



Licensing Sub-Committee

Date: Friday, 9 September 2022
Time: 10.00 am
Venue: Council Chamber, County Hall, Dorchester, DT1 1XJ

Members (Quorum)

Emma Parker, Jon Andrews and Sarah Williams

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

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

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

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Agenda

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

4. URGENT ITEMS

To consider any items of business which the Chairman has had prior notification and considers to be urgent pursuant to section 100B (4) b) of the Local Government Act 1972. The reason for the urgency shall be recorded in the minutes.

5. APPLICATION TO REVIEW THE PREMISES LICENCE FOR THE SUNSET BAR IN WEYMOUTH

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An application has been made to review the premises licence for the Sunset Bar (formerly Cool Runnings) in Weymouth. The application has been out to public consultation and has attracted relevant representations. A Licensing Sub-Committee must consider the application and representations at a public hearing.

6. EXEMPT BUSINESS

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 paragraph x 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.



THE LICENSING ACT 2003 (HEARINGS) REGULATIONS 2005

Rights of a Party

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

Failure to Attend

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

Procedural Information

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

FOOTNOTE:

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

LICENSING SUB-COMMITTEE PROCEDURE

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

NOTE

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

The meeting will take place in public. However, the public can be excluded from all or part of the meeting where the sub-committee considers that the public interest in so doing outweighs the public interest in the meeting or that part of the meeting, taking place in public.

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

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

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Licensing Sub-Committee

9 September 2022

Application to Review the Premises Licence for the Sunset Bar in Weymouth

For Decision

Portfolio Holder: Cllr L Beddow, Culture, Communities and Customer Services

Local Councillor(s): Cllr J Orrell

Executive Director: J 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

Brief Summary: An application has been made to review the premises licence for the Sunset Bar (formerly Cool Runnings) in Weymouth. The application has been out to public consultation and has attracted relevant representations. A Licensing Sub-Committee must consider the application and representations at a public hearing.

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

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

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

1. **Reviews**

- 1.1 The Home Office Revised Guidance issued under Section 182 of the Licensing Act 2003 (the S182 Guidance) contains a chapter on Reviews. This chapter is included in full at Appendix 1 of the report. Paragraphs 11.1 and 11.2 of the s182 Guidance states that:

The proceedings set out in the 2003 Act for reviewing premises licences and club premises certificates represent a key protection for the community where problems associated with the licensing objectives occur after the grant or variation of a premises licence or club premises certificate.

At any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives.

- 1.2 Section 13 of the Dorset Council Licensing Policy (the DC Policy) contains guidance on how the Licensing Authority will deal with enforcement and reviews. Paragraph 13.1 states; -

The Licensing Act contains measures to ensure that the council, and responsible authorities, are able to deal with premises that wilfully and persistently undermine the licensing objectives. The council and responsible authorities are committed to encouraging a thriving day time and night-time licensed economy but will not tolerate those premises whose activities break the law or infringe upon the quality of life for local residents and businesses.

- 1.3 Paragraph 13.9 of the DC Policy states; -

The council will seek to establish the cause or causes of the concern and remedial action will be targeted at such causes. Any action will be proportionate to the problems involved.

Section 13 of the DC Policy is attached in full at Appendix 2 of the Report.

2 **Details of the Application**

- 2.1 Jeroen 't Hart and John Davidson have applied for a review of the premises licence WPPL0350 at 78 The Esplanade, Weymouth, DT4 7AA. The premises is licensed under the name of Cool Runnings but is currently signed as Weymouth Sunset Restaurant and Club.

- 2.2 The grounds for the review are contained in full in the application form at Appendix 3. In summary they are that the premises has changed in recent times from a café/restaurant to a disco with extremely loud music that is having a significant impact on the quality of life of nearby residents.
- 2.3 The terms of the lease are a matter for the tenant and the landlord, not the Licensing Authority.

3 Current Licence

- 3.1 The current licence for the premises can be found at Appendix 4. The operating hours of the premises are -

Monday to Saturday	09:00 to 23:59
Sunday	09:00 to 23:00

The licensable activities are the sale of alcohol (on and off the premises), Live and recorded music (indoors) and late-night refreshment and these are all allowed throughout the operating hours.

- 3.2 There is a condition in annex 2 of the licence relating to public nuisance which states that: -

The holder of the premises licence/club registration certificate will ensure that:

- (a) all external doors and windows are kept closed, other than for access and egress
- (b) internal doors are kept closed in all rooms when events involving amplified music or speech are taking place.

- 3.4 Due to Section 177A of the Licensing Act any condition applying to live or recorded music does not have effect in a premises this small until after 23:00.

4 Responsible Authorities Representations

- 4.1 Section 13 of the Licensing Act contains the list of Responsible Authorities who must be consulted on each application. Dorset Police, Dorset and Wiltshire Fire Service, Public Health Dorset, the Immigration Authority, Dorset Council Trading Standards, Dorset Council Children's Services, Dorset Council Planning, Dorset Council Licensing, Dorset Council Environmental Protection and Dorset Council Health and Safety have all been consulted.
- 4.2 Representations have been received from the Licensing Authority acting in its role as a Responsible Authority, Dorset Police, Environmental Protection and Planning. The representations are attached in full at Appendix 5. The representations give the recent history of the bar and the outcomes of visits made to the premises.

5 Representations from Other Parties

- 5.1 Representations have also been received from the Ward Councillor and five residents who live or have businesses in the location. The representations are attached in full at Appendix 6. The representations all allude to the disruption to the daily lives of the people living close to this premises.

6 Considerations

- 5.1 All applications and decisions are made with due regard to the [Licensing Act 2003](#), the [Revised Guidance issued under Section 182 of the Licensing Act 2003](#) and the [Dorset Council Statement of Licensing Policy](#).
- 5.2 The s182 Guidance states in paragraphs 2.16 – 2.19 and 2.21 that; -

Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.

Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 16). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.

As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should

be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.

Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.

Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.

6 Live Music Act

- 6.1 The Live Music Act 2012 allows any premises with a licence that allows the consumption of alcohol on the premises to have live amplified music between 08:00 and 23:00 without a licence. This only applies when the audience is under 500 people. The Legislative Reform (Entertainment Licensing) Order 2014 amended the Licensing Act so that there is a similar provision for recorded music, and states that any conditions on a premises relating to any of this entertainment would not have any effect between 8am and 11pm.
- 6.2 The Act also inserted s177A(3) into the Licensing Act 2003 which allows that on a Review of a premises licence the Licensing Authority may (without any prejudice to any other steps available to it under the Licensing Act) add a statement to any condition that the provisions of the Live Music Act do not apply to the said condition. The relevant section of the Act is attached at Appendix 7.

7 Options

- 6.1 Paragraphs 11.16 to 11.17 and 11.19 to 11.23 of the s182 Guidance sets the powers available to the Licensing Authority: -

The 2003 Act provides a range of powers for the licensing authority which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives.

The licensing authority may decide that the review does not require it to take any further steps appropriate to promoting the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder.

Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:

- modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times
- exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption)
- remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management
- suspend the licence for a period not exceeding three months
- revoke the licence.

In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review.

For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.

Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives.

Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives or preventing illegal working. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives and for the prevention of illegal working in licensed premises. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

8 Financial Implications

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

9 Climate Implications

None

10 Well-being and Health Implications

None

11 Other Implications

None

12 Risk Assessment

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

Current Risk: Medium

Residual Risk: Medium

13 Equalities Impact Assessment

Not Applicable

14 Appendices

Appendix 1 - S182 Guidance Chapter on Reviews

Appendix 2 - Dorset Council Policy on Reviews

Appendix 3 - Review Application

Appendix 4 - Licence

Appendix 5 - Representations from Responsible Authorities

Appendix 6 - Representations from Other Persons Supporting the Review

Appendix 7 - S177A of the Licensing Act 2003

15 Background Papers

[Licensing Act](#)

[Live Music Act](#)

[Revised Guidance issued Under section 182 of the Licensing Act 2003](#)

[Dorset Council Licensing Policy](#)

11. Reviews

The review process

- 11.1 The proceedings set out in the 2003 Act for reviewing premises licences and club premises certificates represent a key protection for the community where problems associated with the licensing objectives occur after the grant or variation of a premises licence or club premises certificate.
- 11.2 At any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives.
- 11.3 An application for review may be made electronically, provided that the licensing authority agrees and the applicant submits a subsequent hard copy of the application, if the licensing authority requires one. The licensing authority may also agree in advance that the application need not be given in hard copy. However, these applications are outside the formal electronic application process and may not be submitted via GOV.UK or the licensing authority's electronic facility.
- 11.4 In addition, the licensing authority must review a licence if the premises to which it relates was made the subject of a closure order by the police based on nuisance or disorder and the magistrates' court has sent the authority the relevant notice of its determination, or if the police have made an application for summary review on the basis that premises are associated with serious crime and/or disorder.
- 11.5 Any responsible authority under the 2003 Act may apply for a review of a premises licence or club premises certificate. Therefore, the relevant licensing authority may apply for a review if it is concerned about licensed activities at premises and wants to intervene early without waiting for representations from other persons. However, it is not expected that licensing authorities should normally act as responsible authorities in applying for reviews on behalf of other persons, such as local residents or community groups. These individuals or groups are entitled to apply for a review for a licence or certificate in their own right if they have grounds to do so. It is also reasonable for licensing authorities to expect other responsible authorities to intervene where the basis for the intervention falls within the remit of that other authority. For example, the police should take appropriate steps where the basis for the review is concern about crime and disorder or the sexual exploitation of children. Likewise, where there are concerns about noise nuisance, it is reasonable to expect the local authority exercising environmental health functions for the area in which the premises are situated to make the application for review.
- 11.6 Where the relevant licensing authority does act as a responsible authority and applies for a review, it is important that a separation of responsibilities is still achieved in this process to ensure procedural fairness and eliminate conflicts of interest. As outlined previously in Chapter 9 of this Guidance, the distinct functions of acting as licensing authority and responsible authority should be exercised by different officials to ensure a separation of responsibilities. Further information on how licensing authorities should achieve this separation of responsibilities can be found in Chapter 9, paragraphs 9.13 to 9.19 of this Guidance.

- 11.7 In every case, any application for a review must relate to particular premises in respect of which there is a premises licence or club premises certificate and must be relevant to the promotion of one or more of the licensing objectives. Following the grant or variation of a licence or certificate, a complaint regarding a general issue in the local area relating to the licensing objectives, such as a general (crime and disorder) situation in a town centre, should generally not be regarded as a relevant representation unless it can be positively tied or linked by a causal connection to particular premises, which would allow for a proper review of the licence or certificate. For instance, a geographic cluster of complaints, including along transport routes related to an individual public house and its closing time, could give grounds for a review of an existing licence as well as direct incidents of crime and disorder around a particular public house.
- 11.8 Where a licensing authority receives a geographic cluster of complaints, the authority may consider whether these issues are the result of the cumulative impact of licensed premises within the area concerned. In such circumstances, the authority may also consider whether it would be appropriate to include a special policy relating to cumulative impact within its licensing policy statement. Further guidance on cumulative impact policies can be found in Chapter 14 of this Guidance.
- 11.9 Representations must be made in writing and may be amplified at the subsequent hearing or may stand in their own right. Additional representations which do not amount to an amplification of the original representation may not be made at the hearing. Representations may be made electronically, provided the licensing authority agrees and the applicant submits a subsequent hard copy, unless the licensing authority waives this requirement.
- 11.10 Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation.
- 11.11 If the application for a review has been made by a person other than a responsible authority (for example, a local resident, residents' association, local business or trade association), before taking action the licensing authority must first consider whether the complaint being made is relevant, frivolous, vexatious or repetitious. Further guidance on determining whether a representation is frivolous or vexatious can be found in Chapter 9 of this Guidance (paragraphs 9.4 to 9.10).

Repetitious grounds of review

- 11.12 A repetitious ground is one that is identical or substantially similar to:
- a ground for review specified in an earlier application for review made in relation to the same premises licence or certificate which has already been determined; or
 - representations considered by the licensing authority when the premises licence or certificate was granted; or
 - representations which would have been made when the application for the premises

licence was first made and which were excluded then by reason of the prior issue of a provisional statement; and, in addition to the above grounds, a reasonable interval has not elapsed since that earlier review or grant.

- 11.13 Licensing authorities are expected to be aware of the need to prevent attempts to review licences merely as a further means of challenging the grant of the licence following the failure of representations to persuade the licensing authority on an earlier occasion. It is for licensing authorities themselves to judge what should be regarded as a reasonable interval in these circumstances. However, it is recommended that more than one review originating from a person other than a responsible authority in relation to a particular premises should not be permitted within a 12 month period on similar grounds save in compelling circumstances or where it arises following a closure order.
- 11.14 The exclusion of a complaint on the grounds that it is repetitious does not apply to responsible authorities which may make more than one application for a review of a licence or certificate within a 12 month period.
- 11.15 When a licensing authority receives an application for a review from a responsible authority or any other person, or in accordance with the closure procedures described in Part 8 of the 2003 Act (for example, closure orders), it must arrange a hearing. The arrangements for the hearing must follow the provisions set out in regulations. These regulations are published on the Government's legislation website (www.legislation.gov.uk). It is particularly important that the premises licence holder is made fully aware of any representations made in respect of the premises, any evidence supporting the representations and that the holder or the holder's legal representative has therefore been able to prepare a response.

Powers of a licensing authority on the determination of a review

- 11.16 The 2003 Act provides a range of powers for the licensing authority which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives.
- 11.17 The licensing authority may decide that the review does not require it to take any further steps appropriate to promoting the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder.
- 11.18 However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate. Similarly, licensing authorities may take into account any civil immigration penalties which a licence holder has been required to pay for employing an illegal worker.
- 11.19 Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:

- modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
- exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption)¹⁰;
- remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
- suspend the licence for a period not exceeding three months;
- revoke the licence.

11.20 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review.

11.21 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.

11.22 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives.

11.23 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives or preventing illegal working. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives and for the prevention of illegal working in licensed premises. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

¹⁰ See chapter 15 in relation to the licensing of live and recorded music.

Reviews arising in connection with crime

- 11.24 A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises, money laundering by criminal gangs, the sale of contraband or stolen goods, the sale of firearms, or the sexual exploitation of children. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts. The licensing authority's role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.
- 11.25 Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. There is, therefore, no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. Some reviews will arise after the conviction in the criminal courts of certain individuals, but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go beyond any finding by the courts, which should be treated as a matter of undisputed evidence before them.
- 11.26 Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives and the prevention of illegal working in the interests of the wider community and not those of the individual licence holder.
- 11.27 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:
- for the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime;
 - for the sale and distribution of illegal firearms;
 - for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
 - for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
 - for prostitution or the sale of unlawful pornography;
 - by organised groups of paedophiles to groom children;
 - as the base for the organisation of criminal activity, particularly by gangs;

- for the organisation of racist activity or the promotion of racist attacks;
- for employing a person who is disqualified from that work by reason of their immigration status in the UK;
- for unlawful gambling; and
- for the sale or storage of smuggled tobacco and alcohol.

11.28 It is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.

Review of a premises licence following closure order or illegal working compliance order

11.29 Licensing authorities are subject to certain timescales, set out in the legislation, for the review of a premises licence following a closure order under section 80 of the Anti-social Behaviour, Crime and Policing Act 2014 or an illegal working compliance order under section 38 of and Schedule 6 to the Immigration Act 2016. The relevant time periods run concurrently and are as follows:

- when the licensing authority receives notice that a magistrates' court has made a closure order it has 28 days to determine the licence review – the determination must be made before the expiry of the 28th day after the day on which the notice is received;
- the hearing must be held within ten working days, the first of which is the day after the day the notice from the magistrates' court is received;
- notice of the hearing must be given no later than five working days before the first hearing day (there must be five clear working days between the giving of the notice and the start of the hearing).

Review of a premises licence following persistent sales of alcohol to children

11.29 The Government recognises that the majority of licensed premises operate responsibly and undertake due diligence checks on those who appear to be under the age of 18 at the point of sale (or 21 and 25 where they operate a Challenge 21 or 25 scheme). Where these systems are in place, licensing authorities may wish to take a proportionate approach in cases where there have been two sales of alcohol within very quick succession of one another (e.g., where a new cashier has not followed policy and conformed with a store's age verification procedures). However, where persistent sales of alcohol to children have occurred at premises, and it is apparent that those managing the premises do not operate a responsible policy or have not exercised appropriate due diligence, responsible authorities should consider taking steps to ensure that a review of the licence is the norm in these circumstances. This is particularly the case where there has been a prosecution for the offence under section 147A or a closure notice has been given under section 169A of the 2003 Act. In determining the review, the licensing authority should consider revoking the licence if it considers this appropriate.

- 13.1 The Licensing Act contains measures to ensure that the council, and responsible authorities, are able to deal with premises that wilfully and persistently undermine the licensing objectives. The council and responsible authorities are committed to encouraging a thriving day time and night time licensed economy but will not tolerate those premises whose activities break the law or infringe upon the quality of life for local residents and businesses.
- 13.2 The council has established a multi-agency enforcement protocol which sets out the framework for the risk based enforcement of the Licensing Act 2003 following the principles of better regulation advocated by the Department for Business, Energy and Industrial Strategy (BEIS). The protocol allows for carrying out of joint inspections with the police, the fire authority and other relevant agencies.

Prosecution of breaches

- 13.3 In accordance with the enforcement protocol, the council adopts a multi-agency approach to the prosecution of offences under the Licensing Act.
- 13.4 Consideration will be given to the appropriate powers that should be used to address a problem where other agencies such as the police, fire authority, environmental protection, environmental health and trading standards also have their own powers.
- 13.5 The council has adopted the principles of the Hampton Report in its enforcement concordat. Formal enforcement will be a last resort and proportionate to the degree of risk. To this end the key principles of consistency, transparency and proportionality will be maintained.
- 13.6 The council has a zero tolerance to antisocial behaviour and environmental crime.

Reviews of Licences

- 13.7 The council recognises that the ability of the police, other responsible authorities and other people to apply for a review of a premises licence.
- 13.8 On receipt of a relevant request to carry out a review the council has a range of options available to it under the Act. These include:
- To modify the conditions of the licence including imposing new conditions, altering existing conditions or removing conditions (permanently or temporarily)
 - To exclude a licensable activity from the scope of the licence (permanently or temporarily)
 - To remove the Designated Premises Supervisor
 - To suspend the licence for a period not exceeding three months
 - To revoke the licence
- 13.9 The council will seek to establish the cause or causes of the concern and remedial action will be targeted at such causes. Any action will be proportionate to the

problems involved.

- 13.10 The council has agreed protocols with responsible authorities and published guidance on the review process which is available from the Licensing team.
- 13.11 Where a Magistrates Court makes a Closure Order under part 8 of the Licensing Act 2003 (on grounds of disorder) the council must carry out a review of the licence.
- 13.12 Where a Magistrates Court makes a Closure Order under the Anti-Social Behaviour, Crime and Policing Act 2014 (on grounds of the use, supply or production of Class A drugs associated with disorder or serious nuisance) the police will usually ask the council to carry out a review of the licence.
- 13.13 Where a closure order has been made under the Anti-Social Behaviour, Crime and Policing Act 2014 (on grounds of noise) the council's Environmental Health section will normally request a review of the licence.
- 13.14 Where any agency provides evidence of the keeping of smuggled goods, such as counterfeit alcohol or tobacco, or the employment of persons who do not possess the right to work in the UK, the relevant agency may request a review of the premises licence.

Matters to be considered

- 13.15 When considering a review request or the possibility of enforcement action the council will take into account use of the premises for criminal activities such as the supply of drugs or money laundering
- failure to promptly respond to a warning properly given by a responsible authority
 - failure to engage with the RAs in an effective manner
 - previous convictions for licensing offences
 - previous failure to comply with licence conditions

Summary reviews

- 13.16 The Violent Crime Reduction Act 2006 amended parts of the Licensing Act 2003 and now expands police and council powers to deal with problem premises in a more expedient manner.
- 13.17 A power to carry out summary reviews in serious cases of crime and disorder is brought in at section 53A of the Licensing Act 2003. Where a review application is accompanied by a certificate issued by a senior police officer, the Licensing Authority is required within 48 hours to consider whether it is necessary to take any interim steps pending the completion of the review process. This may include the immediate suspension of the premises licence.

Immigration Act 2016

- 13.18 The Immigration Act 2016 made a number of amendments to the Licensing Act 2003 to introduce immigration safeguards in respect of licensing applications made in England and Wales on or after 6 April 2017. The intention of these changes is to

prevent illegal working in premises licensed for the sale of alcohol or late-night refreshment.

- 13.19 The statutory prevention of crime and disorder licensing objective in the Licensing Act 2003 includes the prevention of immigration crime and the prevention of illegal working in licensed premises. The Council will work with the Home Office (Immigration Enforcement) as well as the police, in respect of these matters.
- 13.20 Section 36 of and Schedule 4 to the Immigration Act 2016 (the 2016 Act) amended the 2003 Act to provide that in England and Wales:
- 13.21 Premises licences to sell alcohol or provide late night refreshment and personal licences cannot be issued to an individual who does not have permission to be in the UK, or is not entitled to undertake work relating to the carrying on of a licensable activity;
- 13.22 Licences issued to those with limited permission to be in the UK will lapse when their permission to be in the UK and work in a licensable activity comes to an end;
- 13.23 Immigration offences, including civil penalties, are 'relevant offences' as defined by the 2003 Act;
- 13.24 The Home Secretary (in practice Home Office (Immigration Enforcement)) was added to the list of responsible authorities in the licensing regime, which requires Home Office (Immigration Enforcement) to receive premises licence applications (except regulated entertainment only licences) and applications to transfer premises licences, and in some limited circumstances personal licence applications, and permits Home Office (Immigration Enforcement) to make appropriate representations and objections to the grant of a licence; and Immigration officers are permitted to enter premises which they have reason to believe are being used to sell alcohol or provide late night refreshment, to investigate whether immigration offences are being committed in connection with the licensable activity.
- 13.25 The Licensing Authority will have regard to any guidance issued by the Home Office in relation to the immigration related provisions now contained in the Licensing Act 2003.
- 13.26 The Licensing Authority will also work in partnership with the Home Office (Immigration Enforcement) and Dorset Police with a view to preventing illegal working in premises licensed for the sale of alcohol or late night refreshment.

Public Space Protection Order (PSPO)

- 13.27 Public Space Protection Orders were introduced in October 2014 by the Anti-social Behaviour, Crime and Policing Act 2014. They are designed to deal with a particular nuisance or problem in a specific area (a public place) that is detrimental to the local community's quality of life, by imposing conditions on the use of that area which apply to everyone. They are intended to help ensure public places can be enjoyed by all and kept free from anti-social behaviour (ASB).

- 13.28 A PSPO can cover multiple restrictions, so one order can prohibit several activities such as the drinking of alcohol and dog fouling. Enforcement will be undertaken by authorised officers, with the support of police officers.
- 13.29 If anyone breaches the requirements of the PSPO, or fails to comply with a request from an authorised officer or Police Officer to cease the prohibited activity, they would be committing a criminal offence and may be issued a Fixed Penalty Notice of £100 or upon conviction a fine of up to £1000.
- 13.30 There is a current PSPO designated area for alcohol consumption in Weymouth. Full details of the Public Spaces Protection Order 2018, and related Schedules, (detailing the restricted areas), can be found here: <https://www.dorsetcouncil.gov.uk/your-community/community-safety/anti-social-behaviour/anti-social-behaviour-in-the-weymouth-and-portland-area.aspx>

DORSET COUNCIL
19 JUL 2022
Digital Mail Room

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.
You may wish to keep a copy of the completed form for your records.

I **Jeroen 't Hart**
(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Café Sunset Weymouth, DT4 7AA, The Esplanade, Weymouth, Dorset	
Post town Weymouth	Post code (if known) DT4 7AA

Name of premises licence holder or club holding club premises certificate (if known) Cool Runnings, licence number: WPPL0350
--

Number of premises licence or club premises certificate (if known) 1
--

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below) ✓

2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr Mrs Miss Ms Other title (for example, Rev)

Surname

't Hart

First names

Jeroen

I am 18 years old or over

Please tick ✓ yes

x

Current postal address if different from premises address

[Redacted]

Post town

[Redacted]

Post Code

[Redacted]


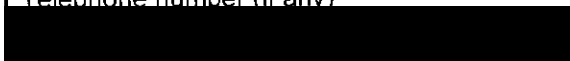

Daytime contact telephone number

[Redacted]

E-mail address (optional)

[Redacted]

(B) DETAILS OF OTHER APPLICANT

Name and address John John Davidson 
Telephone number (if any) 
E-mail address (optional) 

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address
Telephone number (if any)
E-mail address (optional)

This application to review relates to the following licensing objective(s)

- | | |
|---|---------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> x |
| 2) public safety | <input checked="" type="checkbox"/> x |
| 3) the prevention of public nuisance | <input checked="" type="checkbox"/> x |
| 4) the protection of children from harm | <input type="checkbox"/> |
- Please tick one or more boxes ✓

Please state the ground(s) for review (please read guidance note 2)

The café / restaurant has changed their use into a Disco at night since approximately March 2022. Music is extremely loud typically from 21:00 to 24:00 Friday and Saturday night. The music is played by a DJ, disco lights flash on the street, customers dance inside the premises and on the terrace while the manager keeps both doors open to attract customers. The music is often so loud that residents and neighbours are unable to have a normal conversation or watch television within their home. Going to bed before midnight is now impossible for me.

For most days of the week the manager 'David' [REDACTED] is active on the terrace addressing customers and passers-by. There is a lot of shouting, arguing, insulting, pushing and shoving and sometimes even fighting. Families at the bus stop which is in very close proximity of the café are puzzled and perplex. At night families waiting for the bus look worried and scared.

The lease of the café premises according to the building owner John Davidson states the following 2 paragraphs:

1. 'The tenant must not do anything on Premises or allow anything to remain on them that maybe or become or cause a nuisance or annoyance, disturbance, inconvenience, injury or damage to the landlord or to the head landlord or to the owners or occupiers of any adjoining property of the head landlord or any other adjacent or neighbouring premises'.
2. Permitted use: 'a café and/or restaurant and/or coffee shop or any other use, falling within Class A3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987'.

There is no doubt that the testimonies of all involved, the complaints and the video evidence confirm that the tenants and managers of the cafe are a cause of nuisance and annoyance. The terms of the lease (1) have not been respected.

The permitted use of the premises is limited to A3, it does not include permitted use as a dance hall, class D2 of the Town and Country planning. However the managers and clients are both dancing in the premises and the terrace and advertise openly that they are a club. This is also mentioned in their customer reviews on the net. This term of the lease (2) has not been respected either.

Please provide as much information as possible to support the application (please read guidance note 3)

Please see attached the three record sheets as testimony of the continuing noise disturbance and nuisance.

Please see attached (memory key) video demonstrating that the premisses are used as a club.

Please see attached video demonstrating the manager addressing customers on the street

Please see attached complaint from [REDACTED] a testimony of aggressive behaviour by the café manager, staff and customers

Please see attached email from [REDACTED] clarifying terms & conditions of the lease

Please tick ✓ yes

Have you made an application for review relating to the premises before

If yes please state the date of that application

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

If you have made representations before relating to the premises please state what they were and when you made them

None

Please tick ✓ yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate x
- I understand that if I do not comply with the above requirements my application will be rejected x

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature

.....

Date

10 July 2022

.....

Capacity

.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

Jeroen 't Hart

.....

Post town

.....

Post Code

.....

Telephone number (if any)

.....

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

.....

The council has a duty to protect the public funds it administers, and to do this may use the information you have provided on this form to prevent and detect fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes. Where appropriate, and as part of its commitment to improving customer service, the council may also share the information provided on this form with other council services. For more information, see <http://www.dorsetforyou.com/fraud> or contact Finance Manager on 01305 252292.

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

RE: Cafe 78, the Esplanade

Sat 02/07/2022 09:28

To:

Cc:

Morning

Thanks for pursuing the councillor option and as you say, we can rule that one out and concentrate where I always thought was the best approach, i.e. neighbours bringing the noise issues to the various authorities' attention and then action would be taken to either rescind their licence or at least curtail the noise levels. Even as the landlord my ability to take any action as you know is limited because I don't live on the premises and the tenants denied they are making too much noise anyway. Not at all ideal but it is what it is apparently.

The lease clause you refer to is as follows.....

- Permitted use: 'a café and/or restaurant and/or coffee shop or any other use, falling within Class A3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987'.

What the tenants have appeared to have done is apply for a music licence and then allowed the café/restaurant to morph into a club in all but name. This will be challenged and on Monday I will be seeking a meeting with my solicitor to discuss what options are open to me.

I understand Environmental Health paid a visit yesterday and it would be most helpful if we knew of the outcome of that visit. I haven't been involved in this line of attack as I am not entitled to be apparently, perhaps the neighbours could seek answers on Monday from EH also?

Best wishes and speak soon I'm sure,

From: [REDACTED]
Sent: 02 July 2022 07:14
To: [REDACTED]
Cc: [REDACTED]
Subject: Re: Cafe 78, the Esplanade

Thank you for the updates.

Just to update you from my end, I have received a reply from our local councillor and even though he's sympathetic he is directing us down the licensing avenue.
At least we can rule the councillor option out. Page 32

Fwd: Sunset Cafe, The Esplanade, Weymouth

Sat 09/07/2022 09:47

To:

- [REDACTED]
- [REDACTED]

Cc:

- [REDACTED]

@11 attachments (19 KB)

imageOOI.png;

----- Forwarded message -----

[REDACTED]

Date: Sat, 9 Jul 2022, 10:44

Subject: Sunset Cafe, The Esplanade, Weymouth

To: [REDACTED]

Cc: [REDACTED]

Good morning [REDACTED]

K I feel it's my duty to report the cafe, the noise and un-sociable behaviour has gotten worse over the past weeks. Since its turned into the Reggae style cafe with its night club approach and loud music I have to close my windows at night to hear my TV. It's also the new customers that it attracts, mostly young, drunk and aggressive. Just last night I witnessed terrible behaviour and I didn't think it was safe to leave my elderly parents on their own at the bus stop. They visited me and we had a lovely meal for the evening to be spoilt by the irresponsible owners of the cafe.

α The staff from what I could see were the main part and encouraged the aggressive behaviour. I then witnessed how they spoke to and treated some local residents and it was appalling. The language they were using considering there were young children waiting at the bus stop with family's down on holiday was disgusting, Weymouth should be a safe place for family's to visit, I doubt they will want to come back now!

[REDACTED]

It was just this morning I bumped into [REDACTED] who lives above, I asked her and her husband if they are okay and I gave them my details and asked if there is anything we can do. [REDACTED] has kindly given me your email. It's not just food and drink they sell in this place, I am very sure of that. Being a local man and having lived in Weymouth most of my life I can tell you there is much more going on in this cafe.

RE: Cafe 78, the Esplanade

Fri 01/07/2022 15:11

To:

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

Cc:

- [REDACTED]

Hi [REDACTED]

The clause that protects the neighbours is

- 3.10.1 : 'The tenant must not do anything on Premises or allow anything to remain on them that maybe or become or cause a nuisance or annoyance, disturbance, inconvenience, injury or damage to the landlord or to the head landlord or to the owners or occupiers of any adjoining property of the head landlord or any other adjacent or neighbouring premises'.

My difficulty up to now is that the tenant maintains his innocence and that the music is played at a level that falls within the permitted decibel level. I think we all agree that the building is not designed to withstand the heavy bass equipment that pounds out the music and the actions the residents are taking are the correct ones to kick-start any investigation by Environmental Health etc.. This has always been the case sadly that you have had to become involved, but my powers are limited if the tenant claims that he is doing nothing wrong. It is the neighbours who must complain, and then as we expect, the authorities will impose restrictions, orders etc. and I can then pick up the baton from there as it were.

I strongly urge you permit the authorities to pursue their objectives and carry out their investigations and if at all possible, try not to become involved or confrontational with those causing the disturbances no matter how you are provoked. A CCTV and monitoring system worthy of GCHQ exists downstairs and although I have no idea why, it is the tenants prerogative of course to install whatever he wishes to maintain his security....please be careful if you are involved in any "exchange of views" shall we say.

I have today spoken with the tenant and he assures me he is taking all necessary steps to mitigate the sound problem and that the soundproofing and electronic equipment is already on order but may take a week to be delivered and installed. I mention this only for your information and can only assume that maybe he has seen the light and will now finally accede to your reasonable requests to turn the volume down. We can only wait and see I guess and the neighbours actions will keep him concentrated and unlikely to look the other way as he would appear to have done up until now.

If as we were informed he had a meeting with EH today, then this evening will be the first test to see if he has taken everyone's views on board and I look forward to hearing of your experiences tomorrow if you wish to enlighten me.

Very best wishes,

Complaint Record Form

Complaint ref no. 42357

To: Jane Williams
Team Leader – Environmental Protection (West
Environmental Health
County Hall
Dorchester
Dorset
DT1 1XJ

From:
(Complainant)



This sheet is intended as a formal record of the events about which you are complaining. Care in its completion and accuracy (of times etc.) is essential since it could form the basis of formal evidence, which you could be required to sign as evidence in the event of legal proceedings being taken.

Page 35

Day & Date	Times (Please use 24h or am/pm)		Nature of Occurrence (Please indicate source or origin)	Effect upon complainant (indicate how the occurrence affects you)	Signature
	From	To			
24 June 2022	20:30	24:00	Very loud music	Unable to have a conversation during dinner Unable to watch television Unable to sleep Stressed and anxious	
25 June 2022	21:00	24:00	Extremely loud music, up to the point that the whole building is shaking	Unable to have a conversation with my partner in the flat Unable to watch television Unable to sleep Anger and frustration	
1 July 2022	21:15	24:00	Loud music and heavy bass. Loud singing on the terrace by management and customers	Unable to watch television Unable to sleep	

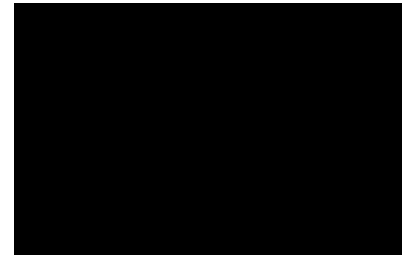
				Exhausted, tired, frustrated,..	
2 July 2022	22:30	24:00	Loud music, heavy bass, the building is vibrating	Cannot relax, cannot watch television	
7 July 2022	21:00	23:45	Dancing, shouting and screaming at passers-by	Worried about families safety Worried for bus customers Anxious and ready to call the police or an ambulance if needed	
8 July 2022	21:30	24:00	Loud music played with heavy bass and noisy customers on the terrace	The stumping noise is so strong that I am unable to concentrate on anything anymore – cannot have a conversation, cannot read a book, cannot watch television,... Unable to open the windows for fresh air, the sound is too loud.	
July 2022	22:00	24:00	Loud music, loud sing along, heavy bass	Unable to watch television, unable to sleep, unable to open the windows for fresh air.	

Complaint Record Form

Complaint ref no: 42349

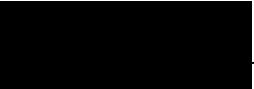

To: Jane Williams
Team Leader - Environmental Protection (West)

From:
(complainant)



Environmental Health
County Hall
Dorchester
Dorset
DT1 1XJ

This sheet is intended as a formal record of the events about which you are complaining. Care in its completion and accuracy (of times etc.) is essential since it could form the basis of formal evidence, which you could be required to sign as evidence in the event of legal proceedings being taken.

Page Day & Date	Times (Please use 24h or am/pm) From To	Nature of Occurrence (Please indicate source or origin)	Effect upon Complainant (Indicate how the occurrence affects you)	Signature
FRIDAY 24 th June	10.30pm 24.00.	Got home from a night out. V loud music from below, vibrates through the floor. Impossible to hear words the vibrations/floor etc. boom, boom, boom	We might as well be in the room. Invited Managers & 2 others to listen, the bass vibrates so much Photo 23.39 - Doors open. Told by Managers it's only	they turned the music down 
		Now in tears!	4 hours! Shouting above a	
		Doors open after 11pm.	(night club) til 3am. Hates nothing today. Feeling very stressed.	
SATURDAY 25 th June.	9.20pm 23.59	Reasonably quiet up to 9.20pm. Can hear vibration music words & PM.	gone to our bedroom, which us over 79 The Esplanade. Still aware of 'booming noise'. Having to keep all doors	

Gets louder as the evening goes on.

Shut - very hot
This is so awful we are both
shut - very hot
shut - very hot

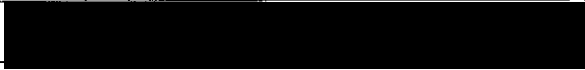
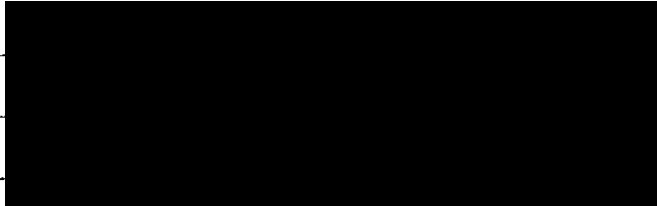
Day & Date	Times (Please use 24h or am/pm) From To	Nature of Occurrence (Please indicate source or origin)	Effect upon Complainant (Indicate how the occurrence affects you)	Signature
FRIDAY 1 st JULY	10.25pm 11.59pm	Sunset Weymouth. Went to the cinema to get away from the noise in the cafe. V. loud especially after 11.19pm	Feeling very stressed, unable to sleep as floor vibrating. Mouth ulcers due to stress. Upset stomach	
SATURDAY 2 nd JULY	10.30pm 11.59pm	Stayed out until 10.30pm - Music not too bad but then turned up. Could not watch TV. Bedroom quiet	Slightly less agitated but it is still too loud. At least I managed to get to sleep after midnight	
THURSDAY 7 th JULY	9pm 11.45pm	Bizarre behaviour from David the front man, shouting, dancing in the street.	I would waste time into the street disturbing our peace at home. Total disregard for neighbours.	
FRIDAY 8 th JULY	8.15pm 12.02.	Tonight is reggae night. My brother & wife called in as they are on holiday here. Couldn't believe the source: Sunset Weymouth. Music played into the street. Have had to open our	How much worse do we have to put up with this. Told by Bart not to approach his staff - complainant	
Page 38		windows as 78.8 degrees in our sitting room, the noise is awful. The shouting & language is appalling. Bart says he knows nothing but have a photo of no sheets & cooking. Doors open after 11pm. (23.08) see video. Attempted to record noise from window, music ended 12.00am	This was in an email from Bart's landlord. Have now had to move into our kitchen at the back of 79, Esplanade.	
SATURDAY 9 th JULY	9.15pm 11.58pm	Music volume increased now having a job watching TV. Cannot open our windows as it is very hot. Floor vibrating. Bart on site again. 9.40pm volume increased again we are being provoked. David is accosting, dancing with ladies walking by 'for dancing' then in. The loudest it has ever been!! Can't have a conversation, can't watch TV, I've got a headache	DJ in situ. Really have had enough of this, tonight. Tables show no evidence of food. John verbally abused - again witnessed by a lot of people at the bus stop.	
			Had hoped that after our complaint last night that something would change. Fed up, it is so hard to concentrate on anything	
			This has to be stopped!	
			Relegated to the kitchen	
			We normally go to bed at 10pm, we now have to wait until after midnight Fri/Sat	

Thank you Jane,
 we are all desperate for something to be resolved here.
 These tenants have no compassion and a total disregard for any distress they are causing to neighbours.

ATT. NICOLA ROBINSON.
TECHNICAL OFFICE

TIMES REQUESTED. FOR 79 THE USALAWAG, DT4 7AA.

F.L.M.

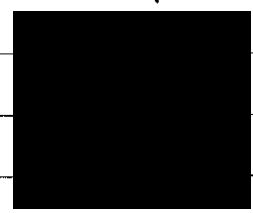


P.H.



DAY + DATE	TIME'S		NATURE OF COMPLAINT	EFFECT	RACIA V/MONY
	FROM	TO			
RI 17/6	20-40	9-05	LOUD MUSIC	DISTURBING & CAUSES MY ASTHMA TO AGGRAVATE & CAN'T GO TO SLEEP.	
	21-30		LOUDER		
	23-00	24-00	VERY LOUD.		
RI 18/6	21-05		LOUD MUSIC	" "	
	21-12		" "		
	22-00	24-00	VERY LOUD.		
RI 24/6	21-30		LOUD MUSIC	" "	
	22-30		LOUDER.		
	23-05		VERY LOUD.		
	23-40	24-00	EXTREMELY LOUD.		
RI 25/6	21-20		LOUD MUSIC	" "	
	22-25		VERY LOUD.		
	22-45	24-00	EXTREMELY LOUD.		
			DRINKING ON PAVEMENT.		
RI 1 st /7	21-00		LOUD MUSIC	" "	
	22-14		LOUDER		
	23-11	24-00	VERY LOUD.		
RI 2 nd /7	21-15		LOUD MUSIC	" "	
	22-20		LOUDER		
	22-30		VERY LOUD.		
RI 8/7	21-15		LOUD.	" "	
	20-05		VERY LOUD		
	22-25	24-00	EXTREMELY LOUD.		

9th / 7 / 2022



Licensing Act 2003
Premises Licence

WPPL0350

Part 1 - Premises Details

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

Cool Runnings

78 The Esplanade, Weymouth, Dorset, DT4 7AA.

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- a performance of live music
- any playing of recorded music
- provision of late night refreshment
- the supply of alcohol
- 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
E. Performance of live music (Indoors)	Monday to Saturday	9:00am	11:59pm
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F. Playing of recorded music (Indoors)	Monday to Saturday	9:00am	11:59pm
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I. Late night refreshment (Indoors & Outdoors)	Monday to Saturday	11:00pm	11:59pm
J. Supply of alcohol for consumption ON and OFF the premises	Monday to Saturday	9:00am	11:59pm
	Sunday	9:00am	11:00pm

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Saturday	9:00am	11:59pm
Sunday	9:00am	11:00pm

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
- 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

Edmon Ltd
78 The Esplanade, Weymouth, Dorset, DT4 7AA.

Licensing Act 2003
Premises Licence

WPPL0350

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 AUTHORISES THE SUPPLY OF ALCOHOL

Daniel Maksymilian SULIMIERSKI

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

Licence No. BH192749

Issued by Bournemouth, Christchurch and

ANNEXES

Annex 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

WPPL0350

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 -

$$P = D + (DxV)$$

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.

ANNEX 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

Crime and Disorder

- (1) There shall be a fixed physical and visual boundary fence erected determining the licensing area to prevent customers from wandering into the street with glasses.
- (2) Tables and chairs used shall be either permanently fixed or alternatively removed at the end of licensing hours to prevent theft or use in public order incidents.
- (3) The holder of the premises licence will ensure that:
- (a) '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

Licensing Act 2003 Premises Licence

WPPL0350

ANNEXES continued ...

- selling or supplying the alcohol that the customer is under 18 years of age;
- (b) such proof of age conforms to the PASS accreditation system, photo driving licence, student cards and passports.

Prevention of Public Nuisance

- (4) The holder of the premises licence/club registration certificate will ensure that:
- (a) all external doors and windows are kept closed, other than for access and egress;
- (b) internal doors are kept closed in all rooms when events involving amplified music or speech are taking place.

ANNEX 3 - CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY

Not applicable - no hearing held.

ANNEX 4 - PLANS

Refer to plan dated June 2003 (Drawing Number 2003:09:03) prepared/drawn by P. Dean Associates for D Muldoon Esq (submitted as part of an application to convert an existing licence to a premises licence under Schedule 8 to the Licensing Act 2003 dated 30th March 2003) ^IN; ^IN; which forms part of this licence and should be read in conjunction with it.

Licensing Act 2003
Premises Licence

WPPL0350



Business Licensing

Licensing Act 2003
Premises Licence Summary

WPPL0350

Premises Details

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

Cool Runnings

78 The Esplanade, Weymouth, Dorset, DT4 7AA.

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

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

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

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THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Saturday	9:00am	11:59pm
Sunday	9:00am	11:00pm

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

NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

Edmon Ltd
78 The Esplanade, Weymouth, Dorset, DT4 7AA.

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

Licensing Act 2003
Premises Licence Summary

WPPL0350

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

Daniel Maksymilian SULIMIERSKI

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

RESTRICTED.

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Licensing

From: Licensing
Sent: 16 August 2022 16:42
To: Licensing
Subject: Review - Sunset Bar, Weymouth
Attachments: Visit Fri 16th July 22 Follow up letter to DPS .doc; Visit Fri 16th July 22 Follow up letter to DPS Home Add.doc; Visit Fri 16th July 22 Follow up letter to PLH.doc

Categories: Kathryn

Good Afternoon,

Application for a review of premises licence under Section 51 of the Licensing Act 2003 – Sunset Bar, Weymouth

I am writing on behalf the Licensing Authority in the role of the Responsible Authority ; I wish to submit a representation against this premises on the grounds that I believe they are undermining the Licencing Objective of the Prevention of Public Nuisance.

I am making this representation following a visit I conducted with Janet Moore from Enviromental Protection on Friday 15th July 2022. We arrived at around 22:50 to incredibly loud music being played from the venue, we visited one of the residents who lives upstairs above the premises and the noise within the flat was making the home unliveable. There was no way the residents there could enjoy any sort of normality in the living room, in no circumstance could they watch their tv or even have a conversation in there. We then went around to other rooms in the flat and music could quite clearly be heard in most of the rooms, the only room that the noise was slightly reduced was the kitchen. The residents explained to us that this happens every Friday and Saturday night.

When we went back down to the premises after our visit we spoke with the bar manager, she explained to Janet Moore that as they have a licence to play music, they can play this as loud as they want. I then went on to introduce myself as a Senior Licensing Officer and explained that it is of their responsibility to promote the four licensing objectives and as the music is quite clearly causing a nuisance then they are not achieving what is quite clear within the Licensing Act 2003, Prevention of Public Nuisance. The bar manager after explaining this did however go inside to ask the DJ to turn the music down which was noticeable outside, we were then asked to go back upstairs to see if this was okay. After checking we explained it was still at a level that was still causing a nuisance but was told it couldn't go any lower then that.

One condition was being breached was immediately rectified on our visit and this was:

- (a) all external doors and windows are kept closed, other than for access and egress;

I have attached the letter that I sent to the Premises Holder Edmon Ltd and the DPS Mr Sulimierski (was not present on our visit) to which I still at the time of writing have had no response from. Also, from my understanding the premises is continuing to cause a nuisance and also Environmental Protection have served an abatement notice on the licence holder which in itself is strong enough evidence that the licence holder and DPS are ignoring one of the licensing objectives that if they consider themselves responsible licence holders should at all times be promoting.

Kind Regards

Roy Keepax
Senior Licensing Officer
Place Services

Mr D Sulimierski

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

Please contact: Roy Keepax
Tel. No. 01305 838028
Email: Licensing@dorsetcouncil.gov.uk

18 July 2022

Dear Mr Sulimierski,

I want to bring to your attention a visit that took place with myself and the Environmental Health Team Leader Janet Moore on Friday 15th July 2022.

We arrived around 22:50 and observed outside your premises, the noise level from the music being played was incredibly loud. After observing for a while, we visited a resident who has the flat above your premises, the level of noise inside the sitting room was, unliveable. The level was so loud it was intrusive even to just have a conversation not considering that this is where people are trying to live, the residents could not sit in there, could not watch tv, could not do anything in that room. We then went into the bedroom and the noise was still at a level where it was unliveable, we then went round the rest of the house and all though not as loud it was still audible.

After visiting the resident, we then went to speak to the DPS, but we were informed that they were off that evening, so we spoke with a lady, and I apologise we didn't catch her name, but she said she was the girlfriend of the DPS Daniel Sulimierski.

We explained to her that the noise of the music was far too loud and was causing a nuisance to the residents upstairs. Following this information, we were happy to see that she went inside to ask the DJ to turn down the music which was noticeable from outside your premises.

From my understanding there has been conflict between yourselves and your neighbours for sometime now but from witnessing the level of music from their flat I can understand their frustration but I can also understand your frustration from what the lady told us about how the residents have been on a few incidents. Even with the music being turned down it was still quite audible upstairs. The age of the building clearly has a factor in this but does not defend in any way still causing a nuisance.

Looking at the licence condition one condition that was being breached when we entered your premises was that the door was left open whilst music was being played, the condition that was being breached was.

- (a) all external doors and windows are kept closed, other than for access and egress;
- (b) internal doors are kept closed in all rooms when events involving amplified music or speech are taking place.

What I explained was that I could have served a Section 19 Closure Notice but was not going to at this time as this was the first visit I had conducted on the premises and whilst I was there the door was being closed after I explained this condition to the lady. I suggested it might be a good idea to purchase some self-closing hinges to place on the doors as I understood during busy times it would be difficult to be constantly checking especially as there was no security manning the doors that could do this.

The other process I explained to the lady was the review process, anyone can review a premises licence if they feel that the licence is not promoting/adhering to the four licensing objectives and these are, Crime and Disorder, the Prevention of Public Nuisance, the Protection of Children from Harm and Public Safety. From our visit to the premises and from the visit to the flat above it is quite clear that one of these objectives are not being promoted and this being 'The prevention of public nuisance'. If anyone was to review your licence and if what happened on our visit happens on a weekly basis they would have good reason too, we will come to the premises and discuss the process with you we will then put an advert up outside the premises which will detail who is reviewing the licence and what they are reviewing the licence on. After 28 Days the licence will be called into a licensing hearing in front of the Licensing Sub-Committee which consists of three local councillors.

The powers that the Licensing Sub-Committee have is they could amend the licence and this could be, remove activities like the performance of recorded/live music, Supply of Alcohol etc, they could also amend the times that are on the licence so at the moment the licence has the activity to play music till midnight, the licensing committee could amend that so it has to finish early, this is if they don't remove the activity entirely. They could add extra conditions to the licence which could include removing the Live Music Act 2012 and they could add a condition that stops the outside area being used after a certain time. They could also not do anything to the licence as there could not be enough evidence to give the councillors any reason to act but the last thing that they could do is to completely revoke the licence.

This information is licensing based however Environmental Protection may well get in touch too as they have their own powers to issue notices on you and ultimately prosecute you for causing a nuisance, but I stress to talk to Environmental Protection about this as these is does not fall under my remit. I also received further information regarding planning, which is in relation to its planning usage, but I will pass this information on to our planning enforcement team to investigate.

If we do ever receive a review, we always come to meet with you to explain how the process works and what will happen next but no review has been applied for as of writing this letter but from what I witnessed if no changes are made to mitigate this concern for nearby residential properties then I would not be surprised if we do receive one.

With this information it would be a good idea on hearing your side to this but also it would be useful to know that me giving you this information how you intend to act on it?

Yours sincerely

Roy Keepax
Senior Licensing Officer

Edmon Ltd
78 The Esplanade
Weymouth
DT4 7AA

Please contact: Roy Keepax
Tel. No. 01305 838028
Email: Licensing@dorsetcouncil.gov.uk

18 July 2022

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With this information it would be a good idea on hearing your side to this but also it would be useful to know that me giving you this information how you intend to act on it?

Yours sincerely

Roy Keepax
Senior Licensing Officer

Licensing

From: Gatehouse, Kirsty <Kirsty.Gatehouse@Dorset.PNN.Police.uk>
Sent: 16 August 2022 16:04
To: Licensing
Cc: .Licensing
Subject: Re: Sunset Weymouth, 78 The Esplanade

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Kathryn

Good afternoon

On behalf of the Chief Officer of Dorset Police, I wish to submit a representation against this premises on the grounds that I believe they are undermining the Licencing Objective of the Prevention of Crime and Disorder.

I make this representation following a visit there on 12th August in company with Environmental Health. I noted that there were people frequenting the premises who I know to be drug users. Also whilst speaking to the female in charge, she spoke in a very aggressive manner towards me. She was not accepting of the visit, despite it being prearranged, and I believe the way that she was speaking to me was not appropriate for someone who is running a premises.

Should you need any further information, please do not hesitate to ask.

Many thanks
Kirsty



**DORSET
POLICE**

Kirsty Gatehouse 6084

Licensing Officer

Tel: 07912 898387

Email: Kirsty.Gatehouse@Dorset.PNN.Police.UK

Drug and Alcohol Harm Reduction Team

Weymouth Police Station, Radipole Lane, DT4 9WW

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Licence review – Sunset Weymouth/ Cool Runnings, 78 The Esplanade, Weymouth DT4 7AA

*Environmental Health (EH) submission to the Licensing Authority in respect of the review of the Premises Licence for Sunset Weymouth/Cool Runnings, Weymouth
Ref: WPPL0350*

Background:

The Esplanade is the beach front of Weymouth town and has numerous shops, restaurants, and bars. Additionally, above many of these shops are residential premises, and flats. Most bars are at the southern end of The Esplanade Beyond the King George III statue with very few occurring to the north of this. The Sunset Weymouth bar is the only bar on the mid-section of The Esplanade, all other commercial properties (mainly ground floor) are retail units which do not operate late into the evening.

The premises has been a café/restaurant for many years and was brought to our attention because of a potential noise nuisance, for amplified music and speech being played on a Friday and Saturday nights from 20.00hrs to Midnight. This has been occurring allegedly since February 2022 and early on residents tried to negotiate a resolution with the management, but no resolution has been agreed.

Our own involvement started approximately mid May 2022 on the receipt of the first complaint, and since that time we have received a further 3 complaints, totalling 4 from individual premises.

Sunset Weymouth currently has the following regulated entertainment on the licence:

Live music and recorded music:

Mon - Sat.	09:00 – 23.59
Sunday	09:00 – 23.00

The current licence has the following noise related conditions:

- All external doors and windows shall be kept closed other than for access or egress
- Internal doors are kept closed in all rooms when events involving amplified music or speech are taking place.

Amplified music and speech:

[Type here]

The venue offers a daytime café and restaurant service where background music is not known to cause a problem to neighbouring residential/commercial premises. In the latter part of the evening, the venue changes in nature to a bar/dance club (from 21.00hrs to 23.59) on Friday and Saturday nights, whilst still offering food. This is the period when the intrusion of amplified music and speech is felt by residential neighbours, mainly through sound and vibration transmission through the structure. The premises plays recorded music using a DJ set-up and speakers normally on the ground floor. The premises also has a basement where occasional recorded music is played over a similar time period and often where both 'floors' are used at the same time.

Additionally, the use of the outdoor seating area (located at the front of the venue), is used by patrons and according to the complainants and conversation is often loud and intrusive.

Environmental Health:

The four complainants advise they are directly affected by noise and for some vibration, due to the proximity of their homes to the venue. Intrusion occurs late in the evening and night when the DJ is playing. Further noise disturbance and sometimes anti-social behaviour is caused from activities arising from the outside seating area.

The Environmental Protection Service notified Edmon Ltd of the complaints. On 1 July 2022 we met with the 2 directors, and a management representative, to discuss the legislation and the steps that can be taken prior to formal intervention.

Having obtained diary evidence from the complainants which listed incidents of disturbance, officers conducted a visit to both the venue and one of the complainant's homes on the 15 July 2022. The authorised officer, Janet Moore was satisfied that a statutory noise nuisance existed at that time. Subsequently on the 1 August 2022, two noise abatement notices were served on the persons responsible for the nuisance, Edmon Limited and the Designated Premises Supervisor. (Where a statutory nuisance is arising, we are required to serve Notice under the Environmental Protection Act 1990).

Prior to the service of these notices, we were notified of the proposal to review the Premises Licence.

We concur that the prevention of public nuisance objective is not currently being met by the licence holder or the Designated Premises Supervisor (DPS) and would support this review.

Further visits since the service of the abatement notice have occurred and will continue to occur to ascertain whether a breach of the abatement notice arises.

[Type here]

We will continue to help the Licence holder/DPS in their responsibility to abate the nuisance, however we would strongly advise them to obtain the services of an acoustic consultant to enable them to undertake mitigation measures and ensure that music is not intrusive to those living in the nearby premises.

Summary:

The evidence obtained by officers (and supported by residents) show that the issues associated with the site are substantiated. Further, there is a potential for prosecution under the Environmental Protection Act 1990, should the situation not improve.

The current operators are fully aware of our interventions and the potential actions resulting from non-compliance.

Suggested conditions/actions

If the committee decides not to revoke the licence, we would recommend the following conditions be attached or modifications of the same.

- The outside area shall cease to be used after 21.30hrs except for tobacco or vape smokers, no food or drink receptacles shall be taken outside of the venue after this time. (Any refreshment including late night refreshment will therefore need to be consumed inside the premises or taken away from the premises).
- Remove the regulated entertainment category of live music so that the licence will only apply under the Live Music Act i.e., that it will finish at 23.00hrs.
- A written noise management plan shall be produced by a suitably qualified acoustic consultant within 1 month of the review. The plan including all timescales and installation of equipment shall be agreed by the Environmental Protection Service Any such agreed equipment shall be used, according to manufacturer's instructions, when amplified music and speech is occurring to maintain control.
- A monitoring programme, undertaken by the company and to be agreed by the Environmental Protection Service for any amplified music and speech occurring after 21.00hrs. This will include keeping suitable records, providing investigation where appropriate and recording resulting actions. The log shall be made available on request by an authorised officer of the Council or the Police. The person undertaking the monitoring shall not be unduly affected by temporary threshold shift.

[Type here]

- Any complaint made shall be similarly recorded
- Suitable signage shall be clearly and legibly displayed at the exit point of the venue advising that patrons are to be respectful to neighbours and leave the premises quietly.
- At the end of recorded music evening a suitably worded announcement shall be made to encourage patrons to leave quietly and respect the neighbours.
- That the conditions imposed should be undertaken at any time that music and speech is being undertaken to ensure that even prior to the Live Music Act 23.00hr start time stipulation, that appropriate controls remain in place.

It should also be noted and reiterated that the current licence requires all external doors and windows shall remain closed other than access and egress. It would be appropriate to further clarify this as being when ever amplified music or speech is occurring.

[Type here]



Planning Services

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

) 01305 838336- **Development Management**

) 01305 224289- **Minerals & Waste**

8 www.dorsetcouncil.gov.uk

Sarah Fazakerley
Licensing

Dorset Council

Date: 17 August 2022

Ref: P/CONS/2022/00155

Team: Western and Southern

Case Officer: Katrina Trevett

) 01305 252229

* katrina.trevett@dorsetcouncil.gov.uk

Dear Madam,

Application No: P/CONS/2022/00155

Location: Cafe Sunset The Esplanade Weymouth DT4 7AA

Proposal: Notification of a premises licence review application

It appears that planning permission for a mixed use of the premises may be required which we are currently looking in to.

As such, we have concerns about the reviewed changes to the license.

Yours sincerely,

Katrina Trevett
Development Management Team Leader - South/West

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Licensing

From: Cllr. Jon Orrell
Sent: 25 July 2022 11:17
To: Licensing
Subject: RE: Excessive loud music from the commercial premises at 78, The Esplanade, Weymouth.

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Kathryn, Aileen

Dear Licensing Team,

Re Coolrunnings / Sunset bar , The Esplanade, Weymouth

Here is my submission.

I am writing to support local residents who live near to Sunset.

This establishment has caused no problems in past years but now is causing complaints.
I note the reports from residents of public nuisance and disorder and consider that action is required.

In my capacity as a local councillor I recommend a reconsideration of the licence and either revoking it entirely or at the very least putting in quite stringent conditions for keeping the doors and windows closed , sound proofing , and having measurable decibel limits for outdoor volume that are monitored by external agencies such as environmental health. This cannot be left to the operator to supervise alone. There should also be a reporting mechanism for nearby residents to ensure a response , any day , any time.

If there is any difficulty in obtaining the restrictions in full, then the entertainment licence should be ended.

Jon
Cllr Orrell

Licensing

From: [REDACTED]
Sent: 02 August 2022 11:56
To: Licensing
Subject: Public notice in respect of Cool Runnings (Sunset Weymouth),
Categories: Kathryn

78The Esplanade Weymouth Dorset, DT4 7AA. [REDACTED]
[REDACTED] i have to put up with exceptionally loud noise, interference from rowdy drinkers outside & on the pavement. To my knowledge there have been 3 fights, numerous singing and loud shouting happens regularly. My lounge & bedroom are both on the street side. I am an asthma sufferer of [REDACTED] years old. my health is suffering as i tend to get agitated by the goings on. Since May i have had two bad repercussions with my health. i am strongly against this continuing. I cannot afford to move. so your consideration would be appreciated. [REDACTED]
[REDACTED]

Licensing

From: [REDACTED]
Sent: 02 August 2022 12:00
To: Licensing
Subject: URGENT OBJECTION - Cool Runnings (Sunset Weymouth) - 78 The Esplanade, Weymouth, Dorset, DT4 7AA

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Kathryn

Hello

I would like to formally inform you that I object to the above premises changing their license.

I run a hotel several doors down from them and have noticed an increase in drunken behaviour, teenagers meeting between 12am and 2am, fighting, shouting, confronting normal people, the open showing of selling drugs and it will not be long before someone is seriously hurt with no POLICE presence AT ALL!!

The sea front needs to be protected for various reasons that you are more than aware of.

Therefore, I strongly object that this should be allowed to change, if anything you should look at their existing licence and reduce their licence hours which they seem to be increasing outside of that licence now any way. I am a businessperson who does all I can to create a safe and relaxing environment for visiting guests and I can assure you many of them have had to walk through this and feel scared and would they return to Weymouth probably not after speaking to them and having to listen to their anger as scared and kept awake.

Again, no present of police at these times either.

Please advise me what else I can do to object?

Regards

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

Licensing

From: [REDACTED]
Sent: 03 August 2022 13:58
To: Licensing
Subject: REVIEW OF A PREMISES LICENCE

Categories: Kathryn

Dear Sir or Madam,

Re: Cool Runnings (Sunset Weymouth) Ground Floor and Basement, 78 The Esplanade, Weymouth DT4 7AA.

On 20th July 2022 Jerome Hart and John Davidson applied for a review of a premises licence in respect of the above venue. As co-owners of [REDACTED] we are making the following representation regarding this review.

We are the owners of [REDACTED] [REDACTED] directly above the Sunset Cafe and Cool Runnings. We very strongly object to the renewal of the premises licence for Cool Runnings nightclub and cafe. We can hear the loud music and particularly the brain numbing bass thumping even on the top (third) floor of the building. It distracts us from normal conversation and watching the television, and is a disturbance to proper sleep. In the stairwell the noise and vibration is appalling. This noise is at an unacceptable level for us to enjoy normal life. Please do not allow further use of these premises for this nightclub and music venue.

Yours faithfully

[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]

Licensing

From: [REDACTED]
Sent: 05 August 2022 11:31
To: Licensing
Subject: Sunset Weymouth, 78 The Esplanade

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Kathryn

I wish to request a licence review for the above property. We live in [REDACTED] weymouth, the premises were up until May 2022 a cafe/restaurant. After this date Friday and Saturday 8pm to midnight appear to be transformed into a nightclub. Extremely loud music, doors open onto the street, flashing lights and dancing. No obvious offer of food eg menus, cutlery etc. There is no sound proofing and the noise of the bass and vibration are intolerable. This building is over 200 years old and sound travels through the floors and walls. We tried to soundproof our guest bedroom which is not even over the cafe but it doesn't help. Basically we cannot go to bed before midnight on these nights, we cannot have friends round and most certainly cannot have overnight guests. In July was my husbands [REDACTED] birthday and the family including grandchildren aged 8 to 13 were supposed to be staying, we had to cancel their overnight stay as nobody would get a proper night's sleep.

I first alerted the tenants to the noise problem in February, prior to the DJ starting in May and have repeatedly asked for the music to be turned down, we no longer ask as they are aggressive and swear at us, this behaviour is not acceptable, we feel intimidated to the level I will not go down to our garage or go to our wheelie bins alone if they are open.

This has caused us great distress mentally as well, constantly on edge not knowing what to expect each evening as on occasions the music is loud during the week. There are no rooms in our flat that are not effected, the least noise being in our kitchen which is where we have to sit Friday and Saturday nights with all interior doors shut which is stifling . I have never seen my husband so wound up and angry and I am concerned for his physical health (I'm a retired senior nursing sister) last year he was very ill and is now being treated by the consultant and the last thing he needs is this stress. Myself I can't control my tears every time anyone asks how things are and due to stress am suffering painful mouth ulcers.

Reasonable music levels have always been accepted from the cafe but this noise is totally unacceptable to ourselves and neighbours.

[REDACTED]

Licensing

From: [REDACTED]
Sent: 12 August 2022 10:05
To: Licensing; Aileen Powell
Subject: Notice of application for a review of a premises licence

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Kathryn

Notice of application for a review of a premises licence in respect of Cool Runnings (Sunset Weymouth), 78 The Esplanade, Weymouth, Dorset, DT4 7AA

Dear Sir / Madam

Reference to Notice of application for a review of a premises licence in respect of Cool Runnings (Sunset Weymouth), 78 The Esplanade, Weymouth, Dorset, DT4 7AA

I am the owner of [REDACTED] The Esplanade. [REDACTED] 78, The Esplanade.

I would like noted that the loud noise being projected from the night club in the evening is having affects on my tenants/guests life style.

[REDACTED] which is more directly affected is my tenant for over 3 years. He is an ex police officer in his 80's and is in poor health.

He has made it known to me that the effects of the loud music is causing health issues which he did not experience before the loud music started 2-3 months ago.

[REDACTED] of which is a holiday let. I have had complaints from guests that they were unable to leave the windows open over this hot period when going to bed as the music from 78, The Esplanade was so loud.

I believe that the terms of lease and planning allow the property (Sunset Weymouth) A3 category, cafe, restaurant, coffee shop or use within A3.

The issue is in the evening when the café transforms into a night club with DJ, Flashing lights, loud music with double doors wide open.

I believe the premises to be classed as a night club which does not fit within a residential area and as such is having an affect on tenants /guests lifestyle.

Kind regards

[REDACTED]
[REDACTED]

Sent from [Mail](#) for Windows



Licensing Act 2003

2003 CHAPTER 17

PART 9

MISCELLANEOUS AND SUPPLEMENTARY

Small premises

177 Dancing^{F1}... in certain small premises

- (1) Subsection (2) applies where—
- (a) a premises licence authorises—
 - (i) the supply of alcohol for consumption on the premises, and
 - (ii) [^{F2}dancing], and
 - (b) the premises—
 - (i) are used primarily for the supply of alcohol for consumption on the premises, and
 - (ii) have a permitted capacity of not more than 200 persons.
- (2) At any time when—
- (a) the premises—
 - (i) are open for the purposes of being used for the supply of alcohol for consumption on the premises, and
 - (ii) are being used for [^{F3}dancing],^{F4}...
 - ^{F4}(b)
any licensing authority imposed condition of the premises licence which relates to [^{F3}dancing] does not have effect^{F5}... unless it falls within subsection (5) or (6).

^{F6}(3)

^{F6}(4)

Changes to legislation: Licensing Act 2003, Cross Heading: Small premises is up to date with all changes known to be in force on or before 25 August 2022. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (5) A condition falls within this subsection if the premises licence specifies that the licensing authority which granted the licence considers the imposition of the condition [F7 appropriate] on one or both of the following grounds—
- (a) the prevention of crime and disorder,
 - (b) public safety.
- (6) A condition falls within this subsection if, on a review of the premises licence—
- (a) it is altered so as to include a statement that this section does not apply to it, or
 - (b) it is added to the licence and includes such a statement.
- (7) This section applies in relation to a club premises certificate as it applies in relation to a premises licence except that, in the application of this section in relation to such a certificate, the definition of “licensing authority imposed condition” in subsection (8) has effect as if for “section 18(3)(b)” to the end there were substituted “section 72(3)(b) (but is not referred to in section 72(2)) or which is imposed by virtue of section 85(3)(b) or 88(3)”.
- (8) In this section—
- “licensing authority imposed condition” means a condition which is imposed by virtue of section 18(3)(b) (but is not referred to in section 18(2)(a)) or which is imposed by virtue of 35(3)(b), 52(3) or 167(5)(b) or in accordance with section 21;
- “[F8 dancing]” means—
- (a) entertainment of a description falling within, or of a similar description to that falling within, paragraph 2(1) F9... (g) of Schedule 1, F10 ...
 - (b) F10 ...
- “permitted capacity”, in relation to any premises, means—
- (a) F11
 - (b) F12 . . . the limit on the number of persons who may be on the premises at any one time in accordance with a recommendation made by, or on behalf of, the [F13 fire and rescue authority] for the area in which the premises are situated (or, if the premises are situated in the area of more than one [F13 fire and rescue authority], those authorities); and
- “supply of alcohol” means—
- (a) the sale by retail of alcohol, or
 - (b) the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club.

Textual Amendments

- F1** Words in s. 177 heading omitted (1.10.2012) by virtue of [Live Music Act 2012 \(c. 2\)](#), **ss. 1(1)(e)**, 4(2); [S.I. 2012/2115](#), art. 2
- F2** Word in s. 177(1) substituted (1.10.2012) by [Live Music Act 2012 \(c. 2\)](#), **ss. 1(1)(a)**, 4(2); [S.I. 2012/2115](#), art. 2
- F3** Word in s. 177(2) substituted (1.10.2012) by [Live Music Act 2012 \(c. 2\)](#), **ss. 1(1)(a)**, 4(2); [S.I. 2012/2115](#), art. 2
- F4** S. 177(2)(b) and word omitted (1.10.2012) by virtue of [Live Music Act 2012 \(c. 2\)](#), **ss. 1(1)(b)(i)**, 4(2); [S.I. 2012/2115](#), art. 2
- F5** Words in s. 177(2) omitted (1.10.2012) by virtue of [Live Music Act 2012 \(c. 2\)](#), **ss. 1(1)(b)(ii)**, 4(2); [S.I. 2012/2115](#), art. 2

Changes to legislation: Licensing Act 2003, Cross Heading: Small premises is up to date with all changes known to be in force on or before 25 August 2022. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- F6** S. 177(3)(4) omitted (1.10.2012) by virtue of Live Music Act 2012 (c. 2), **ss. 1(1)(c)**, 4(2); S.I. 2012/2115, art. 2
- F7** Word in s. 177(5) substituted (25.4.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), **ss. 109(14)**, 157(1) (with s. 109(15)); S.I. 2012/1129, art. 2(d)
- F8** Word in s. 177(8) substituted (1.10.2012) by Live Music Act 2012 (c. 2), **ss. 1(1)(d)(i)**, 4(2); S.I. 2012/2115, art. 2
- F9** Words in s. 177(8) omitted (1.10.2012) by virtue of Live Music Act 2012 (c. 2), **ss. 1(1)(d)(i)**, 4(2); S.I. 2012/2115, art. 2
- F10** Words in s. 177(8) omitted (1.10.2012) by virtue of Live Music Act 2012 (c. 2), **ss. 1(1)(d)(ii)**, 4(2); S.I. 2012/2115, art. 2
- F11** S. 177(8): para. (a) in definition of "permitted capacity" omitted (1.10.2006) by virtue of The Regulatory Reform (Fire Safety) Order 2005 (S.I. 2005/1541), art. 53(1), **Sch. 2 para. 50(3)(a)** (as amended by The Regulatory Reform (Fire Safety) Subordinate Provisions Order 2006 (S.I. 2006/484), **arts. 1(1)**, 2)
- F12** S. 177(8): words in para. (b) in definition of "permitted capacity" omitted (1.10.2006) by virtue of The Regulatory Reform (Fire Safety) Order 2005 (S.I. 2005/1541), art. 53(1), **Sch. 2 para. 50(3)(b)** (as amended by The Regulatory Reform (Fire Safety) Subordinate Provisions Order 2006 (S.I. 2006/484), **arts. 1(1)**, 2)
- F13** S. 177(8): words in definition of "permitted capacity" substituted (7.9.2004 for E. for certain purposes and 1.10.2004 otherwise and 10.11.2004 for W.) by Fire and Rescue Services Act 2004 (c. 21), **ss. 53**, 61, **Sch. 1 para. 98(2)(3)(d)**; S.I. 2004/2304, **art. 2(1)**{(2)}; S.I. 2004/2917, **art. 2**

[^{F14}177A Licence review for live [^{F15}and recorded] music

[^{F16}(1) Subsection (2) applies where—

- (a) music takes place on premises which are authorised by a premises licence or club premises certificate to be used for the supply of alcohol for consumption on the premises,
 - (b) at the time of the music, the premises are open for the purposes of being used for the supply of alcohol for consumption on the premises,
 - (c) if the music is amplified, it takes place in the presence of an audience of no more than 500 persons, and
 - (d) the music takes place between 8am and 11pm on the same day (or, where an order under section 172 has effect in relation to music, during any times specified under that order).]
- (2) Any condition of the premises licence or club premises certificate which relates to live music^{F17}, recorded music or both does not have effect in relation to the music] unless it falls within subsection (3) or is added to the licence in accordance with subsection (4).
- (3) A condition falls within this subsection if, on a review of the premises licence or club premises certificate it is altered so as to include a statement that this section does not apply to it.
- (4) On a review of a premises licence or club premises certificate a licensing authority may (without prejudice to any other steps available to it under this Act) add a condition relating to ^{F18}... music as if—
- (a) the ^{F18}... music were regulated entertainment, and
 - (b) the licence or certificate licensed the ^{F18}... music.

Changes to legislation: Licensing Act 2003, Cross Heading: Small premises is up to date with all changes known to be in force on or before 25 August 2022. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

[This section does not apply to music which, by virtue of a provision other than ^{F19}(4A) paragraph 12A or 12C of Schedule 1, is not regarded as the provision of regulated entertainment for the purposes of this Act.]

(5) In this section—

“condition” means a condition—

- (a) included in a premises licence by virtue of section 18(2)(a) or (3)(b), 35(3)(b), 52(3) or 167(5)(b),
- (b) included in a club premises certificate by virtue of section 72(2)(a) or (3)(b), 85(3)(b) or 88(3),
- (c) added to a premises licence by virtue of its inclusion in an application to vary the licence in accordance with section 34 or 41A which is granted under section 35(2) or 41B(3) (as the case may be), or
- (d) added to a club premises certificate by virtue of its inclusion in an application to vary the certificate in accordance with section 84 or 86A which is granted under section 85(2) or 86B(3) (as the case may be);

“live music” means entertainment of a description falling within, or of a similar description to that falling within, paragraph 2(1)(e) of Schedule 1;

[^{F20}“music” means live music or recorded music or both;]

[^{F20}“recorded music” means entertainment of a description falling within, or of a similar description to that falling within, paragraph 2(1)(f) of Schedule 1; and]

“supply of alcohol” means—

- (a) the sale by retail of alcohol, or
- (b) the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club.]

Textual Amendments

- F14** S. 177A inserted (1.10.2012) by [Live Music Act 2012 \(c. 2\)](#), **ss. 1(2)**, 4(2); S.I. 2012/2115, art. 2
- F15** Words in s. 177A heading inserted (6.4.2015) by [The Legislative Reform \(Entertainment Licensing\) Order 2014 \(S.I. 2014/3253\)](#), arts. 1(1), **2(2)**
- F16** S. 177A(1) substituted (6.4.2015) by [The Legislative Reform \(Entertainment Licensing\) Order 2014 \(S.I. 2014/3253\)](#), arts. 1(1), **2(3)**
- F17** Words in s. 177A(2) substituted (6.4.2015) by [The Legislative Reform \(Entertainment Licensing\) Order 2014 \(S.I. 2014/3253\)](#), arts. 1(1), **2(4)**
- F18** Word in s. 177A(4) omitted (6.4.2015) by virtue of [The Legislative Reform \(Entertainment Licensing\) Order 2014 \(S.I. 2014/3253\)](#), arts. 1(1), **2(5)**
- F19** S. 177A(4A) inserted (6.4.2015) by [The Legislative Reform \(Entertainment Licensing\) Order 2014 \(S.I. 2014/3253\)](#), arts. 1(1), **2(6)**
- F20** Words in s. 177A(5) inserted (6.4.2015) by [The Legislative Reform \(Entertainment Licensing\) Order 2014 \(S.I. 2014/3253\)](#), arts. 1(1), **2(7)**

Changes to legislation:

Licensing Act 2003, Cross Heading: Small premises is up to date with all changes known to be in force on or before 25 August 2022. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 5A inserted by 2015 c. 20 s. 67(2)Sch. 17
- s. 2(1A) inserted by 2015 c. 20 s. 67(1)
- s. 10(4)(e) and word inserted by 2011 c. 13 s. 121(3)(b)
- s. 140(2)(e) inserted by 2015 c. 20 s. 67(4)(b)
- s. 141(2)(e) inserted by 2015 c. 20 s. 67(5)(b)
- s. 143(2)(e) inserted by 2015 c. 20 s. 67(6)(b)
- s. 144(2)(e) inserted by 2015 c. 20 s. 67(7)(b)
- s. 147A(4)(c) inserted by 2015 c. 20 s. 67(8)(b)
- s. 153(4)(d) inserted by 2015 c. 20 s. 67(9)(b)
- s. 197(3)(cza) inserted by 2015 c. 20 s. 67(12)(a)
- s. 197A197B inserted by 2011 c. 13 s. 121(2)

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