

DORSET COUNCIL - LICENSING SUB-COMMITTEE

MINUTES OF MEETING HELD ON WEDNESDAY 11 NOVEMBER 2020

Present: Cllrs Emma Parker, Jon Andrews and Les Fry

Also present: Cllr Jon Orrell (on behalf of Weymouth Town Council), Mr K Baker (Applicant), Mr T Munro (Agent for Applicant) Sgt Gareth Gosling (Dorset Police), Mr Graham Kewley (Dorset Fire and Rescue) and a Representative of Respect Weymouth

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

Lara Altree (Senior Lawyer - Regulatory), Steven Ireland (Environmental Health Officer), Kathryn Miller (Licensing Officer), John Newcombe (Service Manager, Licensing & Community Safety), Aileen Powell (Team Leader Licensing) and Elaine Tibble (Senior Democratic Services Officer)

27. Election of Chairman and Statement for the Procedure of the Meeting

Proposed by Cllr Andrews, seconded by Cllr Parker.

Decision: that Cllr Les Fry be appointed Chairman for the duration of the meeting.

28. Declarations of Interest

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

29. New Premises Licence for 38 Maiden Street, Weymouth

The Licensing Team Leader introduced the application for a new premises licence for 38 Maiden Street, Weymouth. The application described the premises as a town centre restaurant and bar and sought permission for live and recorded music, late night refreshment and alcohol supply. The Team Leader clarified the times sought on the application.

The Licensing Team Leader referred to the two Statutory Instruments that created the new Dorset Council and extended the life of the current policies until 31 March 2021. These were the Local Government (Structural Changes) (Transitional Arrangements)(No.2) Regulations 2018 and the Local Government (Structural Changes) (General)(Amendment) Regulations 2018. The Team Leader explained that as these SIs extended the life of the predecessor Council's policies until 31 March 2021 the current Cumulative Impact Policy contained within the 2014-2019 policy for the Weymouth Borough Council is still in effect and should be followed unless there is a good reason as to why it should be disregarded.

The Team Leader drew the sub-committee's attention to paragraph 6.12.2 of the Cumulative Impact Policy and the regulations within.

There were no questions for the Team Leader at this stage.

The Applicant was invited to present his case to the sub-committee. He explained that there would be background music only in a rum themed bar with a caribbean style restaurant with a takeaway service, aimed at couples. He was looking for a late-night licence up to midnight only. The delivery service would be run from a dark kitchen with delivery service only.

In response to sub-committee questions the Applicant re-iterated that the premises would consist of a small rum bar for drinks before and after food. The food for both restaurant and takeaway would be caribbean based and delivered by an official delivery company. The Applicant had been in the licensing trade previously but not for some time. There would be door staff, age limits and no groups in the premises. The numbers in the restaurant and bar would be staggered.

The Service Manager Licensing & Community Safety asked if the building had been signed off by the Fire Officer and Building Control, the Applicant advised that would not been possible until the building was in his name.

The Service Manager Licensing & Community Safety addressed the sub-committee. The starting position for the Local Authority was that any new premises within a Cumulative Impact Zone (CIZ) should be refused unless the authority was content that it would not add to the problems in the area. This was an existing problem area with numerous issues and a difficult bar to run. He had seen nothing in the application to convince him that the premises would not add to the problems in the area. There have been multiple issues with the premises which resulted in the expedited review earlier in the year. There had been no consultation with the Licensing Authority prior to the application which was a direct contravention to section 182 guidance issued by the Secretary of State. Having checked the business rates, Mr Jamie Lyons (the previous owner) was still the registered rate payer for the premises. The Service Manager Licensing & Community Safety concluded that the premises should not have a licence granted or be allowed to sell alcohol, it had been a magnet for crime and disorder and the area was already saturated with licensed premises.

The Environment Health Officer voiced his concerns that it would be difficult to change the reputation of the premises. Amplified background music could be as loud as a live band and there were still concerns over noise issues. The Environmental Health Officers have had to deal with a large number of complaints from the area, noise and public order offences. He had strong concerns about the application.

The representative from Dorset Police detailed the history of the premises and the Summary Review due to serious crime. The licence had been revoked by the Licensing Authority due to the amount of crime in the area. Mediation was

encouraged prior to application but there had been no previous contact from the Applicant. The police were supportive of the CIZ and considered this application to be very much akin to the previous offering, there were concerns regarding Mr Barker's experience especially with the bar being extremely challenging. If a licence was granted it would be associated to the premises, for which Mr Lyons was still the lease holder, in effect the licence could be transferred back to Mr Lyons. Since the premises had been closed the crime rates in the area had reduced and this application was along the lines of the same offering.

The Licensing Team Leader clarified the Policy being used was the 2014 – 2019 Policy which stated that the exceptions could be a premises with the capacity of 50 or less who intended to operate between the hours of 10.00 to 23.00 or premises which were not alcohol lead and operated between the hours of 08.00 to 22.00.

The representative from Dorset Fire & Rescue addressed the sub-committee. The building was old and structurally difficult to maintain. In the original application the fire details had been poorly outlined and only covered part of the building which had caused some concerns. Since the original representation he had received a copy of the fire risk assessment which appeared to be far reaching but there were still concerns over the use of the first floor of the building. Dorset Fire & Rescue would request that the actions in the assessment were implemented at the earliest opportunity and the building was structurally sound and signed off by Building Control. There were concerns that the building at the present time would not support occupation.

Cllr Orrell addressed the sub-committee on behalf of Weymouth Town Council who had recommended rejection of the application. As Ward Councillor he was also aware that the CIZ was a problem area for residents whose lives were blighted by people leaving these premises. He urged the sub-committee to reject the application.

The Respect Weymouth representative spoke on behalf of 34 members of the immediate community who had all contributed to the report. Numerous problems had arisen from this building for 5 years until the licence was revoked, although this was a small bar it had been the most damaging to the area. The area was already at saturation point. Residents had been forced to move home and landlords had been unable to rent properties due to the problems.

All parties were given the opportunity to sum up their cases.

Proposed by Cllr Parker, seconded by Cllr Andrews.

Decision

That the press and the public be excluded for the following item(s) in view of the likely disclosure of exempt information within the meaning of

paragraph 3 of schedule 12 A to the Local Government Act 1972 (as amended).

The sub-committee retired to make their decision.

Decision: To REFUSE the Premises Licence

The Sub-Committee carefully considered all of the documents presented them and all of the written and oral representations made by all parties. They had regard to the four Licensing Objectives, the Section 182 Statutory Guidance and the Dorset Council (Weymouth) Statement of Licensing Policy 2016.

Reasons for Decision:

The premises are located within an area where a Cumulative Impact Policy applies. The Statement of Licensing Policy sets out that this special policy will create a rebuttable presumption that applications for new premises licences that are likely to add to the existing cumulative impact will normally be refused, unless the Applicant can demonstrate why the operation of the premises involved will not add to the cumulative impact or otherwise impact adversely on the promotion of the licensing objectives. The policy is not absolute and the Sub-Committee is required to consider the circumstances of each application on its merits.

In this particular case the Sub-Committee noted that the Applicant stated the premises are relatively small and would accommodate up to between 45 and 50 people and that the premises would be primarily a restaurant rather than alcohol led. The Sub-Committee also took account of the fact that the Applicant had reduced the sale of alcohol from his original application by one hour to end at midnight rather than 01:00 and similarly had reduced his application for late night refreshment to end at 04:00 rather than 05:00. The Sub-Committee nevertheless felt that the grant of the application would undermine the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance given the terminal hours and that conditions would be an ineffective solution. The Sub-Committee also noted the concerns regarding the safety of the premises as set out by the Fire Authority. The Sub-Committee was of the opinion that granting the application would add to the cumulative impact and the measures set out in the operating schedule were inadequate bearing in mind the representations from the responsible authorities.

30. Urgent items

There were no urgent items.

Duration of meeting: 3.00 - 5.20 pm

Chairman

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