

LICENSING SUB-COMMITTEE

MINUTES OF MEETING HELD ON WEDNESDAY 19 JANUARY 2022

Present: Cllrs Jon Andrews, Les Fry and Cathy Lugg

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

Kathryn Miller (Licensing Officer), Aileen Powell (Team Leader Licensing), Roy Keepax (Licensing Officer), Jane Williams (Team Leader - Public Protection), Lara Aintree (Senior Lawyer - Regulatory) and George Dare (Senior Democratic Services Officer)

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

Proposed by Cllr Lugg, seconded by Cllr Fry.

Decision: That Cllr Andrews be appointed as Chairman for the duration of the meeting.

146. Apologies

No apologies for absence were received at the meeting.

147. Declarations of Interest

No declarations of disclosable interests were made at the meeting.

148. Urgent items

There were no urgent items.

149. Application to for new premises licence for Caffeine, Weymouth

The Licencing Officer introduced the application for a new premises licence for Caffeine, 44 The Esplanade, Weymouth. The premises was located within the Cumulative Impact Zone of Weymouth. The applicants had applied for the same licence, which was previously used at this premises, however the previous licence holder did not make full use of the licence and operated the premises as a tearoom. Since the application was made, further mediation had taken place between the applicant, the police, and Environmental Health. The police, Environmental Health and Weymouth Town Council withdrew their representations after the revised conditions and timings were agreed. No other representations had been withdrawn. The Licencing Officer outlined the revised timings for the licence.

The Sub-Committee and those making representations were invited to ask questions of the Licencing Officer.

The Solicitor for the Applicant was given the opportunity to put forward their case. He drew the Sub-Committee's attention to the Supplement in which he had compiled all the conditions which had been agreed and not agreed. He outlined and provided further information on some of the conditions. He explained that the premises would be upmarket, aimed at over 25-year-olds, and would not be very cheap. There would be a downstairs cocktail bar and the ground floor would be a café. He thought that the updated conditions and timings were more comprehensive and restricted, and therefore would not add to the Cumulative Impact Zone.

The Sub-Committee and representees were invited to ask questions of the applicants. Questions related to:

- Admission or readmission after midnight
- Smoking and its effects on residents
- The backgrounds of the applicants
- The applicants' knowledge of the Cumulative Impact Zone
- Consultation with residents and, if granted, listening to residents' concerns in the future.
- Door supervisors
- Music and alcohol at the premises.

The Environmental Protection Team Leader was invited to put forward their case. She did not have anything further to add, however was happy to answer any questions. All parties were invited to ask questions and she responded to the questions, confirming that: she was happy with the conditions; secondary smoke would disperse in the outside area; and that there was a noise management plan condition.

Members of the public, who had made representations objecting to the application, each were given the opportunity to make their case. The objectors had concerns of loud music affecting their families' sleep, noise late at night, and smoking. The Sub-Committee asked questions of the objectors. In response to the questions, it was confirmed that flats above the premises were occasionally used as holiday lets and that families were sometimes in these flats.

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

Dorset Council's Senior Lawyer confirmed all relevant points had been addressed and that there was a right of appeal from all parties.

150. **Exempt Business**

Proposed by Cllr Fry, seconded by Cllr Lugg.

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 Committee retired to make their decision.

Decision: To GRANT a Premises Licence with the usual mandatory conditions and the conditions consistent with the Operating Schedule as amended by the Sub-Committee as set out below, to permit the following:

Films, Live Music, Recorded Music and Dance (indoors)
Late Night Refreshment (indoors and outdoors)
Supply of alcohol (on and off the premises)

Sunday to Wednesday

From 08:30 to terminal hour for all regulated entertainment, opening, late night refreshment and supply of alcohol of 23.59 hrs with last sale of alcohol at 2330hrs.

Thursday, Friday, and Saturday

From 08:30 to terminal hour for all regulated entertainment, opening, late night refreshment and supply of alcohol of 0130hrs with last sale of alcohol at 0100hrs.

Easter Sunday and the Monday immediately following

From 08:30 to terminal hour for all regulated entertainment, opening, late night refreshment and supply of alcohol at 0130hrs with last sale of alcohol at 0100hrs.

Christmas Eve/Christmas Day/Boxing Day and New Year's Eve

From 08:30 to terminal hour for all regulated entertainment, opening, late night refreshment and supply of alcohol at 0130hrs with last sale of alcohol at 0100hrs.

Conditions consistent with the Operating Schedule as amended by the Sub-Committee

- All staff working at the premises concerned with the sale of alcohol shall be trained in accordance with an accredited training scheme on the law relating to prohibited sales, the age verification policy adopted by the premises, drug awareness and the conditions attaching to the premises licence
- All front of house staff to be trained to Level 2 Award in Conflict Management.
- Refresher training shall be provided at least once every 6 months. A record shall be maintained of all staff training and that record shall be signed by the person receiving the training and the trainer. The records shall be kept for a minimum of 12 months and made available for inspection by police, licensing or other authorised officers.
- A refusals book shall be maintained and shall be checked and signed by one of the management staff on a weekly basis. The refusals book

shall be kept on the premises and made available for inspection by Licensing, Police and other authorised officers.

- An incident log shall be kept at the premises. The log shall include the date and time of the incident and the name of the member of staff who has been involved. and made available on request to an authorised officer of the Council or the Police, which shall record the following:
 - any complaints received
 - any incidents of disorder
 - any faults in the CCTV system / or searching equipment /or scanning equipment
 - any refusal of the sale of alcohol
 - any visit by a relevant authority or emergency service
 - all crimes reported to the venue
 - all ejections of patrons
 - all seizures of drugs or offensive weapons

This log to be checked on a weekly basis by the DPS of the premises.

- Challenge 25 shall be operated at the premises where the only acceptable forms of identification are (recognised photographic identification cards, such as a driving licence or passport or Holographically marked PASS scheme identification cards). Appropriate signage advising customers of the policy shall prominently displayed in the premises.
- All seated areas including the outside area will be regularly monitored both by staff and CCTV and tables will be cleared at regular intervals.
- A CCTV system shall be installed to cover all entry and exit points enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record and cover areas where alcohol is kept for selection and purchase by the public, whilst the premises is open for licensable activities. It shall operate during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31days with correct date and time stamping. Recordings shall be made available immediately upon the request of Police or an authorised officer of the council throughout the preceding 31-day period. The CCTV system shall be updated and maintained according to police recommendations.
- A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member must be able to show a Police or authorised council officer recent data or footage with the absolute minimum of delay when requested.
- CCTV shall be downloaded on request of the Police or authorised officer of the council. Appropriate signage advising customers of CCTV being in operation, shall be prominently displayed in the premises.

- A documented check of the CCTV shall be completed weekly to ensure all cameras remain operational and the 31 days storage for recordings is being maintained.
- Refresher training shall be provided at least once every 6 months for staff members conversant in CCTV operation.
- At least 1 SIA registered door supervisor will be available from 2200hrs on each floor when licensable activities are taking place on that floor. There shall be a minimum of 2 SIA registered door supervisors on duty each Friday, Saturday, and New Year's Eve from 2200hrs until close and the last customers have dispersed.
- If it is intended to show any major sporting event on a television within the premises (other than Snooker or Pool tournaments, golf, motor racing events, athletics competitions or tennis or cricket matches), or to hold any function, special event or live music, the Premises will conduct a written risk assessment to determine whether it is appropriate to deploy door supervisors for a period of time before the event is scheduled to start, during the event and for a period of time after the event is scheduled to end and will deploy door supervisors in accordance with the outcome of the risk assessment. Such risk assessments will also be conducted at the request of the police in respect of any other event scheduled to take place at the premises. Copies of all risk assessments shall be retained on the premises for a minimum period of 6 months and shall be made available for inspection by police and other authorised officers on request.
- The premises will actively participate in any local Town Watch initiative. A senior member of staff shall attend all Pub Watch meetings (or any successor scheme) unless an emergency arises preventing such attendance and the premises will support Pub Watch initiatives.
- There will be a communication link via radio to other venues in the town centre. This will be the system recognised by Dorset Council and Dorset Police.
- A suitably trained and competent person must ensure weekly safety checks of the premises, decorative and functional fixtures, floor surfaces and equipment (including electrical appliances) to which the public may come into contact are undertaken. Records of these safety checks must be kept and made available for inspection by an authorised officer.
- There shall be no admission or re-admission to the premises after midnight on any occasion, save for patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, and such patrons will not be permitted to take drinks or glass containers with them after midnight.

- Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
- The Premises Licence Holder/Designated Premise Supervisor will prominently display notices which inform customers that open bottles or glasses may not be taken off the premises.
- The Designated Premises Supervisor will ensure that a 'Daily Record Register' is maintained on the premises by the door staff. The Daily Record Register will contain consecutively numbered pages, the full name and registration number of each person on duty, the employer of that person and the date and time he/she commenced duty and finished duty (verified by the individual's signature).
- The Daily Record Register will be retained on the premises for a period of twelve months from the date of the last entry and made available to an authorised officer from the Licensing Authority or Police on request.
- The Designated Premises Supervisor shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff so as to ensure that there is no public nuisance or obstruction to the public highway.
- There shall be a clear visible notice displayed on the premises advising those attending that the Police shall be informed if anyone is found in possession of controlled substances or weapons.
- The Premises Licence Holder/Designated Premise Supervisor will inform Dorset Police as soon as possible of any search resulting in a seizure of drugs or offensive weapons.
- The outside of the premises including any outside seating area will be regularly monitored by staff and CCTV to ensure that the licensing objectives are being upheld.
- From 2200hrs daily the outside area will be used only by those temporarily leaving the premises for the purposes of smoking.
- Signs will be displayed at the exit requesting customers to leave the area quietly, having regard for residents.
- Staff will encourage customers to leave quietly.
- A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.

- Written records of all accidents and safety incidents involving members of the public and/or staff will be kept. These will be made available at the request of an authorised officer.
- All sales of alcohol for consumption off the premises shall be in sealed containers only and shall not be consumed on the premises or in the vicinity of the premises
- A Supervisor's Register will be maintained at the licensed premises, showing the names, addresses and up-to-date contact details for the Designated Premise Supervisor and all personal licence holders.
- There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
- A welfare procedure for dealing with unwell or intoxicated customers will be in place, including those who appear to be affected by drugs. Staff will be appropriately trained in such procedures.
- No waste will be removed from the premises during the hours of 2000hrs - 0800hrs.
- No deliveries to the premises will take place between the hours of 2000hrs -0800hrs.
- All openable doors and windows shall remain closed during periods of regulated entertainment except for access/egress.
- A Noise Management Plan (NMP) shall be submitted in writing 1 month after the provision of any premises licence. It shall include the following matters:
 - Use of a cooling down period and the timings associated with it.
 - No entry policy and how this is to be managed.
 - Monitoring of any regulated entertainment, by whom, and when.
 - Noise control measures in place at the premises both physical barriers, speaker alignment etc. and any management controls.

A new/updated NMP shall be produced if any changes are made that are likely to see an increase in the volume/style of regulated entertainment. The written report shall be submitted to the Local Authority Licensing Section for agreement and as such will form part of the Premises Licence.
- Monitoring of regulated entertainment shall occur after 21.00hrs, and in each and every hour, thereafter whilst regulated entertainment is being played. Any monitoring and comments shall be recorded and listed with any actions taken, and by whom. All records shall be kept a minimum of 1 month and shall be accessible on request to an authorised officer of the Council or the Police. Monitoring shall take

place at the rear of the premises and at the front of the premises on the opposite side of the street.

Duration of meeting: 11.00 am - 12.35 pm

Chairman

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