



Licensing Sub-Committee

Date: Tuesday, 11 August 2020
Time: 10.00 am
Venue: A link to the meeting can be found on the front page of the agenda.

Membership: (Quorum 3)
Councillors Jon Andrews, Emma Parker and David Taylor

Chief Executive: Matt Prosser, South Walks House, South Walks Road, Dorchester, Dorset DT1 1UZ (Sat Nav DT1 1EE)

For more information about this agenda please telephone Democratic Services 01305 224202 elaine.tibble@dorsetcouncil.gov.uk



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<https://youtu.be/xEH0ezBiu14>

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A G E N D A

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

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

2 APOLOGIES

To receive any apologies for absence.

3 DECLARATIONS OF INTEREST

To receive any declarations of interest.

4 LICENSING SUB-COMMITTEE PROCEDURES

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5 SUMMARY REVIEW - FAT CAT/RUMSHACK, WEYMOUTH

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To determine the application in the light of written and oral evidence and resolve to take such steps as considered 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

6 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.

7 EXEMPT BUSINESS

To move the exclusion of the press and the public for the following item in view of the likely disclosure of exempt information within the meaning of paragraphs 1 and 7 of Part 1 of schedule 12 A to the Local

Government Act 1972 (as amended).

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

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TEMPORARY LICENSING SUB-COMMITTEE HEARINGS PROCEDURE AND GUIDANCE

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

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

The following points of clarification apply throughout:

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

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

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

Rights of a Party

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

Failure to Attend

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

Procedural Information

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

FOOTNOTE:

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

LICENSING SUB-COMMITTEE PROCEDURE

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

NOTE

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

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

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

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

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

Licensing Sub-Committee 11 August 2020 Licensing Act 2003 Summary Review Fat Cat/Rumshack, Weymouth

For Decision

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

Local Councillor(s): Cllr J Orrell

Executive Director: John Sellgren, Executive Director of Place

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

Report Status: Public

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

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

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

1. Executive Summary

Dorset Police have applied for a summary review of the premises licence for the Fat Cat bar (also known as the Rumshack) in Maiden Street, Weymouth under section 53A of the Licensing Act 2003. The application must be considered at a hearing by a licensing Sub-Committee within 28 days of that application.

2. Financial Implications

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

3. Climate implications

None

4. Other Implications

Public Health and Community Safety

5. Risk Assessment

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

Current Risk: High

Residual Risk: High

There is a financial risk as the decision of the Sub-Committee can be appealed to a magistrate's court by any of the parties with the possibility of costs being awarded. This is mitigated by ensuring compliance with statutory requirements and ensuring legal advice is available to the Sub-Committee.

There is a health and safety risk associated with compliance with Government Guidance relating to Covid-19.

There is a reputational risk as the decision of the Sub-Committee could effect a current business operating in Weymouth.

6. Equalities Impact Assessment

Not Applicable

7. Appendices

Appendix 1 – Application for summary review and certificate

Appendix 2 – Premises licence

Appendix 3 – Representation from the premises licence holder

Appendix 4 – Representations from responsible authorities

Appendix 5 – Representations from other parties

Appendix 6 – Exempt - Not for publication by virtue of paragraphs 1 and 7 of Part 1 of Schedule 12A to the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variations) Order 2006 – EXEMPT INFORMATION. The public interest in maintaining the exemptions outweighs the public interest in disclosing the information.

8. Background Papers

[Licensing Act](#)

[Section 182 Guidance](#)

[LGA Councillors Handbook](#)

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

9. Details

- 9.1. Dorset Police applied for a summary review under section 53A of the Licensing Act on 16 July 2020. This is the full review hearing that must be held and completed within 28 days after the receipt of the application. The application and Certificate are attached at appendix 1.
- 9.2. An interim steps hearing was held on the 17 July and the Authority decided that it was an appropriate measure to immediately suspend the premises licence, having considered all other options available to them. This decision remained after hearing representations from the premises licence holder on the 27 July.
- 9.3. The premises under review was first licensed as “La Fiesta” in 2014 and transferred to Aslanar Ltd, a company run by Jamie Lyones on 9 June 2016. On 25 May 2018 the Licence was transferred to Aneen Crane, Mr Lyones partner at the time, and on 23 April 2020 Jamie Lyones became the sole Premises Licence Holder. The current licence is attached at appendix 2.
- 9.4. The Designated Premises Supervisor was Aneen Crane from 9 June 2016 up to 23 April 2020 when she resigned from the role. Joseph Ronayne became the DPS on 3 July 2020 and informed us by telephone on the 27 July 2020 that he is no longer part of this business, this has yet to be confirmed in writing.
- 9.5. The Summary Review has been advertised on the premises and on the Councils web site, and the responsible authorities were notified.
- 9.6. A representation has been submitted by the applicant and is attached at appendix 3.
- 9.7. There have been representations from the following Responsible Authorities:-
 - a) The Licensing Authority
 - b) Environmental Health (Food, Safety and Port Health
 - c) Environmental Protection
 - d) Planning
 - e) Dorset and Wiltshire Fire and RescueThe representations are attached at appendix 4.

9.8. There have been representations from any other person:-

- a) Weymouth Town Council
- b) Respect Weymouth
- c) One Resident

The representations are attached at appendix 5.

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

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

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

9.44 Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. While this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters. As with the consideration of licence variations, the licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business. Further advice on determining what is appropriate when imposing conditions on a licence or certificate is provided in Chapter 10. The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination.

- 9.10. Having considered everything before them the steps that the Sub-Committee may take are:
- a) Modification of the conditions of the licence
 - b) Exclusion of a licensable activity from the scope of the licence
 - c) Removal of the Designated Premises Supervisor from the licence
 - d) Suspend the licence for a period not exceeding 3 months
 - e) Revoke the licence
- At this point in time there is no DPS on the licence so point c) would have no effect.

- 9.9. The determination of the LA will not take effect until the end of the 21 day period during which an appeal may be lodged or if the decision is appealed until that appeal is heard. Therefore Sub-Committee must review the interim steps that have already been taken and after considering all the evidence before them decide whether it is appropriate and proportionate that the steps decided on;-
- a) remain in place, or
 - b) be modified, or
 - c) be withdrawn.

- 9.10. There can be no delay or adjournment of this hearing beyond the statutory 28 day period) and the determination must be made within the 28 day period which ends on 13 August 2020. (paragraph 12.22 of the guidance)

Footnote:

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

Supporting Documentation

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Statutory Form For Applying For A Summary Licence Review

Dorset County Council Licensing Authority

Application for the review of a premises licence under section 53A of the Licensing Act 2003 (premises associated with serious crime or disorder)

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 the 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.**

I, **Police Sergeant Gareth Gosling** on behalf of the chief officer of police for the Dorset Police area, apply for the review of a premises licence under section 53A of the Licensing Act 2003.

1. Premises details:

Postal address of premises, or if none or not known, ordnance survey map reference or description: **Fat Cat Bar / Rumshack, 38 Maiden Street**

Post town: **Weymouth**

Post code (if known): **DT4 8BA**

2. Premises licence details:

Name of premises licence holder (if known): **Jamie LYONES**

Number of premises licence holder (if known): **WPPL0400**

3. Certificate under section 53A(1)(b) of the Licensing Act 2003 [Please read guidance note 1]:

I confirm that a certificate has been given by a senior member of the police force for the police area above that in their opinion the above premises are associated with serious crime or disorder or both, and the certificate accompanies this application.

(Please tick the box to confirm)

4. Details of association of the above premises with serious crime, serious disorder or both:

[Please read guidance note 2]

This premise has been of interest and concern for some time due to the apparent reluctance of the licence holder to meet the existing licensing conditions.

There is a significant concern that the Licensing Objectives are incapable of being promoted at this premise as since the premises re-opened fully on the 4th July 2020 following the Government restrictions on Licensed Premises, a number of incidents have occurred which have caused significant concern.

When officers from Dorset Police attended the premises on the 4th July 2020 it was noted that the Government guidelines to promote public health were not being followed and that several licence conditions, including those relating to CCTV requirements, were not being adhered to. The failure to promote of public health guidelines presents a risk to public health and cause the spread of Covid-19, risking the lives of the public.

In the early hours of 6th July 2020 a violent incident took place a short distance from this premises involving customers and management of the premises. This incident continues to be investigated by Dorset Police; however, initial CCTV of the incident indicates that Mr. Lyones was directly involved in the incident as a perpetrator.

In the early hours of 13th July 2020 a further incident of violence took place nearby to the premises involving customers that had frequented the premises earlier that evening. This incident led to a male sustaining a head injury and temporarily becoming unconscious. Once again, this incident continues to be investigated.

Finally, and perhaps most concerning, resulting ion this application, is that in the early hours of Tuesday 14th July 2020 Police were called to a report of an assault involving a weapon, whereby a patron of Fat Cat Bar was stabbed with what we believe to be a drill bit. This type of assault is 'serious violence' and in the wake of the other incidents raises significant concerns that the premises is not being managed effectively.

Dorset Police and Dorset County Council Officers have attended the premises to view and obtain CCTV. During the visit it was determined that faults in the recording of the CCTV system has led to significant periods where there is no footage recorded. The CCTV operator advised that footage was absent between Saturday 4th July 2020-Wednesday 8th July 2020 and then Friday 10th July 2020- Monday 13th July 2020. The footage that is captured on the CCTV system was incorrectly time-stamped and was inaccurate by over 12 hours during our most recent visit. This issue with the CCTV will almost certainly impede the ability of Dorset Police to effectively investigate the incidents listed above.

I am not satisfied that a standard Review is appropriate due to the delays that would be incurred and the continued risk to the public that this premises presents. I therefore respectfully request that the Dorset County Council Licensing Sub-Committee agree to impose interim measures to include the temporary suspension of the Premises Pending a Full Hearing to decide the most appropriate measures to deal with these concerns.

Signature of applicant:



Date: 16/07/2020

Capacity: *Police Sergeant – Dorset Police Drug & Alcohol Harm Reduction Team*

Contact details for matters concerning this application:

Address:

DAHRT
Bournemouth Police Station
Madeira Road
Bournemouth
Dorset
BH1 1QQ

Telephone – 01202 222824

e-mail – licensing@dorset.pnn.police.uk

Notes for guidance:

1. A certificate of the kind mentioned in the form must accompany the application in order for it to be valid under the terms of the Licensing Act 2003. The certificate must explicitly state the senior officer's opinion that the premises in question are associated with serious crime, serious disorder or both. Serious crime is defined by reference to section 81 of the Regulation of Investigatory Powers Act 2000.

In summary, it means:

- conduct that amounts to one or more criminal offences for which a person who has attained the age of eighteen and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of three years or more; or
- conduct that amounts to one or more criminal offences and involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.

Serious disorder is not defined in legislation, and so bears its ordinary English meaning.

2. Briefly describe the circumstances giving rise to the opinion that the above premises are associated with serious crime, serious disorder, or both.



.....

CERTIFICATE UNDER SECTION 53A(1)(b) OF THE LICENSING ACT 2003

I hereby certify that in my opinion the premises described below are associated with both serious crime and serious disorder.

Premises:

*Fat Cat Bar
38 Maiden Street
Weymouth
Dorset*

Premises Licence Number (if known): WPL0400

Name of premises supervisor (if known): Not Known

I am a *Superintendent* in the Dorset Police force.

I am issuing this certificate as I am of the opinion that other procedures under the Licensing Act are inappropriate in this case, because:

There is a significant concern that the Licensing Objectives are incapable of being promoted at this premise as since the premises re-opened fully on the 4th July 2020 following the Government restrictions on Licensed Premises, a number of incidents have occurred.

When officers from Dorset Police attended the premises on the 4th July 2020 it was noted that the Government guidelines to promote public health were not being followed and that several licence conditions, including those relating to CCTV requirements, were not being adhered to.

In the early hours of the 6th July 2020 a violent incident took place a short distance from this premises involving customers and management of the premises. This incident continues to be investigated.

In the early hours of the 13th July 2020 a further incident of violence took place nearby to the premises involving customers that had frequented that premises. This incident led to a male sustaining a head injury and temporarily becoming unconscious. This incident continues to be investigated.

Finally, and perhaps most concerning, is that in the early hours of Tuesday 14th July 2020 Police were called to a report of an assault involving a weapon. This is alleged to have taken place at this premises and continues to be investigated.

I am not satisfied that a standard Review is appropriate due to the delays that would be incurred and the continued risk to the public that this premises presents.

I have been informed that these premises have previously failed to meet their licence conditions and that we have over the past 12 months received several reports of crime and anti-social behaviour associated to this premises.



.....
Name – Superintendent Caroline Naughton
Date – 15th July 2020

Licensing Act 2003
Premises Licence

WPPL0400

Part 1 - Premises Details

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

Rumshack

38 Maiden Street, Weymouth, Dorset, DT4 8BA.

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- a performance of a play
- a performance of live music
- any playing of recorded music
- a performance of dance
- provision of late night refreshment
- the supply of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
A. Performance of a play (Indoors)	Monday to Sunday	Noon	2:00am
E. Performance of live music (Indoors)	Monday to Sunday	Noon	5:00am
F. Playing of recorded music (Indoors)	Monday to Sunday	Noon	5:00am
G. Performance of dance (Indoors)	Monday to Sunday	Noon	5:00am
I. Late night refreshment (Indoors)	Monday to Sunday	11:00pm	5:00am
J. Supply of alcohol for consumption ON and OFF the premises	Monday to Sunday	10:00am	5:00am

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Sunday	Midnight	11:59pm

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

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

Part 2

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

Jamie Andrew Lyones



Licensing Act 2003
Premises Licence

WPPL0400

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

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

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

ANNEXES

APPENDIX 1 - MANDATORY CONDITIONS

1. Designated Premises Supervisor

No supply of alcohol may be made under this premises licence -

- (i) at a time when there is no designated premises supervisor in respect of the premises licence, or
- (ii) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

2. Every supply of alcohol under this premises licence must be made or authorised by a person who holds a personal licence.

3. The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises.

a) games or other activities which require or encourage, or are designed to require or encourage, individuals to -

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

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

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

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

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

(a) a holographic mark or



Licensing Act 2003 Premises Licence

WPPL0400

ANNEXES continued ...

(b) an ultraviolet feature.

6. The responsible person shall ensure that -

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -
- (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

Minimum Drinks Pricing

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

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

- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979
- (b) "permitted price" is the price found by applying the formula -

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

Where -

(i) P is the permitted price

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

- (i) The holder of the premises licence
 - (ii) The designated premises supervisor (if any) in respect of such a licence, or
 - (iii) The personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from the paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

If the Premises Licence has conditions in respect of Door Supervision except theatres, cinemas, bingo halls and casinos

1. Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, each such individual must:
- (a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
 - (b) be entitled to carry out that activity by virtue of section 4 of the Act.



Licensing Act 2003 Premises Licence

WPPL0400

ANNEXES continued ...

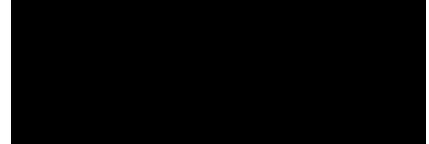
2. But nothing in subsection (1) requires such a condition to be imposed:
 - (a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c12) (premises with premises licences authorising plays or films); or
 - (b) in respect of premises in relation to:
 - (i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by licence), or
 - (ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).
3. For the purposes of this section:
 - (a) "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies, and, which is licensable conduct for the purposes of that Act, (see Section 3(2) of that Act) and
 - (b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

APPENDIX 2 - OPERATING SCHEDULE

1. The Premises Licence Holder / Designated Premises Supervisor will ensure that an Incident Report Register is maintained on the premises to record incidents such as anti-social behaviour, admissions refusals and ejections from the premises. (CD28)
2. The Incident Report Register will contain consecutively numbered pages, the date time and location of the incident, details of the nature of the incident, the names and registration numbers of any door staff involved or to whom the incident was reported, the names and personal licence numbers (if any) of any other staff involved or to whom the incident was reported, the names and numbers of any police officers attending, the police incident and / or crime number, names and addresses of any witnesses and confirmation of whether there is CCTV footage of the incident. (CD29)
3. The Incident Report Register will be produced for inspection immediately on the request of an authorised officer from the Licensing Authority or Police. (CD30)
4. A Closed-Circuit Television (CCTV) system will be operational at the premises at all times when licensable activities are being carried out and at any other times when members of the public are present on the premises. (CD01)
5. The CCTV system will cover all areas of the premises occupied by the public under the terms of the licence (licensed areas), including corridors and stairways (excluding WCs and changing rooms). (CD02)
6. The CCTV system will cover the main entrance/s and exit/s and designated emergency egress routes from the premises. (CD03)
7. The CCTV system will be of a resolution quality which will enable the identification of persons and activities, and other fine details such as vehicle registration number plates in any light condition. (CD06)
8. The CCTV system will contain the correct time and date stamp information. (CD07)
9. The CCTV system will have sufficient storage retention capacity for a minimum of 30 days' continuous footage. (CD08)
10. The CCTV footage will be controlled and kept in a secure environment to prevent tampering or unauthorised viewing. A record will be kept of who has accessed the system, the reason why and when. This record must be made available to Police/Licensing on request. (CD09)
11. The Premises Licence Holder / Designated Premises Supervisor will ensure that there are staff who are authorised and trained to operate the premises CCTV system. Subject to the Data Protection Act 1988 the Premises Licence Holder / Designated Premises Supervisor will supply CCTV images to Police where the disclosure is necessary for investigating or preventing a crime or apprehending or prosecuting an offender. On receipt of a lawful disclosure request, the CCTV images will be supplied with appropriate replay viewing software to Police as soon as reasonably practicable.
12. No person under 18 years of age is permitted to enter or remain within the premises after midnight.
13. DPS/PLH to risk assess, on a regular basis, requirement for and deployment of Door Supervision staff.
14. The holder of the premises licence/club premises certificate will ensure that proof of age is required for any sale/supply of alcohol that takes place where there is a suspicion on the part of the person selling or supplying the alcohol that the customer is under 21 years of age. Such proof of age conforms to the PASS accreditation system, photo driving licence, or passports.

**Licensing Act 2003
Premises Licence**

WPPL0400



Business Licensing



Licensing Act 2003
Premises Licence Summary

WPPL0400

Premises Details

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

Rumshack

38 Maiden Street, Weymouth, Dorset, DT4 8BA.

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- a performance of a play
- a performance of live music
- any playing of recorded music
- a performance of dance
- provision of late night refreshment
- the supply of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
A. Performance of a play (Indoors)	Monday to Sunday	Noon	2:00am
E. Performance of live music (Indoors)	Monday to Sunday	Noon	5:00am
F. Playing of recorded music (Indoors)	Monday to Sunday	Noon	5:00am
G. Performance of dance (Indoors)	Monday to Sunday	Noon	5:00am
I. Late night refreshment (Indoors)	Monday to Sunday	11:00pm	5:00am
J. Supply of alcohol for consumption ON and OFF the premises	Monday to Sunday	10:00am	5:00am

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Sunday	Midnight	11:59pm

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

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

NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

Jamie Andrew Lyones

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



Licensing Act 2003
Premises Licence Summary

WPPL0400

NAME OF DESIGNATED PREMISES SUPERVISOR OR MANAGEMENT COMMITTEE WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

[REDACTED]

STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED

None



Appendix 3

Representations on behalf of Mr Jamie Lyones

Premises Licence Holder for Rumshack, 38 Maiden Street, Weymouth, Dorset DT4 8BA

1. These representations are made in respect of the application to review the premises licence. Mr Lyones would like to express his apologies and regret to the Licensing Committee that there has been a need for the licence to be reviewed and would like to stress that he takes his responsibilities as a licence holder very seriously.
2. He has been involved with the premises for nearly 5 years and in all that time there has not been issues raised by any responsible authority which would give rise to a review of the premises licence. The concern expressed by the police in the expedited review has been during a very limited period of time since re-opening after the Covid lock down.
3. The application for the review sets out 4 incidents. No evidence has been disclosed by the police in relation to those incidents despite numerous requests. At the hearing held on the 27th July it was said that witness statements were provided to the Committee at the original interim steps hearing at which the Licence holder was not present. Further, CCTV was shown at the hearing on the 27th July. No such evidence has been disclosed to the Premises Licence Holder and this has been extremely prejudicial to Mr Lyones receiving a fair hearing.
4. At the hearing held on 27th July representatives of the also Licensing Authority referred to CCTV evidence which had been disclosed to the Police and was available to be presented to the Sub-Committee at that time. Correctly, following legal advice this was not viewed at that time. We note that despite encouragement from the Sub-Committee for transparency to enhance a full and fair hearing, no additional evidence has been disclosed to date by either the Police or Licensing Authority.
5. We made clear at the hearing on the 27th July how imperative it was that if the police had any evidence which supported the contention that the incidents were linked to the poor management of the premises it be provided. As at the 30th July no further information or contact has been received from the police.
6. With regard to the visit on the 4th July this was of course the first day the premises had been open following the lock down. The licence holder had put all reasonable measures in place to comply with the Government guidance. When the police visited further guidance was given managing social distancing and that advice was followed. Notably that first evening there were a lot of people visiting the licensed premises and it was a difficult situation to manage to ensure customers abided by the guidelines.
7. At the hearing on 27th July, the Police referred to complaints received from third parties regarding social distancing. We understand these have been received also by the Licensing Authority. Save for the 4th July, no issues of Covid compliance have been raised with the premises directly by any Responsible Authority.

8. Following that first night, no further concerns have been raised by the police regarding the Government guidelines. Police officers visited the premises on the 6th, 9th and 10th July and no concerns were raised. Mr Lyones had reacted positively to that opening night by employing more staff to operate in the premise to enforce the guidance. There is no evidence to conclude that the government guidance on Covid for licensed premises would not be adhered to if the premises were permitted to re-open.
9. At the hearing on the 27th July it was said there was no licence summary on display and that the mandatory condition requiring minimum measures being available was breached. The Licence holder can confirm that a summary of the licence is on display and minimum measures are available and accordingly those matters should not be of any concern to the Licensing Committee.
10. It is accepted there were issues with the CCTV, for which explanations have been given, but those have been resolved and the CCTV works perfectly well. Mr Lyones has provided CCTV footage to the police when asked to do so in the past and the Police have complimented the system regarding its clarity of image.
11. The incidents detailed in the application on the 6th, 13th and 14th July did not take place in the premises. The premises licence holder is disadvantaged himself by the CCTV not recording on the dates of each incident as he would have proof there were no issues in the premises.
12. In relation to the incident on the 6th July we understand this matter is likely to proceed to a criminal trial. It would be unfair of the Committee to make any finding of fact on the evidence adduced by the police in relation to this matter as it is disputed by Mr Lyones.
- ~~13.~~ Regarding the 13th July the male had been in the premises earlier in the evening. He then left. Later in the evening he returned with a head injury and he advised staff there had been a fight outside of the Weymouth Tandoori, which is opposite the Rumshack. The person said they were not involved but had been knocked to the floor in the commotion and sustained the injury. However, another member of staff actually witnessed how the injury occurred whilst they were taking a break to have a smoke. They saw the person leaving the premises with a group of what appeared to be friends, the member of staff assumed they were exiting the premises to smoke. As he exited the alleyway, which leads to the rear part of the premises, a female within the group turned and leapt into his arms. This was clearly playful and not an aggressive act. As a result he became unbalanced and fell forward, with the female, towards the road. He was unable to break his fall and appeared to strike his head firmly on the ground. The member of staff immediately offered assistance, the male appeared to have a minor injury above the eye. The male appeared embarrassed and declined any assistance and left the area unaided. Later in the evening the same member of staff was alerted to an unwell customer in the venue who he attended and recognised as the same person who had fallen outside earlier and hit his head. The injury appeared more swollen at this time. First aid was administered by staff and an ambulance was summoned by the premises.
14. Following that incident and whilst in the Rumshack the male lost consciousness and staff administered first aid and called for an ambulance. This incident had nothing to do with

the premises and the staff acted appropriately. The person returned to the premises the following day to thank the staff for looking after him.

- 15.** For the incident on the 14th July no information has been provided to link this to the premises other than what is said in the application. This certainly did not happen in the venue. Staff at the premises observed that two males were arrested by the police that evening. Those two males had been asked to leave the premises much earlier than their arrest. They had argued in the premises with raised voices and in accordance with Government guidance to ensure no raised voices and to diffuse the situation staff asked them to leave, which they did. They did not re-enter the premises.
- 16.** No further evidence of this incident was provided at the hearing on the 27th July linking it to the premises despite a clear and unequivocal request to the police to disclose any evidence they had which supported their contention this was linked to poor management of the premises.
- 17.** On none of the police visits to the premises from the 4th July was any mention made of a concern regarding the management of the premises or the consideration of a review application. At the meeting with the Council and the Police on the 13th July no mention was made that there were serious concerns about the management of the premises which might trigger a review. On any occasion advice has been given this has been followed by the Licence Holder and staff at the premises.
- 18.** The trigger for this review therefore is the incident on the 14th July, which did not occur in the premises and was not attributable to how those premises are managed. .

John Gaunt & Partners

30.7.2020

Licensing Office
South Walks House
South Walks Road
Dorchester
DT1 1UZ

Tel: 01305 251010
Website: www.dorsetcouncil.com



Community Protection Service
Head of Community & Public Protection
Graham Duggan

Licensing Team
South Walks House
South Walks Road
Dorchester
DT1 1UZ

Please contact: John Newcombe
Direct Line: 01305 838028
Email: licensingteamb@dorsetcouncil.gov.uk

30 July 2020

Dear Licensing Team,

Re: Application for a Summary Review under s.53 of the Licensing Act 2003 for the premises known as the Fat Cat/Rumshack/Aslan 38 Maiden Street, Weymouth, DT4 8BA

The Licensing Authority, acting as a Responsible Authority under the Licensing Act 2003 is making representation in support of the above application by Dorset Police in relation to the following Licensing Objectives;

- The Prevention of Crime and Disorder
- Public Safety
- The Prevention of Public Nuisance

The Premises licence WPPL0400 covers three trading areas, known as the Fat Cat, Rumshack Bar and Aslan Bar & Grill.

The Licensing Authority, is fully supportive of the application for review applied for by Dorset Police and is fully supportive of the imposition of Suspension of Licensable Activities as Interim Steps as agreed by the Licensing Committee and is furthermore seeking **revocation** of the premises licence as a proportionate and necessary response to events that have taken place at, or in the immediate vicinity of, the premises for the reasons outlined below.

The Licensing Authority is of the opinion that there is no reason to support any alternative options other than revocation of the premises licence due to the continued failure of the Licence Holder and/or Designated Premises Supervisor(s) to meet the existing requirements and conditions in force at the premises and sees no evidence to suggest that management of the premises would ensure that any enhanced or improved conditions or curtailments would be complied with in the future.

It is regrettable that the Licensing Authority has been unable to ensure that these premises promote the Licensing Objectives and that despite the best endeavours of the Licensing Authority and its statutory partner authorities who have put a huge amount of time and effort into advising and educating the Licence Holder and Designated Premises Supervisor(s), as to the correct manner in which to manage the premises, the premises continues to be a constant source of Crime and Disorder and a significant risk to Public Safety and Public Nuisance.

The agencies which have been involved with the premises over the last 12 months alone are;

Licensing Authority
 Dorset Police
 Health & Safety
 Environmental Protection
 Dorset & Wiltshire Fire & Rescue Service
 Planning / Building Control

The premises has a long history of non-compliance with the Licensing Authority and I attach a number of statements from Officers of the Authority and supporting documentation detailing a list of failures and issues over the last 9 months.

Many of the breaches of the terms of the licence are serious offences in their own right and have been previously raised with premises management both verbally and in writing. Premises management do not appear to understand the importance of complying with the terms of their licence and have repeatedly failed to comply with the requirements contained therein.

Many of the breaches relate to the mandatory conditions, for example age verification and smaller measures. There are also repeat offences related to a lack of compliance regarding holding/displaying licences at the premises. The conditions which form part of the operating schedule are also regularly breached, for example the use of an incident register and door supervisor risk assessment. All of these conditions have been previously highlighted to management of the premises but have not thus far been complied with.

There have been issues with a non-compliant smoking shelter. There are also ongoing issues with unauthorised alterations to the layout of the premises, which management have refused to remedy.

One area of non-compliance which is of particular frustration, not only for the Licensing Authority but also for the Police, is the repeated attempts to hinder lawful investigations into alleged criminal offences through denial of access to the CCTV system at the premises. There have been numerous occasions, detailed within the supporting statements, where CCTV footage has been requested and it has not been forthcoming. This is through a mixture of obstructive tactics, in clear violation of the terms of the premises licence and involves; a lack of trained personnel at the premises; an inability for staff available to operate the system and a refusal to co-operate with officers who wish to visit the premises to access the system. There has also been a failure to ensure the correct date and times are recorded on the system and instances of purposefully deactivating the system and/or deleting the footage when alleged offences have taken place. All of which are clear breaches of the terms and conditions which form part of the authorisation to conduct licensable activities.

This is entirely contrary to the spirit of the Act and there have been occasions where the obstructive nature of the management has become so tedious that it has been necessary to seek a warrant from the courts to seize the hard drive. (Sept 2018)

A list of the recent offences committed at the premises is provided below, details of the offences are contained within the statements provided.

Table 1. Offences identified at the Fat Cat during the last 9 months

Date	Act/Section	Offence	Notified	Maximum Penalty
27.11.19	Licensing Act 2003 57 (4)	Failure to keep premises licence or certified copy at premises and failure to display summary of premises licence or	2.12.19 by letter SS7	£500

		certified copy and notice specifying nominated person		
27.11.19	Licensing Act 2003 57 (7)	Failure to produce premises licence or certified copy to constable or authorised person for examination	2.12.19 by letter SS7	£500
27.11.19	Licensing Act 2003 136 (1)	Mandatory Condition 5 – Age Verification Policy; Knowingly allowing or carrying on or attempting to carry on unauthorised licensable activity otherwise than under and in accordance with an authorisation	2.12.19 by letter SS7	6 months imprisonment and/or up to an unlimited fine
27.11.19	Licensing Act 2003 136 (1)	Mandatory Condition 6 – Smaller Measures; Knowingly allowing or carrying on or attempting to carry on unauthorised licensable activity otherwise than under and in accordance with an authorisation	2.12.19 by letter SS7	6 months imprisonment and/or up to an unlimited fine
27.11.19	Licensing Act 2003 136 (1)	Annex 2 Condition 2 – Incident Register; Knowingly allowing or carrying on or attempting to carry on unauthorised licensable activity otherwise than under and in accordance with an authorisation	2.12.19 by letter SS7	6 months imprisonment and/or up to an unlimited fine
27.11.19	Licensing Act 2003 136 (1)	Annex 2 Condition 13 – Door Supervisor Risk Assessment; Knowingly allowing or carrying on or attempting to carry on unauthorised licensable activity otherwise than under and in accordance with an authorisation	2.12.19 by letter SS7	6 months imprisonment and/or up to an unlimited fine
27.11.19	Health Act 2006 s.8	Offence of failing to prevent smoking in smoke-free place	3.12.19 by letter SS8	£2500
13.12.19	Licensing Act 2003 136 (1)	Premises Licence Annex 3 – Plan; Knowingly allowing or carrying on or attempting to carry on unauthorised licensable activity otherwise than under and in accordance with an authorisation	20.1.20 by letter SS11a	6 months imprisonment and/or up to an unlimited fine
4.7.20	Licensing Act 2003 57 (4)	Failure to keep premises licence or certified copy at premises and failure to display summary of premises licence or certified copy and notice specifying nominated person	Advised verbally at venue	£500
4.7.20	Licensing Act 2003 57 (7)	Failure to produce premises licence or certified copy to constable or authorised person for examination	Advised verbally at venue	£500
4.7.20	Licensing Act 2003 136 (1)	Mandatory Condition 6 – Smaller Measures; Knowingly allowing or carrying on or attempting to carry on unauthorised licensable activity otherwise than under and in accordance with an authorisation	Advised verbally at venue	6 months imprisonment and/or up to an unlimited fine
4.7.20	Licensing Act 2003 136 (1)	Annex 2 Condition 2 – Incident Register; Knowingly allowing or carrying on or attempting to carry on unauthorised	Advised verbally at venue	6 months imprisonment

		licensable activity otherwise than under and in accordance with an authorisation		and/or up to an unlimited fine
4.7.20	Licensing Act 2003 136 (1)	Annex 2 Condition 3 – Incident Register; Knowingly allowing or carrying on or attempting to carry on unauthorised licensable activity otherwise than under and in accordance with an authorisation	Advised verbally at venue	6 months imprisonment and/or up to an unlimited fine
4.7.20	Licensing Act 2003 136 (1)	Annex 2 Condition 8 – CCTV; Knowingly allowing or carrying on or attempting to carry on unauthorised licensable activity otherwise than under and in accordance with an authorisation	Advised verbally at venue	6 months imprisonment and/or up to an unlimited fine
4.7.20	Licensing Act 2003 136 (1)	Annex 2 Condition 10 – CCTV; Knowingly allowing or carrying on or attempting to carry on unauthorised licensable activity otherwise than under and in accordance with an authorisation	Advised verbally at venue	6 months imprisonment and/or up to an unlimited fine
4.7.20	Licensing Act 2003 136 (1)	Annex 2 Condition 11 – CCTV; Knowingly allowing or carrying on or attempting to carry on unauthorised licensable activity otherwise than under and in accordance with an authorisation	Advised verbally at venue	6 months imprisonment and/or up to an unlimited fine
4.7.20	Licensing Act 2003 136 (1)	Annex 2 Condition 13 – Door Supervisor Risk Assessment; Knowingly allowing or carrying on or attempting to carry on unauthorised licensable activity otherwise than under and in accordance with an authorisation	Advised verbally at venue	6 months imprisonment and/or up to an unlimited fine
4.7.20	Licensing Act 2003 136 (1)	Premises Licence Annex 3 – Plan; Knowingly allowing or carrying on or attempting to carry on unauthorised licensable activity otherwise than under and in accordance with an authorisation	Advised verbally at venue	6 months imprisonment and/or up to an unlimited fine
6.7.20	Licensing Act 2003 136 (1)	Annex 2 Condition 4 – CCTV; Knowingly allowing or carrying on or attempting to carry on unauthorised licensable activity otherwise than under and in accordance with an authorisation	Advised verbally at venue	6 months imprisonment and/or up to an unlimited fine
8.7.20 to 13.7.20	Licensing Act 2003 136 (1)	Annex 2 Condition 10 – CCTV; Knowingly allowing or carrying on or attempting to carry on unauthorised licensable activity otherwise than under and in accordance with an authorisation	Advised verbally at venue	6 months imprisonment and/or up to an unlimited fine

The Fat Cat sits within an area of Weymouth which has been designated as a stress area under the Licensing Act under a Cumulative Impact Policy which forms a part of the existing Licensing Policy. The policy remains in force and is currently subject to a consultation on retention as part of Dorset Council's Statement of Licensing Policy 2021-26.

I have attached a copy of the supporting data from the cumulative impact area report JN1 and JN2 which is for background information purposes. I also attach a supporting document from South West Ambulance Service Trust which details the number of emergency ambulance callouts to the location; the impact that these specific premises are having on the Cumulative Impact area, is substantial.

For example, between them, the Fat Cat and Closet premises, which are adjacent to each other, have 18 separate emergency ambulance call outs in the last 12 months. 9 have been tagged to the Fat Cat and 9 to the Closet.

Table 2. SWAST Emergency Ambulance Call outs to location July 2019 to July 2020

13 Jul 2020 04:19:32	ASLAN 38 MAIDEN STREET WEYMOUTH DORSET DT4 8BA
06 Apr 2020 20:11:55	38 MAIDEN STREET WEYMOUTH DORSET DT4 8BA
06 Apr 2020 15:58:56	38 MAIDEN STREET WEYMOUTH DORSET DT4 8BA
18 Mar 2020 00:56:41	THE CLOSET 38 MAIDEN STREET WEYMOUTH DORSET DT4 8BA
12 Mar 2020 02:49:55	THE CLOSET 38A MAIDEN STREET WEYMOUTH DORSET DT4 8BA
09 Mar 2020 02:22:33	THE CLOSET 38A MAIDEN STREET WEYMOUTH DORSET DT4 8BA
01 Mar 2020 04:15:10	O/S FAT CAT MAIDEN STREET WEYMOUTH DORSET DT4 8BA
26 Jan 2020 01:02:45	THE FAT CAT BAR MAIDEN STREET WEYMOUTH DORSET DT4 8BA
29 Oct 2019 04:36:18	O/S FAT CAT BAR 38 MAIDEN STREET WEYMOUTH DORSET DT4 8BA
13 Oct 2019 03:52:35	THE CLOSET 38A MAIDEN STREET WEYMOUTH DORSET DT4 8BA
03 Oct 2019 02:03:00	THE CLOSET 38A MAIDEN STREET WEYMOUTH DORSET DT4 8BA
29 Sep 2019 04:11:40	OS THE CLOSET 38A MAIDEN STREET WEYMOUTH DORSET DT4 8BA
27 Sep 2019 04:21:33	ASLAN BAR & GRILL 38 MAIDEN STREET WEYMOUTH DORSET DT4 8BA
17 Sep 2019 02:26:47	THE CLOSET 38A MAIDEN STREET WEYMOUTH DORSET DT4 8BA
04 Sep 2019 04:52:35	38 MAIDEN STREET WEYMOUTH DORSET DT4 8BA
26 Aug 2019 00:57:03	O/S 36A MAIDEN STREET WEYMOUTH DORSET DT4 8BA
07 Jul 2019 03:41:38	THE CLOSET NIGHTCLUB THE CLOSET 38A MAIDEN STREET WEYMOUTH DORSET DT4 8BA
07 Jul 2019 03:27:48	THE CLOSET NIGHTCLUB 38A MAIDEN STR

The Licensing Authority is not suggesting that the Fat Cat is responsible for all of the alcohol related crime and disorder within the Cumulative Impact Zone and it is hard to quantify exactly how much of an impact one particular premises can make in such a location however, there can be no denying that the area is significantly impacted by the activities of licensed premises, of which the Fat Cat is clearly a major contributor based on the available data.

The evidence presented by the Licensing Authority is provided by three officers and takes the form of statements and exhibits.

John Newcombe (JN) – Service Manager for Licensing & Community Safety
 Kathryn Miller (KM) – Licensing Officer
 Sam Spracklen (SS) – Licensing Officer

Table 3. List of statements & exhibits

Document	Reference
Statement from John Newcombe re: 4/7/20	JN
Copy of Cumulative Impact Data Dorset Council	JN1
Copy of Cumulative Impact Data Dorset Police	JN2
Copy of email from South West Ambulance Service Trust	JN3
Statement from Kathryn Miller re: 4/7/20	KM1
Statement from Kathryn Miller re: 10/7/20	KM2
Statement from Kathryn Miller re: 13/7/20	KM3
Statement from Sam Spracklen	SS
Copy of email Sam Spracklen	SS1
Copy of email Sam Spracklen	SS2
Copy of email Sam Spracklen	SS3
Copy of email Sam Spracklen	SS4
Copy of email Sam Spracklen	SS5
Copy of email Sam Spracklen	SS6
Copy of warning letter to premises from Sam Spracklen	SS7
Copy of warning letter to premises from Sam Spracklen	SS8
Copy of email Sam Spracklen	SS8a
Copy of visit report Sam Spracklen	SS9
Copy of email Sam Spracklen	SS10
Copy of warning letter to premises from Sam Spracklen	SS11
Copy of warning letter to premises from Sam Spracklen	SS11a
Copy of email Sam Spracklen	SS12
Copy of email Sam Spracklen	SS13
Copy of email Sam Spracklen	SS14
Copy of email Sam Spracklen	SS15
Copy of email Sam Spracklen	SS16

The Service Manager for Licensing & Community Safety has also provided Dorset Police with three sets of dvd's covering incidents on 6th, 13th and 14th July 2020 downloaded from Dorset Council's CCTV system which shows a clear link between three violent incidents which took place at or near to the Fat Cat and involving customers and management from the premises. This evidence forms part of Dorset Police's application for review of the premises.

Please contact me on the above telephone number should you wish to discuss the above.

Yours sincerely



John Newcombe
 Service Manager
 Licensing & Community Safety Operations

cc. Dorset Police

WITNESS STATEMENT


CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of John Newcombe..... URN:

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Age if under 18 (if over 18 insert 'over 18') Occupation: Local Authority Enforcement Officer
.....

This statement (consisting of: **3**..... pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.


Signature:  Date: 28 July 2020

Tick if witness evidence is visually recorded (supply witness details on rear)

I am the above named person. I am currently employed as the Service Manager for Licensing and Community Safety at Dorset Council. I have been a Local Government Enforcement Officer for over 15 years and I have been at Dorset Council since February 2020. I am a member of the Chartered Institute of Environmental Health, The Institute of Licensing and The Institute of Occupational Safety and Health. I am qualified in Licensing Law and hold a BSc(Hons).

On Saturday 4th July 2020 I was working in Weymouth Town Centre conducting licensing visits with colleagues from the Licensing Team and Dorset Police’s Licensing and Safer Neighbourhood Teams. The Licensing Team had previously contacted a significant number of licensed premises within the area by telephone to ensure that they were aware of their obligations under the Covid-19 restrictions and guidance which had enabled them to open on 4th July after a period of being closed. We had been working with partners in Environmental Health and Trading Standards to ensure businesses had suitable and sufficient risk assessments in place and had been giving advice to businesses in the lead up to the weekend, as well as placing help and guidance on our website. The Fat Cat was one of the businesses who had responded to our contact and provided a very basic risk assessment outlining the steps that they were going to be taking to ensure the safety of patrons attending their premises when they re-opened for trade. I visited a number of premises during the day and was generally very impressed with how the licensees were approaching their obligations and responsibilities and I had not been required to offer any further advice to any business I had visited during the day in relation to their Covid-19 preparations.

At approximately 16:10hrs I received a call from a colleague informing me that a complaint had been received in relation to loud music being played at the Fat Cat in Maiden Street. I called one of the Licensing Officers, Kathryn MILLER and asked her to visit the premises to investigate. I then took a walk down Maiden Street myself a short while later to see if there was loud music emanating from the premises but was unable to hear anything of note coming from the premises. At around 17:47 I received another call from a colleague saying that

Signature:  Signature witnessed by:

Continuation of Statement of

a further complaint had been received about loud music at the Fat Cat so I made my way down to the premises to see what was going on. Upon arrival I saw two uniformed Police Officers standing outside the premises and around 15 people in the bar area. There were no customers seated at tables, which I thought was odd because the guidance advised to ensure table service and social distancing. There was loud music playing and in stark contrast to every other premises I had visited that day, there didn't appear to be anyone responsible available to talk to, or any management measures in place to ensure a safe environment for customers and staff.

I asked to speak to the DPS and was told that he wasn't available. I asked to speak to a responsible person and was asked to wait. A short while later a man arrived at the premises and identified himself as the DPS, a Joseph RONAYNE who produced a Personal Licence Number 7388. I asked him if I could see his risk assessment as I could see multiple breaches of Covid guidance and he advised me that he didn't have one. I then asked him if I could see a copy of Part A of the premises licence so I could conduct a compliance check and he directed me to a copy of Part B Summary Licence which was displayed on the wall. I explained that I needed to see Part A because it would give me all of the conditions applicable on the licence and that it was an offence to not have it available at the premises for inspection. I asked him to go and have a look for it whilst I stepped outside to call the Licensing Team Leader, to ask for a copy of the full licence to be sent to me by email so that I could check the conditions. I waited around 5 minutes, during which time the licence had arrived and I was in the process of reviewing the plans of the premises which appeared to be significantly different to the current layout of the premises but was quite hard to be 100% sure as it was very small to view on my phone. I asked Joseph RONAYNE if we could go somewhere quiet to talk and he led us both upstairs to the restaurant section where we sat down at one of the empty tables. I explained that I was going to run through the conditions on the licence and asked him if he knew what they were, indeed if he had ever seen a copy of the full premises licence. He said that he had not seen the full licence, didn't know what the conditions were that applied to the premises and that he had been unable to find a copy to show me either. I reiterated that this was an offence and not a good starting point. I later checked to see if the original had been sent back to us with the recent DPS Variation to add Joseph RONAYNE onto the licence, but was advised that it had not been returned to us and should therefore be available at the premises for inspection.

We then ran through the premises licence WPPL0400 which I had received on my phone, starting with the mandatory conditions and when I asked for a copy of the Age Verification Policy, Joseph RONAYNE said that they had a poster up in the bar area. I asked where the actual policy was and he said he didn't know. I then asked about smaller measures and he said that he did not know what that meant. I explained that it meant the premises must make available smaller measures of beer, cider, spirits and wine, where sold and that those measures must be displayed in a menu or price list. Joseph RONAYNE confirmed that no such steps had been taken and that he could not confirm if such measures were available. I explained that we were now onto the third breach. I then

[Redacted Signature]

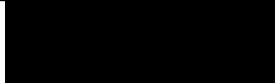
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Continuation of Statement of

asked about the conditions contained within Annex 2 of the licence, known as the Operating Schedule. I asked to see a copy of the Incident Report Register and was told that there wasn't one and couldn't be produced, I explained that this was a breach of conditions 1, 2 and 3. I then asked to see the CCTV system and was told that Joseph RONAYNE did not have access to the system and that I would have to wait for the owner to arrive. I explained that this was a breach of condition 11. I asked to see a copy of the Door Supervisor Risk Assessment and was told that there wasn't one available. It was at this point that Jamie LYONES arrived who is the Premises Licence Holder. Jamie LYONES appeared to be in a very agitated state and became aggressive and augmentative almost immediately on arrival. I explained that we were running through the conditions on the premises licence and that we had gotten to number 13. I explained that I would finish off the process as we were nearly at the end and that I would then re-cap what we had discussed so far. I explained that Joseph RONAYNE had been unable to produce a Door Supervisor Risk Assessment and asked Jamie LYONES if he knew where they were kept. Jamie LYONES explained to me that they were not written down and that he conducted the risk assessments 'in his head'. I explained that this approach did not meet the requirement of the licence condition and that the risk assessments needed to be written down in order to be presented to the Licensing Authority. Jamie LYONES disagreed with me and started to become very agitated and angry. At this point I remember feeling threatened by Jamie LYONES and I was very grateful that Inspector GOSLING was with me. I explained to Jamie LYONES that conducting risk assessments in his head did not meet the standards expected under Licensing Act, or the Health & Safety at Work Act and that should there be a serious incident at the premises where someone was injured or killed he would have a hard time explaining to a Judge or a Coroner his approach. I got the distinct impression that Jamie LYONES did not like being questioned by me in a position of authority and proceeded to question my approach by repeating that I was 'obviously new here' and 'didn't understand how it all worked in Weymouth'. I explained that I was new to Dorset but that I was simply working my way through the conditions on the licence trying to give him an opportunity to provide me with evidence of compliance with the various requirements contained within it.

I then asked to see the CCTV system and followed Jamie LYONES over to a door located next to the WC on the first floor. I was absolutely amazed by what I saw inside, it was an indisputable health and safety accident waiting to happen. There was a giant food mixer, a collection of doors, electrical wires and components and boxes and boxes of items which Jamie LYONES had to climb over to get to the CCTV system. I asked if the system was recording constantly and Jamie LYONES assured me that it was. I could see the camera images so I have no reason to doubt it was an operational system. I checked through the camera views to see if all of the trading areas and entrances and exits were covered and they appeared to be. The resolution looked ok based on what I could see from a distance of around 6 feet as I could not get into the room because of all the items which had been put in there. I then asked to check the date and time and saw that the system time was around 98 minutes out. I

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Continuation of Statement of

explained that this was a breach of condition number 8 and would make it very difficult to ensure that the correct footage could be obtained should there be an incident at the premises which required investigation. I asked if the system stored data for 30 days and Jamie LYONES put a date in which was 30 days in the past and it appeared to be working correctly, however when I asked for some footage to be downloaded for me to check that it was working properly, Jamie LYONES told me that he didn't have any media available to download onto. I asked him what media was required and he explained that it exported onto USB Pen Drive. I then gave him my USB Pen Drive and asked him to download it onto there for me to show me that it worked and to prove that he could operate they system in compliance with the conditions on his licence but he could not. He told me that it was my USB Pen Drive that was at fault but I have since checked it and it is fully functional. I got the impression that Jamie LYONES wasn't properly trained on the use of the system and that despite his arrival, there still wasn't anyone at the premises who was able to operate the system, in breach of condition 11. I understand that this has since been confirmed by the Licence Holder and/or his agent and that Jamie LYONES son is the only person who can operate the system.

When Jamie LYONES managed to climb out of the store room/office I asked him to take a seat at the table and he appeared to be in a more conciliatory mood. We discussed the issues previously raised and I ran though the breaches as I saw them. It was at this point that the DPS produced a crumpled up Age Verification Policy, a incident book and informed me that he had actually conducted a Covid Risk Assessment contrary to what he had told me earlier. I inspected the incident register and noted that the last incident entered was on 8th December 2019, which was over 7 months previously. I asked Jamie LYONES to confirm that this was the last time any anti-social behaviour, admissions refusals and ejections took place at the premises and he advised me that it was. I then explained that the incident book was not compliant with condition number 2 and that in future a proper book should be used and any incident recorded in it should comply with the requirements of the condition in that all relevant data should be recorded as required.

I then explained about the Covid guidance including table service, social distancing, management controls, loud music, contact tracing , PPE, hand sanitiser and risk mitigation and was satisfied that the DPS had at least made some effort to comply with the requirements to open and that I did not need to contact colleagues in Environmental Health for an urgent visit in this respect.

At the end of the visit Jamie LYONES apologised for being angry and explained that he was agitated because a lot of his customers had left due to the presence of uniformed officers. I accepted his apology and explained that we had arrived off the back of multiple noise complaints from local residents. Jamie LYONES then proceeded to tell us that he has struggled because of the lockdown and was hopeful for a better trading period but that someone has smashed in the front window of the premises the night before, and that he had some video of the perpetrator on his phone. Inspector GOSLING asked to see the footage and then arranged for one of his team to visit Jamie



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Continuation of Statement of

LYONES to see if they could help to identify the perpetrator and process the crime. We left the premises on fairly good terms and I gave him advice that he needed to make sure he remedied the issues raised as a matter of urgency. I left the premises with Inspector GOSLING and went back to my duties overseeing the expansion of pavement permits for licensed premises and the pedestrianisation scheme of Weymouth Harbourside.

When I held my team meeting on the following Tuesday I discussed the visit with my officers and discovered that a number of the breaches identified had already been raised some months earlier with the licence holder and we discussed enforcement action and a potential review of the premises licence, however, before that process gained any real traction there were a number of violent incidents involving the premises over the next few days which resulted in the police applying for a summary review under s.53 of the Licensing Act.



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Dorset Council Cumulative Impact Assessment May 2020

The Cumulative Impact Assessment draws on data from various sources, including Dorset Council’s Licensing & Community Safety Teams, Environmental Protection Team and Public Health Team.

Proliferation of licensed premises.

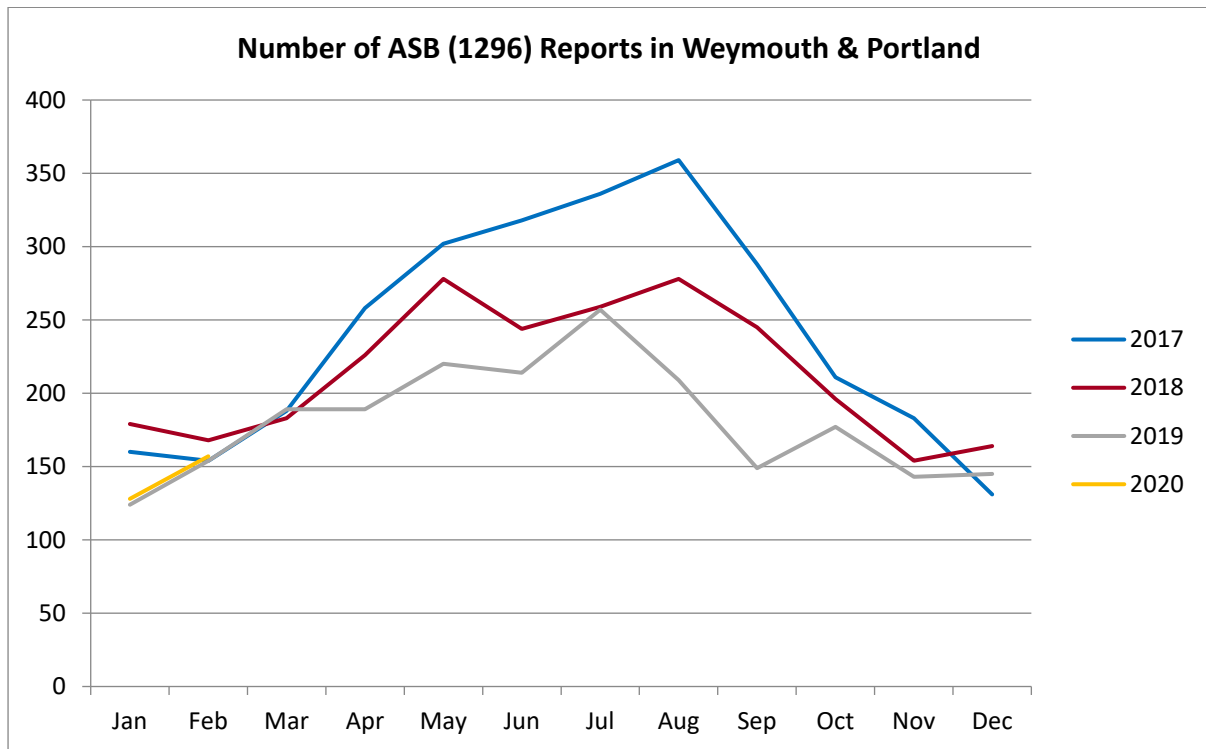
Data from the Licensing Authority register shows that there are currently 180 licensed premises within the Cumulative Impact Area. Data also shows that there were 15 enforcement Interventions during 2019 involving licensed premises from within the Cumulative Impact Area, including seven Multi-Agency interventions. Of the 180 Licensed premises within the Cumulative impact Area, 67 have licences which allow them to trade past midnight (37%).

Noise Complaints

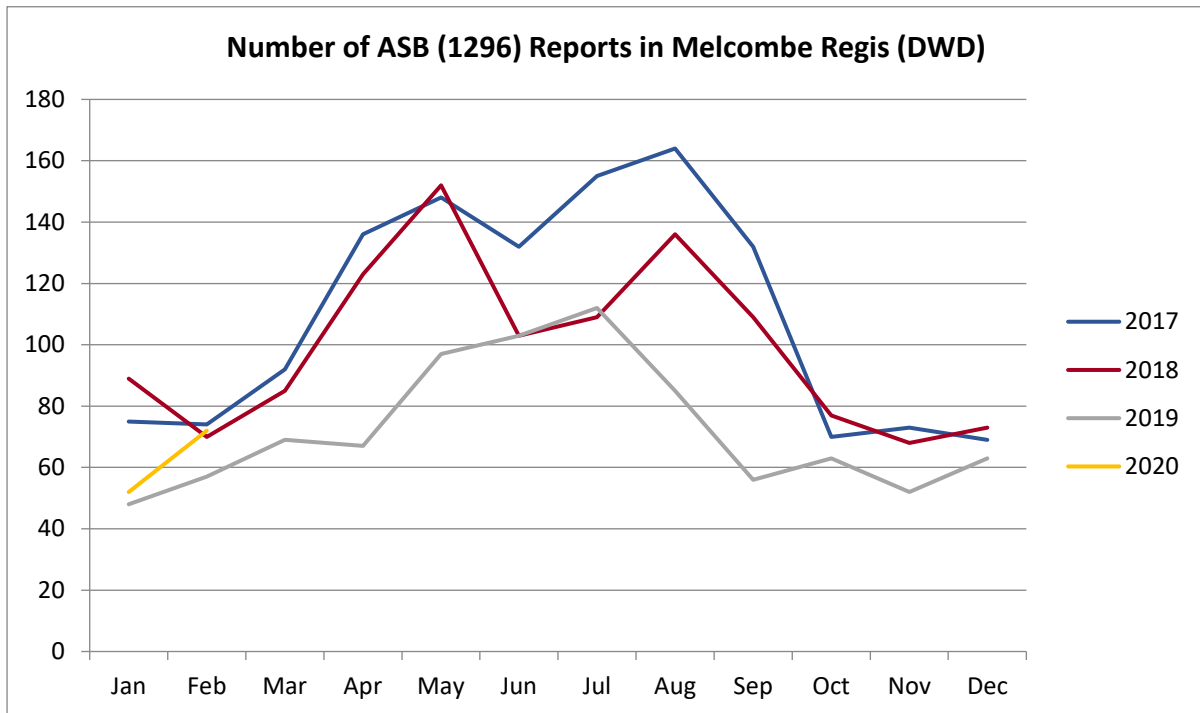
In 2019, the Council’s Environmental Protection Team received a total of 57 noise complaints linked to licensed premises within the Cumulative Impact Area.

ASB Reports

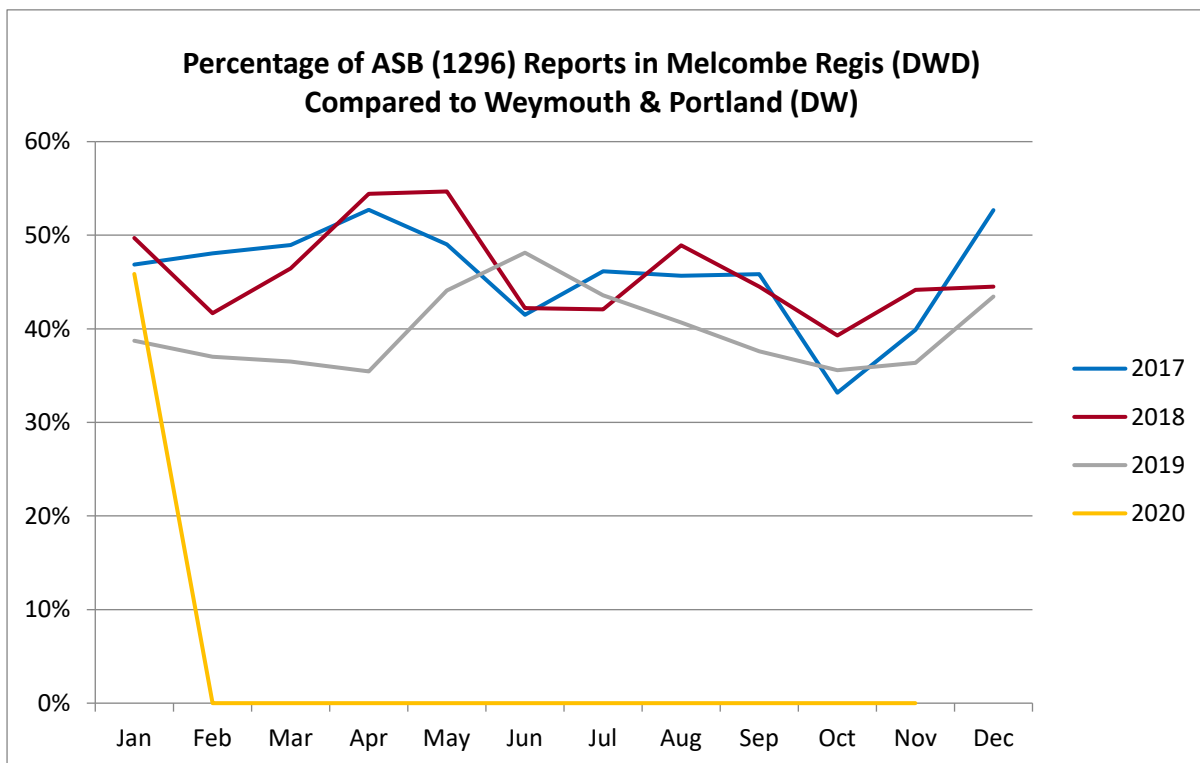
Data provided from Dorset Council’s Community Safety Team shows that ASB reports over the last 3 years across the whole of the Weymouth & Portland area have reduced slightly however remain constant at around 180 per month throughout 2019.



ASB reports over the last 3 years have marginally decreased in Melcombe Regis year on year however remain at relatively high levels of an average of around 73 per month.



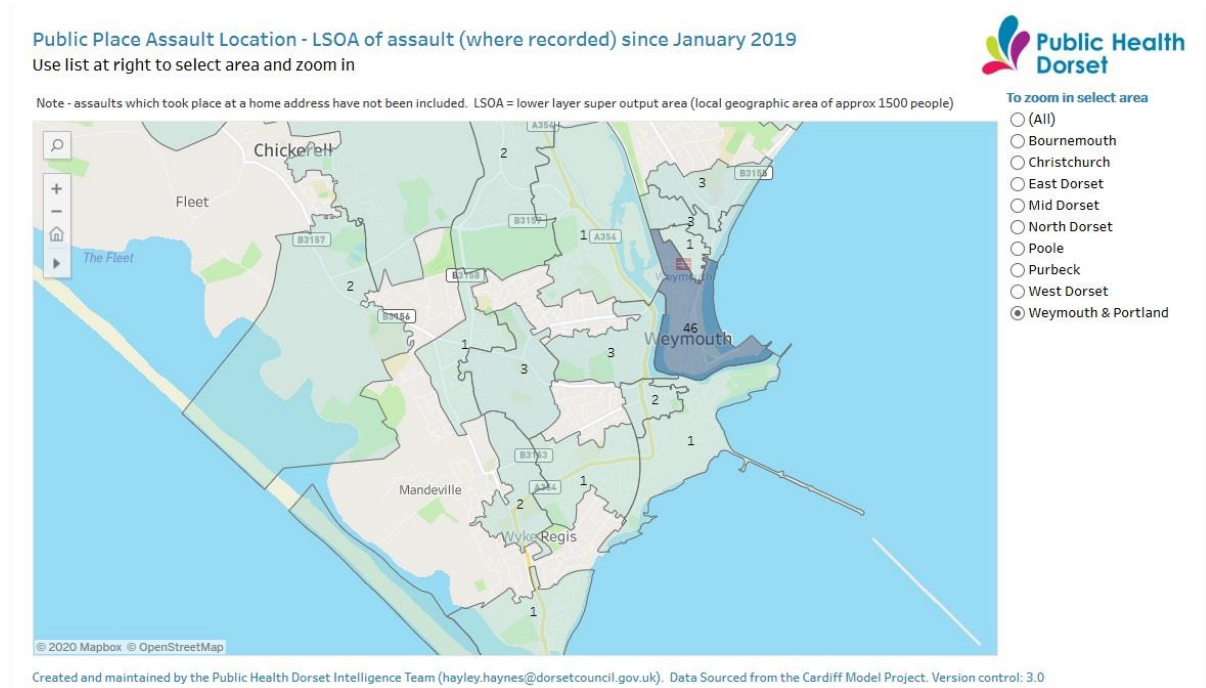
The percentage share of ASB reports arising from the Melcombe Regis area compared to across Weymouth & Portland remains relatively high however at around 40% of the total.



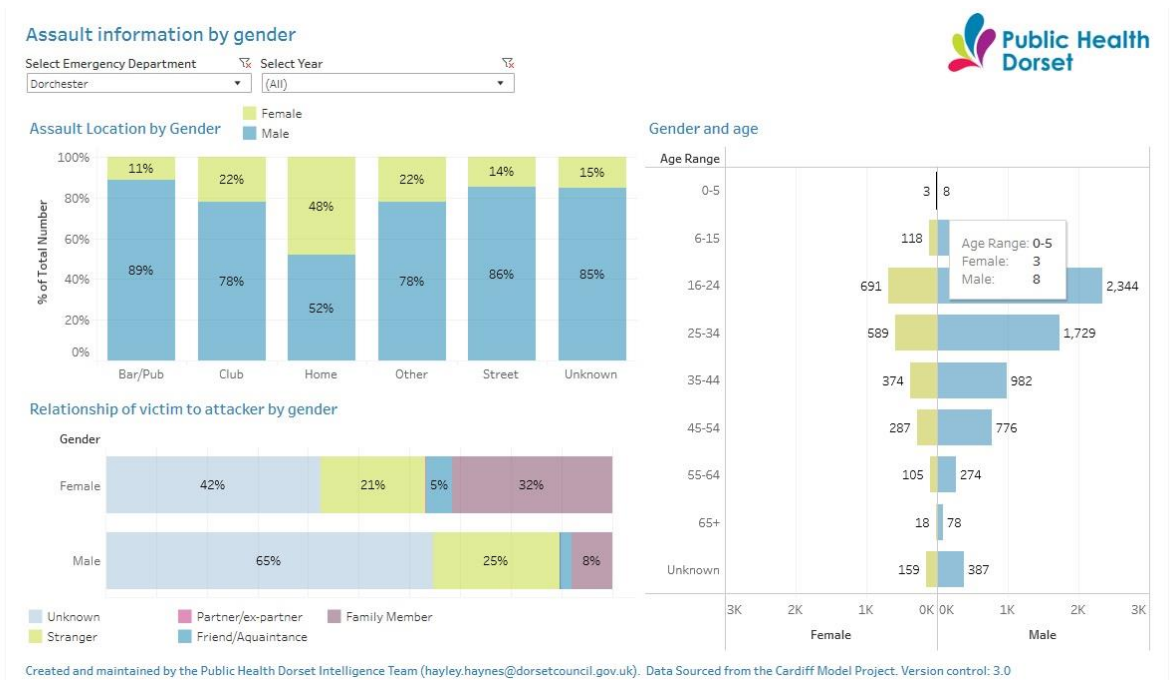
Public Health Data

Dorset’s Public Health Data Analyst reports that Weymouth street and pub incidents after midnight based on the Cardiff Model data extract reveals an average of around 2.3 incidents per month.

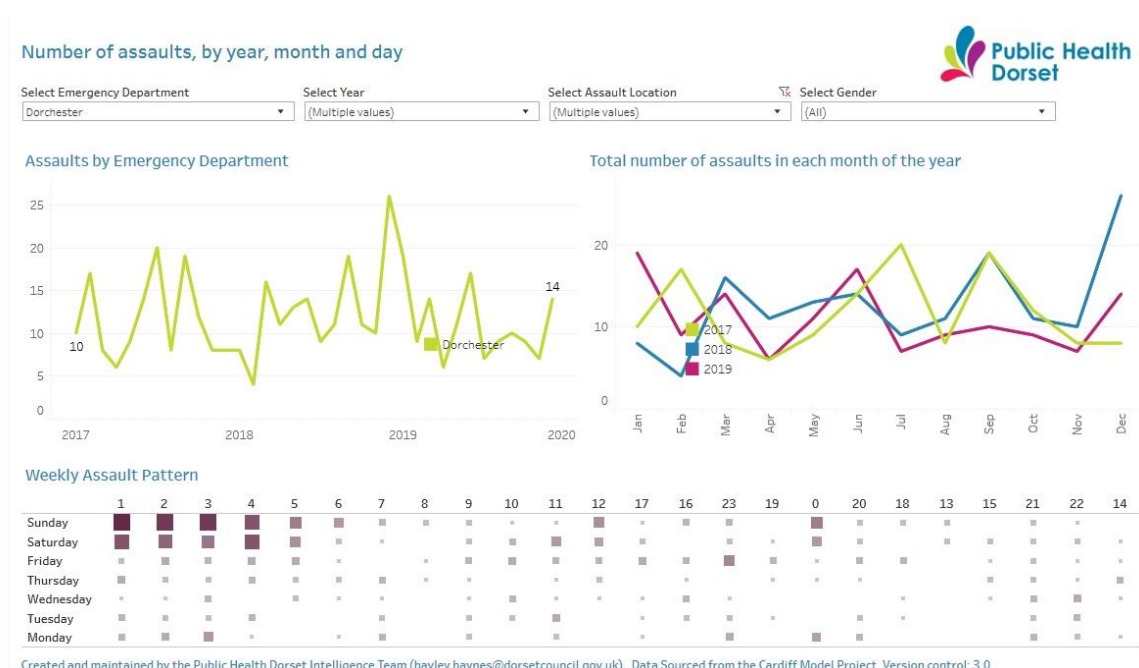
Public place assault location data also shows that the majority (46) of attendees at Dorset County hospital A+E arrived reporting an assault from within the Cumulative Impact Area.



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;



This report has been compiled using data from Dorset Council’s Licensing & Community Safety Teams, Environmental Protection Team and Public Health Team.

References

Public Health Dorset – Cardiff Model

https://public.tableau.com/profile/public.health.dorset#!/vizhome/CardiffModel_ForPublic_0/CardiffModel_1

Report prepared by John Newcombe Service Manager Licensing & Community Safety

Dorset Council

May 2020

Melcombe Regis comparison with Weymouth and Portland.
Violent Crime Analysis

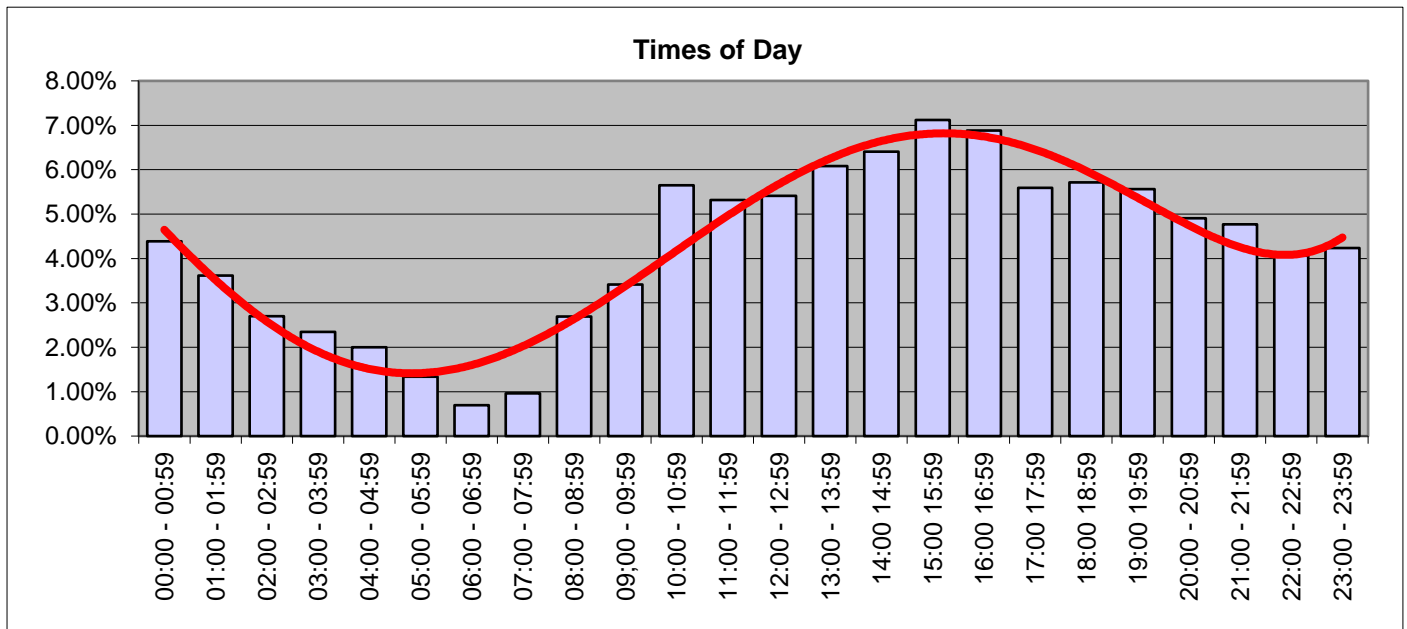
This brief paper has been commissioned with the aim of informing Cumulative Impact Area decisions in relation to the Weymouth night-time economy. The period covered by the data is 1 April 2019 to 31 March 2020. It should be noted that COVID-19 lockdown began on 23 March 2020 and so this will have affected crime rates in the last week of the financial year.

The full data is available in detail at Appendix 1 at the end of this report.

- Melcombe Regis beatcode (DWDA) has contributed 28.5% of total violent crime within Weymouth and Portland during the period 1 April 2019 to 31 March 2020. This includes 25.2% of sexual offences and 28.8% of violence against the person.
- 51.9% of alcohol related violent crimes¹ in Weymouth and Portland over this period were recorded in Melcombe Regis.
- Of the total violent crimes that have been recorded between 1 April 2019 and 31 March 2020, 32.3% within Weymouth and Portland have been flagged as domestic, compared to 26.9% within Melcombe Regis. Overall, Melcombe Regis contributes 23.8% of the domestic flagged violent crime within Weymouth and Portland.
- 53 of the 2,883 total violent crimes within Weymouth and Portland happened within Prisons during 1 April 2019 to 31 March 2020; equating to 1.8% of the total.

An analysis into the time of day and days of week has been completed and the results can be seen below².

Total Violent Crime within Weymouth and Portland.



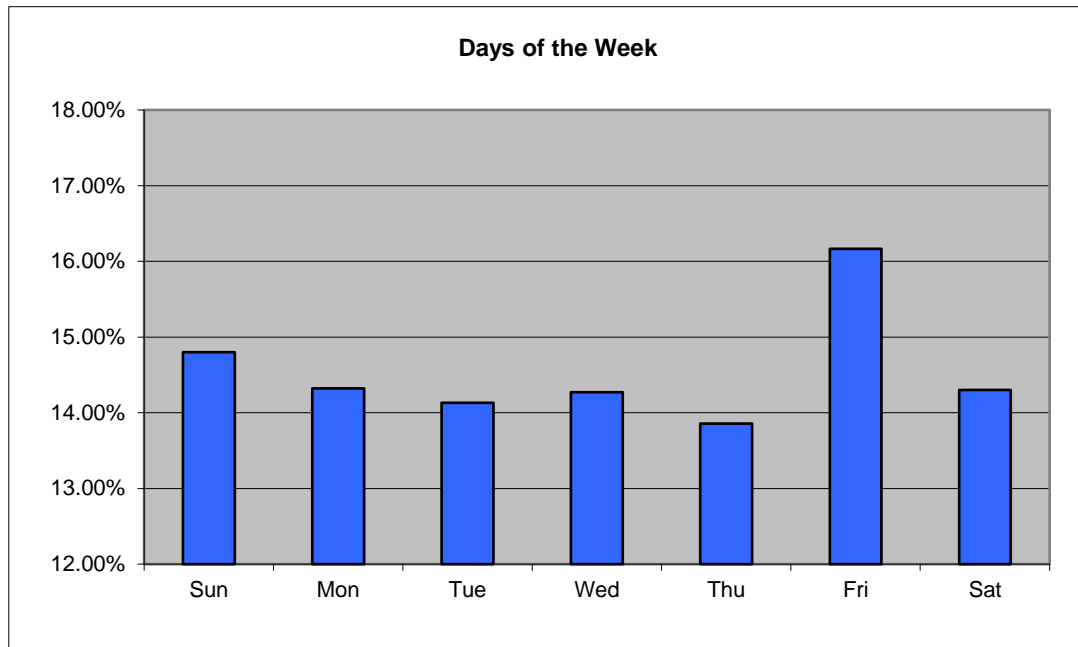
- Within Weymouth and Portland the peak time of day for violent crime falls between 15:00 and 15:59, accounting for just over 7% of the total violent crime recorded in this area. There

¹ Substance use by offender: Affected by alcohol OR affected by drink and drugs

² . Please note that the temporal analysis graphs below EXCLUDE a small number of offences reported over the period 1 April 2019 to 31 March 2020 but which were committed many years prior.

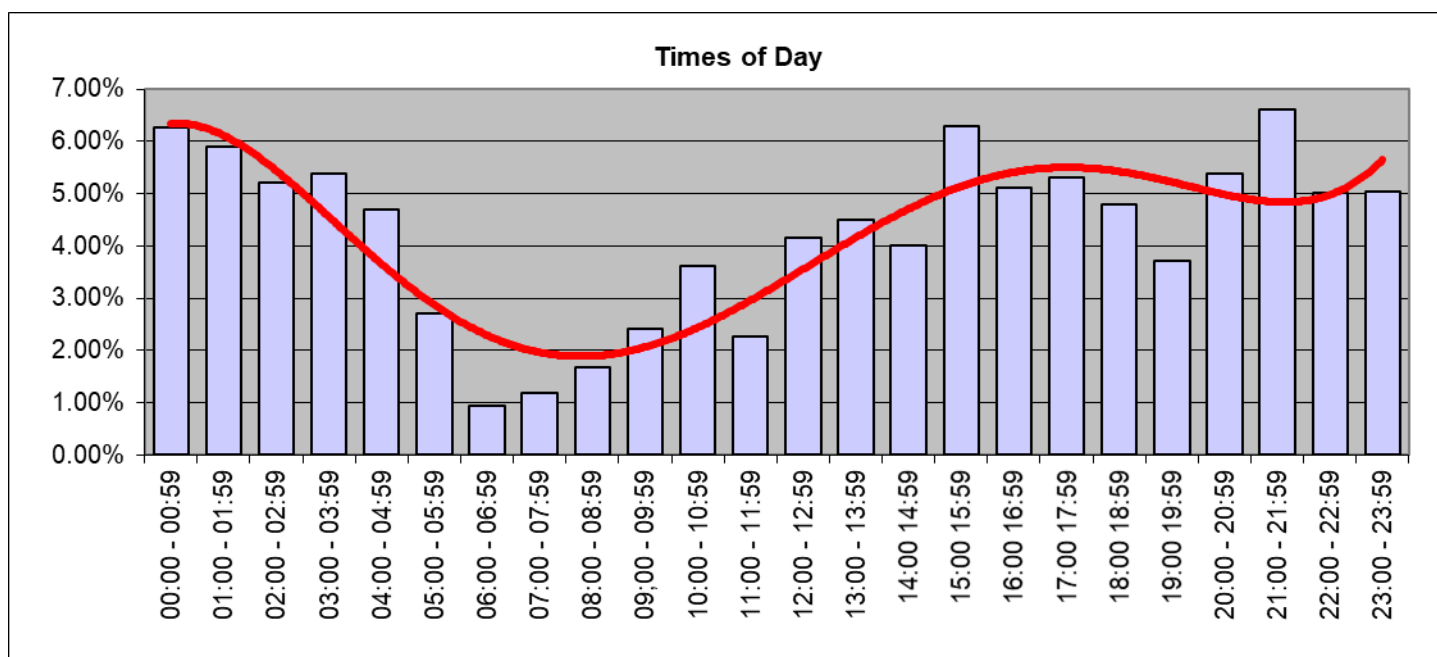
is also a prevalence of violent crimes both the preceding hour between 14:00 and 14:59 and the hour after, between 16:00 and 16:59.

- Whilst there is a slight upturn in the volume of violent crimes recorded overnight between the hours of 23:00 and 00:59, in the main, from 15:00 onwards violent crime levels tend to reduce. Crimes occurring between 23:00 and 00:59 are most prevalent on a Friday and Saturday night.

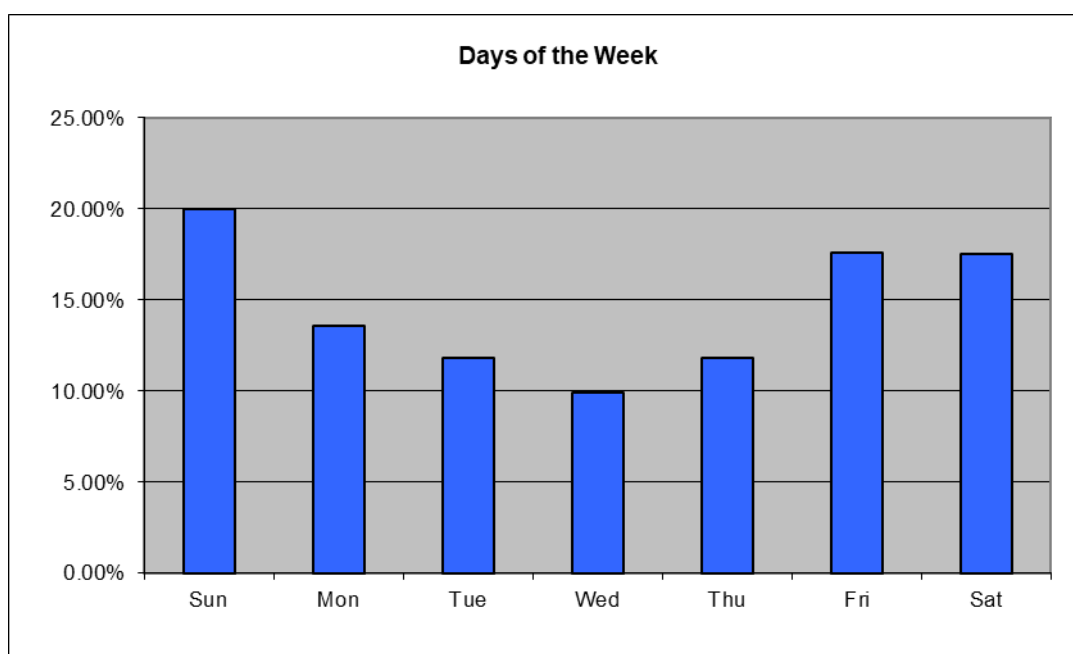


- The peak day of the week for violent crime within Weymouth and Portland is Friday, accounting for just over 16% of the total, followed closely by almost 15% on a Sunday (due to the early morning hours effect) and then just over 14% on a Saturday which is largely in line with the rest of the week.

Total Violent Crime within Melcombe Regis.



- Within Melcombe Regis, whilst 15:00 to 15:59 is a notable peak for volumes of violent crime as it was within the Weymouth & Portland section as a whole, the hour between 21:00 and 21:59 actually accounts for a slightly higher proportion of violent crime, particularly on a Sunday, Tuesday and Friday. There is also a noticeable difference in the profile of violent crime for the later hours of the day generally; rather than volumes simply reducing as the evening wears on, Melcombe Regis sees a second wave of violent crimes from 22:00 into the early hours of the next morning, suggesting a potential night-time economy influence within this beat area.
- The night-time offending is particularly noticeable in the early hours of a Sunday morning, especially between 01:00 and 04:59. This will be contributing to the fact that in Melcombe Regis, a Sunday accounts for the greatest proportion of violent crime; 20% compared to 18% on a Friday and Saturday and an average of 12% for Monday to Thursday.



Appendix 1

The data period covered by the figures below concerns 1 April 2019 to 31 March 2020.

VAP categories	Volume - W&P	Volume - DWDA
Assault With Injury	844	299
Common Assault	1044	334
Harassment	367	72
Most Serious Violent Crime	30	8
Violence Without Injury	376	54
Total Violence against the person	2661	767
Sexual Offence categories	Volume - W&P	Volume - DWDA
Other Serious Sexual	5	4
Other Sexual Offence	31	5
Rape Female	70	18
Rape Male	8	1
Sexual Activity Child Under 13	15	1
Sexual Assault Female	79	25
Sexual Assault Male	14	2
Total Sexual offences	222	56
Total Violent Crime	2883	823

	Volume - W&P	Volume - DWDA
Domestic flagged violent crime	930	221
% of total violent crime	32.3%	26.9%

Alcohol flagged violent crime	530	275
% of total violent crime	18.4%	33.4%

Prison violent crime	53	N/A
% of total violent crime	1.80%	N/A

John Newcombe

From: Tori Lack [REDACTED]
Sent: 14 July 2020 11:53
To: John Newcombe
Subject: RE: Call Outs to a specific location

Follow Up Flag: Follow up
Flag Status: Flagged

Morning John

Your initial email suggested you wanted an idea of call numbers which I have completed a search for.

Any further details would need to be requested officially. Official reports should be requested through our Information Governance department. Information.Governance@swast.nhs.uk

Locations such as alleyways will be zoned on our systems given the information from the caller as they wont have a postcode code of their own (i.e. next to XX building or off XX road) so would be a best efforts search.

And of course the information entered is only as good as the information given at the time of call. Some locations only have building number as 38 but no premises name. Some are O/S (outside) so could be connected, or indeed unconnected to the premises the call is zoned to.

From 1st July 2019 to today the postcode you passed shows the following details (I have removed private addresses and duplicate calls)

13 Jul 2020 04:19:32	ASLAN 38 MAIDEN STREET WEYMOUTH DORSET DT4 8BA
06 Apr 2020 20:11:55	38 MAIDEN STREET WEYMOUTH DORSET DT4 8BA
06 Apr 2020 15:58:56	38 MAIDEN STREET WEYMOUTH DORSET DT4 8BA
18 Mar 2020 00:56:41	THE CLOSET 38 MAIDEN STREET WEYMOUTH DORSET DT4 8BA
12 Mar 2020 02:49:55	THE CLOSET 38A MAIDEN STREET WEYMOUTH DORSET DT4 8BA
09 Mar 2020 02:22:33	THE CLOSET 38A MAIDEN STREET WEYMOUTH DORSET DT4 8BA
01 Mar 2020 04:15:10	O/S FAT CAT MAIDEN STREET WEYMOUTH DORSET DT4 8BA
26 Jan 2020 01:02:45	THE FAT CAT BAR MAIDEN STREET WEYMOUTH DORSET DT4 8BA
29 Oct 2019 04:36:18	O/S FAT CAT BAR 38 MAIDEN STREET WEYMOUTH DORSET DT4 8BA
13 Oct 2019 03:52:35	THE CLOSET 38A MAIDEN STREET WEYMOUTH DORSET DT4 8BA
03 Oct 2019 02:03:00	THE CLOSET 38A MAIDEN STREET WEYMOUTH DORSET DT4 8BA
29 Sep 2019 04:11:40	OS THE CLOSET 38A MAIDEN STREET WEYMOUTH DORSET DT4 8BA
27 Sep 2019 04:21:33	ASLAN BAR & GRILL 38 MAIDEN STREET WEYMOUTH DORSET DT4 8BA
17 Sep 2019 02:26:47	THE CLOSET 38A MAIDEN STREET WEYMOUTH DORSET DT4 8BA
04 Sep 2019 04:52:35	38 MAIDEN STREET WEYMOUTH DORSET DT4 8BA
26 Aug 2019 00:57:03	O/S 36A MAIDEN STREET WEYMOUTH DORSET DT4 8BA
07 Jul 2019 03:41:38	THE CLOSET NIGHTCLUB THE CLOSET 38A MAIDEN STREET WEYMOUTH DORSET DT4 8BA
07 Jul 2019 03:27:48	THE CLOSET NIGHTCLUB 38A MAIDEN STR

Appreciate that may not be the accuracy you are after John however this is after a preliminary search. Should you require more then please request this in a separate request to our information governance department.

Tori Lack | EPRR Officer – Wiltshire and Dorset | NILO
Emergency Preparedness Resilience and Response



**South Western
Ambulance Service**
NHS Foundation Trust



Mobile **07920 190583**

Area email EPRR.Wiltshire@swast.nhs.uk & EPRR.Dorset@swast.nhs.uk

Direct email [REDACTED]

Secure E-Mail [REDACTED]

Trust Headquarters, Abby Court, Eagle Way, Exeter, EX2 7HY

From: John Newcombe [REDACTED]

Sent: 13 July 2020 12:41

To: Tori Lack

Subject: RE: Call Outs to a specific location

-- CAUTION EXTERNAL EMAIL --

Do not click links or open attachments unless you recognise the sender, are expecting the content and/or know the contents to be safe.

Thanks Tori,

The premises names are Rumshack, Fat Cat and Aslanar Bar and Grill
The address is 38 Maiden Street, Weymouth, DT4 8BA

The alleyway with the entrance is Church Passage

Can we get specific to actual location and general area (separated)?

Thanks

John Newcombe
Service Manager Licensing & Community Safety Operations
Community Protection Service
Dorset Council

[REDACTED]
dorsetcouncil.gov.uk



**Dorset
Council**



From: Tori Lack [REDACTED]
Sent: 13 July 2020 10:55
To: John Newcombe [REDACTED]
Subject: RE: Call Outs to a specific location

Morning John

I am happy to complete a search for initial intel.

Tori Lack | EPRR Officer – Wiltshire and Dorset | NILO
Emergency Preparedness Resilience and Response



Mobile **07920 190583**

Area email EPRR.Wiltshire@swast.nhs.uk & EPRR.Dorset@swast.nhs.uk

Direct email [\[REDACTED\]](mailto:[REDACTED])

Secure E-Mail [\[REDACTED\]](mailto:[REDACTED])

Trust Headquarters, Abby Court, Eagle Way, Exeter, EX2 7HY

From: John Newcombe [[mailto:\[REDACTED\]](mailto:[REDACTED])] [[mailto:\[REDACTED\]](mailto:[REDACTED])]
Sent: 13 July 2020 10:49
To: Tori Lack
Subject: Call Outs to a specific location

-- CAUTION EXTERNAL EMAIL --

Do not click links or open attachments unless you recognise the sender, are expecting the content and/or know the contents to be safe.

Hi Tori,

Do you know who I can talk to regarding ambulance call outs to a specific location please?

We have a problematic licensed premises within Weymouth and I need to know how many times SWAST have been called to the premises in the last 12 months please?

Thanks

John Newcombe
Service Manager Licensing & Community Safety Operations
Community Protection Service
Dorset Council

[REDACTED]
dorsetcouncil.gov.uk





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WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of Kathryn Miller

Age if under 18 Over 18 (if over 18 insert 'over 18') Occupation: Licensing Officer

This statement (consisting of: 2 pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature: 

Date: 27th July 2020

Tick if witness evidence is visually recorded (supply witness details on rear)

My name is Kathryn Miller and I am and I am an authorised officer of Dorset Council and a Licensing Officer. I have been a licensing officer for 15 ½ years.

At 1610 hours on 4 July 2020, I visited the Fat Cat Bar in Maiden Street, Weymouth after receiving a telephone call from, Mr John Newcombe, Licensing and Community Safety Manager asking me to visit the Fat Cat Bar as he had received a complaint about loud music coming from the premises. I was also in attendance with the Police Licensing Officer, John Bean. We walked down Maiden Street to observe what was happening and then through the arcade into St Mary Street. We walked up the Church Passage alley way to the Fat Cat Bar where we could clearly hear recorded music playing.

I entered the premises and asked a member of staff if Joey (the Designated Premises Supervisor) was around and the staff member said he had gone home to have shower as he has had a long day. I asked if there was anyone I can talk to as we had a noise complaint coming from the premises, the staff members pointed me to man called Caleb Morris who was dealing with the music. The music was loud enough that I had to raise my voice to be heard to ask for the person in charge.

I took him outside the premises and said that he needed to turn the music down as it was too loud and music had to be played at a background level so that people did not have to shout at each other and therefore, it would reduce the aerosol or spitting and spreading any viruses. He got the bar manager, to turn the music down to an acceptable background level. I did note that the volume control was on the side of the speaker next to the bar and any of the customers would be able to interfere with it. I told Caleb that he needed to ensure that one would alter the volume and he said that he would set up to that he would have control.

John Bean asked to see the names and contact details of the customers which the barman produced a list of the customers names. There wasn't many people in the premises at the time of our visit.

We left at the Fat Cat bar at 1614hours. I rang John Newcombe to inform him we had visited and the music had been turned down, he stated that he had noted it had been turned down when he had walked past a few minutes earlier.

At approximately, 1709hours, I received a call from John Newcombe that the music was loud and there was rowdy behaviour coming from the Fat Cat bar again. John Bean and I walked up Maiden Street, past the premises to see and hear what was going on, we then went back down the arcade in to St Mary Street. When we approached the Church Passage alley way to the Fat Cat there was a group of people in the alley way including several of the security personnel that had been brought in by Dorset Council to help with the re-opening. There was another group of those security personnel observing what was happening in the alley way. I spoke to one

the males and asked what was happening. He stated that they had received a call to attend the Fat Cat bar as there was loud music and rowdy behaviour coming from the premises. There were two males moved on by the security personnel who were very "wound up" and looked to be getting agitated. The security personnel moved them up St Mary's Street and followed them to ensure that they didn't return.

At this point, I suggested to John Bean that the Police should attend the Fat Cat as they were not abiding by the Government Guidance. John Bean then sent a text to Inspector Barry Gosling to inform that the uniformed officers should attend.

John Bean and I then walked back up St Mary Street, towards the Esplanade to deal with another issue.

While we waited to speak to henna and hair braider, Jamie Lyones, the licence holder of the Fat Cat drove past us and waved at me. I waved back, he then reversed his VW Van and wound the passenger window down and asked me "if it was all alright down there?" I said, no Jamie, you must keep the music down to background as it is too loud and also the social distancing isn't happening. He said, well, it's hard to. I told him that at least, he should issue his staff with face masks, he said that they don't wear them and anyway, they don't do anything it doesn't stop the virus and it can make it worse. With that he drove off.

At 1725 hours John Bean sent a text to Inspector Gosling informing that we had been talking to Jamie Lyones. We then finished our other visit and left the area.



WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of Kathryn Miller..... URN:
 Age if under 18 Over 18 (if over 18 insert 'over 18') Occupation: Local Authority Enforcement Officer

This statement (consisting of: pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature:

Date: 27th July 2020

Tick if witness evidence is visually recorded (supply witness details on rear)

My name is Kathryn Miller and I am and I am an authorised officer of Dorset Council and a Licensing Officer. I have been a licensing officer for 15 ½ years.

On 6 July 2020 at 1632 hours, information was received by Mrs Samantha Spracklen, Licensing Officer at Dorset Council from a third party that there may have been an incident at the Fat Cat at 0200 hours on the morning of the 6 July 2020, allegedly involving the premises licence holder Mr Jamie Lyones.

On Tuesday 7 July 2020, I was asked by my manager, Mr John Newcombe, Service Manager for Licensing and Community Safety Operations to visit the Fat Cat bar at 38 Maiden Street, Weymouth, DT4 8BA onto obtain a copy of their CCTV following an alleged incident around the vicinity of Fat Cat Bar on Monday 6 July at 0230 hours.

I contacted Mr John Bean, Dorset Police Licensing Officer to see if he could accompany me on the visit to the Fat Cat bar on 9 July 2020 at 1100 hours, he said he would have to get back to me as he may have something else to attend to. Within a couple of hours, Mr Bean called me back and said he had to visit a premises in another part of the district, so he would not be able to attend.

I spoke with my Licensing Team Leader, Mrs Aileen Powell and informed her that Mr Bean was unable to attend the Fat Cat with me. Mrs Powell e-mailed the Inspector for Dorset Police Licensing, Insp 1047 Baxter on 7 July 2020 and requested that the Licensing PS 2551 Gosling attend with me. On 8 July, Insp Baxter e-mailed Mrs Powell back and said that he was happy to support and requested the PS Gosling look at the request.

I spoke with PS Gosling on 8 July to arrange with him the potential visit on 9 July 2020 at 1100 hours at the Fat Cat, I said I give Mr Lyones a call would to arrange the meeting. When I called Mr Lyones mobile number, the phone message said that the phone I was calling was switched off and to try again later. I then sent Mr Lyones an e-mail at 1139 hours stating that PS Gosling and I would like to visit him and Joey Ronayne (the designated premises supervisor the Fat Cat) at premises on 9 July 2020 at 1100 hours to discuss the visit made by the Licensing Manager and Inspector from the last weekend.

Mr Lyones replied back to my e-mail at 1442 hours informing me that he was away at the present time and will need to be next week if possible – Tuesday onwards he would be free. I e-mail back at 1448 hours to say that we would meet with Joey in his absence as he is the DPS and that I have copied him into this e-mail so he knows to be at the Fat Cat at 11am tomorrow (9 July).

Mr Lyones replied via e-mail at 1452 hours so say that as the licence holder, he would prefer to be there, less than 24 hours notice is unacceptable, we will need to re-arrange for next week.



In the meantime, I forwarded Mr Lyones' e-mail to Mr Newcombe stating that Jamie won't meet with us – are you contact to attend for next week? Mr Newcombe, said that is was not – we don't need to give notice. At 1535 hours, Joey Ronayne rang me and said that he would be able to meet me at the Fat Cat on Thursday 9 July 2020 at 1100 hours. I asked him if he was able to download CCTV from the premises and he said he could. I told him I have a data stick so he won't need to supply one. He asked why we needed to see the CCTV and I said it was to view after there had been alleged criminal activity at the premises. Mr Ronayne asked when and I stated on 6 July, Mr Ronayne said that nothing happened – what was it? I said, I don't know the details but the Police will give you more information tomorrow.

At 1552 hours Mr Ronayne called me and he seemed agitated, to say that he was feeling that the Council wants to close down the premises and it wasn't fair, he was trying to turn the place around and make it better, he knows it has a bad reputation but he want to change that. He has worked in rough places in Boscombe so he knows what he doing. I told him no-one is trying to close him down, we just need to see the CCTV from 6 July. He said that won't be able to meet tomorrow. Then, at 1616 hours on 8 July, Mr Ronayne e-mailed me to say that he will not be able to attend the visit tomorrow at 1100 hours as he has a prior appointment which cannot be cancelled – he and Mr (did not put a name) be able to meet with me next week when he is back.

I then received another e-mail from Mr Lyones at 1617 hours requesting that I am to let him know at my earliest convenience what day is best to meet to discuss the visit on Saturday so that I can pencil you in my diary. I did not reply to this e-mail.

I e-mailed PS Gosling at 1653 hours to let him know that Mr Ronayne could not make our appointment the following day and I will keep him updated.

On 9 July 2020, a Skype meeting took place between Mrs Powell, PS Gosling and Kathryn Miller to discuss the latest on the Fat Cat Bar. At that meeting it was decided that Sgt Gosling and I would visit the Fat Cat bar at 1500 hours on 10 July 2020 with a view to obtaining the CCTV from 6 July 2020.

At approximately 1510hours on 10 July 2020, PS Gosling, Mr John Bean and I arrived at the Fat Cat Bar. PS Gosling spoke to a male who said his name was Mr Butcher and he is the bar manager during the day at the Fat Cat. PS Gosling asked Mr Butcher what the format was for taking customers details under the Covid19 government guidance, Mr Butcher said that there is sheet of paper that the customers put their details. PS Gosling then asked about hand sanitising and Mr Butcher pointed out a small bottle of hand sanitiser by the doorway in the restaurant with another bottle by the toilets in the bar area. PS Gosling then asked Mr Butcher about the CCTV, Mr Butcher replied that Jamie Lyones has the key and he is currently in the Isle of Wight, PS Gosling then asked if Joe Ronayne was about and Mr Butcher said that he was due in at 1700hours, PS Gosling asked Mr Butcher where did Mr Ronayne live and Mr Butcher said, Chickerell, PS Gosling, asked if that was how far that was from the bar, KM said that it wasn't that far. PS Gosling asked if Mr Butcher would call Mr Ronayne to ask him to attend the premises, Mr Butcher spoke with Mr Ronayne who said he was on his way back from Bournemouth so would be able to attend the premises.

PS Gosling asked to see the incident log book, which Mr Butcher got for him. PS Gosling asked Mr Butcher if an incident at the premises at 0230 hrs on 6 July was recorded in the book, Mr Butcher said that he wasn't aware of any incident at the premises, usually he would have heard about it

PS Gosling looked through the book and there was one incident on 8 July 2020 reported by Joey Ronayne that four males came in the premises asking for cocaine.

I stated to Mr Butcher that condition 11 on the premises licence states there should be authorised and trained staff to operate the premises CCTV System. I also pointed out to Mr Butcher that there were a total of 14 conditions on the licence, eight of which relate to CCTV.

██████████

██████████

On looking at the incident book again, there was an entry prior to the one recorded on 8 July which states there were some people winding each other up, they then calmed down and then kicked off, throwing punches. There was no date, time or who recorded this incident. Prior to this incident, the last entry was 19 July 2019.

Mr Butcher then stated that he'd had a personal licence since 2001, as he had the snooker hall and went to Magistrates. I said it would not have been a personal licence, Mr Butcher said it was issued in 2001. I explained to him that the Licensing Act 2003 came into effect in 2005 and he most probably had "grandfather rights". I also ascertained that he knew to change his address if he had moved and he said that it was up-to-date.

I then asked Mr Butcher if there was a proof of age policy and what the age for verification was, he stated that it was 25 years old, I asked what proof of age did he ask for and Mr Butcher replied a photographic driving licence or passport. I did also state that they could accept the PASS proof of age card as per the cardboard advert for PASS card in the restaurant area.

We thanked Mr Butcher for his time and left.



WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of Kathryn Miller URN:
Age if under 18 Over 18 (if over 18 insert 'over 18') Occupation: Local Authority Enforcement Officer
.....

This statement (consisting of: pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature:  Date: 28th July 2020

Tick if witness evidence is visually recorded (supply witness details on rear)

My name is Kathryn Miller and I am and I am an authorised officer of Dorset Council and a Licensing Officer. I have been a licensing officer for 15 ½ years.

On 13 July 2020 at 1600 hours, I attended with PS Gosling a pre-arranged meeting with Mr Jamie Lyones at the Fat Cat Bar, 38 Maiden Street, Weymouth, DT4 8BA. Also in attendance was Mr Tim Munro, Licensing Agent and Mr Dean Lyones introduced as Jamie's son.

PS Gosling started the meeting by saying that 4 July had been and gone and places were opening up. Jamie Lyones said that the weekend just gone was harder than last weekend as there were more people about and he had to have people on the door controlling numbers, he said they are allowing 30 people in at any one time.

PS Gosling asked if they do a lot of food. Jamie Lyones said more people want to eat and will queue for it. During the weekend they close early between 0200-0400 hours and on Friday and Saturday they close at 0500 hours.

PS Gosling asked Jamie Lyones what lessons had he learned to control the numbers with less staff – Jamie stated they do not have door staff. The staff keep an eye on the doors to see who is trying to come in. Jamie said they do not need a risk assessment for door staff as they are an eatery.

PS Gosling asked to see the covid risk assessment and incident log. PS Gosling asked about the incident on 13 July 2020 at 0430 hours. Jamie Lyones said that it was outside round the corner – Joey Ronayne called the ambulance. The man who was injured had been in the Fat Cat Bar earlier in the night. Three or four Police cars turned up and Police took a statement from the injured man who was in the back of the ambulance.

PS Gosling said the following the visit on 4 July 2020 conducted by Insp Gosling and Mr John Newcombe Licensing Manager, they had found the timings on the CCTV were wrong. Jamie Lyones said he didn't know anything about it nor did Dean Lyones. PS Gosling asked to see the CCTV. Jamie Lyones said that if we want to look for incidents we will have to have to come back for a data protection form. I asked Jamie if he would sign my pocket notebook to reiterate this and he refused.

PS Gosling and I were shown the CCTV by Dean Lyones. The time we looked at it, my watch said 1635 hours and the CCTV clock showed 0350 hours. The CCTV also had not been recording from 4 July to 8 July 2020. This was following the visit by Insp Gosling and Mr Newcombe when Jamie Lyones showed them the system. Jamies Lyones said he didn't know what he had done to stop it from recording. Dean Lyones said that he came in on 8 July 2020 and got the system recording again.



I asked Jamie Lyones if he had any outside cameras and he said no, they don't cover the outside, it's not his job to monitor the street. I asked what the one on the corner of the building was on the Maiden Street side and I was told by Dean Lyones it was a dummy camera.

There are sixteen cameras within the premises all with good clarity, I asked Dean Lyones were there any "blackspots" and he said no there isn't.

There are cameras internally covering on both doors (one from Maiden Street and the other from the Church Passage). The door from Church Passage shows another angle from the right hand side of the bar.

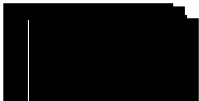
PS Gosling recommended that Dean Lyones should ensure that other staff members know how to use the CCTV and to check the system on a daily basis. Jamie Lyones also came back (he was walking between Mr Munro who was sat across the room and myself, PS Gosling and Dean Lyones as we were looking at the CCTV footage which is locked away in small store room) and suggested that Dean should check the CCTV system every day, which we said we had just been discussing this with Dean.

Jamie Lyones, then said we have visited him four times in a week – it's bordering on harassment. He said that he couldn't make any meetings last week and that he had e-mailed me about an alternative date but had no reply. Jamie Lyones asked why we have come today and PS Gosling said that we couldn't see the CCTV when we visited last time. Jamie Lyones then said that he needs notice, I said, we don't have to give notice and we have power of entry.

Jamie Lyones then asked PS Gosling what incidents he was 'fishing for'. PS Gosling said that the reasons will be on the data request form.

Tim Munro asked other than the CCTV was everything ok, PS Gosling said that we will have to go away and have discussion.

We left the premises at 1707 hours.



WITNESS STATEMENT

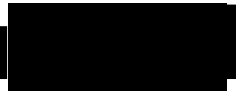
CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of Samantha Spracklen

Age if under 18 Over 18 (if over 18 insert 'over 18') Occupation: Licensing Officer

This statement (consisting of: 2 pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature:



Date: 29/07/20.....

Tick if witness evidence is visually recorded (supply witness details on rear)

My name is Samantha Spracklen and I am an authorised officer of Dorset Council and a Licensing Officer. I have been a licensing officer for 5 years.

On 18 October 2019 we received an email into the generic Licensing inbox complaining about music coming from the Rumshack/Fat Cat. The complainant lived at [redacted] which is at the back of and adjoins to the Rumshack/Fat Cat, and stated that the music was extremely loud, vibrating through the walls and making it impossible to sleep before 5am. (SS1). I wrote back to the complainant explaining that I had forwarded the email to Environmental Health for their attention and that I would be writing to the licence holder to make them aware of the situation. I also stated that on the request of my team leader Aileen Powell, I would also be making a visit to the premises in the near future to make some observations (SS2).

I wrote to Aneen Crane, Licence Holder at Rumshack/Fat Cat and requested that myself and colleagues from EH, Dorset Police and Dorset Police Licensing visit and meet with her on Monday 11 November 2020. I received a reply on 5 November stating that she was away on holiday from 7-20 November and could we please re-schedule. (SS3)

On 7 November I emailed Aneen Crane again suggesting a revised meeting date of Wednesday 27 November at 10am. I did not receive a reply to this email so I had to email again on Monday 25 November to request confirmation that our meeting for Wednesday was to go ahead. I received a confirmation reply the same day. (SS4).

At 1000 hours on 27 November 2019, I visited the Rumshack/ Fat Cat Bar in Maiden Street, Weymouth with John Bean, PC Gareth Morris, Insp Barry Gosling (for part of the meeting) and Ben Jones (EH Officer). I had arranged this meeting in response to a complaint from near neighbours regarding the playing of very loud music which makes it difficult to sleep. We met and spoke with Aneen Crane, who was the licence holder and designated premises supervisor at that time. Also in attendance was Tim Monroe who was there in an advisory capacity to Aneen. During the visit I also carried out a basic licensing check and inspection. There were several areas of non-compliance which I discussed with Aneen as I went through my inspection. Full details of the visit including any actions or follow up required are recorded in the attached visit report.(SS5).

On return from my visit I emailed Emma Turner, Fire Safety Inspector, Dorset & Wiltshire Fire and Rescue Service regarding my concerns over the possible compromise of fire safety and fire exits due to the new layout at the premises. (SS6)

On 3 December 2019 I wrote to Aneen Crane to reiterate the areas of non-compliance highlighted during my visit on 27 November, and outlining the measures she needed to take. (SS7)



On 3 December 2019 I wrote to Aneen Crane with regards to the smoking shelter which had been erected at the rear of the premises which does not comply with The Smoke Free (Premises and Enforcement) Regulations 2006. (SS8 & SS8a). As far as I am aware we did not receive any response to these letters.

On 13 December I conducted a late night visit to the Rumshack/Fat Cat Bar accompanied by Steve Ireland (EH) Stuart Granger (DWFR), PC Billy Taylor and PC Kerry Farwell (both NPT). This was a follow up visit from 27 November to check that the areas of non-compliance had been remedied, which they had. EH were in attendance to follow up a noise complaint and DWFR in response to my report of a non-compliant smoking shelter and concern for compromise of fire exits. We spoke to Liam Westwood who stated that he was bar man every day and worked there for 5 months. We were advised by Liam that neither Aneen Crane nor Jamie Lyones were available that evening. However later during the visit as I was carrying out my inspection Jamie Lyones suddenly appeared next to me at the bar. He didn't initially make himself known to me and I didn't notice him. When I did notice and acknowledge him, he put his arm round my shoulders and tried to cuddle me. He did this twice despite me asking him not to. He also asked me if everything was alright (meaning with the inspection), to which I replied that I was satisfied that all non-compliance highlighted during my previous visit had now been remedied. (SS9)

On 13 January 2020 Aileen Powell received an email from Nigel Shearing highlighting a possible breach of conditions whereby the Rumshack/Fat Cat were allegedly playing loud music until 0545hrs. (SS10) Aileen asked me to write to Aneen Crane regarding this matter which I duly did on 20 January. (SS11)

On same date I also wrote to Aneen Crane requesting updated premise plans as I had noted during my recent visits that some internal alterations had taken place and the plans we held on file were no longer a true reflection of the venue layout. (SS11a). Jamie Lyones sent a reply to both these letters on 21 January in which he denied the playing of loud music, blaming it on neighbouring venues. In response to the request for an updated plan he stated that no internal alterations have been completed to plan, the top floor had been temporarily blocked off with a door and the restaurant/takeaway area had been temporarily closed so he felt no plan was required. Mr Lyones also accused me of personally constantly harassing them in the going about of their business. (SS12).

After a discussion with Aileen Powell regarding my recent visits and communications with Aneen Crane and Jamie Lyones it was agreed that I would arrange a multi-agency meeting to discuss the various issues we were all dealing with in relation to this premises. Representatives from Dorset Police, Dorset Police Licensing, Dorset Council Planning, Dorset Council Building Control, Dorset Council Environmental Health and DWFR were all invited to take part in this meeting on Monday 27 January at South Walks House. (SS13)

As a result of the discussion at this meeting it was decided to invite Aneen Crane and Jamie Lyones to a second multi-agency meeting to give them the opportunity to meet all involved agencies at the same time, thus minimising the inconvenience of the multiple visits, and to work with him to improve his contribution to Weymouth's night time economy. I wrote to Aneen Crane & Jamie Lyones on 6 February with this offer. Mr Lyones replied on 18 February declining our offer. (SS14)

On 18 February I emailed all the agencies advising them that Mr Lyones had declined our offer, and suggested that we review the situation in 6 months time. (SS15)

On 13 July I emailed all those who attended the meeting on 27 January to ask for an update on their communication and visits in relation to this premises. I received an email response from Andy Stallman, Senior Building Control Surveyor confirming that they had had no contact/visits since before lockdown began. A second email from Andy Stallman on 30 July gives details of works outstanding at the premises. (SS16)

With the onset of the Covid19 pandemic, lockdown and subsequent closing of public houses I have not been able to follow this up. [REDACTED]

[REDACTED]

Samantha Spracklen

From: [REDACTED]
Sent: 18 October 2019 15:12
To: Licensing Inbox
Subject: Rumshack

Categories: Samantha

Hello

I would like to put a complaint against a club called Rumshack

My parents live at [REDACTED] st Mary street which is [REDACTED] to club name of the place is Rumshack which is situated By the back of st mary street on 38 Maiden Street Weymouth Dt4 8BA where they play extremely loudly music which vibrates through the walls for last few weeks it has become impossible to go to sleep before 5am. Which is a extreme because my parents both start work very early and they hardly can get three hours of sleep each night. Yesterday they started to play music around 11 late evening and times ranges from 8 till 12 and they keep music playing till very late around 5 am. It has become impossible to sleep with such a massive sound coming through the walls of the house. I hope you be able to help.

Regards

[REDACTED]

Samantha Spracklen

From: Samantha Spracklen
Sent: 28 October 2019 11:37
To: [REDACTED]
Subject: RE: Rumshack
Attachments: licensing-guidance-notes-review-of-premises-licence-2.doc; PREMISES + CLUB application for review of licence.doc

Dear [REDACTED],

Thank you for your email outlining the noise & vibration issues your parents are experiencing from The Rumshack. We have passed your email to Environmental Health for their attention.

We will write to the licence holder of The Rumshack to make them aware of the situation and to give them the opportunity to take some steps to alleviate the issues. We will also be visiting the premises in the near future to make some independent observations.

Please note that any premises which holds a licence under the Licensing Act 2003, can be subject to a review at any time if an establishment fails to satisfy one or all of the four licensing objectives. (The prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm). A review would be heard at a Licensing Sub Committee where conditions or restrictions may be added to the licence to resolve outstanding issues. I have attached the review guidance notes and application form for your information.

Kind regards

Samantha Spracklen
Licensing Officer
Licensing

Dorset Council

01305 838026

dorsetcouncil.gov.uk

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To receive the latest news from Dorset Council by email, visit
dorsetcouncil.gov.uk/e-newsletter

From: [REDACTED]
Sent: 18 October 2019 15:12
To: Licensing Inbox
Subject: Rumshack

Hello

**I would like to put a complaint against a club called
Rumshack**

Samantha Spracklen

From: Samantha Spracklen
Sent: 07 November 2019 17:07
To: 'AnnieCrane [REDACTED]'
Subject: RE: Premises Visit 11/11 10am - Fat Cat Bar

Hello Annie,

Thank you for letting us know.

I have rearranged this visit for Wednesday 27th November @ 10am

Kind regards

Samantha Spracklen
Licensing Officer
Licensing

Dorset Council

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-----Original Message-----

From: AnnieCrane [REDACTED]
Sent: 05 November 2019 13:16
To: Samantha Spracklen
Subject: Premises Visit 11/11 10am - Fat Cat Bar

WPPL0400

I have received your letter re: the above dates visit, however I'm afraid I am away on holiday from 7-20th November. Could we please reschedule?

Annie

Samantha Spracklen

From: AnnieCrane [REDACTED]
Sent: 25 November 2019 22:33
To: Samantha Spracklen
Subject: Re: Premises Visit 11/11 10am - Fat Cat Bar

Apologies I thought this was set.
 Yes! I shall see you at 10am Wednesday

Annie

> On 25 Nov 2019, at 09:38, Samantha Spracklen <samantha.spracklen@dorsetcouncil.gov.uk> wrote:
 >
 > Hello Annie,
 >
 > Re my previous email below - please can you let me know if Wednesday 27th @ 10am is convenient?
 >
 > Thank you
 >
 > Kind regards
 >
 > Samantha Spracklen
 > Licensing Officer
 > Licensing
 >
 > Dorset Council
 >
 > 01305 838026
 > dorsetcouncil.gov.uk
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 > Facebook.com/DorsetCouncilUK
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 > Instagram.com/DorsetCouncilUK
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 >
 > To receive the latest news from Dorset Council by email, visit
 > dorsetcouncil.gov.uk/e-newsletter
 >
 > -----Original Message-----
 > From: Samantha Spracklen
 > Sent: 07 November 2019 17:07
 > To: 'AnnieCrane [REDACTED]'
 > Subject: RE: Premises Visit 11/11 10am - Fat Cat Bar
 >
 > Hello Annie,
 >
 > Thank you for letting us know.
 >
 > I have rearranged this visit for Wednesday 27th November @ 10am
 >
 > Kind regards
 >
 > Samantha Spracklen
 > Licensing Officer
 > Licensing

Visit Report		
Premises	Officer(s)	Date
Fat Cat / Dance Shack	Samantha Spracklen, John Bean, PC Gareth Morris, Insp Barry Gosling (for part of meeting) Ben Jones (EH)	27 November 2019
Reason for Visit	Complaints from near neighbours regarding the playing of very loud music which makes it impossible to sleep. Also basic licensing checks carried out.	
Representatives from venue	We spoke to Aneen Crane who is the licence holder and DPS & Tim Monroe who was there in an advisory capacity to Aneen.	
Premises Description	<p>This is a late night bar with a 24hr licence. It is a small venue consisting of 1 room with a bar along the back and a small dance floor on the upper floor which is accessed through a narrow internal doorway and up a short flight of steps. Total permitted capacity is unknown. There is a single door entry which is also the designated fire exit, and two single glazed windows to the side (Church Passage).</p> <p>The dancefloor room has been lined on all but one wall with corrugated metal sheeting. There are two top boxes (speakers), one is fixed to the wall near the window, and the other at ceiling height on the wall at the top of the entrance stairs. Music is recorded only and there is a DJ console at one corner of the room.</p> <p>A smoking shelter has been erected to the rear of the dance floor area. It is access via a door which in turn leads to three wooden steps. The shelter is constructed of wood, and is enclosed on all sides with corrugated metal sheeting apart from a small gap at the top (approx. 1ft in depth) which is covered by wire mesh. There is a door in one corner which was bolted and screwed shut. Tim Monroe advised that this door is not in use, however later in conversation Aneen suggested it was a fire exit.</p> <p>It should be noted that there are several areas of the building that according to the licence holder are not currently in use, namely The Aslan Kebab Restaurant on the ground floor (inc mezzanine floor) to the front of the building and the second floor bar formally known as the Rumshack.</p> <p>Aslan windows are currently boarded up on the inside and the room is being used a storage area. It was not possible to view The Rumshack as it behind a locked door.</p>	







Issues	Discussed	Actions
Music noise	<p data-bbox="478 435 1423 537">EH are the lead on this and Ben Jones gave a very comprehensive explanation of their investigation procedure and has provided a written report of his observations from this visit, as follows:</p> <p data-bbox="478 578 1409 646"><i>Here's my thoughts on the design and structure of the dancefloor, which I'm relatively sure is the cause of the nuisance complaint.</i></p> <ul data-bbox="527 691 1465 1367" style="list-style-type: none"> <li data-bbox="527 691 1465 821">• <i>The room is lined with corrugated metal – likely steel. This provides good reflective properties causing diffuse reflection of sound within the room due to its shape. There is corrugated on all but one wall, the ceiling and surrounding the DJ booth.</i> <li data-bbox="527 829 1465 894">• <i>Other surfaces are stone, plasterboard and wood. All of these surfaces are hard. There are few soft furnishings.</i> <li data-bbox="527 902 1465 992">• <i>The quality of the noise in the room during our visit struck me as particularly sharp – there was a slight echo, but voices were notably clear and sharp in tone.</i> <li data-bbox="527 1000 1465 1130">• <i>There were four directions of noise dissipation – a vent behind the DJ booth, a single glazed pane window into the smoking area, gaps around the door opposite the DJ booth and the stairs down to Fat Cat Bar.</i> <li data-bbox="527 1138 1465 1235">• <i>There were two speakers for the broadcast of music. One affixed to the wall near the window, one at ceiling height near the stairs to Fat Cat Bar. Both were affixed via chains to screws in the wall.</i> <li data-bbox="527 1243 1465 1367">• <i>The smoking area was almost solely corrugated metal. There was an extract system travelling through the area. The area seemed to be surrounded by properties on all sides, although this could not be completely confirmed.</i> 	

Despite the efforts of the proprietors to insulate adjoining walls between themselves and the neighbouring properties, the acoustic properties of the room is likely to amplify any noise within, and transmit large amounts of noise. The filling of the room with people is unlikely to suitably abate the potential for noise transmittance, as the acoustic absorbance by people will be offset by the noise created by people themselves. This, and the above points were explained to the DPS and her colleague on site.

As explained to the DPS and her colleague, nuisance is based on a judgement of evidence by an authorised officer. Steps to alleviate the nuisance by a business or trade premises may constitute a “best practicable means” defences, and the nature and quality of the area must be considered when the officer makes a judgement. It is worth noting that the design of the room is likely to be a major contributing factor to the noise received at complainant’s properties. The volume music is played at was not witnessed during our visit.

Ben Jones
Technical Officer
Environmental Health
Dorset Council

Aneen advised that she was aware of the noise complaint and had met with the complainant to discuss the issues. She stated that they had added soundproofing insulation (behind the metal sheeting) to the walls of the dance floor area in an attempt to lessen the noise. She also stated they had offered to install soundproofing to the residential side of the adjoining wall but the complainant’s landlord had refused.

Smoking Shelter	The way this has been constructed means that it is substantially enclosed (has a ceiling or roof, but there are openings in the walls which have an area that is less than half of the premises perimeter area) and does not comply with the stipulations in The Smoke-free (Premises and Enforcement) Regulations 2006	SS advise PLH via email. KP from DC Planning already in contact with JL re planning permission.
Licence Conditions	<p>The licence on display at the bar was out of date, dated 2016 with the licence holder named as Aslanlar Limited. The licence was transferred to Aneen in May 2018. When I pointed this out to Aneen she said she didn't know where the correct licence was, Jamie (Lyones) deals with everything. I advised that the correct licence needs to be displayed ASAP.</p> <p>Challenge 21 posters - none on display. Advised can be downloaded from the internet.</p> <p>Incident Log: The only log to be found on the premises and available for inspection was 'the old one' and the last entry was dated December 2018. John Bean advised Aneen to put a bar diary in place to record all incidents/age verification challenges/CCTV checks.</p> <p>Weights & Measures: No signage on display to inform customers which size spirit & wine measures are on sale in accordance with the mandatory conditions.</p> <p>As regards to the door staff condition, note must be made of a risk assessment for both deployment and non-deployment.</p>	<p>SS to send new copy of licence to Aneen.</p> <p>AC to download and display ASAP</p> <p>AC to source diary and implement ASAP</p> <p>SS to advise PLH by email</p> <p>SS to advise PLH by email</p>

	<p>John Bean (Police Licensing Officer) provided the following post visit notes:</p> <p><i>Further to the visit, I would note the following for inclusion in any follow up letter:-</i></p> <ol style="list-style-type: none"> 1) <i>Check and comply the all conditions on the licence both mandatory and attached.</i> 2) <i>In reference to 1) specific mention should be made regarding CCTV, incident log and Challenge 21</i> 3) <i>As regards the door staff condition, note must be made of risk assessment for both deployment and none deployment</i> 4) <i>As mentioned by PC Morris, visits will be made by local officers to check compliance as with other premises in the town.</i> 	SS to advise PLH by email
Next Steps	<p>EH to continue their investigations and install noise monitoring equipment. PC Gareth Morris and/or other local officers will visit to check compliance of licence conditions SS to speak to DC Building Control & DWFR regarding concerns with internal alterations and possible compromising of fire exits. SS to advise/liaise with DC Planning re smoking shelter</p>	

Samantha Spracklen

From: Samantha Spracklen
Sent: 27 November 2019 11:53
To: 'emma.turner@dwfire.org.uk'
Subject: Weymouth venue - some concerns

Hi Emma

I've just returned from a visit with John Bean, Environmental Health & Dorset Police to The Rumshack/Fat Cat/Dance Shack in Weymouth.....we have some concerns regarding the new layout of the venue and the possible compromise of fire safety and fire exits. Can you give me a ring please to discuss.

Thanks
Sam

Samantha Spracklen
Licensing Officer
Licensing

Dorset Council



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Miss A Crane
 38 Maiden Street
 Weymouth
 Dorset

Community Protection Division
 Community Protection Manager
 Graham Duggan

2 December 2019

Dear Miss Crane

RE: Visit and inspection – Fat Cat Bar / Dance Shack 38 Maiden Street, Weymouth.

Thank you for meeting with myself and my colleagues on 27 November 2019.

The primary reason for our visit was to discuss the recent noise complaints received in relation to your premises.

We also took the opportunity on this visit to carry out an inspection to check the premises for compliance within the requirements of the Licensing Act 2003 and the authorisations of your licence.

During the visit the following areas of non-compliance were identified:

- Out of date premises licence on display. Please find attached copy of the correct licence.
- The licence summary (pages 5 & 6) must be displayed on the premises at all times, ideally located near to the main entrances of the premises so that it can be easily read by both patrons and officers from the relevant authorities.
- Challenge 21 posters not on display. Advised can be downloaded from the internet and displayed appropriately in the premises.
- Incident Log: The only log to be found on the premises and available for inspection was 'the old one' and the last entry was dated December 2018. Current log to be located, completed as & when necessary and kept on the premises.

- Weights & Measures: No signage on display to inform customers which size spirit & wine measures are on sale in accordance with the mandatory conditions. Signs to be sourced and displayed appropriately.
- As regards the door staff condition, note must be made of risk assessment for both deployment and none deployment.

Advice was also given around best practice and due diligence:

- Check and comply with the all conditions on the licence both mandatory and those in Annex 2.
- The premises should have an A4 day to view diary which should record as a minimum:
 - Any age verification challenges and refusals of sale
 - Any incidents of crime or disorder
 - Any incidents of public nuisance etc
 - All CCTV checks

As you will be aware it is your responsibility as the licence holder and designated premises supervisor to ensure that the premises are managed within the Licensing Act, the four licensing objectives and the authorisations and conditions of the premises licence. As mentioned by PC Morris, visits will be made by local officers to check compliance as with other premises in the town.

Should you have any questions on the above please do not hesitate to get in touch.

Yours sincerely



Samantha Spracklen
Licensing Officer





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Miss A Crane
38 Maiden Street
Weymouth
Dorset
DT4 8AZ

Community Protection Division
Community Protection Manager
Graham Duggan

3 December 2019

Dear Miss Crane,

Re: Smoking shelter at Fat Cat Bar/Dance Shack 38 Maiden Street, Weymouth, Dorset

On attending your premises on 27 November 2019 it was noted you were using the first floor outside terrace (adjoining the dancefloor) as a smoking area/shelter. Under the Health Act 2006 a premises must be smoke free.

The Smoke Free (Premises and Enforcement) Regulations 2006 defines what is classed as a substantially enclosed area. Section 2 (2) (b) defines that a least 50% of the sides must be open. Your smoking area/shelter is clearly not complying with the regulations as the percentage that is open is considerably less than 50%.

You have the option of removing the shelter or making it compliant. This is without prejudice to any planning consent that may be required.

Failure to comply could amount to an offence under Section 8 of the Public Health Act 2006 of failing to prevent smoking in a smoke free place which could attract an level 4 fine (£2500.00) if found guilty.

Please don't hesitate to contact me if you wish to discuss this matter.

Yours sincerely

A black rectangular redaction box covering the signature of Samantha Spracklen.

Samantha Spracklen
Licensing Officer

Samantha Spracklen

From: Samantha Spracklen
Sent: 03 December 2019 15:15
To: AnnieCrane [REDACTED]
Subject: Follow up to visit on 27/11/19
Attachments: Fat Cat PL.pdf; Fat Cat post visit letter.doc; Fat Cat SS letter.doc

Dear Miss Crane

Please find attached follow up letters from our visit last week.

Kind regards

Samantha Spracklen
Licensing Officer
Licensing

Dorset Council

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Visit Report		
Premises	Officer(s)	Date
Fat Cat / Dance Shack	Samantha Spracklen, Steve Ireland (Env Health) PC Billy Taylor (NPT), PC Kerry Farwell (NPT) Stuart Granger (DWFR)	14 December 2019
Reason for Visit	Licensing – follow up to visit on 27 th November Environmental Health – follow up to noise complaint DWFR – In response to report of non compliant smoking area and concern for compromise of fire exits.	
Representatives from venue	We spoke to Liam Westhead, who stated he was bar man everyday and had worked there for 5 months. We were advised by Liam that neither Aneen Crane nor Jamie Lyones were available that evening. However, later during the visit as I was carrying out my inspection Jamie Lyones suddenly appeared next to me at the bar. He didn't initially make himself known to me and I didn't notice him. When I did notice and acknowledge him, he put his arm round my shoulders and tried to cuddle me. He did this twice despite me asking him not to. He also asked me if everything was alright (meaning with the inspection), to which I replied that I was satisfied that all non-compliance highlighted during my previous visit had now been remedied.	
Premises Description	<p>This is a late night bar with a 24hr licence. It is a small venue consisting of 1 room with a bar along the back and a small dance floor on the upper floor which is accessed through a narrow internal doorway and up a short flight of steps. Total permitted capacity is unknown. There is a single door entry which is also the designated fire exit, and two single glazed windows to the side (Church Passage).</p> <p>The dancefloor room has been lined on all but one wall with corrugated metal sheeting. There are two top boxes (speakers), one is fixed to the wall near the window, and the other at ceiling height on the wall at the top of the entrance stairs. Music is recorded only and there is a DJ console at one corner of the room.</p> <p>A smoking shelter has been erected to the rear of the dance floor area. It is access via a door which in turn leads to three wooden steps. The shelter is constructed of wood, and is enclosed on all sides with corrugated metal sheeting apart from a small gap at the top (approx. 1ft in depth) which is covered by wire mesh. There is a door in one corner which was bolted and screwed shut.</p> <p>It should be noted that there are several areas of the building that according to the licence holder are not currently in use, namely The Aslan Kebab Restaurant on the ground floor (inc mezzanine floor) to the front of the building and the second floor bar formally known as the Rumshack.</p>	

	<p>Aslan windows are currently boarded up on the inside and the room is being used a storage area. It was not possible to view The Rumshack as it behind a locked door.</p>
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Issues	Discussed	Actions
Music noise	EH are the lead on this and Steve Ireland was in attendance to observe.	SI to prepare a report to accompany these notes.
Smoking Shelter	The smoking shelter door was locked. DWFR are the lead on this, Stuart Granger was in attendance to observe and make notes. He talked at length with Liam Westwood regarding fire risk assessments. SG advised that maximum capacity for the venue is 60.	SG will prepare a report to accompany these notes.
Licence Conditions	Following our previous visit and follow up letter the areas of non-compliance had been attended to and remedied as required.	

Next Steps	EH to continue their investigations and install noise monitoring equipment. SS to liaise with DC Env Health, Building Control, Planning & DWFR re a meeting to discuss all concerns.	

Samantha Spracklen

From: Aileen Powell
Sent: 29 July 2020 12:32
To: Samantha Spracklen
Subject: FW: Noise

Here you are

Aileen Powell
Licensing Team Leader
Community Protection

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In the time of COVID-19 -

Please note the majority of Dorset Council staff have commenced working remotely in response to Government calls to stay at home. Licensing Officers should be contactable via e-mail or telephone, although our ability to access emails and data files on the Council's network may be limited. Please accept our apologies in advance for any delays in our service during this difficult time, which we are working hard to minimise as much as possible.

From: 
Sent: 13 January 2020 11:07
To: Steven Ireland ; Aileen Powell
Cc: 
Subject: Noise

Hi Steven/Aileen

Many thanks for the meeting on Tuesday last week, it was very much appreciated although I think we could have done with another 20mins! Sorry I had to shoot off. Please find some observations below, from me and on behalf of other residents.

Licensing

We didn't have time to discuss the breach of license conditions for The Fat Cat, where recorded music has been playing beyond 05.00 at the same levels prior to this. It has been reported on at least 2 occasions

with recorded evidence. And it has continued to 05.45. The license is very clear on this. If there is a need for more/better sound or video evidence this can be arranged. Can it be enforced please?

[Redacted]

[Redacted]

Environmental Health

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

It is acknowledged that the 'use' of the area has to be considered, as discussed many times before, but it is not solely commercial and it has a decent percentage of residents, most of whom are not happy and

suffering health impacts from the noise. Underlying levels are also very low and there are objective measures to help establish upper limits and impacts on health etc, from various bodies. Some are now being reluctantly driven to market their homes because of this.

A public meeting is being arranged in the next 2 to 3 weeks to update residents on progress/issues, and to inform them of next steps. There is a real concern that residents voices are not being heard. Please acknowledge that this issue is much wider than [REDACTED]

I think there is considerable merit in Steven's suggestion of meeting with the police to establish a more representative body of enforcement.

Just to reiterate that nobody is expecting silence. We know where we live and have chosen to be here. However, there is clearly a limit.

Could Steven mail me a pdf of the noise log please.

Again, thanks for meeting. I'll continue with the logs and update you as things unfold. Please don't hesitate to call if you need to.

Regards,

[REDACTED]



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Miss A Crane
Rumshack/Fat Cat Bar
38 Maiden Street
Weymouth
Dorset
DT4 8BA

Community Protection Division
Community Protection Manager
Graham Duggan

20 January 2020

Dear Miss Crane,

Premise Licence WPPL0400 38 Maiden Street, Weymouth DT4 8BA

We have received several complaints that you are playing music at this premises beyond your permitted terminal hour of 05:00am.

We are making you aware of this, in the first instance so that you can take some steps to address this and prevent further complaints being received.

We will be carrying out a series of licenced premises visits in the near future and will visit your premises to make some independent observations. We will also be advising the environmental health department of the complaint received.

Please contact me on the telephone number below should you wish to discuss this matter.

Yours sincerely

A large black rectangular redaction box covering the signature area.

Samantha Spracklen
Licensing Officer

A black rectangular redaction box covering contact information.



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Miss A Crane
Rumshack/Fat Cat Bar
38 Maiden Street
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Dorset
DT4 8BA

Community Protection Division
Community Protection Manager
Graham Duggan

20 January 2020

Dear Miss Crane,

Premise Licence WPPL0400 38 Maiden Street, Weymouth DT4 8BA

During my recent visits to your premises I noted that you have carried out some internal alterations and some areas of the building are now sectioned off and no longer in use. Therefore the plans which we hold on file (copies enclosed) are no longer reflecting the true layout or licenced area in respect of your premises licence.

Please supply us with a 1:100 scale plan of the new layout (including the location of fire exits and fire fighting equipment) so that we may advise whether a minor or full variation application is required.

We would expect to receive these plans by Friday 7th February. If you have any difficulty in meeting this deadline please let me know.

Yours sincerely

A large black rectangular redaction box covering the signature area.

Samantha Spracklen
Licensing Officer

A small black rectangular redaction box covering contact information.

Samantha Spracklen

From: Aslan Bar & Grill <aslanbargrill@gmail.com>
Sent: 21 January 2020 10:40
To: AnnieCrane [REDACTED]; Samantha Spracklen
Subject: Re: letters

Dear Mrs Spracklen

Thank you for you the letters received today, I would like to address the noise complaint.

Firstly as previously informed we do not operate beyond our prescribed hours infact staff are eager to leave as they do not get paid beyond these hours, music is most certainly turned off on the dot of closing to encourage patrons to drink up quietly and leave the premises.

However I can inform you that upon a walk around of my premises after closing loud music is certainly noticeable from one of my neighbouring venues, perhaps you should concentrate your efforts on looking elsewhere. Please also take note that currently upstairs is only open on a Friday and an occasional Saturday and that music played any other times ie downstairs in the bar area is on a very low frequency Bluetooth speaker connected to a mobile phone, so their is no way any of our neighbours would have cause for complaining and be able to hear this.

Secondly no internal alterations have been completed to plan, all that has happened is the top floor has been blocked off with a door temporarily until we have carried out much needed upgrade works and the takeaway/restaurant area has been temporarily closed so we feel no plan is required. If any changes are going to take place from any of the areas that are currently closed off from the public then we will of course keep you updated prior to opening. Please provide us details in the Licencing act if this is incorrect.

I do feel that because of my previous history with licencing involving Taxis that you are personally constantly harassing us in the going on about our business and we will be taking steps with legal advice if this persists.

Kind Regards

Jamie Lyones

On 21 Jan 2020, at 08:11, AnnieCrane [REDACTED] wrote:

Annie

Begin forwarded message:

From: Samantha Spracklen
Date: 20 January 2020 at 17:10:16 GMT
To: AnnieCrane [REDACTED]
Subject: letters

Please find attached two letters in respect of your premises licence.

Copies also sent by post.

Kind regards

Samantha Spracklen

Licensing Officer

Licensing

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Samantha Spracklen

Subject: Fat Cat Bar/Rumshack - Weymouth

Start: Mon 27/01/2020 11:00
End: Mon 27/01/2020 13:30
Show Time As: Tentative

Recurrence: (none)

Meeting Status: Not yet responded

Organizer: Samantha Spracklen
Required Attendees: Morris, Gareth; Bean, John; Kevin Perry; Andy Stallman; Stuart Granger
<stuart.granger@dwfire.org.uk>; Emma Turner; Steven Ireland; Aileen Powell;
Goom, Samuel

Good afternoon all,

Following a number of visits over the last few weeks it has become clear that we all have various issues/concerns regarding the manner in which this establishment is being operated and the property maintained.

In light of this we feel it would be beneficial to hold a joint meeting where all departments involved can present their concerns and we can discuss the way forward accordingly.

I have booked a meeting room for Monday 27th January, 11.00am at Dorset Council Offices (room 001), South Walks Road, Dorchester. Please let me know if you are able to attend. (note: the room is booked for 2.5hrs but I don't think we'll be there for all that time!)

Kind regards

Samantha Spracklen
Licensing Officer
Licensing

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Samantha Spracklen

From: Aslan Bar & Grill <aslanbargrill@gmail.com>
Sent: 18 February 2020 00:56
To: Samantha Spracklen; Tim Munro; AnnieCrane
Subject: Re: letters

Dear Mrs Spracklen

Thanks for your reply, you say my comments have been noted however you have yet to answer my questions.

A Multi agency meeting was held at the end of last year with my representatives Miss Crane, Tim Munro at your request, Infact you wrote to confirm the meeting and discussion and we met a few days later when you further carried out a random routine inspection to check that your advice had been adhered to. You left satisfied that evening that everything was in order that had been previously discussed with my representatives.

I see no other reason for yet another meeting unless of course there are further issues that need to be addressed. I am not aware or indeed have been contacted about any further issues from anyone of the "several" agencies, you mention however. If that's the case then of course I'm always happy to meet and discuss with either yourself or any of the other agents individually should that be required. I am also not aware of any new issues with regards to my alcohol licence which is obviously the only responsibility you have authority over, please inform me by return if this is incorrect along with your concerns so I can address them immediately.

Taking all of the above into consideration and I do appreciate your kind gesture for a further multi agency meeting, I see no valid reason for a further meeting.

Kind Regards

Jamie Lyones

On 6 Feb 2020, at 13:11, Samantha Spracklen wrote:

Dear Mr Lyones

Thank you for your email below dated 21/01/2020, the contents of which are noted.

In light of the fact that several different agencies have been involved with the business recently we would like to offer you the opportunity to have a meeting with us all together, to minimise the inconvenience of multiple visits and to work with you to improve your contribution to Weymouth's night time economy.

If you would like to take up this offer please let me know and I will make all the necessary arrangements.

Kind regards

Samantha Spracklen
Licensing Officer
Licensing

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From: Aslan Bar & Grill [mailto:aslanbargrill@gmail.com]

Sent: 21 January 2020 10:40

To: AnnieCrane ; Samantha Spracklen

Subject: Re: letters

Dear Mrs Spracklen

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Firstly as previously informed we do not operate beyond our prescribed hours infact staff are eager to leave as they do not get paid beyond these hours, music is most certainly turned off on the dot of closing to encourage patrons to drink up quietly and leave the premises.

However I can inform you that upon a walk around of my premises after closing loud music is certainly noticeable from one of my neighbouring venues, perhaps you should concentrate your efforts on looking elsewhere. Please also take note that currently upstairs is only open on a Friday and an occasional Saturday and that music played any other times ie downstairs in the bar area is on a very low frequency Bluetooth speaker connected to a mobile phone, so their is no way any of our neighbours would have cause for complaining and be able to hear this.

Secondly no internal alterations have been completed to plan, all that has happened is the top floor has been blocked off with a door temporarily until we have carried out much needed upgrade works and the takeaway/restaurant area has been temporarily closed so we feel no plan is required. If any changes are going to take place from any of the areas that are currently closed off from the public then we will of course keep you updated prior to opening. Please provide us details in the Licencing act if this is incorrect.

I do feel that because of my previous history with licencing involving Taxis that you are personally constantly harassing us in the going on about our business and we will be taking steps with legal advice if this persists.

Kind Regards

Jamie Lyones

On 21 Jan 2020, at 08:11, AnnieCrane wrote:

Annie

Begin forwarded message:

From: Samantha Spracklen

Date: 20 January 2020 at 17:10:16 GMT

To: AnnieCrane

Subject: letters

Please find attached two letters in respect of your premises licence.

Copies also sent by post.

Kind regards

Samantha Spracklen

Licensing Officer

Licensing
Dorset Council

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Samantha Spracklen

From: Samantha Spracklen
Sent: 18 February 2020 09:18
To: 'Morris, Gareth'; Goom, Samuel; Emma Turner; 'andy.downton [REDACTED]'; Kevin Perry; Andy Stallman; Steven Ireland; 'Bean, John'
Subject: re meeting 25th Jan
Attachments: Re: letters

Morning all,

Thank you all for attending the meeting on 25th Jan re Rumshack/Fat Cat Bar. As per our discussion I wrote to Mr Lyones offering to set up a multi agency meeting. He has replied to me today declining the offer as he does not feel it is necessary. Please see email chain attached.

I would suggest that we each continue to deal with Mr Lyones individually as/when necessary and look to review the situation in 6 months time or if/when an incident occurs, whichever is sooner.

Your thoughts please?

Kind regards

Samantha

Samantha Spracklen
Licensing Officer
Licensing

Dorset Council

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From: Andy Stallman
Sent: 30 July 2020 09:41
To: Katrina Trevett
Cc: Building Control (Team G)
Subject: RE: The Fat Cat Bar DS/20/00315

Good morning,

We have two applications open on this and have been to site with Fire Brigade – they are dealing with some enforcement issues relating to fire safety as well.

Before lockdown we started trying to close an application on a mezzanine floor from 2016, we also requested the deteriorating lintel was checked and if necessary replaced, obviously with the lockdown we did not hear back or have any contact with the owners.

The smoking shelter was closed down by FB and as I believe was going to be removed by the owners but doubt this has happened with the lockdown.


Hope this helps, apologies for the delay in replying but back at work now.

Kind regards

Andy.

Andy Stallman C.Build E MCABE
Senior Building Control Surveyor
Economic Growth & Infrastructure
Dorset Council


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From: Andy Stallman
Sent: 13 July 2020 17:15
To: Samantha Spracklen < >
Cc: Building Control (Team G) <buildingcontrolteamg@dorsetcouncil.gov.uk>
Subject: RE: Fat Cat Bar BC Ref FP/16/02244

Good afternoon,

I can confirm we have had no contact/site visits recently – since before lock-down commenced regarding Building Control.

Kind regards

Andy.

Andy Stallman C.Build E MCABE
Senior Building Control Surveyor
Economic Growth & Infrastructure

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From: Samantha Spracklen

Sent: 13 July 2020 12:09

To: 'Emma Turner'  >; Andy Stallman

 >; Kevin Perry  >

Subject: Fat Cat Bar

Importance: High

Hi all,

Re: FatCat Bar 38 Maiden Street, Weymouth.

Following our meeting on 27th January, I have been tasked to gather an update on the above premises.

Please could you provide an update as to any communications you have had with or visits to this premises since then. If you issued the licence holder with an action plan of remedial works please can you give an update on these whether they have been completed or not, and details of any ongoing issues.

A response at your earliest opportunity would be much appreciated.

Thank you

Kind regards
Samantha

Samantha Spracklen
Licensing Officer
Licensing

Dorset Council


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Representation EH - food,safety and port health

Fat Cat and Joeys Gourmet Clubhouse, 38 Maiden Street, Weymouth DT4 8BA

This premises was registered with Dorset Council as Aslan Bar and Grill and no information has been received by the Food Safety and Port Health service that there had been a change of food business. This record is now closed (as of 15 July 2020).

In response to information that a new food business was operating at 38 Maiden Street, Weymouth DT4 8BA a visit was carried out on 15 July 2020.

Persons spoken to were the bar manager Mr Butcher and the owner of the food business Joe Ronayne.

Numerous issues of health and safety concern were identified including:

- No hand sanitisers in the customer toilets (advised as part of COVID controls). I was informed at the time that there were problems obtaining these but hand sanitisers would be provided.
- The ice machine behind the bar was unstable and moved when opened.
- The bar fridges and tables in the premises were 'sticky' to touch and needed cleaning.
- Damaged and unstable flooring on steps leading to the kitchen, steps in the kitchen and in the small CCTV room on the first floor.
- The door at the end of the kitchen leading to the cellar does not close creating a tripping / falling hazard as there is no light to the opening.
- The CCTV monitor could not be reached safely due to an accumulation of items obstructing access. There were also a large number of cables in this area and a ceiling light that was not working. Mr Ronayne was advised that the electrics in this area needed checking by a competent person to ensure that they are safe.
- There was a large collection of black plastic bags of rubbish stored in a small room / cupboard off the kitchen. When the door was opened there was an unpleasant odour. It was advised at the time of the visit that this would be cleared the following day. On Saturday 25 July a complaint was received that there was an odour from this area penetrating a neighbouring property.

All items were documented as list which was left with Mr Ronayne at the end of the visit.

On 27 July Joe Ronayne was contacted and he advised that he no longer is involved in the premises and does not run the food business there any longer. He believed the waste was being removed on the 27 July but was unsure as the premises was now closed. This is currently being followed up.

Tamsin Horsler
Team Leader - Food, Safety and Port Health
28 July 2020

Representation From Environmental Protection

Part of the function of the Environmental Protection Service is to receive complaints about noise and deal with these under our statutory powers.

Over the past 12 months Dorset Council has received 24 complaints associated with the nighttime economy noise from premises within the vicinity and a further 7 complaints directly relating to 38 Maiden Street – the Fat Cat. Some of the complaints about the Fat Cat have made reference to amplified music continuing up until 0500 hours on weekends (Fridays and Saturdays). They have also cited other anti-social matters such as noise from people in the street, street drinking, persons vomiting and urinating in the street, broken glass and litter debris.

In November 2019 we received representation from a local resident's group – The Fair Noise Group, who formed a community action group against what they perceived as excessive noise levels from the pubs and clubs and associated street noise in the vicinity. EP have been working with our colleagues in licensing, community safety and with the police to try to address some of the group's issues. This has included joint evening visits and undertaking noise monitoring.

In March 2020 we wrote to some town centre premises, including the Fat Cat, suggesting that they might like to review their practices and possibly as a group to produce a Noise Management Plan that could consider ways to alleviate the issues being raised. This suggestion does not appear to have been actioned.

We continue to investigate where there are complaints of noise nuisance.

South Walks House
South Walks Road
Dorchester
DT1 1UZ

Tel: (01305) 838000
Website:
www.dorsetcouncil.gov.uk



Kathryn Miller
Dorset Council Licensing
South Walks House
South Walks Road
Dorchester
DT1 1UZ

Case Officer: Katrina Trevett
Direct Line: [REDACTED]

Email: [REDACTED]

29 July 2020

Dear Kathryn Miller

Application No: WP/20/00478/NOTS
Location: 38 MAIDEN STREET, WEYMOUTH, DT4 8BA
Proposal: Notification of summary review

Further to the above, planning enforcement is still ongoing on this site. We would wish to seek the removal of the smoking shelter as it remains unlawful and therefore, enforcement action is still being actively pursued.

The latest site visit was carried out by Neil Dackham on the 10th March 2020 - however, the COVID situation has prevented this being followed up immediately. Pursuance of enforcement will be carried out again in the near future.

We are aware though that the removal of the smoking shelter will push smokers out on to the street again which then aggravates the noise and antisocial behaviour experienced by neighbours.

Therefore, we consider that removal of the licence will enable the smoking structure to be removed without significant impact to neighbouring amenity.

Yours sincerely

Katrina Trevett
Senior Planning Officer

Chief Executive: M Prosser

Kathryn Miller
Licensing Officer
Dorset Council
South Walks House
Dorchester
DT1 1UZ

Direct Line: (01722) 691717

Email: [REDACTED]k

Your ref:

My ref: P0407655/87121

Date: 28 July 2020

Dear Kathryn

**Licensing Act 2003 – Application for review of premises licence
The Regulatory Reform (Fire Safety) Order 2005**

Address of Premises: Fat Cat Bar, 38 Maiden Street, Weymouth, DT4 8BA

I refer to your correspondence dated 17th July 2020 in respect of the summary review application submitted by Dorset Police for the above premises.

I provide the following information and confirm that the following fire safety matters identified, affect the public safety objective of the Licensing Act, as well as the Regulatory Reform (Fire Safety) Order 2005.

Following fire safety concerns raised by Samantha Spracklen, Licensing Officer, Dorset Council, regarding the means of escape for the smoking shelter and dance floor, I carried out a fire safety visit of the above premises on 2nd December 2019. The DPS Aneen Crane was present and advised that the Responsible Person was Jamie Lyones. Ms Crane voluntarily restricted public access to the smoking shelter following my identification that there was inadequate means of escape from the area.

Following my visit, I made several attempts to establish contact with Mr Lyones, however, no contact was received from Mr Lyones. Consequently, a fire safety matters letter (revisit) was issued on 23rd December 2019. The fire safety matters letter identified actions (to be applied to the premises as a whole and to enable safe occupation of the smoking shelter and dance floor on the first floor), as follows:

- No fire risk assessment carried out
- Unprotected escape route for the occupants of the smoking shelter
- No evidence of fire alarm system testing and maintenance

- Inadequate means of giving warning
- No evidence of emergency lighting testing and maintenance
- Obstructed final exit (due to inappropriate security device fitted to the final exit)
- Inadequate escape lighting within the escape route (from the dance floor)

A further fire safety visit was carried out on 10th February 2020. Mr Lyones was present at this visit and it was identified that the majority of the fire safety matters (as identified within the fire safety matters letter) remained outstanding.

During the visit Mr Lyones provided evidence that he had appointed a competent person to carry out testing and maintenance of the fire alarm system with further recommendations made by the competent person. Mr Lyones also provided assurances that the smoking shelter was not in use and confirmed that the smoking shelter was locked, preventing public access due to the inadequate escape route.

Subsequent to the visit, Mr Lyones appointed a fire risk assessor and a fire risk assessment was carried out. The fire risk assessment provided significant findings and made further recommendations. Mr Lyones advised that he was reviewing the fire safety measures required that would enable him to reopen the smoking shelter.

On 20th March 2020, following a concern raised by a member of the public regarding the use of the smoking shelter, Mr Lyones emailed confirmation that the smoking shelter remained closed and that the first floor also remained closed to the public due to the “current conditions” and insufficient trade.

No further visits have been carried out and no further contact made, or received, since 20th March 2020.

Yours sincerely

Emma Turner
Fire Safety Inspector

Representation from Weymouth Town Council

Weymouth Town Council wish to make the following comments to Licensing Officers regarding Fat Cat Bar/Rumshack, 38 Maiden Street, Weymouth, DT4 8BA. Weymouth Town Council have concerns about the level of community disruption, including noise and disturbances, experienced by local residents living near The Rumshack. Weymouth Town Council support the Police in their stance on this matter.

Representation from Respect Weymouth

FAT CAT REPRESENTATION (v1)

1. INTRODUCTION

This collective representation is made by RESPECT WEYMOUTH action group, set up by local residents and hospitality support businesses in and around the North Harbourside and the Fat Cat. The group is about:

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

It has been encouraging this since July 2019.

This is, in effect, 21 representations from separate residents and business owners that have all contributed to a single report. (Note that 4 of these have now moved out of the area.) They are identified in Appendix 1. All have fears over retaliation and criminal damage because of events and reasonable suspicions over the last 12 months. In line with current Licensing Act Guidance, it is requested that personal information in Appendix 1 is redacted for all public documents, press releases, the licensee, and the licensee's representative. It is understood that council officers and hearing councillors will see this information to validate the representation.

2. NOTICE

RESPECT WEYMOUTH is making this representation against the recent public notice regarding 'Application for the review of a premises licence under section 53A of the Licensing Act 2003 (premises associated with serious crime or disorder)',

https://drive.google.com/file/d/1ODZ8Bx741PiRmuqnlVGVfLrANy83di_o/view?usp=sharing

Where Dorset Police have requested that:

Dorset County Council Licensing Sub-Committee agree to impose interim measures to include the temporary suspension of the Premises Pending a Full Hearing.

It is understood that the issues raised by the polices fall within the following areas:

- i. Reluctance of the licence holder to meet the existing licensing conditions.*
- ii. Significant concern that the Licensing Objectives are incapable of being promoted.*
- iii. The failure to promote public health guidelines presents a risk to public health and causes the spread of Covid-19, risking the lives of the public.*
- iv. Involvement of the licensee in a number of serious violence/violent incidents.*

And it is understood that the police have asked for a summary review given:

The continued risk to the public that this premises presents.

The application for a summary review of this venue is welcomed by local residents as issues around statutory nuisance and public disorder here remain unresolved.

The representation supports points i. ii. and iii. above. It also raises additional license issues from a community perspective, should the license not be revoked, to seek a better balance for local residents and other hospitality businesses in the area. It is understood that this may need to be resolved by a separate community driven review of the license.

The closing date for representations is 30 July 2020.

3. AREA

From a community perspective, this venue is located on the edge of town off a very narrow pathway adjacent to St Mary's Church. It sits in a vibrant part of licensing's designated Cumulative Impact Area (CIA). And it adjoins a long standing residential area with historic importance behind the North Harbourside. This is also a conservation area.

The residential concentration is growing in this area. The burned out church 50 yards from the venue is due for conversion into 30 small but high quality apartments. Development is due to start this year. Other recent developments include a new block of harbour view apartments in Helen lane, a stunning warehouse conversion into apartments at the end of Helen lane, and an ongoing conversion for high quality apartments in a large warehouse abutting Helen Lane and the harbour. Overall, the residential population of the area is increasing while the negative impacts from bars like the Fat cat have been getting much worse.

The area is covered by the Weymouth & Portland Anti Social Behaviour Related Public Spaces Protection Order 2018 (PSPO) and a licensing Act Cumulative Impact Area (CIA) policy.

It is accepted that this is a vibrant area of the town. Residents aren't expecting peace. But they are expecting a fair balance with more consideration and respect. In the last 12 months, the behaviour from this bar, in particular, has delivered everything but this.

4. GROUND TRUTH

The police evidence for this review is supported by the findings of a current resident survey. This survey is still 'open' and group membership is growing.

The impacts from The Fat Cat (and other bars) have caused the delicate balance in this CIA to become almost decimated. Some homes have been turned into holiday lets and are struggling. Some have been let out to rent and have a constant turnover of suffering tenants. Houses are difficult to sell. Guest houses deal with complaints. And those who are left fear what's to become. Especially given the potential for new Houses in Multiple Occupation. Visitors that stay in this area rarely return, unless they have no other options.

Sadly, in the last 12 months alone, 6 families have found it too stressful and have been forced to move out of the area. Unable to cope with the escalating problems. Some of these have been long standing residents of 20 years or more. At least 2 homes are for sale now. And 1 guest house is for sale. Long term tenants rarely stay after their initial agreement. It's a very real and worrying situation and the balance needs to be redressed. Urgently.

The Fat Cat is directly responsible for at least 2 of these moves, and 3 nearby residents have recently stated they've had enough and are moving out this summer. Others are suffering now and will follow if this license is allowed to continue as-is. It is not acceptable for residents to have to 'put up' with such flagrant disrespect for the community and the Licensing Objectives.

Unfortunately, for many reasons, most residents have lost faith in the system and have stopped reporting all but serious crime. This will be reflected in the police statistics. It seems apparent that the venue does not report adverse impacts of crime caused by its patrons. The reality is the things causing the most distress are not a priority for limited enforcement resources. And some critical resources are not available out of office hours. Matters can rarely be resolved at the time so people put-up or move out. This is all exacerbated by a lack of CCTV in the area and fear of retaliation for complaining. It's a very real and worrying dilemma.

To help demonstrate the GROUND TRUTH, RESPECT WEYMOUTH have recently carried out a resident survey. This is going to be used to support a community review of some licenses and to encourage joint working with enforcing bodies and the council to resolve the escalating problems in the area. But these events have come to the top. So far:

- 21 residents and hospitality support residents/businesses have completed the questionnaire
- 14 respondents have lived here >5 yrs (some >25), 4 between 3-5 yrs, and 3 between 1-2 yrs
- 11 households have cited The Fat Cat as a venue responsible for excessive noise impacts
- 19 have regular disturbed sleep through noise from people congregating outside
- 16 households have suffered disturbed sleep from venues operating beyond licensing hours
(note: the only bar causing this problem has been The Fat Cat)
- 12 have been anxious about retaliation as a complainant
- 13 have been unable to enjoy friends/family for sleepovers, because noise and ASB
- 11 have been unable to enjoy home entertainment without having to raise sound levels
- 9 have been unable to enjoy normal conversation, without having to raise voices
- 15 are affected by anxiety, tiredness and feelings of helplessness, frustration, etc.
- 6 families with children have noticed them suffering from tiredness and loss of concentration
- 20 respondents have been regularly forced to close windows and suffer hot, stale air
- 13 have suffered loss of sleep/disturbance 3 or more times a week, and 6 twice a week

- 19 were affected 11pm to 1am, 21 from 1 to 3am, 19 from 3 to 5am, and 13 from 5 to 7am
(note: the Fat Cat has been the main problem for the latter times)
- 21 have stated that disorderly and noisy behaviour was not limited to holiday periods
- 10 have stated that overall, the problems have got worse, and 9 feel they are much worse
- 16 have stated that dealing with noise outside of venues is a priority (not transient crowds)
- 21 believe the current balance between licensed venues/residents is unfair and not acceptable
- 6 always report crime, 9 report it sometimes, and 6 don't report it at all
- 12 residents have been forced to think about moving away from the area
- 14 respondents don't understand their role in the licensing review process
- 18 respondents actively support the need for a community review

A few quotes from the survey:

"Fat Cat didn't exist before, there is a lot of shouting and fighting outside, also bottles and litter are thrown into the churchyard opposite. The alleyway where the fat cat is located is used as an extension of the bar for the smokers and often the door is open. A lot of windows are broken as patrons travel through the town late. Often the music has carried on past the 5am closing time, I can literally hear our windows rattle when in bed, I dread the re-opening!"

"Noise levels feel increasingly louder, especially as bar doors are left open. People are still outside drinking at 9am and music is still playing."

"more noise, urinating in road, vomit and smashed bottles"

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

"The Fat Cat in particular flagrantly ignores any good practice and opens all hours, even during workdays."

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

"I am not happy with the late licensing and the amount of shouting and fighting at night"

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

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

"Affecting my two children. Feeling unsafe. Exposed"

The licensing policy and Licensing Act states the need to uphold the licensing objectives, and that each objective has an equal weighting. Not everything goes through the police. And in some instances the police have passed complaints on stating that nothing could be done, as recently for Covid-19 issues. RESPECT WEYMOUTH presents this Public Nuisance survey as a true reflection of what is actually happening under this objective. It is therefore requested that it carries the same weight as reported statistics for 101 and more serious Crime and Disorder via the police and licensing departments.

Specific evidence relating to the above and The Fat Cat is added below. All of which can be attributed to the venue because of the hours of opening and the patron profile.

5. MEETING EXISTING LICENSING CONDITIONS

Given the evidence from the community and the police, it is hard to believe that a responsible approach to using an Incident Report Register exists at this venue.

It appears there is no effective risk assessment to determine the needs of door supervisor staff. There is little or no effective management of outside patrons in 'controlled' areas, who are left to do whatever they please without intervention. There are skirmishes, loud arguments, issues with access and egress to the venue, issues with Covid Secure arrangements, and issues over passing through intimidating patrons blocking pathways whilst drinking alcohol from the venue.

It does not appear that the PSPO has been enforced here.

It does not appear that proof of age conditions are being enforced. There is evidence of under age drinking and fake IDs.

It does not appear that patrons are refused service for being heavily intoxicated.

There have been numerous complaints about statutory noise nuisance from inside the premises and, to date, this remains unresolved. Environmental Health is investigating.

There is no policy or responsible action for dispersal of patrons. As it is, patrons make considerable noise and ASB outside the venue and adjacent pathways, at all times of opening and beyond. This has been at its worst when the venue closes around 5am.

In addition to the above, RESPECT WEYMOUTH will be seeking a community review of this license and revised conditions will be sought. See below at 8.

6. UPHOLDING THE LICENSING OBJECTIVES

i. Preventing Crime and Disorder

In addition to the events raised by the police, residents have regularly witnessed the following:

- recreational drug use and dealing in adjacent side streets, car parks and covered walkways
- violent altercations in the street involving 2, 3 or more people, with loud/intimidating behaviour
- rowdy, drunken behaviour with screaming, shouting, swearing and very intimidating language

- causing of disturbance in a residential area, especially 3 to 5am and after closing
- excessively loud music through to 5 am, and sometimes beyond licensing hours
- continuation of drinking in the street with ASB after the venue has closed
- numerous windows of the venue being broken after nights of ASB
- lewd acts and sexual activity in covered alleyways of nearby residents' homes

This has caused residents to:

- feel intimidated and unsafe for themselves and their families
- take respectful steps to try and quieten things down and suffer violent repercussions
- fear making a complaint because of strong concerns over local intimidation and retaliation
- suffer loss of sleep and enjoyment of private property with related effects of anxiety, tiredness, loss of concentration, etc.

ii. Assuring Public Safety

In addition to the events raised by the police, it seems clear that compliance with the Health Protection (Coronavirus Restrictions) (England) Regulations 2020 (as amended)' are not being met. In the last few weeks, a number of residents have complained to Trading Standards, the Police, Licensing, and Environmental Health about this. The following issues have been witnessed.

- loud music from inside the bar, with doors and windows open, causing people inside and outside to raise their voices and risk the spread of airborne particles for Covid-19, this has been worse when intoxication levels have been high
- no social distancing outside, patrons have regularly blocked the access path to the town centre causing intimidation and Covid risks to passers by, again, worsened by high intoxication levels
- little or no social distancing inside the venue, numbers/seating don't appear to have been managed sufficiently enough to enable distancing between customers of different households or support bubbles, patrons have been seen sitting and standing shoulder to shoulder across the bar, in the doorway and on the path outside
- patrons have been drinking in controlled areas with young children, with no social distancing

In addition to the above, residents have regularly witnessed the following:

- empty glasses, broken glass and empty bottles left on the pathway/street outside the venue
- empty glasses, broken glass and empty glass bottles thrown into the adjacent church garden
- recreational drug paraphernalia discarded in the immediate area of the venue

This has caused residents to:

- feel very intimidated by patrons congregating on the pathways
- clean up drug paraphernalia, which resident's children have made physical contact with
- have to clear pathways of glass to prevent young children from being injured
- spend excessive amounts of time monitoring/reporting events to the council and police

iii. Preventing Public Nuisance

In addition to the events raised by the police, residents have regularly witnessed the following:

- patron's urinating and vomiting in the immediate area of the venue
- piles of excrement in the immediate area of the venue
- very rowdy and boisterous behaviour directly outside the venue in controlled areas, and adjacent to the venue, with no responsibility, intervention or reporting by venue management
- patrons drinking on the pathway outside the venue, with intimidating behaviour, blocking access for passers by, often beyond alcohol licensing hours into the morning
- patrons throwing litter to the ground in the immediate area of the venue

This has caused residents to:

- clean up urine, vomit and faeces after late night ASB when other bars have been closed
- feel unsafe and intimidated, having to steer clear of the venue and take alternative routes
- not feel safe enough to venture outside, with at least one resident under long term medication for depression and social anxiety

iv. Protecting Children

In addition to the events raised by the police, residents have witnessed the following:

- suffered the consequences of young children being exposed to foul language, drunk, and intimidating behaviour
- reports of under age drinking in the venue, without door supervision or effective prevention measures
- patrons have been drinking in controlled areas with young children, with no social distancing

- In addition to the above, the World Health Organisation makes it very clear that resident's children are an 'at risk' group from the impacts of sleep loss. A number of local residents adjacent to the Fat Cat have young children and infants who suffer regular sleep loss. This is having detrimental impacts on their health and wellbeing. Some are not in a position to move.

7. COMMUNITY REVIEW ISSUES FOR THE EXISTING LICENSE

From a community perspective, it is believed this license is not fit-for-purpose given the nature of the business, the music style, the building, its sound proofing qualities, its location and its unmanaged patron behaviour. RESPECT WEYMOUTH will initiate a community review if things continue as they have been.

Issues include:

- The permitted hours for live music, recorded music, dance, refreshments and alcohol runs to 05.00, every day. This has been exploited relentlessly and it is much too late for a license that abuts a residential area with families and young children. A better balance could be achieved, for example, with Sunday to 11.00 hours, Monday to Thursday to 00.00 hours, and Friday to Saturday to 03.00 hours.

- Alcohol off-sales conditions could be revised to prevent any open container drinks from being consumed on the narrow pathway to the front of the venue.

- The PSPO should be actively enforced in this area.

- A new 'preventative' noise condition under the licensing objective for Public Nuisance could be provided, to minimise disturbance to the local residential and business community. Other bars have this but the condition is unrealistic and now unenforceable following case law. They need to be revised.

- A more proactive and engaged role is needed for the local community with a robust enforcement programme for problematic venues.

8. WIDER ISSUES

This venue could have a very negative impact on the aims of Best Bar None:

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

1. Reduce alcohol related crime and disorder

The evidence of this report and the police statement demonstrates that this venue is responsible for **increasing** crime and disorder in the designated cumulative impact area.

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

The evidence of this report and the police statement demonstrate that this venue is **not** building positive relationships.

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

It is very clear that this licensee is ignoring license conditions, **not upholding the licensing objectives**, and not acting ethically or responsibly to minimise the adverse impacts on patrons and members of the local community.

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

The evidence of this report and the police statement demonstrate that this venue is flagrantly projecting unsafe practices and suffering onto the local community.

5. Recognise responsible premises and share good practices with others

It appears there is no good practice that could be used from this venue.

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

This venue has had a very negative impact on the conservation area, the CIA, local residents and other hospitality businesses. It could also impact the town's ability to secure the Purple Flag award at next review.

- Devaluing the general resident/commercial lots in the area and affecting personal incomes as well as the local economy.

9. SUMMARY POSITION

RESPECT WEYMOUTH strongly supports the action of the police. This venue has caused significant misery and suffering for local residents, hospitality businesses and visitors for the last 12 months. There have been no attempts by the licensee to consider or mitigate any of the adverse impacts being caused.

Representation from Resident Living in the Vicinity (redacted)

I would like to add my support to the police led review of the licence to the Fat Cat Bar, Church Passage, Weymouth. I live nearby in xxxxx and walk past it to work every morning. It is a very shady looking place. The pavement outside is always littered with cigarette ends, and empty bottles, cans, plastic cups and glasses are thrown into the land belonging to the church next door. There is no attempt to clean this mess up made by whoever runs this dive. There always appear to be drunken people hanging around at all times of the day and night and noise and disturbance related to the bar are a constant nuisance. Please consider revoking the licence to this unsavoury drinking den.

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