own alcohol. Reports included concerns of young people being in attendance and evidence of Nitrous-Oxide Gas (hallucinogenic substance) being made available to occupants at the event.

Despite Mr Kakuba stating to officers that the event had concluded in advance of 2300hrs, CCTV footage clearly shows that customers remained in the vicinity of the premises until 0040hrs, causing ASB and consuming alcohol.

Dorset Police continue to have no confidence in the operator of Sunset and assure the Sub-Committee that we will take every opportunity to continue to investigate and prosecute any misdemeanour or unlicensed activity known to take place at the premises.

Available Outcomes to the Sub-Committee

To assist the members of the Licensing Sub-Committee, Dorset Police make the following submissions in relation to the available outcome options in respect of this Temporary Event Notice -

No Action Taken – Temporary Event Notice Permitted

Dorset Police are concerned that this TEN has been submitted to enable the occupant of the premises, who we continue to believe is associated with the previous licence holder, to offer alcohol and regulated entertainment, without any restrictions that would be imposed through a Premises Licence.

Dorset Police invite the Sub-Committee not to permit this licensable activity at this time.

Counter Notice Issued – Event is not permitted take place

Dorset Police are of the view that this is the only responsible option. The person serving the notice has failed to demonstrate how they intend to uphold the licensing objectives and Dorset Police have concerns that this event, given that it is intended to take place at a former Licensed Premises in Weymouth Town Centre, will be unsafe and that crime and disorder is likely to occur because of the event.

The Sub-Committee are reminded that the Licensing Act 2003 does not permit conditions to be added to a TEN unless there is an existing Premises Licence at the location. The previous Premises Licence for this site was revoked and no conditions can therefore be added to this TEN.

Home Office Revised Guidance Issued under Section 182 of the Licensing Act 2003 (April 2018)

The Sub-Committee are reminded that Paragraph 2.1 of the Licensing Act 2003 Section 182 Guidance produced by the Home Office states that, "*Licensing authorities should look to the police as the main source of advice on crime and disorder*". We believe that we have provided an evidence-based summary of our concerns above, as required by Paragraph 9.43 of the Section 182 Guidance, in support of our submission.

The Guidance on determining whether a TEN should be permitted is limited and states only the following relevant advice –

7.35 -where the planned activities are likely to breach the statutory limits or undermine the licensing objectives, it is likely to be appropriate for the police or EHA to raise objections.

Dorset Police have provided details of the concerns that we have. To permit this TEN to take place will likely undermine the Licensing Objectives.

In the interests of transparency, had the TEN been applied as an extension to an existing Premises Licence which was being operated to the standard expected, which it is not, then the following may have applied had Dorset Police been satisfied that the Licensing Objectives would have been promoted–

7.36 - However, in most cases, where for example, alcohol is supplied away from licensed premises at a temporary bar under the control of a personal licence holder, (such as at weddings with a cash bar or small social or sporting events) this should not usually give rise to the use of these powers.

Conclusion

Dorset Police are of the view that this Notice should be refused, and the licensable activities not authorised. This will not prevent food from being offered at the premises alongside background music taking place.

There are no opportunities for any of the responsible authorities, or the Licensing Sub-Committee, to introduce/agree conditions to be attached to this TEN. No assurances regarding Training, Door Supervision, Incident Management, requirement for Qualified Personal Licence Holders or any other safeguarding measures expected of a Licensed Premises are therefore achievable.

There are of course many events which take place using a TEN. This TEN, however, relates to a premises and operator recently subject of a Premises Licence Revocation following an Application for Review, significantly increasing our concerns and risk/safety indicators and increasing the likelihood of crime and disorder.

Whilst not strictly associated with this TEN, the Licensing Sub-Committee may be inclined to advise the person serving the TEN to submit an Application for a Premises Licence to enable them to conduct licensable activities in the future. Each application is assessed upon its own merits and will undergo a formal assessment process, which may lead to a Premises Licence being granted with appropriate conditions attached that will assist the applicant to promote the Licensing Objectives.

Appendices

Notice of Determination – Application for Review of Licensed Premises - Sunset

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Notification of Determination

Review Hearing

9 September 2022

Applicants: Jeroen 't Hart and John Davidson

Premises: Sunset Bar (formerly Cool Runnings) 78 The Esplanade, Weymouth, Dorset DT4 7AA

Premises Licence Holder: Edmon Limited

Sub-Committee members: Cllrs J Andrews (Chairman), M Barron and S Williams.

Decision

To REVOKE the Premises Licence.

Reasons for the Decision:

The Sub-Committee was addressed by the Licensing Team Leader who outlined her report and the reason for the hearing.

The report set out that the Premises licence permitted the sale of alcohol on and off the premises Monday to Saturday from 09:00 to 23:59 and Sunday 09:00 to 23:00. The performance of live music and playing of recorded music (both indoors) were additionally permitted for the same days and hours. Late night refreshment (indoors and outdoors) was licensed from 23:00 to 23:59 Monday to Saturday. The request for a review of the Premises Licence had been received from Jeroen 't Hart and John Davidson. The grounds for the review related to the 'playing of extremely loud music typically from 21:00 to 24:00 on Friday and Saturdays' which affected the neighbours' ability to sleep, watch television or carry out a normal conversation in their properties. In addition reference was made to rowdy behaviour associated with the Premises.

The Licensing Team Leader stated in her report that representations had been received from several of the Responsible Authorities namely, Dorset Police, Dorset Council Environmental Protection, Dorset Council Planning and Dorset Council Licensing. In addition representations had been received from a Ward councillor and five people who either lived or had businesses in the area.

In the written representation submitted by Dorset Council Licensing (in its capacity as a Responsible Authority), the opinion was expressed that the Premises were undermining the licensing objective of the prevention of public nuisance, due to the volume of the music played at the Premises. The Licensing Authority had undertaken a joint visit to the Premises with the Environment Protection Team in July 2022, and the Licensing Officer had described the music volume as 'incredibly loud' which made the flat above the Premises 'unliveable'. The Licensing Officer had written to the holder of the Premises Licence, Edmon Limited and

the Designated Premises Supervisor setting out the seriousness of the issues, including a breach of a licence condition, but nonetheless no reply was received to his correspondence.

In the written representation from the Ward Councillor reference was made to the fact that in previous years no complaints had been made about the Premises, but it was now causing complaints due to noise. The Councillor asked that consideration be given to adding further conditions to the Premises Licence to control the noise, or if that was not thought possible then the licence should be revoked.

The written representations from members of the public either living or having businesses close to the Premises, referred to exceptionally loud noise which vibrated through the building even to the third floor, and antisocial behaviour including drunkenness, fighting and drug taking. Comments were made that the situation was impacting negatively on residents' health and wellbeing and that visitors staying in nearby hotels were intimidated when walking past the Premises or waiting at the bus stop. Several guests had been reported as saying that they would not return to Weymouth as a result.

In response to questioning the Licensing Team Leader confirmed that no information had been submitted by the Premises Licence Holder prior to the hearing.

The Sub-Committee heard from the applicants for the review. Jeroen 't Hart amplified the statements made in his written application for the review and stated that the noise levels from the Premises made living in his flat unbearable. The music was so loud that it was having a detrimental effect on his quality of life such that he was unable to have a normal conversation, watch television or sleep in his property whilst the music was being played in the Premises. He referred to the bass beats of the music causing the windows in his flat to shake. The property was a listed building and consent would be required to make any changes to the windows. Mr 't Hart clarified that in addition to the nuisance experienced through playing of extremely loud music, the behaviour of the people in the Premises and using the outside area was also a major issue, due to shouting, singing and inappropriate language. In addition bright lights were used in the Premises which flashed out onto the outside area. Mr 't Hart felt that the area was not safe due to fights breaking out which were fuelled in his view by alcohol and drug consumption. He referred to the fact that a bus stop was just a short distance down the road from the Premises but people using the bus stop felt anxious and intimidated by the behaviour of customers of the Premises. Mr 't Hart asked the Sub-Committee to stop the Premises from being able to play music and to reduce their licence to sell alcohol to between 09:00 and 20:00 in order that he and other residents could use their dwellings as they were intended.

Linda Davidson spoke on behalf of John Davidson and had also submitted a written representation in her own right. She explained that they lived above the Premises. The Premises had previously been a fish and chip shop and then a café/bar which closed in the early evening. They only played soft background music which had not caused them any disturbance. However when the Premises changed its format with a new tenant, they started to experience serious issues with loud music played into the evening. She stated that the property is a listed building with no soundproofing and the sound from the music came through the floor of their property. Mrs Davidson explained that the new tenant had spoken to them about his plans for the Premises and when she and her husband started to be disturbed by the noise levels in February 2022, they contacted him directly by email. They had also gone into the Premises several times to ask for the music to be turned down but were told by the manager that it was only for four hours to attract customers and the manager refused to turn the sound down. Mrs Davidson stated that they were sworn at and ridiculed for asking for the sound level to be reduced. She said that in May 2022 the noise level increased, and Friday and Saturday nights became intolerable and they either had to go out or sit in their kitchen which was affected by the noise to a lesser degree. Mrs

Davidson described the deleterious effect the situation was having on their mental health, having endured the noise and anxiety for some six months. She stated that they could not have family or friends round in the evening due to the noise and they had been forced to cancel a family celebration because they could not have people staying overnight due to the disturbance caused by the Premises. Mrs Davidson explained that she felt intimidated and no longer went down to their garage alone when the Premises were open.

Mrs Davidson stated that she had kept a diary of the noise problems they had experienced and had been very relieved when the Environmental Protection Team had visited the Premises and her home to assess the situation and heard the noise for themselves. She thought that the statutory Noise Abatement Notice would be effective in dealing with the noise but as it had not produced the desired effect.

In response to questioning Mrs Davidson stated that the noise was ongoing and if anything had increased. They had tried to speak to the manager but had been told that the licence permitted them to play music as they wanted and to leave the Premises.

The Responsible Authorities who had submitted representations addressed the Sub-Committee. An officer from Dorset Council's Environmental Protection Team stated that they had been alerted to the venue in mid-May this year by a complaint from the public, since then a further three complaints had been made. The complainants had stated that the problems had started around February 2022. The Officer said that a meeting had been held with two directors and a manager from the Premises Licence Holder, Edmon Limited on 1 July 2022, the purpose of which was to discuss the issues and possible the steps that could be taken before any formal action.

Noise logs were completed by complainants and a visit to the Premises and one of the complainant's homes was carried out on 15 July 2022. The officer stated that the music was so loud when they arrived at the Premises around 22:30 that communication was only possible by sign language. She explained that the noise registered at 98 decibels on the dance floor and hearing loss is possible at 85 decibels. An assessment was made of the noise in the complainant's home and during that visit a senior Environmental Health Officer determined that a statutory noise nuisance existed. As a result on 1 August 2022 Noise Abatement Notices were served on Edmon Limited and the Designated Premises Supervisor. The officer confirmed that noise recording equipment had been placed in the complainant's home last weekend and she could see that the button had been pressed several times to indicate that the noise level was an issue but unfortunately the equipment had not been working properly and no recordings were made. The Officer stated that the situation could not be allowed to continue as it was.

The Sub-Committee was addressed by Sergeant Gosling from Dorset Police. The Officer stated that he had provided as much information as possible in writing before the hearing. He said that it was unusual for residents to seek a review themselves as it was a daunting prospect, so it showed the degree to which they were impacted by the operation of the Premises. Sergeant Gosling explained that they had concerns about the Premises and investigations were ongoing so he was limited in what he could say. Dorset Police followed a five-stage process where premises come to their attention to try to work with licence holders to resolve problems quickly through collaboration. In circumstances where this process was not successful the Police would seek a review themselves and, in this case, they may well have done that in due course.

In the written representation from Dorset Police reference was made to a joint visit to the Premises with Environmental Protection Officers on 12 August 2022. Although the visit had been pre-arranged the manager was angry and unhappy that it was taking place and asked the officers to leave. Reference was made to the aggressive way the manager addressed

the officers and her unwillingness to work with them. It was also noted that complaints were later made to the Environmental Protection out of hours service and on the officers' return to the Premises the music appeared to be even louder than before and could be heard on the other side of the road. The various options available to the Sub-Committee were considered in the submission. It was stated that action had to be taken to address the situation but given that some conditions on the current licence were not being adhered to there was little confidence that any further conditions would be followed. Removal of the DPS or suspension of the licence was not suggested to be likely to result in any significant change to the operating standards at the Premises. Removal of a licensable activity such as the sale of alcohol was mentioned but this could make it potentially an unviable business. Whilst the revocation of the licence was acknowledged to be a last resort it was appropriate where a premises is detrimental to the community.

The Sub-Committee was addressed by Jeremy Woodcraft solicitor for the Premises Licence Holder. Mr Woodcraft stated that this was a case where revocation had been mentioned by the Responsible Authorities, but he was looking for a solution that would stop short of that but would also give everyone the comfort that the nuisance would cease. Clearly live and recorded music on Friday and Saturday nights was the issue in this case. The Sub-Committee had the ability to make a statement that conditions would apply to the playing of live and recorded music where a review had been sought. The Sub-Committee could impose conditions such that the Premises had to ensure there was no encroachment on the quality of life of residents and the Premises Licence Holder/DPS would have to comply. They could also take music out completely, but whilst the financial aspects were not relevant for the Sub-Committee, music was a key component of the licence and the most money was made during the evenings. Whatever steps were taken they had to be proportionate.

Mr Woodcraft stated that acoustic glass had been installed which showed the willingness of his client to act to address the issues. His client had also instructed a professional acoustic company to carry out a survey. He said his client was willing not to play live or recorded music until such time as a noise management plan was produced and signed off by Environmental Protection. His client would have to comply with the conditions, which could be easily monitored, and further action could be taken if he failed to do so. Conditions were already in place to control noise outside the Premises and his client would be willing to close the outside area at 10pm. Mr Woodcraft noted that the Police had identified that there may potentially be a drug issue, but as the Officer stated there is a five-step plan which is normally gone through before action is taken and at this point that stepped plan approach had not commenced.

In response to questioning Mr Woodcraft confirmed that the DPS is in charge of the Premises. The DPS and directors from the company holding the licence were not in attendance at the hearing today but the two managers were present. In response to reference by Sergeant Gosling to employing SIA door staff at the weekends Mr Woodcraft stated that his client would be willing to employ SIA door staff when music was being played until thirty minutes after it ceased. However more thought would have to be given to define when door staff were necessary. Mr Woodcraft asked that his client be given the opportunity to see what steps it was possible to take to address the noise.

The Sub-Committee carefully considered the documents presented to them and the written and oral representations made by all parties. They had regard to the Licensing Act 2003, the Licensing Objectives, the Section 182 Statutory Guidance and the Dorset Council Statement of Licensing Policy.

The Sub-Committee was satisfied that there was a significant level of noise nuisance caused by live/recorded music played at the Premises, together with noise and anti-social behaviour

from customers in the external area and immediately outside the Premises. The Sub-Committee found the combination of the evidence from the residents/business owners and the three Responsible Authorities very persuasive.

As a result of the information presented to them the Sub-Committee took the view that up until about February 2022 it appeared that no problems had been experienced with the Premises because they were run as businesses which did not operate late into the evening and only played what amounted to background music. The issues had arisen when the venue was changed into a more late-night venue with music. The building was an old building and the sound from the Premises was able to infiltrate the dwellings above it. The change in character of the offer of the Premises, namely playing loud music into the evening, had caused considerable distress to those living near the Premises and those operating businesses in the area. The Sub-Committee acknowledged the level of intrusion felt by the residents living above the Premises and the steps that they had taken to try to work with the licence holder to find a mutually acceptable level of music.

It appeared to the Sub-Committee that the Responsible Authorities who were party to this review had made significant efforts to work with the Premises Licence Holder/DPS to resolve the issues prior to the review being called for by two members of the public. Advice had been given by the Licensing Authority, but the Premises Licence Holder /DPS had not responded to the detailed letters. Two directors of the company holding the premises Licence had met with members of the Environmental Protection Team but nonetheless the situation did not improve and the fact that the Environmental Protection Team considered it necessary to serve a Noise Abatement Notice in connection with a statutory noise nuisance, emphasised the seriousness of the situation, yet it appears that since the service of the Notice the noise was stated to have become worse.

The Sub-Committee was particularly disturbed to hear of the unacceptable behaviour of the lady who presented herself as managing the Premises when the Responsible Authorities (Police, Licensing and Environmental Protection) attended at the Premises. The behaviour showed contempt for the licensing objectives and the role of the Responsible Authorities. Video footage submitted with review request exposed further inappropriate behaviour and encouragement to others to do the same. The Sub-Committee noted that the licence holder and DPS did not attend the hearing.

The Sub-Committee considered whether further conditions, including conditions related to live and recorded music, could be added to the licence to address the issues, and promote the licensing objectives. They concluded given the behaviour of the Premises Licence Holder and managers of the Premises in relation to the conditions currently on the licence, the behaviour towards the Responsible Authorities and the fact that a Noise Abatement Notice had to be issued, that they had no confidence that revised conditions would be complied with. The Sub-Committee determined that the removal of the DPS or the exclusion of a licensable activity from the scope of the licence was not appropriate.

After careful deliberation, the Sub-Committee concluded that it was appropriate to revoke the licence. The Sub-Committee recognised that this was a serious step to take and did not take it lightly. In coming to this conclusion it took account of all the information before it. It noted that the situation had extended for a period of over 6 months and had had a considerable impact on the residents' quality of life and ability to enjoy their own homes. The applicants for the review had tried to come to a compromise with the licence holder without success, and considerable advice and assistance had been provided by the Responsible Authorities, but the situation did not improve. It appeared that the licence holder did not take the issues seriously for some considerable time.

Right of Appeal:

Any party who wishes to appeal the decision has 21 days from the date of receipt of this notice to submit an appeal to Weymouth Magistrates Court, Westwey Road, Weymouth, DT4 8BS. You may wish to seek independent legal advice in relation to any such appeal. The Court may make an award of costs against a party. If an appeal is successful, the Council will resist any costs application and if an appeal is unsuccessful an application for costs will be made by the Council.

Councillor J Andrews

Date 9 September 2022