

Licensing Act 2003
Premises Licence
WPPL0407

Part 1 - Premises Details

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

38A MAIDEN STREET, WEYMOUTH, DORSET.

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- an exhibition of a film
- an indoor sporting event
- a performance of live music
- any playing of recorded music
- a performance of dance
- entertainment of a similar description to that falling within a performance of live music, any playing of recorded music or a performance of dance
- provision of late night refreshment
- the supply of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
B. Exhibition of films (Indoors)	Sunday to Thursday	9:00am	5:00am
	Friday & Saturday	9:00am	5:00am
	Bank Holiday Weekends	9:00am	6:00am
	New Years Eve	9:00am	6:00am
C. Indoor sporting event	Sunday to Thursday	9:00am	5:00am
	Friday & Saturday	9:00am	5:00am
	Bank Holiday Weekends	9:00am	6:00am
	New Years Eve	9:00am	6:00am
E. Performance of live music (Indoors)	Sunday to Thursday	9:00am	5:00am
	Friday & Saturday	9:00am	5:00am
	Bank Holiday Weekends	9:00am	6:00am
	New Years Eve	9:00am	6:00am
F. Playing of recorded music (Indoors)	Sunday to Thursday	9:00am	4:00am
	Friday & Saturday	9:00am	4:00am
	Bank Holiday Weekends	9:00am	5:00am
	New Years Eve	9:00am	5:00am
G. Performance of dance (Indoors)	Sunday to Thursday	9:00am	5:00am
	Friday & Saturday	9:00am	5:00am
	Bank Holiday Weekends	9:00am	6:00am
	New Years Eve	9:00am	6:00am



**Licensing Act 2003
Premises Licence**

WPPL0407

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES continued ...

Activity (and Area if applicable)	Description	Time From	Time To
H. Entertainment of a similar description to that falling within E, F, or G (Indoors)	Sunday to Thursday	9:00am	5:00am
	Friday & Saturday	9:00am	5:00am
	Bank Holiday Weekends	9:00am	6:00am
	New Years Eve	9:00am	6:00am
I. Late night refreshment (Indoors)	Sunday to Thursday	9:00am	5:00am
	Friday & Saturday	9:00am	5:00am
	Bank Holiday Weekends	9:00am	6:00am
	New Years Eve	9:00am	6:00am
J. Supply of alcohol for consumption ON and OFF the premises	Sunday to Thursday	9:00am	5:00am
	Friday & Saturday	9:00am	5:00am
	Bank Holiday Weekends	9:00am	6:00am
	New Years Eve	9:00am	6:00am

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Sunday to Thursday	9:00am	5:00am
Friday & Saturday	9:00am	5:00am
Bank Holiday Weekends	9:00am	6:00am
New Years Eve	9:00am	6:00am

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

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

Part 2

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

Jamie Paul CRAGE

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

Jamie Paul CRAGE



Licensing Act 2003 Premises Licence

WPPL0407

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

Licence No. WPPA0417

Issued by Weymouth and Portland

ANNEXES

ANNEX 1 - MANDATORY CONDITIONS

The licence is granted subject to the Mandatory conditions for sale of alcohol as set out in the Licensing Act 2003 as amended by the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010 and Order 2014.

1. No supply of alcohol may be made under the Premises Licence -
 - (a) At a time when there is no Designated Premises Supervisor in respect of the Premises Licence; or
 - (b) 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 the Premises Licence must be made, or authorised by a person who holds a Personal Licence.
3. (1) 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



Licensing Act 2003 Premises Licence

WPPL0407

ANNEXES continued ...

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
- (b) an ultraviolet feature.

6. The responsible person shall ensure that -

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

Minimum Drinks Pricing

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

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

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

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

Where -

(i) P is the permitted price

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

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

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

- (i) The holder of the premises licence



Licensing Act 2003 Premises Licence

WPPL0407

ANNEXES continued ...

- (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.

Exhibition of Films

1. Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.

2. Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation by that body.

3. Where

- (a) The film classification body is not specified in the licence, or
- (b) The relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question, admission of children must be restricted in accordance with any recommendation made by that licensing authority.

4. In this section "children" means any person aged under 18; and

"film classification body" means the person or persons designated as the authority under Section 4 of the Video Recordings Act 1984(c39) (authority to determine suitability of video works for classification).

Conditions in respect of Door Supervision

1. Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, each such individual must:

- (a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
- (b) be entitled to carry out that activity by virtue of section 4 of the Act.

2. But nothing in subsection (1) requires such a condition to be imposed:

- (a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c12) (premises with premises licences authorising plays or films); or



Licensing Act 2003 Premises Licence

WPPL0407

ANNEXES continued ...

(b) in respect of premises in relation to:

(i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or

(ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).

3. For the purposes of this section:

(a) "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies, and, which is licensable conduct for the purposes of that Act, (see Section 3(2) of that Act) and

(b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

ANNEX 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

(1) The PLH/DPS staff will ask for proof of age from any person appearing to be under the age of **25** who attempts to purchase alcohol at the premises.

(2) The PLH/DPS staff will ask for photographic identification in the form of either a passport, EU photographic driving licence or PASS accredited identification, from any person appearing to be under the age of **25** who attempts to purchase alcohol at the premises.

(3) 1 (one) x SIA door staff FRIDAY from 2300 hrs (11pm) and to close and shall wear Hi Visibility jackets/covers when on duty at all times (colour of your choice)

(4) 1 (one) x SIA door staff SATURDAY from 2300 hrs (11pm) and a further 1 (one) x SIA door staff from 00.00hrs (MIDNIGHT)

(5) The Daily Record Register will contain consecutively numbered pages, the full name and registration number of each person on duty, the employer of that person and the date and time he/she commenced & finished duty (verified by the individuals signature) and will be retained on the premises for a period of 12 months from the date of the last entry and made available to an authorised officer from the licensing authority or Police on request

(6) The PLH/DPS/Duty Manager will ensure that an Incident Report Register is maintained on the premises to record incidents such as anti-social behaviour, admissions refusals and ejections from the premises

(7) A CCTV system will be installed and recordings shall be made available to the Police on request. At all times the premises is open as least 1 (one) member of staff will be on duty who shall be trained to operate the system in order to supply images

(8) The CCTV system will contain the correct time and date stamp information

(9) The CCTV system will have sufficient storage retention capacity for a minimum of 28 days continuous footage

(10) A Closed-Circuit Television (CCTV) system will be operational at the premises at all times when licensable activities are being carried out and at any other times when members of the public are present on the premises

(11) The PLH/DPS staff will ask for photographic identification in the form of either a passport, EU photographic driving licence or PASS accredited identification, from any person appearing to be under the age of 25 who attempts to purchase alcohol at the premises

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

(12) The PLH/DPS will operate to a written dispersal policy which ensures the safe and gradual dispersal of customers from the premises. The policy will be agreed with Dorset Police. The PLH/DPS will ensure that staff receive training on the policy and a record of training shall be kept/made available to an authorised officer upon request.

(13) Door staff will remain on duty until such time customers have dispersed.

ANNEX 4 - PLAN

Please refer to plans submitted with the initial application.

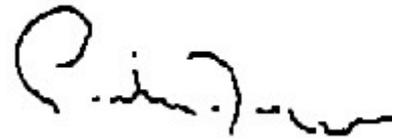


Licensing Act 2003
Premises Licence

WPPL0407

ANNEXES continued ...

This plan is labelled WPBC/25/03/2015/1.
This plan should be viewed in relation to this premises licence.



Business Licensing





Application to vary a premises licence 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/We Jamie Crage

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number

WPPL0407

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description

38a Maiden Street

Post town

Weymouth

Postcode

DT4 8BA

Telephone number at premises (if any)

Non-domestic rateable value of premises

£

Part 2 – Applicant details

Daytime contact telephone number

E-mail address (optional)

Current postal address if different from premises address

Post town

Postcode

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible? Yes No

If not, from what date do you want the variation to take effect?

DD	MM	YYYY

Please describe briefly the nature of the proposed variation (Please see guidance note 1)

To Extend the licence of the Closet Nightclub to include the footprint of the Closet Bar Premises at 23st Edmund Street.

Remove the Conditions in Annex 2

(3) 1 (one) x SIA door staff FRIDAY from 2300 hrs (11pm) and to close and shall wear Hi Visibility jackets/covers when on duty at all times (colour of your choice)

(4) 1 (one) x SIA door staff SATURDAY from 2300 hrs (11pm) and a further 1 (one) x SIA door staff from 00.00hrs (MIDNIGHT)

And replace with

2 (two) x SIA Door Staff Friday From 23:00hrs (11pm) and to close and shall wear Hi Visibility jackets/covers when on duty at all times (colour of your choice)

2(two) x SIA door staff SATURDAY from 2300 hrs (11pm) and a further 1 (one) x SIA door staff from 00.00hrs (MIDNIGHT)

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment

Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Sale by retail of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue					
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 4)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	
Mon			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Tue			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 5)
Wed			
Thur			
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here (please read guidance note 3)</u>		
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)</u>		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)</u>		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue			State any seasonal variations for the performance of live music (please read guidance note 4)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri					
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue			State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri					
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 3)	Both	<input type="checkbox"/>
Tue					
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			Please give further details here (please read guidance note 3)		
Wed					
Thur			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)		
Fri					
Sat			Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 6)			<u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
Day	Start	Finish			Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 3)			
Tue			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4)			
Wed			<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 5)			
Thur						
Fri						
Sat						
Sun						

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 4)		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					
			<u>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		

K

<p>Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8).</p>

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)
Wed			
Thur			
Fri			
Sat			
Sun			

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

M

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 9)

Revised Dispersal policy - attached

b) The prevention of crime and disorder

c) Public safety

d) The prevention of public nuisance

e) The protection of children from harm

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.
- I understand that if I do not comply with the above requirements my application will be rejected.

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING 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 5 – Signatures (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent (please read guidance note 11). **If signing on behalf of the applicant, please state in what capacity.**

Signature	Jamie crage
Date	18/03/2021
Capacity	DPS/Owner

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent (please read guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)

Post town		Post code	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, 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 1305 252292.

DISPERSAL POLICY

1. PURPOSE

This policy is designed to provide guidance for the management and employees and set out the terms for the dispersal of customers from the premises.

The purpose of this policy is to set out the reasonable steps The Closet Bar and Nightclub will undertake to prevent unnecessary avoidable disturbance to residents, services and other businesses operating in the vicinity of the premises.

It is the stated intention of the premises to operate in a manner which causes the minimum impact from noise nuisance and anti-social behaviour from our customers to neighbours and other members of the public.

To this end all relevant staff will be trained in this policy and other appropriate skills to achieve an orderly and safe dispersal from the premises.

All staff are compelled by their contract of employment to comply with and actively implement this dispersal policy; where their job role includes these responsibilities.

It is the responsibility of the Designated Premises Supervisor (Jamie Crage) to ensure that this policy is enforced at the premises and to regularly update the policy to meet the requirements of the business.

2. LOCAL CO-OPERATION

The Closet will work in co-operation, where appropriate, with other premises in the area to ensure that local policies are co-ordinated.

The premises will work in partnership with Weymouth Pubwatch to share information and best practice.

3. DISPERSAL

Dispersal shall take place through the front door(s) of The Closet Nightclub onto Maiden Street, there will be times when dispersal shall take place through the front door of The Closet Bar onto St Edmund Street.

All conditions relating to dispersal included in the Premises licence will be enforced and relevant staff will be trained in these conditions, as well as the premises hours and operating hours outlined on the premises licence.

Opening hours 09:00 – 04:00

Annex 3(12) The PLH/DPS will operate to a written dispersal policy which ensures the safe and gradual dispersal of customers from the premises. The policy will be agreed with Dorset Police. The PLH/DPS will ensure that staff receive training on the policy and a record of training shall be kept/made available to an authorised officer upon request.

Annex 3(13) Door staff will remain on duty until such time customers have dispersed.

Allocation of staff in the last 20 minutes prior to closing will be reviewed, to ensure that the collecting of glasses and the clearing of other waste is prioritised; this provides a message to

customers that the premises is in the process of closing and encourages them to finish their drinks and prepare for departure.

A suitable member of staff or a Door Supervisor will be visible at each public entrance / exit to control the dispersal, to remind people to leave quietly and to prevent patrons from re-entering the premises.

Action Points:

- We will make an announcement at the end of the evening to encourage patrons to disperse gradually and to leave the area quietly.
- We will ensure adequate signage is available at each exit asking people to leave quietly and not to congregate outside or in the local area; directing patrons attention to these signs as they leave.
- We will Remove drinks and glass vessels from patrons as they leave to ensure no glass leave the premises.
 - We will Provide information for transport and taxi services, arranging transport for customers if required.

4.DOOR SUPERVISORS

When Required Door Supervisors Licensed by the Security Industry Authority will be employed by the premises based upon the risk assessment carried out in relation to the following factors:

- Expected attendance
- Type of event taking place
- Time of year
- Special occasion (New Year, Halloween, Local Festivals etc.)
- Premises Licence Conditions

Door Supervisors will be tasked with:

- Management of the Queue to Enter the Premises. Where a queue forms they will monitor to ensure the behaviour of those queuing is in line with the entry policy. Any person who appears to be drunk or intoxicated will, where possible, be removed from the queue prior to them reaching the front.

While monitoring the queue the Door Supervisor should remove alcohol from anyone consuming alcohol while queuing or if they are unwilling to give up their alcohol remove them from the queue and advise them they will be refused entry as a result.

An appropriate member of staff will also ask people to have their ID ready to show at it at the door.

Door Supervisors must seek to control the noise from any person queuing outside the premises in order to reduce the potential for noise to disturb people living and working in the local community. This is achieved by politely reminding customers that anyone not complying with the request will be refused entry to the premises.

- Dispersal from the Premises. During the 'soft closure' period and once the premises is closed, the Door Supervisors shall assist with the dispersal of customers from the area. The purpose of an effective dispersal is to ensure that patrons leave the area quickly, quietly and in an orderly manner. The most effective approach to dispersal is to be friendly and helpful, understanding that one of the effects of alcohol is to inhibit the effective decision-making ability. What may seem obvious and

logical to a sober person, may seem confusing and complicated to a person who has consumed alcohol.

People loitering may be doing so because they are unable to make a decision or easily access the information they require; often they will disperse when they are given this information. Many patrons will move on if they can be helped to achieve one of the following outcomes:

- How to get home
- Where they can go next
- Where they can get some food

By providing this information it can encourage them to leave the immediate area more quickly. Just because someone arrived using one form of transport, do assume that transport option is still available to them or that they can remember immediately how they arrived. Give them options, and offer assistance:

The Closet Bar and Night Club will provide Taxi Information to its customers.

- Door Supervisors will be easily identifiable. The law requires Door Supervisors to display their SIA Licence, however the use of a clear uniform or high visibility jacket will provide greater awareness of their presence. The Closet Bar and NightClub Policy requires all SIA staff to wear their Licence and to wear a High Visibility jacket.

Action Points:

Door Supervisors will Monitor the dispersal of patrons with their actions both at closing time and throughout the night by:

- SIA will Control the level of intoxication of patrons throughout the night and acting appropriately when people become intoxicated. Anyone who becomes too intoxicated to be served at the bar, shall be removed from the premises.
- The Closet NightClub and Bar will have a last re-entry 20 minutes before closing SIA Team will enforce this.
- SIA Door staff will encourage patrons to leave gradually via the appropriate exits at the end of the night;
(We will try and avoid large numbers of patrons all leaving at the same time.)
- They will Provide information about the transport options from the premises.
- Remove drinks and glasses and bottles from those leaving the premises
- Remind people who are leaving to do so quietly and direct their attention to the signs displayed
- Ask patrons not to assemble or loiter outside the premises once they have left; politely reminding people who do not comply that they may be refused entrance in the future if they fail to disperse.

On occasions where SIA Door staff are not deployed – these actions will be monitored and carried out by management/Trained Team members

5. MARSHALLS

Marshalls may be deployed to assist the licensed Door Supervisors who work outside the premises and provide a highly visible presence in the immediate area, providing reassurance to residents and controlling antisocial behaviour from patrons; they have one main role:

- Area Marshals – To patrol and monitor the outside area to ensure that patrons disperse effectively and do not contribute to anti-social behaviour in the local area. Area Marshals will have a detailed knowledge of all transport options in the area and provide directions for patrons who may be loitering in the vicinity of the premises.

Marshals will be easily identifiable by way of their uniform or high visibility jacket / vest. They will have direct communication with the venue SIA/Management.

6. SIGNAGE & LIGHTING

The following signs will be displayed at the premises:

- Signs requesting patrons to Leave Quietly and Respect the Neighbours
- Signs to inform patrons that drinks may not leave the premises at any time.

These signs are to be displayed prominently at every public entrance and exit from the premises.

Lighting (Internal) – The premises will turn on the House Lights 20 minutes prior to closing time.

Lighting (External) – External lighting should be sufficient for patrons to leave the premises safely. External lighting will be regularly reviewed to ensure it is not a cause of nuisance to neighbours. Both internal and external lighting will be regularly reviewed to ensure it does not impede the effectiveness of CCTV.

7. TRANSPORT

In order to facilitate the dispersal of patrons from the premises, patrons will be provided with information on the various means of transport available from the premises:

- Taxi & Taxi Ranks – The premises shall display the number(s) of a local taxi company and the location of any taxi rank located in the proximity of the premises.

Door Supervisors will be aware of patrons venturing into the street / road as they leave the premises and control this in order to promote Public Safety and prevent the potential for accidents and injuries.

8. SMOKING AREAS

The Closet Bar and NightClub doesn't have a Designated smoking area. Customers outside will be reminded to respect neighbours via signage and by SIA Staff or Team Members. Customers not complying will be refused Re-entry and moved on.

The number of people using the smoking area will be controlled by a Door Supervisor or team members to ensure that the maximum number is not exceeded at any time.

Customers will not be permitted to leave then re-enter 20 minutes before closing.

9. BOTTLES, GLASSES & LITTER

The premises will maintain the area immediately to the front of the premises clear of bottles, glasses and litter by regularly sending a member of staff to the area to clear these items.

No glasses, bottles or other drinks are permitted to leave the premises and it is the responsibility of the Door Supervisor/Team Member to ensure this rule is enforced. This includes preventing such items being taken into the away from the premises at the end of the night.

It may be the case that glass bottles and glasses are brought to the area from other premises and left in the vicinity or at the front of the premises. It is the responsibility of the Door Supervisor/Team Member to ensure none of these items enter the premises.

Despite these items not originating from the premises, it is the responsibility of all staff to clear them on a regular basis throughout a session and to check at the end of the night that no such items remain to the front of the premises.

Glass Bottles will not be placed in any external bins after 02:00hrs or before 07:00hrs to minimise noise disturbance to neighbouring properties.

Refuse Collections will not be made before 07:00hrs.

Action Points:

- Signs will be placed at the exits reminding customers that drinks may not be removed from the premises.
- Prior to closing the premises we will check that all litter to the front of the premises has been cleared including smoking materials.
- Sweeping outside the premises at the end of the session not only clears smaller rubbish, but may assist in getting patrons to move away from the premises.

10. CONTROLLING CUSTOMERS & PREVENTING LOITERING

There are a number of solutions already described earlier in the policy on strategies which will help move people away from the premises and disperse them. However additional consideration will be given to the following:

- Making announcements
- Lighting
- Notices and signage
- Staff allocation
- Thanking patrons on the way out
- Staff will be made aware when leaving after their shift, where background noise may no longer drown them out, staff can be a source of nuisance themselves.
- Staff will be given to additional training dealing with Intoxicated customers.

Signed:

Date:

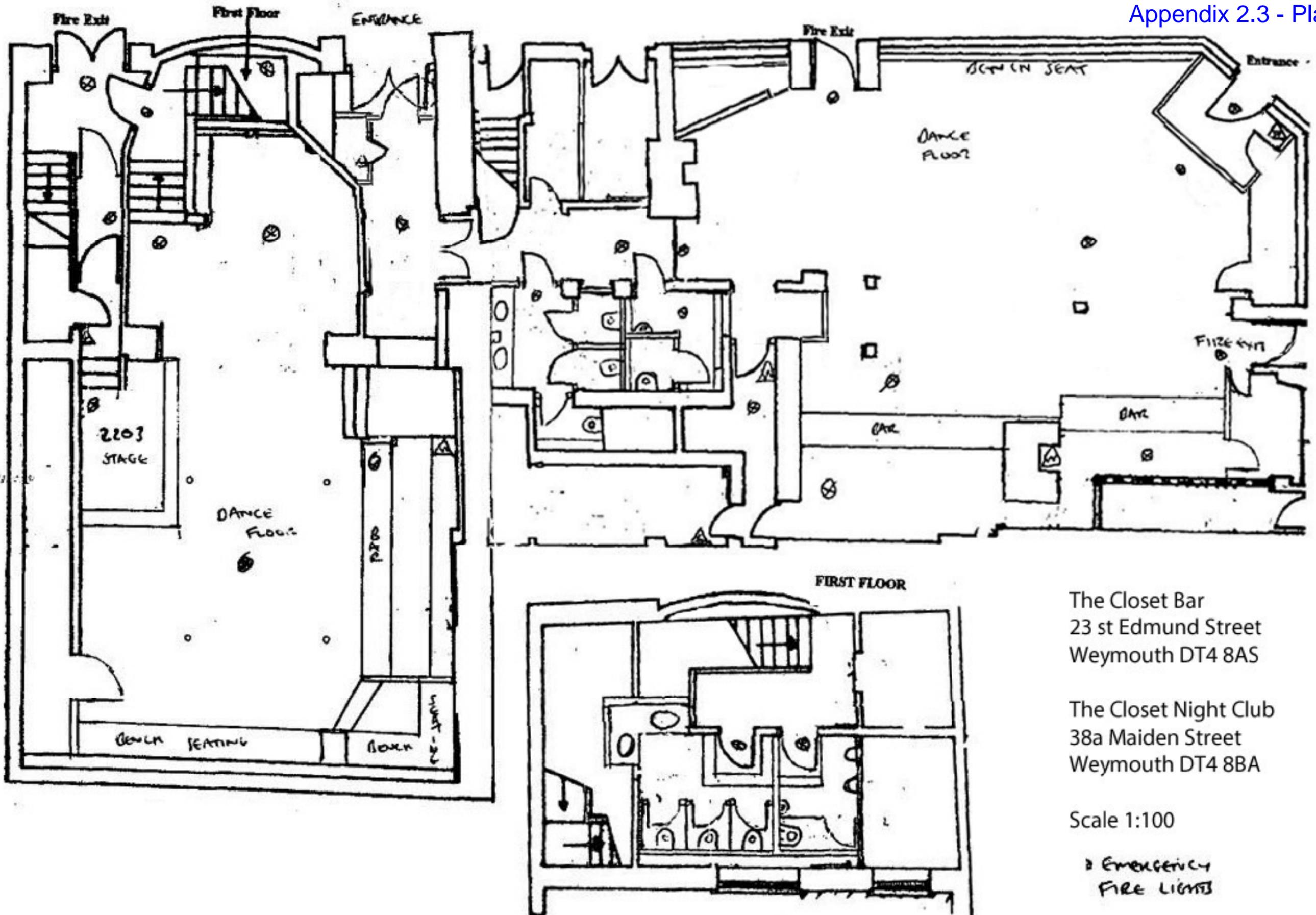
Reviewed:

Staff training:

Name:

Date:

Refresher:



The Closet Bar
23 st Edmund Street
Weymouth DT4 8AS

The Closet Night Club
38a Maiden Street
Weymouth DT4 8BA

Scale 1:100

EMERGENCY
FIRE LIGHTS

From: Steven Ireland
Sent: 14 April 2021 15:38
To: Samantha Spracklen
Cc: Roy Keepax
Subject: FW: Variation application

Hi Sam, I write in response to the above variation application. Although we welcome the proposed changes to the licence regarding public nuisance/ noise from people outside queuing/ smoke breaks etc, we have serious concerns regarding both premises merging and taking on the license for the "Closet" for the following reasons.

The Closet has not been the subject of loud music complaints in the recent past, this is mainly due to the structure, fabric and the layout of the building, which has the ability to contain music noise. However, "Somewhere Else" which is now being described as the "Closet Bar" is exactly the opposite. We have received numerous complaints concerning the Closet Bar, regarding loud music noise affecting domestic premises, especially in the early hours of the morning. The fabric of the building, being approx. 30% single glazed is, in our opinion not fit for purpose acoustically to contain the music the licensee requires, especially the low frequency bass. Notably, the licence for the Closet does not have a preventative noise condition in place, whereas Somewhere Else (Closet Bar) does, albeit an unenforceable condition, we are told.

Therefore, if the variation is to be approved we would recommend the following conditions are applied as we have concerns regarding noise nuisance due to the location of the nearest domestic dwelling.

- A robust enforceable noise condition relating to the nearest noise sensitive premises.
- Employ a noise consultant to carry out a report with regard to the premises. It must have an indication of existing background noise levels. Following which a noise management plan should be created using the recommendations from the report.
- Glass bottle collection should not take place after 2300 hours and before 0700 hours to minimise noise disturbance to neighbouring properties.
- All windows and external doors, including the lobby door shall be kept closed after 2300hrs hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.

- The PLH/DPS will adopt a “cooling down” period where music volume is reduced towards the closing time of the premises e.g. for the last hour of opening.

Please get back to me should you require any further clarification

Kind regards

Steven Ireland



Weymouth Town Council Representation

The Planning and Licensing considered the above application at its meeting on Tuesday 13th April 2021 and objected to the application on the grounds on public nuisance.

There were concerns that the application contains no detail regarding the operating schedule, and clarification is required regarding the terms and conditions, and whether it is appropriate to have a single license across two premises. Members have also requested clarification regarding whether there will be an increased number of security staff at each location or whether the two security staff mentioned will be one at each premises.

Application for Variation of Licence - The Closet (and The Closet Bar) v2

1. INTRODUCTION

This collective representation is made via the Respect Weymouth action group, comprising local residents, landlords and businesses in and around the North Harbourside. The group is about:

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

This is, in effect, **34** representations from existing residents, landlords, and business owners that have collaborated online to develop a single report. As identified in Appendix 1. It is not a petition. All members of the group have agreed with the final position of the report.

All members are fearful of the potential for retaliation and criminal damage. So, in line with current Licensing Act Guidance, it is requested that all personal information in Appendix 1 is redacted for public documents, press releases, the applicant, leaseholder and the applicant's agents or representative(s). It is understood that hearing councillors and officers will see this information to validate the representations.

The group has taken legal advice from Poppleston Allen, but will represent itself at a hearing, with guidance, via the lead of Respect Weymouth.

2. APPLICATION

The application:

[closet-variation-march-2021-redacted.pdf \(dorsetcouncil.gov.uk\)](#)

Closing date for representations is 15 April 2021.

Existing Licence for The Closet

[Licensing Act 2003 - Premises Licence Register as at 12:29 on 05 April 2021 \(westdorset-dc.gov.uk\)](#)

Existing Licence for The Closet Bar

[Licensing Act 2003 - Premises Licence Register as at 12:29 on 05 April 2021 \(westdorset-dc.gov.uk\)](#)

3. APPLICATION SUMMARY

The variation is seeking:

To extend the licence of the Closet Nightclub to include the footprint of the Closet Bar Premises at 23 St Edmund Street.

To remove the following Conditions in Annex 2:

(3) 1 (one) x SIA door staff FRIDAY from 2300 hrs (11pm) and to close and shall wear Hi Visibility jackets/covers when on duty at all times (colour of your choice)

(4) 1 (one) x SIA door staff SATURDAY from 2300 hrs (11pm) and a further 1 (one) x SIA door staff from 00.00hrs (MIDNIGHT)

And replace them with:

2 (two) x SIA Door Staff Friday From 23:00hrs (11pm) and to close and shall wear Hi Visibility jackets/covers when on duty at all times (colour of your choice)

2(two) x SIA door staff SATURDAY from 2300 hrs (11pm) and a further 1 (one) x SIA door staff from 00.00hrs (MIDNIGHT)

A **Floor Plan** of the changes is shown at Appendix 2.

A new **Dispersal Policy** is shown at Appendix 2.

4. INITIAL THOUGHTS

These venues are adjoined but completely different and have been licensed as two separate buildings and operations. A comparison of the licence conditions in The Closet and those in The Closet Bar is shown here, [Closet Bar Licence Conditions](#) and Appendix 4.

At first glance, this variation seems quite straightforward, but the existing licence for The Closet Bar has some critical conditions specific to this venue, granted under the rules of the Licensing Act and its latest Guidance, on a case-by-case basis against the merits or otherwise of what was originally presented to the Licensing Authority. The licence for The Closet has been developed in the same way, for The Closet. They are individual licences created for individual circumstances.

Just shifting The Closet Bar licence and its conditions over to another licence, without consideration of the risks or impacts caused would not be within the spirit of the Licensing Act. Doing this is likely to cause more impacts for the cumulative impact area via lost licence conditions. Both licenses need to be considered in a much more balanced and integrated way if these two buildings are to be brought together, into one licence. Pictures of both premises clearly demonstrate their differences. See Appendix 5.

The Closet is a sealed unit, and has been a long standing venue for live music. It is capable of containing sound from within. The Closet Bar, on the other hand, has been a bar for a long time, but its structure is not fit for purpose as a nightclub or bar playing excessively loud music and low frequency bass. Statutory Nuisance action has been progressed and was pending prior to the lockdown. See later.

The applicant is aware that Respect Weymouth has just prepared for a community review of The Closet Bar given excessive noise impacts from inside and outside, due to be raised imminently, and mandated on the back of a community survey. Licensing was also aware of this action, which has now been thwarted by this application to vary the licence. Some of the most critical issues that formed the basis of this review have been raised in this representation, as the variation seeks to remove them.

The applicant has advised the lead of Respect Weymouth that The Closet Bar licence is too onerous. And the 'inaudible' noise condition has not been included - see later. It is accepted that some Closet Bar conditions appear to be quite onerous.

Respect Weymouth is seeking to include the most important conditions for The Closet Bar into this variation, to ensure that the licensing objectives are not diluted, and to ensure that two very different buildings are amalgamated into one licence more effectively. This representation includes a proposal to establish preventative noise conditions and limits to make the current 'inaudible' noise condition enforceable again, as supported in a written statement by licensing following a complaint for the same. See later.

There is a serious question over the ability to deliver and maintain the Dispersal Policy with less SIA staff overall. Especially if both entrances to the combined venue are used and, when SIA staff are not present. In effect, the overall number of SIA staff has been reduced.

5. THE AREA

It is appreciated that this isn't a new application, but given the potential impacts of granting this variation as it stands, there is a need to understand the area and the ongoing licensing impacts of both venues.

Both are located on the edge of town in a busy, vibrant conservation area which is also part of a Cumulative Impact Area (CIA). This abuts a long standing residential area with historic importance behind the North Harbourside. Both premises are a short distance from the harbour.

The town centre's conservation and heritage has recently been assessed as 'deteriorating significantly'. The buildings containing both these venues are in need of repair works, especially The Closet Bar.

From a central point in Mitchell Street, there are numerous licensed bars, clubs and restaurants within a small radius of around 50 metres. This area appears to have one of the highest concentrations of licensed venues adjoining high concentrations of residential/holiday let premises in the Cumulative Impact Area (CIA).

The residential profile here is also changing. The burned out church 50 yards from the venue has revised planning permission for 25 apartments. Other recent developments include a block of harbour view apartments in Helen lane, a stunning warehouse conversion into apartments at the end of Helen lane in Templeman's Mill, and a new conversion for expensive, high quality apartments in a large warehouse abutting Helen Lane and the harbour. A new planning application for converting an adjacent commercial premises into residential accommodation is in progress.

Loss of a preventative noise condition, as proposed in this variation, albeit unenforceable in a court of law at the moment, would have a significant impact on the existing and proposed residential community in this area. The spirit of the licence and the need for the condition to be maintained and made enforceable has not changed.

There is also an emerging concern related to this application. Late night public entertainment venues on the seafront are closing down and there is a rising fear that the centre of late night bars, late food and refreshments is being encouraged to migrate to this extremely sensitive part of the CIA.

It is critical that this variation is able to uphold the licensing objectives across both buildings. And not worsen the impacts for the cumulative impact area.

The Closet Impacts

For the 12 months prior to lockdown:

There have been few complaints for noise from inside this venue because its glazing has been sealed and boarded up. It also has two door lobby protection. However, residents and holiday let visitors have regularly experienced very noisy and disruptive patrons on smoke breaks in controlled areas outside, up to and beyond 04.00. This has been worse during quieter times in the week, when there is no security present, and background noise is low. Patrons often act like they are at the party inside. To date, management has not intervened effectively and this behaviour has been condoned. Even with management assurances and community involvement with procedures that have now been incorporated into the proposed Dispersal Policy of this application.

Evidence from this (and other local venues) shows that the provision 'words' without active management of noise does absolutely nothing to prevent public nuisance. Respect Weymouth are seeking outside noise limits for the variation of this licence. These are not restricted by the Live Music Act 2012. And tests have been conducted to ensure they are reasonable and fair.

This licence has a Late Night Refreshment condition but, in reality, it is not used inside or outside. And there is no take-away service.

The licensee prevents street drinking to reduce nuisance risks to the local community. This is very welcomed. There is a serious question about the ongoing provision of local off-sales though given the escalating and severe impacts from a free-party, off-sale consuming culture on the harbourside.

There have been occasions where patrons have been involved in criminal damage and disorder on dispersal from this venue, with fighting and damage to resident's cars and homes.

Ultimately, nearby residents and business owners have been unable to enjoy the rights and protections afforded to them because of this venue. Impacts have included disruption of normal activities, like enjoyment of conversation, television, radio, reading, loss of concentration and accidents because of tiredness, impacts on children for school, and regular waking with loss of sleep.

The Closet Bar Impacts

For the last 12 months prior to lockdown:

There has been excessive noise from inside this venue from 23.00 to closing, and beyond. Especially Thursday to Sunday. Noise bursts and heavy bass have been a particular problem. The former has been addressed with a new lobby and entrance corridor following Environmental Health support and intervention. But overall levels have still exceeded the preventative noise condition. Heavy bass cannot be contained at loud levels because of poor soundproofing. Environmental Health has previously described this building as not fit for purpose. Licensing has previously supported a complaint about the preventative condition and committed, in writing, to progress a revision to make the condition enforceable, but this was not progressed.

Prior to lockdown, as Somewhere Else but with the same licensee, this venue was served a stage 1 and 2 statutory nuisance letter from environmental health after noise monitoring in a local noise sensitive property. The final step, stage 3, was likely to have occurred because of low frequency bass, resulting in a formal notice and court hearing. It is anticipated that these impacts will continue when pandemic restrictions are lifted, unless the preventative noise condition is revised in this variation. Nothing has changed in the community to suggest that the preventative condition is no longer needed.

The sale of off-sales and the prominent advertising for such on the outside of the venue is not particularly helpful given the escalating offsales impacts on the harbour. This will be closely monitored.

This licence has a Late Night Refreshment condition but in reality this is not used inside or outside. And there is no take-away service.

This venue has been responsible for significant ASB and disorder impacts. Ranging from arguing in controlled areas, to fighting, screaming, vomiting, lewd acts, toileting and criminal damage to homes and cars, up to and beyond closing times.

Resident impacts are as above, for The Closet.

6. GROUND TRUTH

This variation does not identify the risks associated with removing important and critical conditions for The Closet Bar, especially for Public Nuisance. This could worsen the impacts to the cumulative impact area and dilute the maintenance of licensing objectives.

The purpose of this section is to demonstrate the actual impacts being suffered already, prior to this variation, with the licences as they are now. Diluting them could make this worse.

Residents, businesses, landlords and visitors aren't expecting silence here. But they are expecting a fair and respectful balance with rights to enjoy private property. Unfortunately, the impacts have become much worse in recent years. The area suffers from three very significant issues:

i. excessive noise from inside venues that are not responsibly managed or fit for purpose, these impacts occur from 21.00 to early hours, and

ii. excessive noise, nuisance and ASB from patrons in 'controlled areas' outside of venues, these impacts have occurred from 21.00.00 to early hours, and

iii. excessive noise, nuisance, ASB and crimes from patrons leaving venues, and from a rapidly escalating off-sales drinking/free party culture, mostly from 21.00 to early hours.

The local community regularly suffers littering with broken glass and drug paraphernalia, criminal damage, public toileting, vomiting, lewd acts, drug use, drug dealing, arguing, foul language, and fighting here. The Closet Bar has been one of the worst offenders in the area.

Unfortunately, there is a gap in the 'ground truth' between what the community experiences and what responsible authorities know about/deal with. And this affects their representations. It is appreciated this doesn't help. But it is how it is. The majority of low level crime, disorder and nuisance here does not get reported. There are very valid reasons for this. There has also been no CCTV. And the ground truth is not reflected in police statistics. It's probably the same for complaints in Licensing and Environmental Health. The gap has been exacerbated by dismissal of complaints and inaction when reports have been made. Some of this has recently been acknowledged by Licensing and the Police.

To show the truth, Respect Weymouth completed a local survey. It is acknowledged that a licensing representation can only present contributions from those living in the area, but this survey is extremely useful because it includes views of those that have been forced to move away..

In the 12 months prior to lockdown:

- 24 separate resident and business addresses completed the questionnaire
- 15 respondents have lived here >5 yrs (some >30), 5 between 3-5 yrs, and 4 between 1-2 yrs
- 16 homes reported significant nuisance/crime impacts 3 or more times a week, 6 at least twice a week
- 12 homes suffered impacts between 21.00 and 23.00, and 22 homes suffered between 23.00 to 01.00
- 13 households reported significant impacts from The Duke of Cornwall
- 16 reported significant impacts from The Closet
- 17 reported significant impacts from Somewhere Else (currently The Closet Bar)
- 9 reported significant impacts from the Working Men's Club
- 14 reported significant impacts from The Fat Cat (licence revoked - new application in progress)

- 22 have regular, disturbed sleep through noise impacts from inside licensed venues
- 22 have regular, disturbed sleep through noise impacts from people congregating outside venues
- 18 households have suffered disturbed sleep from venues operating beyond licensing hours
- 24 stated the impacts are not limited to the holiday season
- 10 stated the impacts had got worse since moving to the area, 12 felt they had got much worse
- 24 state that the balance between licensed venues and households is unfair and not acceptable
- 23 state they want to see no drinking outside in the street
- 23 thought better licence conditions were needed
- 22 want to enforce excessive noise from those outside venues (in controlled areas), 19 from inside
- 18 want to see more effective 'preventative' noise conditions in licences
- 7 households state they always report crime, 11 state sometimes, and 6 don't report any
- 14 respondents gave written explanations to say they were dissatisfied with action following a complaint
- 13 households have lost faith in the system
- 23 want to see better police and council monitoring with CCTV
- 15 have been forced to think about moving out of the area
- 14 have been unable to enjoy friends/family for sleepovers, because of noise and ASB
- 13 have been unable to enjoy home entertainment because of noise outside
- 11 have been unable to enjoy normal conversation, without having to raise voices
- 18 are affected by anxiety, tiredness and feelings of helplessness, frustration, etc.
- 8 families with children have noticed them suffering from tiredness and loss of concentration
- 23 respondents know nothing or little of their role and responsibilities under the Licensing Act

Here are some community quotes about existing impacts from the survey:

Louder and later music and more people outside at all hours making lots of noise urinating and drug taking throughout the night week and weekends. Horrific at times.

More noise, urinating in the road, vomit and smashed bottles.

The disruption included anti-social behaviour of the most extreme kind: violent behaviour, including fights, intimidation of residents and damage to property, public drug taking including discarded hypodermic needles, public sex acts, public urination and defecation, extremely loud music from venues, shouting and swearing from clientele.

We bought our house in Helen lane 20 years ago and the antisocial behaviour has become out of control. It was never like this.

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

Later drinking hours have led to more drunkenness and associated rowdy and anti-social behaviour. Visitors to my house frequently report being unable to sleep at night.

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

More people using my indoor communal space for toilets drug use and drug dealing also finding drunk people sleeping on my stairs.

I have complained to the police and council about problems I've had no one get back to me when they say they will, what are we paying council tax for exactly?

I would not choose to live here if it wasn't to run < my business> and it is only running the business that keeps me here (we are for sale) because of the noise and antisocial behaviour I have witnessed since living here, including drug dealing, lewd acts in the street, foul language fighting urinating and defecating on my doorstep, vomiting over my railings onto the property to name a few. If I was a resident I would have moved years ago.

We bought the property as a holiday home <Helen Lane> to relax and unwind from our busy lives and spend quality time with our children. We were left sleep deprived, stressed and anxious. My children have seen and heard and been subjected to behaviour that is completely unacceptable! We now have rented our property out on a long term let.

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

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

Affecting my two children. Feeling unsafe. Exposed.

I have had to accommodate my 91-year-old mother who has dementia, and the area was no longer safe or conducive to her wellbeing. The shouting and fights would be so frightening for her, that we have had to move from our much-loved home.

Sadly, at least **eleven** local families have found it too difficult and stressful (that we know of). So, they have moved out in the last 12 months prior to lockdown. Some have been long standing residents of over 30 years. Some have been assaulted. And some have been under medical care for health problems caused by licensing impacts. At least **four** homes have been put up for sale since lockdown. **One** guest house is for sale. **One** commercial venue is seeking planning permission to change its use into residential accommodation. Long term tenants rarely stay beyond their initial agreement. Holiday lets end up with bad reviews that threaten the business. Responsible landlords can't let their properties. And home owners are at their wit's end as the area's reputation deteriorates. There is no doubt that excessive Public Nuisance and other impacts have destroyed the neighbourhood's sense of community and safety here.

The reason for raising this survey is to emphasise the need to get this variation right. It demonstrates the actual impacts residents and business owners have been suffering. A significant amount of this has been caused by the venues of this application. Moving The Closet Bar licence into the The Closet licence without inclusion of relevant, case-by-case conditions relevant to building and operational requirements would go against the principles of the Licensing Act. And it would increase impacts in the Cumulative Impact Area.

The licensing authority has a policy duty to reject applications where this occurs and increased risks cannot be mitigated.

A lack of police and council reports clearly doesn't mean there's a lack of problems here. The police are now accepting this given recent developments in the area. And responsible authorities have played a part in the poor reporting culture that has emerged.

It is hoped that the hearing committee will recognise the gap, and that this evidence is very real and has an equivalent weighting to other formal contributions from the police and others. Licensing Act Guidance also states that each licensing objective has equal weighting, and Public Nuisance impacts are significant here.

7. LICENCE CONDITIONS

The Closet Bar licence gaps are shown here, [Closet Bar Licence Conditions](#) and at Appendix 5.

Open hours are generally the same, but The Closet licence is permitted to be open until 06.00 on Bank Holiday weekends, The Closet Bar closes at 05.00. In reality, The Closet Bar has not been open late from Sunday through to Wednesday, and rarely beyond 00.00, and this has worked well to balance community impacts from this venue. Amalgamation of these licences will increase these impacts if The Closet Bar is now open as late as The Closet. Opening hours and related impacts were going to be raised in the community review.

There is potential for this area to become very busy with closure of other nightclubs on the seafront, so the impacts for the local community could be made much worse, particularly in the holiday season, with 23.00 to 05.00 impacts every night of the week.

The new Dispersal Policy states Opening Hours are 09.00 to 04.00. This is supported for Thursday to Saturday, and Bank Holiday Sundays. It is assumed the variation will update the licence accordingly.

The community believes that the regularity of such a late licence will become too much for this area, and it would like to see the permitted hours between Sunday and Wednesday reduced, Sunday to 00.00, and Monday to Wednesday to 01.00. If impacts significantly increase over what they have been, residents have stated that they will progress a community review.

There is no doubt that loss of the preventative 'inaudible' noise condition, and stopping of during performance licensing inspections has made things much worse for the local community. This late licence could be partially mitigated with reinstatement of preventative noise conditions, with fair and objective limits to protect the community from excessive noise from inside, and outside the venue.

The following Closet Bar conditions have been lifted from the licence. Those in **bold** are believed to be more important. Those in **red** are believed to be critical. Those we believe to be onerous have not been included, this is a layman's perspective and needs to be reviewed by licensing.

Crime and Disorder

27) *The Incident Report Register will be produced for inspection immediately on the request of an authorised officer from the Licensing Authority or Police.*

28) *A policy for searching patrons at the entrance to premises will be adopted and prominently displayed on the premises.*

29) *The PLH/DPS will inform Dorset Police as soon as possible of any search resulting in a seizure of drugs or offensive weapons.*

30) *A suitable purpose-made receptacle for the safe retention of illegal substances will be provided and arrangements made for the safe disposal of its contents as agreed with Dorset Police.*

31) *Notices will be prominently displayed at the entrances of the premises which state:*

- Random searches will be conducted as a condition of entry to premises (when SIA are present);

- Incidents of crime and disorder will be reported to the police and a full recorded entry will be made in the incident report register.

- Entry to the premises will be refused to any person who appears to be drunk, acting in a threatening manner or is violent; or appears to be under the influence of drugs.

32) There will be a communication link via radio to other venues in the town centre. This will be the system recognised by Weymouth and Portland Borough Council, West Dorset District Council and Dorset Police.

33) A radio communication link will be kept in working order at all times when licensable activities are taking place.

34) The radio communication link will be available to the Designated Premises Supervisor or other nominated supervisor and be monitored by that person at all times that licensed activities are being carried out.

35) Any police instructions or directions given via the radio link will be complied with whenever given.

36) All incidents of crime or disorder will be reported via the radio link to an agreed police contact point.

39) A log shall be kept detailing all refused sales of alcohol. The log should include the date and time of the refused sale, a description of the person refused, why they were refused (e.g. no ID, fake ID) and the name of the member of staff who refused the sale. The log shall be available for inspection at the premises by the police or an authorised officer of a Responsible Authority (Licensing Act 2003).

40) Glass and Bottles. Drinks, open bottles and glasses will not be taken from the premises at any time. Empty bottles and glasses will be collected regularly and promptly. Glass and other sharp objects will be stored and disposed of using tamper proof receptacles. Receptacles will be secured and not accessible to the customers.

41) The PLH/DPS will prominently display notices which inform customers that open bottles or glasses may not be taken off the premises.

44)The PLH/DPS will belong to a recognised trade body or Pub Watch Scheme where one exists, whose aims include the promotion of the licensing objectives.

Public Safety

46) The number of persons permitted in the premises at any one time (including staff) shall not exceed 250 persons. Replace this with the following relevant conditions from the new Licensing Policy:

A7 Adequate procedures must be implemented to ensure overcrowding does not occur in any part of the premises.

A8 The licence holder shall determine the occupant capacity of the premises on the basis of documented risk assessment(s).

(i) The risk assessment(s) must take into account all relevant factors including space, audience density, means of access and egress, toilet provision, load- bearing capacity of floors, ventilation, etc and must be reviewed regularly, and if circumstances change.

(ii) Where necessary separate occupancy levels must be set for different parts of the premises, and when necessary for different premises layouts and different types of events.

(v) Measures must be put in place and documented to ensure that the capacity is not exceeded at any time.

(vi) All documentation pertaining to the proposed figure must be kept on the premises and must be available immediately on request to any authorised officer of the Licensing Authority or a constable.

(vii) The premises licence holder shall regularly review, update and amend any risk assessments particularly following any changes to the layout or operation of the venue. Such reviews shall be fully documented and form an integral part of the risk assessment.

Prevention of Public Nuisance

56) Licensable activities will be conducted and operated so as to prevent the transmission of audible noise or perceptible vibration through the fabric of the building or structure to adjoining properties.

57) Noise from a licensable activity at the premises will be inaudible at the nearest noise sensitive premises.

58) There will be no external loudspeakers.

59) All windows and external doors shall be kept closed <add, after 23.00> <delete, all hours when regulated activity takes place> except for the immediate access and egress of persons. <add, This includes inward opening doors when SIA staff are available to manage access, egress and emergencies, and if SIA staff are not present, when occupant numbers do not exceed inward opening door limits for emergency escape, for each separate part of the venue. > Note the latter is permitted under fire safety regulations and the original condition is not applicable between 08.00 and 23.00 due to The Live Music Act.

60) A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.

61) Bottles will not be placed in any external receptacle after 02.00 hours and before 07.00 hours to minimise noise disturbance to neighbouring properties. <This should be 23.00 to 07.00>

62) No <add, waste collections or> deliveries to the premises shall be arranged between 23:00 hours and 07:00 hours.

63) added in 62)

64) There shall be no admittance or re-admittance to the premises after 03:00 hours. <aligned to a cooling down period with closing at 04.00>

66) The PLH/DPS will adopt a “cooling down” period where music volume is reduced towards the closing time of the premises e.g. for the last hour of opening. <This is not needed if the preventative noise condition is made enforceable and agreed.>

67) The pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel at its junction with the kerb edge, shall be swept and or washed, and litter and sweepings collected in accordance with the business’s refuse storage arrangements.

68) Clear and legible notices will be displayed at exits, requesting patrons to leave the premises quietly having regard to the needs of local residents, in particular emphasising the need to refrain from shouting, slamming car doors, sounding horns and loud use of vehicle stereos and anti-social behaviour. **<change to meet requirements of the dispersal policy>**

69) 1 - 3 SIA Registered door staff will be employed and used to manage queues and ensure queues are restricted to cordoned areas to prevent them obstructing footpaths and spilling out onto roads, and to keep noise and obstructions away from residential property. **<This won't happen with core staff in the premises, can accept this if outside noise limits are accepted.>**

70) The premises supervisor and any door supervisors will monitor the activity of persons leaving the premises and remind them of their public responsibilities where necessary.

Protection of Children from Harm

71) People under 18 years of age will be allowed on to the premises between 09.00hrs and 22.00hrs when accompanied by an adult.

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

12) An additional CCTV camera will be mounted and trained towards Mitchell Street, Weymouth.

These conditions are required for the variation of licence. The preventative noise condition in red is currently unenforceable following a court of appeal ruling for similar wording elsewhere. This is a critical condition requirement to uphold the standard of protection from a building that has shown itself to be not fit for purpose. This is covered below.

8. REINSTATING PREVENTATIVE NOISE CONDITIONS

The purpose of this section is to i) demonstrate that preventative noise conditions should be reinstated **and made enforceable again**, for the variation, and ii) show the route to achieving this.

Background

Revised Guidance issued under section 182 of the Licensing Act 2003 April 2018 states:

*“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.**”*

Given the above, two 'preventative' noise conditions have been granted in Annexe 2 of The Closet Bar licence, at 56, 57.

They have been relied upon when residents have purchased or rented their homes. To no avail.

Nothing has changed in the community to warrant their removal. Residential accommodation has grown in the immediate area and is set to increase further.

The Closet Bar and The Closet have completely separate standards of sound proofing. The Closet hasn't needed a preventative condition for noise from inside. So, it's not on the licence. The variation now seeks to include the footprint of The Closet Bar, so, with this comes a need to uphold the

licensing objectives and maintain the noise condition(s) that has been granted for a much lesser standard of soundproofing, across the new, revised licence.

Because the 'inaudible' condition has not been enforceable in a court, Licensing has not enforced it locally. So, excessive noise has been dealt with **reactively** through statutory nuisance and the Environmental Protection Act. To a lesser standard.

Respect Weymouth has been advised by licensing and environmental health that there has been virtually no proactive assessment in recent years. And proactive 'during performance' inspections have ceased. This means licensees have been free to breach the condition and exceed the spirit of the licence.

This licensing issue and lack of enforcement has had a very detrimental effect on the local community. Long term residents have stated that the increase in Public Nuisance seems to have coincided with the aftermath of the Appeal. As shown in **Ground Truth** above.

The court of appeal has ruled that, to be enforceable, preventative licence conditions must have defined limits and places of measurement for these limits. Inaudible is too vague. The above condition at '57' must therefore be revised. It is not possible for Environmental Health to set noise limits for the subjective test of statutory nuisance. So this condition would be enforced under the common law through Public Nuisance and the Licensing Act.

If a licensee wants 'louder' than the 'inaudible' standard he has signed up to, there is a responsibility to invest in soundproofing and to manage the activity against the parameters of the licence. Rather than forcing families to move out of the area or invest in extensive soundproofing themselves to try and deal with licensing breaches that should be enforced and managed at source.

Environmental Health has advised us that they could, under the strategic enforcement policy of the council, assess preventative Licensing Act conditions for Public Nuisance.

The current preventative conditions are not time bound in the Closet Bar licence. They apply to all hours of the day when regulated activity is taking place. However, it is noted that the Live Music Act took effect from 1 October 2012, and since 6th April 2015 now applies.

The Act disapplies live music related conditions if the following criteria are satisfied:

- *There is a premises licence or club premises certificate in place permitting 'on sales';*
- *The premises are open for the sale or supply of alcohol for consumption on the premises;*
- *Live or recorded music is taking place between 8am and 11pm;*
- *If the live music is amplified or recorded, the audience consists of no more than 200 people*
- *Live music also ceases to be classed as regulated entertainment under the Licensing Act 2003 if the above criteria are satisfied.*

There are a number of mechanisms for the protection of residents and these are:

- *Upon a **review** of the premises licence the Licensing Authority can determine that conditions on the premises licence relating to live or recorded music will apply even between 8am and 11pm.*
- *If the Premises Licence doesn't presently authorise live or recorded music the Licensing Authority can add conditions to the Premises Licence as though the live or recorded music were regulated entertainment authorised by that Premises Licence, again to apply between 8am and 11pm.*
- *The Licensing Authority can determine that live or recorded music at the premises is a licensable activity and live or recorded music can no longer be provided without permission on the Premises Licence or a Temporary Event Notice.*
- *Other noise legislation, for example in the Environmental Protection Act 1990, will continue to apply. The Live Music Act **does not** allow licensed premises to cause a noise nuisance.*

Given the 'inaudible' condition is already set in The Closet Bar licence, the variation's operating schedule goes well beyond 23.00, and most nuisance has occurred after this, a revised preventative condition could apply from 23.00 to closing. If nuisance occurs in deregulated hours, we can seek to disapply the deregulation and extend protection through a community review.

Granting a variation without preventative noise conditions would dilute the standard of the licence for The Closet Bar, and reduce the ability to maintain the licensing objectives in the cumulative impact area (CIA) across both buildings. The council has a policy duty to reject applications in a CIA where it cannot be demonstrated there will be no further impacts.

At the moment, this variation has not raised the additional impacts, which are very likely, and it does not include conditions to mitigate them.

Further:

Revised Guidance issued under section 182 of the Licensing Act 2003 April 2018 states:

"Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, music noise from premises usually occurs from mid-evening until either late-evening or early-morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. In certain circumstances, conditions relating to noise immediately surrounding the premises may also prove appropriate to address any disturbance anticipated as customers enter and leave."

Given the significant and unresolved issues from patrons in controlled areas outside these venues, an external noise condition is required to support the new Dispersal Policy, and to protect the community from the potential for opening hours throughout the night. Every night. This would benefit the licensee and the community. Especially when no SIA staff are employed.

Environmental Health has also been unable to address significant low frequency bass issues locally with subjective enforcement. A preventative noise condition from inside needs bass specific noise limits. As used elsewhere by licensing.

Setting Limits

Guidelines for Community Noise, The World Health Organisation 1999, research states:

"For bedrooms, the critical effect is sleep disturbance. Indoor guideline values for bedrooms are 30dB LAeq for continuous noise and 45dB LAMax for single sound events. Lower noise levels may be disturbing, depending on the nature of the noise source. At night time, outside sound levels about 1 metre from facades should not exceed 45dB LAeq, so that people may sleep with bedroom windows open."

Validation of the 15dB difference with a window open is covered below, as is the need for protection against maximum, not just average levels, to protect residents from waking events like noise bursts.

In addition to the above, there is a need to address the very disturbing effects of thumping, low frequency bass, especially when it falls within measurable limits but is still predominant over outside noise levels. This is covered below.

Night Time Noise for Europe, The World Health Organisation 2009, research states:

“Sleep is an essential part of healthy life and is recognized as a fundamental right under the European Convention on Human Rights¹ (European Court of Human Rights, 2003), Article 8:1. Everyone has the right to respect for his private, family life, his home and his correspondence.”

“The WHO paper on community noise (WHO, 1999) recommends that people should be able to sleep with their bedroom windows open.”

“When windows are slightly open, outside sound levels are usually reduced by 10–15 dB.”

“Sleep disturbance attributable to the most annoying forms of neighbourhood noise and noise from neighbours (contact noise and human noises in the environment) is on a similar scale to disturbance attributable to the most annoying sources of road traffic noise (mopeds and passenger cars).”

“Comparing the above statement¹ with the recommendations, it is clear that new information has made more precise statements possible. The thresholds are now known to be lower than L_{Amax} of 45 dB for a number of effects.”

“Changes in duration of various stages of sleep, in sleep structure and fragmentation of sleep, occur at L_{Amax}, 35dB” and “Waking up in the night or too early in the morning occurs at L_{Amax}, 42dB.”

“Medical condition of Environmental Insomnia <occurs with> L_{Night, outside}² of 42dB, Note that environmental insomnia is the result of diagnosis by a medical professional.”

Given the latest research and its stated relationship with the 1999 report, the new sleep impacts would apply. Therefore, **maximum** noise limits inside a bedroom have been revised down from 45dB, to between 35dB and 42dB (note that 45dB is twice as loud to the human ear as 35dB).

This means that transition from a state of sleep to a state of consciousness happens at 35dB, and behavioural waking happens at 42dB, the latter being defined by a conscious action. Licensed venues should be preventing this from happening. The important thing to note here is that both are states of waking and both have sufficient, evidenced health impacts by the WHO. A new objective limit should aim to prevent maximum noise levels to between 35dB and 42dB by dealing with public nuisance inside and outside in controlled areas.

“Although children appear to tolerate a single night of restricted sleep with no detrimental effect on performance of brief tasks, perhaps more prolonged restriction and prolonged tasks similar to those required in school would show negative effects. In addition, as children seem to require more time to recuperate fully from nocturnal sleep restriction than adults (Carskadon, Harvey and Dement, 1981a), with additional nights of partial sleep deprivation, cumulative sleepiness might become a significant problem.”

In addition to the prevention of public nuisance, the licensing duty covers the need to protect children from harm. This duty must be considered when enforcing or setting a revised noise condition given the vulnerable status of children in noise sensitive properties adjacent to these licensed premises. To date, this does not appear to have been considered and children have suffered more.

“The rule of thumb that a noise can be considered masked if the signal is 10 dB below the background is only valid if the noises have the same frequency composition and if they actually occur at the same time.”

¹ The noise limit summary from the original 1999 research

² Refers to the EU definition in Directive 2002/49/EC: equivalent outdoor sound pressure level associated with a particular type of noise source during night-time (at least 8 hours), calculated over a period of a year

This appears to explain why repetitive, low frequency bass has been so disruptive. It can't be masked by unenforced background noise of the same frequency or intensity, so it always stands above it.

In addition to the above, it seems clear that statutory nuisance investigations make a subjective judgement of inside noise against all background noise outside. Whether or not it is enforceable, and whether or not it is being managed at acceptable levels. It's all in the pot. So, if excessive and unmanaged levels in controlled areas outside are included in a 'background' level assessment, they drive up the level of noise assessment for what's permitted from inside the venue. And limits can't be provided for statutory nuisance, so, the subjective assessment is weakened.

It has clearly been in the interest of licensees to ignore outside noise in their controlled areas. It helps their cause by masking noise from inside and enabling it to be louder than it should be. With no measurable limits. And transient crowds are always sited when complaints are made. This is not true. Especially in the early hours. And it has been exacerbated when adjacent premises have followed suit. Noise outside here has not been enforced although complaints have been made. And without conditions and limits, it simply feels like this is in the 'too difficult box'.

Having a preventative measure with the same limit for inside as outside would help to address this problem. Because a single limit would apply to both when background levels are lower than the limit that's been set. When background noise is higher than the limit, this is accepted and noise from the venue should not be audible above this!

The Building Performance Centre School of the Built Environment Napier University (For DEFRA) NANR116: Open/Closed Window Research, Sound Insulation Through Ventilated Domestic Windows

This research concluded that, for amplified music, the range of measured sound insulation ratings for a window with a free open area of 0.05m² was 15 to 20dB(A).

Given the variation in window styles and glazing standards within the area, which are restricted by listed and conservation requirements, the lower figure should be used. This also validates the figures used for the WHO research.

Noise from Pub and Clubs (Phase II) Final Report (Research by British Research Establishment and Capita Symonds on behalf of DEFRA)

This extensive research aimed to identify the most suitable criteria and methodology for assessing entertainment noise for council enforcement and licensee compliance. It observed levels from different styles of music in bedroom conditions. The table below shows the results.

Semantic descriptor	Score	$L_{Aeq,5 \text{ minutes}}$
Clearly acceptable	1	17.0
	2	20.4
	3	23.8
	4	27.2
Just acceptable	5	30.6
Just unacceptable	6	34.0
	7	37.4

	8	40.8
	9	44.2
Clearly unacceptable	10	47.5

The research identified that the noise metric providing the best overall prediction of subjective ratings, across all entertainment noise types tested by ordinary members of the public, was the Absolute LAeq (varying sound levels given as a single number, or ‘average’), as used in the WHO research and EH for enforcement.

The research established a ‘just acceptable’ level of 30.6dB over 5 mins. This virtually replicates the health findings of the WHO above, resulting in a similar level from a health and annoyance/nuisance perspective. This limit offers a fair representation of the ‘inaudible’ standard. It is louder.

These results validate the use of an objective licence condition with a maximum average of 30dB inside a bedroom with windows closed, or 45dB at the facade of the building with them cracked open. This would remove the need for a subjective ‘inaudibility’ test and a subjective assessment for statutory nuisance against excessive levels of unenforced background noise.

It is noted that measurement of statutory nuisance uses the same metric as above, via noise recording equipment over periods of 2½ minutes. So, use of this duration for investigations and measurement of a defined public nuisance condition could ensure consistency of approach and the ability to use the same equipment under the council’s strategic enforcement protocol. This duration also makes local measuring realistic and achievable.

Procedure for the assessment of low frequency noise complaints Revision 1 December 2011

“It is common for <EH> officers to use their own subjective judgement to help them decide whether a sound should be classed as a nuisance. However, this approach should be used with caution for low frequency sound because differences in personal hearing thresholds can be significant and because loudness varies rapidly with level.”

“In order to listen to recordings an appropriate low frequency loudspeaker, such as a subwoofer is required. The lower limiting frequency needed will depend on the sound being investigated. Recordings can be played back at elevated level to assist identification.”

Recent investigations for excessive bass levels here have been investigated by EH, but this failed to address the problem. Those raising the complaint ended up on prescribed medication and were forced to move from their family home of 10 years. The landlord that owns the property could not let it again because the bass impacts and vibrations were so severe. The licensee simply continued.

The community has therefore lost faith in the ability to resolve this specific bass problem with subjective assessments and statutory nuisance recordings alone. It is understood that recordings cannot be played back through a dedicated subwoofer capable of reproducing the level of impacts suffered by residents. It is also believed that remote EH equipment recordings cannot establish the vibration impacts of bass in the fabric of a complainant’s home.

Dedicated, preventative noise limits are required, with bass limits, as licensing and EH set for other events and venues.

Council Licence Condition for Low frequency Noise after 23.00

LARMER TREE FESTIVAL

“Between the hours of 23.00 and 09.00 the control limits set on site shall ensure that a Target MNL of 40dB LAeq (15mins), measured at the monitoring locations, shall be achieved. Where the Target MNL of 40dB LAeq (15mins) is exceeded then suitable and appropriate action shall be taken to meet this Target Level. An Absolute MNL of 45dB LAeq (15mins), measured at the monitoring locations, shall not be exceeded between the hours of 23.00 to 09.00hrs.”

“In addition there will be a target level of 65dB in 63Hz octave frequency bands. (The monitoring positions are then listed.)”

Note the night time limit here reflects the yearly recommendation by the WHO, for 40dB outside. Even though this is for an annual event. Given the town centre location here, the upper limit of 45dbA would seem more appropriate.

The council’s measurements also reflect the following guidance.

A Simple Criterion for Low Frequency Noise Emission Assessment³

8. RECOMMENDATION

Ideally, LFN criteria should be set for indoors where the LFN complaints normally occur. However, for the purpose of planning, it is much easier to set criteria for outside residences.

Based on a review of many case histories and the literature, the author recommends the following criteria:

Criteria for Assessment of LFN			
	Sensitive Receiver	Range	Criteria Leq (dBC)
Residential	Night time or plant operation 24/7	Desirable	60
		Maximum	65
	Daytime or Intermittent (1 – 2 hours)	Desirable	65
		Maximum	70
Commercial/ Office/	Night time or plant operation 24/7	Desirable	70
		Maximum	75
Industrial	Daytime or Intermittent (1 – 2 hours)	Desirable	75
		Maximum	80

If the measured LFN SPL is fluctuating at least +/- 5 dBC, then a "penalty" of 5 dBC to the proposed criteria (ie a reduction in the proposed limit) is recommended.

Limits have been set by the council against the maximum range for residential impacts at night, at Leq of 65dB(C). This can be used for a condition here.

Supporting Information

Resident experience has shown that unenforceable background noise is not responsible for the worst nuisance impacts here. Patrons in controlled areas are. Especially in the early hours when the surrounding area is quiet. These impacts appear at different times from different venues too. So, it is possible to establish an offending source, or all sources, with an objective limit and witnessed behaviour.

³ Broner, Norm. (2010). A Simple Criterion for Low Frequency Noise Emission Assessment. Journal of Low Frequency Noise Vibration and Active Control

It is not clear how Environmental Health can determine the state of outside noise, or its source, from a remote sound recording alone. This appears to present a significant risk to enforcement if challenged at an appeal. Perhaps this is the reason why it has not been addressed. It would appear that sound recordings of outside noise in controlled areas need to be supported by CCTV evidence, or a subjective human assessment to validate the source and surrounding impacts.

'Average' and **'maximum'** limits can be applied to enforceable noise in controlled areas outside. Rather than limit numbers in smoking areas, as suggested by the Dispersal Policy (although this is still an option). It is accepted that noise from traffic and transient crowds cannot be enforced and this reflects the true background noise value of the area. Regulated activity should not be heard above this if it exceeds a noise limit. And limits will only apply when this is below the limits that have been set, which is most likely to be in the early hours, as shown in the Ground Truth above.

Regular measurement of noise limits at the face of noise sensitive properties could be taken over 2 ½ minutes, this replicates the duration of recordings for statutory nuisance and would enable the same equipment to be used. It would also be a realistic period for regular, preventative measurement by licensees and residents.

Tests have recently been conducted with 'outside noise' during Bank Holiday celebrations when COVID restrictions have been lifted. These have caused significant disruption to the local community. They have been useful, because the associated noise has replicated the conditions of early morning noise outside of The Closet and The Closet Bar when traffic and other background noise has been low. So, it has been used to validate the research limits above. It was found that the research limits were very accurate against the impacts actually experienced and can, therefore, be confidently used to establish fair and objective limits for preventative licensing conditions. These will be louder than 'inaudible'.

A noise recording can be played at a hearing if necessary, to support the above. For reasons unknown, it is not accurately replicated when copied. The test and recording results can be viewed in this link: [DecibelXReport\[5474\].pdf](#)

9. PREVENTATIVE NOISE CONDITIONS

The following conditions are based on the above research and have been validated by Poppleston Allen. They meet the Court of Appeal's ruling to provide a condition that can be objectively measured, with limits, from designated measuring points. They are louder than 'inaudible', and set towards the upper limits of impacts defined by the WHO, and others.

They are required for The Closet licence variation, to enable the spirit of the original licence to be enforced for the poorly soundproofed building where they apply. Set against its own risks and merits on a case-by-case basis, as granted by the Licensing Authority. Removing these, as shown in the variation, is very likely to increase licensing risks and impacts for the community.

The Licensing Authority has supported a need for these conditions to be revised following a complaint about them to the council. To date, some 12 months after, this has not progressed, so we have established the following conditions and limits against nationally and internationally recognised research, and existing practice and limits set by the Licensing Department for other preventative conditions. The Licensing department has provided guidance.

The following conditions are required for the variation.

It is accepted that this is new ground for a town centre venue, and it is proposed that the researched and tested limits are bedded in with joint measuring between the applicant, Environmental Health and a representative from Respect Weymouth.

AVERAGE NOISE from INSIDE

1. The average noise level emitted by regulated entertainment from inside the premises should not exceed **30dB(A)*** Leq over 2 ½ minutes in the bedroom of a noise sensitive property - The Preacher's Loft, Helen Lane <any other tbc>.
2. A calculated average of **45dB(A)*** Leq over 2 ½ minutes should not be exceeded at the facade of a noise sensitive property. This should be measured at ground level, at the Maiden Street facade of The Preacher's Loft, Helen Lane, as indicated on the plan <any other tbc>.
3. Where an average noise limit can't be met or measured because of higher levels of unenforceable background noise, such as transient crowds or music in the street, the limit won't apply but noise from inside the premises should not be audible above this.

AVERAGE NOISE from CONTROLLED AREAS OUTSIDE

4. This includes, but is not limited to queuing, beer garden and smoking areas.
5. The average noise level emitted from patrons in controlled areas outside the premises should not exceed **30dB(A)*** Leq over 2 ½ minutes in the bedroom of a noise sensitive property - The Preacher's Loft, Helen Lane.
6. A calculated average of **45dB(A)*** Leq over 2 ½ minutes should not be exceeded at the facade of a noise sensitive property. This should be measured at ground level, at the Maiden Street facade of The Preacher's Loft, Helen Lane, as indicated on the plan <any other tbc>.
7. Where an average noise limit can't be met or measured because of higher levels of unenforceable background noise, such as transient crowds or music in the street, the limit won't apply but noise from outside the premises should not be audible above this.

MAXIMUM NOISE from INSIDE

8. The maximum noise level emitted by regulated entertainment from inside the premises should not exceed **35 to 42dB(A)*** Lmax in the bedroom of a noise sensitive property- The Preacher's Loft, Helen Lane.
9. A calculated maximum of **50 to 57dB(A)*** Lmax should not be exceeded at the facade of a noise sensitive property. This should be measured at ground level, at the Maiden Street facade of The Preacher's Loft, Helen Lane, as indicated on the plan <any other tbc>

Note: The upper limits cause waking and medically diagnosed insomnia, it should not be exceeded.

MAXIMUM NOISE from CONTROLLED AREAS OUTSIDE

10. This includes, but is not limited to queuing, beer garden and smoking areas.
11. The maximum noise level emitted by patrons in controlled areas outside the premises should not exceed **35 to 42dB(A)*** Lmax in the bedroom of a noise sensitive property - The Preacher's Loft, Helen Lane <any other tbc>.
12. A calculated maximum of **50 to 57dB(A)*** Lmax should not be exceeded at the facade of a noise sensitive property. This should be measured at ground level, at the Maiden Street facade of The Preacher's Loft, Helen Lane, as indicated on the plan <any other tbc>

Note: The upper limits cause waking and medically diagnosed insomnia, it should not be exceeded.

AVERAGE LOW FREQUENCY NOISE from INSIDE

13. The calculated average low frequency noise level, or repetitive bass element emitted by regulated entertainment from inside the premises should not exceed **60 to 65dB(C)*** Leq over 2 ½ minutes in the 1/3 63Hz noise band at a noise sensitive property. This should be measured at ground level, at the Maiden Street facade of The Preacher's Loft, Helen Lane, as indicated on the plan <any other tbc>
14. Where an average low frequency noise limit can't be met or measured because of higher levels of unenforceable, low frequency background noise, such as music in the street, the limit won't apply but bass noise from inside the premises should not be audible above this.

*** These limits show desirable and maximum levels of researched noise impacts. Target levels should be agreed with Environmental Health.**

SUPPORTING CONDITIONS

15. The average and maximum noise limits for inside and outside are the same, so a single measurement at a designated location will assess the combined impacts of both.
16. For enforcement following a complaint, an 'outside' noise recording will be supported by a subjective human assessment to validate that the source of noise is from the premises, and not from unenforceable noise in the area. CCTV evidence (with sound) from the community or the premises could be used to support this.
17. Calculated noise measurements should be taken with a decibel meter that is capable of measuring Leq at 1/3 octave bands at 63hz, using the 'C' Frequency Weighting and a 'Fast' Response Time over 2 ½ mins.
18. Depending on the regulated activity and time of the week, levels should be measured at least every 60 minutes. All measurements should be recorded in a sound log.
19. Evidence of excessive and regular impacts for residents will be collected to support enforcement, as required for complaints regarding statutory nuisance.
20. If there is no sound lobby to contain noise during patron access and egress, the above measurements apply with doors open. This will ensure that levels are measured at their worst waking impact to the community. (Suggested by the licensing department.)

21. A Noise Log should be used to record a combined sound check for i) average and ii) maximum noise being emitted from inside and outside the premises.
22. A separate Noise Log should be used to record low frequency noise.
23. Noise logs should include the following headings: Date, Time, Location, Target Level, Recorded Level, Comments/Action Taken, including a note of when background levels are above the limits and if noise from the venue is audible above this.

10. DISPERSAL POLICY

The following comments are raised:

The policy provides a welcome approach. However, much of it has been in place for the last 18 months. This group has worked with the applicant to develop some of it. In reality, things have improved. Queuing works. Smoking areas work. But excessive noise from patrons in the early hours is rarely, if ever addressed, even when SIA staff are present. There has been no will to actually make this happen. And patrons have still migrated to residential areas with crime and nuisance behaviours.

The Dispersal Policy needs to be strengthened in a few areas.

A number of items in the Policy are not backed up by conditions in the licence. The conditions raised above need to be agreed and set so the licence is enforceable. We understand the Policy is a local stand alone document and can be changed at any time.

Where patrons leave the venue for a break, further consideration should be given to stating that anyone leaving controlled areas and venturing into nearby residential areas, will not be permitted re-entry. Signs should state this and SIA staff should manage it.

Substantial CCTV evidence has shown that patrons doing this are only doing so for the following reasons: public toileting, vomiting, drug use and dealing, arguing, and sex acts. After which, they return to the venue, so the nuisance activity has been condoned. A few examples are shown below.

Cocktail Vomit Cocktail Vomit from SE

Throw Up1 Throw Up1 - from SE

Throw Up 2

Noisy Break SE

When SIA staff are not on duty, how will nuisance behaviour be managed?

The overall impact of the variation is that the total number of SIA staff for the same amount of people has actually been reduced. And if both entry points for the combined venue are used for access and egress, especially after 23.00, there will be a loss of control and the Dispersal Policy will be weakened.

Condition required, All access and egress for the combined venue, and for control of queues and breaks should be managed through The Closet after 23.00. After this, The Closet Bar access should only be used for emergencies or dispersal on closing.

Add to the Policy, If separate events are being promoted and both door entries are used, SIA staff should be provided to each access and egress point to manage the controlled areas and the Dispersal Policy accordingly. At the levels proposed in the application, for each door.

Condition required, Bank Holidays should have SIA staff at agreed Saturday levels on the Sunday.

The bar staff will not be able to manage outside at the same time as serving and bar maintenance. The provision of outside noise limits would help to manage this. But nuisance behaviour in residential areas will be much more difficult to prevent without someone there. And without a visible culture of actually preventing reentry and dealing with these issues, they will continue.

SIA conditions need to be revised to meet the above.

A maximum number for outside patrons on breaks has not been not set in the policy. In reality, just 3 people can cause significant nuisance at 3am on a Wednesday with little other background noise. There is a need for fair and achievable noise limits to help deal with this. As above.

The Closet Bar currently has a last entry at 03.00, this will be exceeded with the variation application. Agreement around this is needed.

Because of the ongoing issues, provision of outside noise limits are crucial to help uphold the prevention of public nuisance.

11. SUMMARY POSITION

The variation is supported, but ONLY if the following can be provided:

Important and critical conditions at Section 7 to be agreed and included.

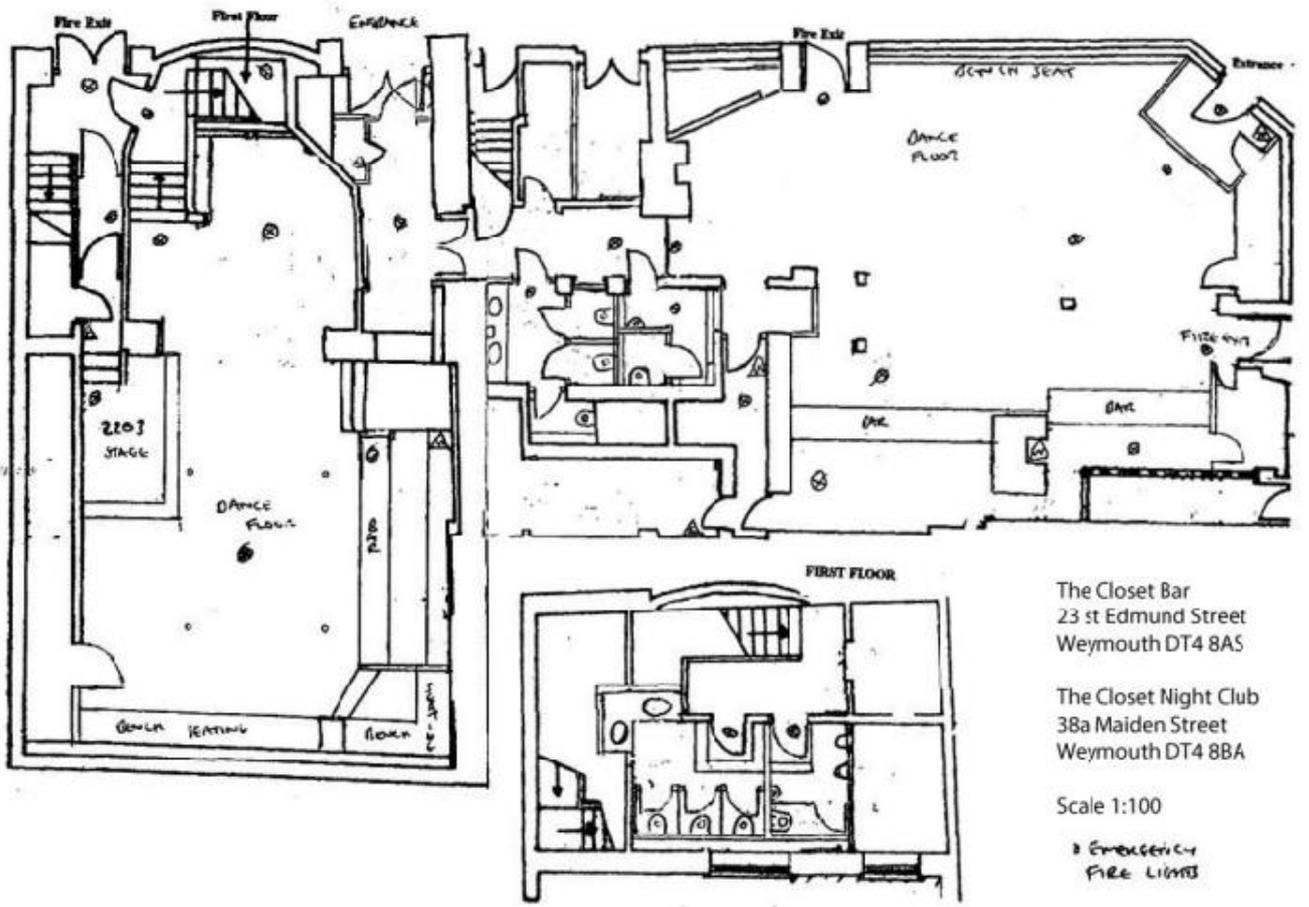
Noise Conditions at Section 9 to be included.

Dispersal Policy amendments at Section 10 to be included, backed up with enforceable conditions, especially around entry points, SIA staff, and nuisance in residential areas.

The application demonstrates that this variation could increase impacts to the cumulative impact area. The licensing authority has a policy duty to reject the application unless the applicant can show this won't be the case. At this stage, the variation does not appear to demonstrate this.

Appendix 1 is redacted

APPENDIX 2 - Plan of Changes



The Closet Bar
 23 st Edmund Street
 Weymouth DT4 8AS

The Closet Night Club
 38a Maiden Street
 Weymouth DT4 8BA

Scale 1:100

• Emergency
 Fire Lights

APPENDIX 3 - Dispersal Policy

1. PURPOSE

This policy is designed to provide guidance for the management and employees and set out the terms for the dispersal of customers from the premises.

The purpose of this policy is to set out the reasonable steps The Closet Bar and Nightclub will undertake to prevent unnecessary avoidable disturbance to residents, services and other businesses operating in the vicinity of the premises.

It is the stated intention of the premises to operate in a manner which causes the minimum impact from noise nuisance and anti-social behaviour from our customers to neighbours and other members of the public.

To this end all relevant staff will be trained in this policy and other appropriate skills to achieve an orderly and safe dispersal from the premises.

All staff are compelled by their contract of employment to comply with and actively implement this dispersal policy; where their job role includes these responsibilities.

It is the responsibility of the Designated Premises Supervisor (Jamie Crage) to ensure that this policy is enforced at the premises and to regularly update the policy to meet the requirements of the business.

2. LOCAL CO-OPERATION

The Closet will work in cooperation, where appropriate, with other premises in the area to ensure that local policies are coordinated.

The premises will work in partnership with Weymouth Pubwatch to share information and best practice.

3. DISPERSAL

Dispersal shall take place through the front door(s) of The Closet Nightclub onto Maiden Street, there will be times when dispersal shall take place through the front door of The Closet Bar onto St Edmund Street.

All conditions relating to dispersal included in the Premises licence will be enforced and relevant staff will be trained in these conditions, as well as the premises hours and operating hours outlined on the premises licence.

Opening hours 09:00 – 04:00

Annex 3(12) The PLH/DPS will operate to a written dispersal policy which ensures the safe and gradual dispersal of customers from the premises. The policy will be agreed with Dorset Police. The PLH/DPS will ensure that staff receive training on the policy and a record of training shall be kept/made available to an authorised officer upon request.

Annex 3(13) Door staff will remain on duty until such time customers have dispersed.

Allocation of staff in the last 20 minutes prior to closing will be reviewed, to ensure that the collecting of glasses and the clearing of other waste is prioritised; this provides a message to customers that the premises is in the process of closing and encourages them to finish their drinks and prepare for departure.

A suitable member of staff or a Door Supervisor will be visible at each public entrance / exit to control the dispersal, to remind people to leave quietly and to prevent patrons from re-entering the premises.

Action Points:

- We will make an announcement at the end of the evening to encourage patrons to disperse gradually and to leave the area quietly.
- We will ensure adequate signage is available at each exit asking people to leave quietly and not to congregate outside or in the local area; directing patrons attention to these signs as they leave.
- We will Remove drinks and glass vessels from patrons as they leave to ensure no glass leave the premises.

We will Provide information for transport and taxi services, arranging transport for customers if required.

4.DOOR SUPERVISORS

When Required Door Supervisors Licensed by the Security Industry Authority will be employed by the premises based upon the risk assessment carried out in relation to the following factors:

- Expected attendance
- Type of event taking place
- Time of year
- Special occasion (New Year, Halloween, Local Festivals etc.)
- Premises Licence Conditions

Door Supervisors will be tasked with:

- Management of the Queue to Enter the Premises. Where a queue forms they will monitor to ensure the behaviour of those queuing is in line with the entry policy. Any person who appears to be drunk or intoxicated will, where possible, be removed from the queue prior to them reaching the front.

While monitoring the queue the Door Supervisor should remove alcohol from anyone consuming alcohol while queuing or if they are unwilling to give up their alcohol remove them from the queue and advise them they will be refused entry as a result.

An appropriate member of staff will also ask people to have their ID ready to show at it at the door.

Door Supervisors must seek to control the noise from any person queuing outside the premises in order to reduce the potential for noise to disturb people living and working in the local community. This is achieved by politely reminding customers that anyone not complying with the request will be refused entry to the premises.

- Dispersal from the Premises. During the 'soft closure' period and once the premises is closed, the Door Supervisors shall assist with the dispersal of customers from the area. The purpose of an effective dispersal is to ensure that patrons leave the area quickly, quietly and in an orderly manner.

The most effective approach to dispersal is to be friendly and helpful, understanding that one of the effects of alcohol is to inhibit the effective decision-making ability. What may seem obvious and logical to a sober person, may seem confusing and complicated to a person who has consumed alcohol.

People loitering may be doing so because they are unable to make a decision or easily access the information they require; often they will disperse when they are given this information. Many patrons will move on if they can be helped to achieve one of the following outcomes:

How to get home

Where they can go next

Where they can get some food

By providing this information it can encourage them to leave the immediate area more quickly.

Just because someone arrived using one form of transport, do assume that transport option is still available to them or that they can remember immediately how they arrived. Give them options, and offer assistance:

The Closet Bar and NightClub will provide Taxi Information to its customers.

- Door Supervisors will be easily identifiable. The law requires Door Supervisors to display their SIA Licence, however the use of a clear uniform or high visibility jacket will provide greater awareness of their presence. The Closet Bar and NightClub Policy requires all SIA staff to wear their Licence and to wear a High Visibility jacket.

Action Points:

Door Supervisors will Monitor the dispersal of patrons with their actions both at closing time and throughout the night by:

- SIA will Control the level of intoxication of patrons throughout the night and act appropriately when people become intoxicated. Anyone who becomes too intoxicated to be served at the bar, shall be removed from the premises.
- The Closet NightClub and Bar will have a last re-entry 20 minutes before closing SIA Team will enforce this. <The Closet Bar has a last entry of 03.00.>
- SIA Door staff will encourage patrons to leave gradually via the appropriate exits at the end of the night;

(We will try and avoid large numbers of patrons all leaving at the same time.)

- They will Provide information about the transport options from the premises.
- Remove drinks and glasses and bottles from those leaving the premises
- Remind people who are leaving to do so quietly and direct their attention to the signs displayed
- Ask patrons not to assemble or loiter outside the premises once they have left; politely reminding people who do not comply that they may be refused entrance in the future if they fail to disperse.

On occasions where SIA Door staff are not deployed – these actions will be monitored and carried out by management/Trained Team members

5. MARSHALLS

Marshalls may be deployed to assist the licensed Door Supervisors who work outside the premises and provide a highly visible presence in the immediate area, providing reassurance to residents and controlling antisocial behaviour from patrons; they have one main role:

- Area Marshals – To patrol and monitor the outside area to ensure that patrons disperse effectively and do not contribute to anti-social behaviour in the local area. Area Marshals will have a detailed knowledge of all transport options in the area and provide directions for patrons who may be loitering in the vicinity of the premises.

Marshals will be easily identifiable by way of their uniform or high visibility jacket / vest. They will have direct communication with the venue SIA/Management.

6. SIGNAGE & LIGHTING

The following signs will be displayed at the premises:

- Signs requesting patrons to Leave Quietly and Respect the Neighbours
- Signs to inform patrons that drinks may not leave the premises at any time.

These signs are to be displayed prominently at every public entrance and exit from the premises.

Lighting (Internal) – The premises will turn on the House Lights 20 minutes prior to closing time.

Lighting (External) – External lighting should be sufficient for patrons to leave the premises safely.

External lighting will be regularly reviewed to ensure it is not a cause of nuisance to neighbours.

Both internal and external lighting will be regularly reviewed to ensure it does not impede the effectiveness of CCTV.

7. TRANSPORT

In order to facilitate the dispersal of patrons from the premises, patrons will be provided with information on the various means of transport available from the premises:

- Taxi & Taxi Ranks – The premises shall display the number(s) of a local taxi company and the location of any taxi rank located in the proximity of the premises.

Door Supervisors will be aware of patrons venturing into the street / road as they leave the premises and control this in order to promote Public Safety and prevent the potential for accidents and injuries.

8. SMOKING AREAS

The Closet Bar and NightClub doesn't have a Designated smoking area. Customers outside will be reminded to respect neighbours via signage and by SIA Staff or Team Members. Customers not complying will be refused Re-entry and moved on.

The number of people using the smoking area will be controlled by a Door Supervisor or team members to ensure that the maximum number is not exceeded at any time.

Customers will not be permitted to leave then re-enter 20 minutes before closing.

9. BOTTLES, GLASSES & LITTER

The premises will maintain the area immediately to the front of the premises clear of bottles, glasses and litter by regularly sending a member of staff to the area to clear these items.

No glasses, bottles or other drinks are permitted to leave the premises and it is the responsibility of the Door Supervisor/Team Member to ensure this rule is enforced. This includes preventing such items being taken into the away from the premises at the end of the night.

It may be the case that glass bottles and glasses are brought to the area from other premises and left in the vicinity or at the front of the premises. It is the responsibility of the Door Supervisor/Team Member to ensure none of these items enter the premises.

Despite these items not originating from the premises, it is the responsibility of all staff to clear them on a regular basis throughout a session and to check at the end of the night that no such items remain to the front of the premises.

Glass Bottles will not be placed in any external bins after 02:00hrs or before 07:00hrs to minimise noise disturbance to neighbouring properties. <This really needs to be 23.00>

Refuse Collections will not be made before 07:00hrs.

Action Points:

- Signs will be placed at the exits reminding customers that drinks may not be removed from the premises.
- Prior to closing the premises we will check that all litter to the front of the premises has been cleared including smoking materials.
- Sweeping outside the premises at the end of the session not only clears smaller rubbish, but may assist in getting patrons to move away from the premises.

10. CONTROLLING CUSTOMERS & PREVENTING LOITERING

There are a number of solutions already described earlier in the policy on strategies which will help move people away from the premises and disperse them. However additional consideration will be given to the following:

- Making announcements
- Lighting
- Notices and signage
- Staff allocation
- Thanking patrons on the way out
- Staff will be made aware when leaving after their shift, where background noise may no longer drown them out, staff can be a source of nuisance themselves.
- Staff will be given to additional training dealing with Intoxicated customers.

Signed:

Date:

Reviewed:

Staff training:

Name:

Date:

Refresher:

APPENDIX 4 - PROPOSED VARIATION LICENCE GAPS

Licence Conditions for The Closet Bar. This shows the conditions that have been included and excluded from the variation. It identifies conditions we believe are onerous, from a layman's perspective, and conditions we believe are needed to uphold the licensing objectives to the standard of licence that has been granted.

[Closet Bar Licence Conditions](#)

APPENDIX 5 - THE VENUES



Appendix 4.1 - Response to EH

The Closet Night Club is applying to take over the Licence/footprint at the Closet Bar formerly Somewhere Else Bar prior to COVID.

Prior to lockdown Somewhere Else Bar and the Closet Nightclub were Two separate business's, due to the restrictions regarding COVID and capacity it was more suited to trade the Closet business in the Somewhere Else Bar Space.

Somewhere Else was a late night bar/club which attracted a young crowd (18-21) and was open 7 nights a week and on weekends closed [at 3am](#).

The Temporary change of use during the summers restrictions were successful and Taking in to account the previous issues Regarding noise with Somewhere Else Bar we have considered the best action would be to permanently close Somewhere else bar as a business and concentrate on the Closet Branding.

The Now Closet Bar And Closet nightclub all though listed as different addresses are situated next door to each other and we have transformed inside to allow customers to flow between the bar and night club with out leaving the premises via a doorway which in theory makes this one business space as highlighted in the floor plan which was attached to the application.

By doing this we are reducing the noise issues as both bars will now not be trading as a night club there will quieter music and entertainment played from The Closet Bar space. All existing events will continue in the Closet Nightclub. The offers and promotions and music genre which were established with Somewhere Else will also be no more, which will have a positive effect on clientele using the new premises.

Another advantage of this is that we will operating with one customer entrance instead of two Reducing areas of noise outside with queues and smoking areas and creating a more manageable area.

Due to previous works to eliminate noise escaping and new layout changes the overall capacity has been reduced by 150 people. The application changes to the Closet Night Club include one additional SIA Door-staff. The original Somewhere Else Licence would have had 3 Door supervisors based on the capacity and nature of business.

But now with only one entrance point and the significant change in customers numbers, the reduced amount reflects this and will be reviewed on a risk assessment basis and increased if necessary.

We are also working with respect Weymouth to come to an agreement on noise conditions and will be happy to review any issues regarding dispersal policy and make amendments if required and practical.

I would like to also mention that previously both venues were once under one licence, before business changes some years ago so it is simply reverting back to something similar and the main reason of doing this is to improve things.

If there is any other concerns please don't hesitate to get in contact.

Kind regards

Jamie

As requested this is my response to email regarding the Closet Variation application.

The Closet Night Club is applying to take over the Licence/footprint at the Closet Bar formerly Somewhere Else Bar prior to COVID.

Prior to lockdown Somewhere Else Bar and the Closet Nightclub were Two separate business's, due to the restrictions regarding COVID and capacity it was more suited to trade the Closet business in the Somewhere Else Bar Space.

Somewhere Else was a late night bar/club which attracted a young crowd (18-21) and was open 7 nights a week and on weekends closed at 3am.

The Temporary change of use during the summers restrictions were successful and Taking in to account the previous issues Regarding noise with Somewhere Else Bar we have considered the best action would be to permanently close Somewhere else bar as a business and concentrate on the Closet Branding.

The Now Closet Bar And Closet nightclub all though listed as different addresses are situated next door to each other and we have transformed inside to allow customers to flow between the bar and night club with out leaving the premises via a doorway which in theory makes this one business space as highlighted in the floor plan which was attached to the application.

By doing this we are reducing the noise issues as both bars will now not be trading as a night club there will quieter music and entertainment played from The Closet Bar space. All existing events will continue in the Closet Nightclub. The offers and promotions and music genre which were established with Somewhere Else will also be no more, which will have a positive effect on clientele using the new premises.

Another advantage of this is that we will operating with one customer entrance instead of two Reducing areas of noise outside with queues and smoking areas and creating a more manageable area.

Due to previous works to eliminate noise escaping and new layout changes the overall capacity has been reduced by 150 people. The application changes to the Closet Night Club include one additional SIA Door-staff. The original Somewhere Else Licence would have had 3 Door supervisors based on the capacity and nature of business.

But now with only one entrance point and the significant change in customers numbers, the reduced amount reflects this and will be reviewed on a risk assessment basis and increased if necessary.

We are also working with respect Weymouth to come to an agreement on noise conditions and will be happy to review any issues regarding dispersal policy and make amendments if required and practical.

I would like to also mention that previously both venues were once under one licence, before business changes some years ago so it is simply reverting back to something similar and the main reason of doing this is to improve things.

If there is any other concerns please don't hesitate to get in contact.

Kind Regards

Jamie

Appendix 4.3 Response to Respect Weymouth

Dear Respect Weymouth.

As you are aware The Closet Night Club is applying to take over the Licence/footprint at the Closet Bar formerly Somewhere Else Bar prior to COVID.

Prior to lockdown Somewhere Else Bar and the Closet Nightclub were Two separate business's, due to the restrictions regarding COVID and capacity it was more suited to trade the Closet business in the Somewhere Else Bar Space.

Somewhere Else was a late night bar/club which attracted a young crowd (18-21) and was open 7 nights a week and on weekends closed at 3am.

The Temporary change of use during the summers restrictions were successful and Taking in to account the previous issues Regarding noise with Somewhere Else Bar we have considered the best action would be to permanently close Somewhere Else bar as a business and concentrate on the Closet Branding.

The Now Closet Bar And Closet nightclub all though listed as different addresses are situated next door to each other and we have transformed inside to allow customers to flow between the bar and night club with out leaving the premises via a doorway which in theory makes this one business space as highlighted in the floor plan which was attached to the application.

By doing this we are reducing the noise issues as both bars will now not be trading as a night club there will quieter music and entertainment played from The Closet Bar space. All existing events will continue in the Closet Nightclub. The offers and promotions and music genre which were established with Somewhere Else will also be no more, which will have a positive effect on clientele using the new premises.

Another advantage of this is that we will operating with one customer entrance instead of two Reducing areas of noise outside with queues and smoking areas and creating a more manageable area.

Due to previous works to eliminate noise escaping and new layout changes the overall capacity has been reduced by 150 people. The application changes to the Closet Night Club include one additional SIA Door-staff. The original Somewhere Else Licence would have had 3 Door supervisors based on the capacity and nature of business. But now with only one entrance point and the significant change in customers numbers, the reduced amount reflects this and will be reviewed on a risk assessment basis and increased if necessary and this figure does not include a road marshal which we deploy on weekends.

I would like to include that post COVID restrictions that the Closet Nightclub entrance will be the main entrance an exit point past 11pm. This is to manage crowds and capacity effectively as set out in the dispersal policy.

In response to some of the concerns listed in your representation i would be happy to include the following conditions on the New Closet Licence.

1) *A log shall be kept detailing all refused sales of alcohol. The log should include the date and time of the refused sale, a description of the person refused, why they*

were refused (e.g. no ID, fake ID) and the name of the member of staff who refused the sale. The log shall be available for inspection at the premises by the police or an authorised officer of a Responsible Authority (Licensing Act 2003).

2) *Glass and Bottles*

Drinks, open bottles and glasses will not be taken from the premises except for takeaway sales between the hours of 11:00 and 20:00. Bar Customers will not be allowed to take drinks outside at any time.

Empty bottles and glasses will be collected regularly and promptly. Glass and other sharp objects will be stored and disposed of using tamper proof receptacles. Receptacles will be secured and not accessible to the customers.

3) *The PLH/DPS will prominently display notices which inform customers that open bottles or glasses may not be taken off the premises after.*

4) *The PLH/DPS will belong to a recognised trade body or Pub Watch Scheme where one exists, whose aims include the promotion of the licensing objectives.*

5) *The PLH/DPS will operate to a written dispersal policy which ensures the safe and gradual dispersal of customers from the premises. The PLH/DPS will ensure that staff receive training on the policy and a record of training shall be kept/made available to an authorised officer upon request.*

6) *Adequate procedures must be implemented to ensure overcrowding does not occur in any part of the premises.*

The licence holder shall determine the occupant capacity of the premises on the basis of documented risk assessment(s).

(i) The risk assessment(s) must take into account all relevant factors including space, audience density, means of access and egress, toilet provision, load-bearing capacity of floors, ventilation, etc and must be reviewed regularly, and if circumstances change.

(ii) Where necessary separate occupancy levels must be set for different parts of the premises, and when necessary for different premises layouts and different types of events.

(v) Measures must be put in place and documented to ensure that the capacity is not exceeded at any time.

(vi) All documentation pertaining to the proposed figure must be kept on the premises and must be available immediately on request to any authorised officer of the Licensing Authority or a constable.

(vii) The premises licence holder shall regularly review, update and amend any risk assessments particularly following any changes to the layout or operation of the venue. Such reviews shall be fully documented and form an integral part of the risk assessment.

7) *There will be no external speakers*

8) *All windows and external doors shall be kept closed after 23.00 except for the immediate access and egress of persons. This includes inward opening doors when SIA staff are available to manage access, egress and emergencies, and if SIA staff are not present, when occupant numbers do not exceed inward opening door limits for emergency escape, for each separate part of the venue.*

9) Bottles will not be placed in any external receptacle after 23.00 hours and before 07.00 hours to minimise noise disturbance to neighbouring properties.

10) No waste collections or deliveries to the premises shall be arranged between 23:00 hours and 07:00 hours.

11) Clear and legible notices will be displayed at exits, requesting patrons to leave the premises quietly having regard to the needs of local residents, **to meet requirements of the dispersal policy**

Protection of Children from Harm

12) People under 18 years of age will be allowed on to the premises between 09.00hrs and 22.00hrs when accompanied by an adult.

To also include from Closet Bar Licence.

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

An additional CCTV camera will be mounted and trained towards Mitchell Street, Weymouth.

I am aware the above does not include any changes in regards to the preventative noise conditions as highlighted throughout the representation, I have previously agreed to discuss this with yourself and work towards a resolution and look forward to hearing from you to move forward with this.

Kind Regards

Jamie

Appendix 5 - Comments By Respect Weymouth on Response

Dear Respect Weymouth.

As you are aware The Closet NightClub is applying to take over the Licence/footprint at the Closet Bar formerly Somewhere Else Bar prior to COVID.

Prior to lockdown Somewhere Else Bar and the Closet Nightclub were Two separate businesses, due to the restrictions regarding COVID and capacity it was more suited to trade the Closet business in the Somewhere Else Bar Space.

Somewhere Else was a late night bar/club which attracted a young crowd (18-21) and was open 7 nights a week and on weekends closed at 3am.

Our observations over the last working 12 months are that 18-21 were targeted heavily on a Friday and Saturday, with promoted DJ events and drum and bass nights. But the rest of the week attracted a mixed age group with different events and earlier closing.

The opening times are being extended for the same amount of people inside so, in reality, the impacts to the local community and cumulative impact area will increase with more people dispersing together at a new, later time. Clearly there are concerns about this, so the Dispersal Policy, cooling down period and Public Nuisance conditions must be robust enough to manage it.

A change to the target group and music style is welcomed. However, evidence shows that an older age group does not mean that things automatically get better. For example, The Closet (and The Closet Bar) have caused significant nuisance by those on breaks or dispersing outside in the early hours throughout the week. The Duke of Cornwall, opposite, has older customers but has caused significant noise impacts resulting in enforcement action from Environmental Health (EH).

In reality, public nuisance hasn't been driven by the age of patrons alone, or the music style, although it is accepted that this has made things worse. Especially when there has been no control of outside areas and regulated activity has involved the use of low frequency bass and dedicated monitors (we understand this equipment will remain for the application).

The real cause of noise nuisance from inside, for amplified music of any style or source, at both venues has simply been excessive volumes that can't be contained by the soundproofing properties of the buildings. Both have 100% of their perimeters contained by a single layer of glazing and normal glass. EH has described both as 'not fit for purpose' at the levels employed.

For this variation, the building perimeter of The Closet Bar has not changed and therefore the risk of escaping noise from amplified music of any style or source remains. These risks were not raised or presented. And excessive impacts have been experienced with recent events under the new operating model without targeting of 18-21 year olds. Such as tribute bands, Karaoke, and other one-off events. It appears that the variation is seeking to continue with entertainment of this style, but not club music and not targeting of 18-21 year olds, so in reality the soundproofing issues will be different, but they will

remain. It doesn't appear to hold true that a change of client will remove the problem. Unless The Closet Bar employs a 'background music' model, which seems very unlikely.

It therefore appears to be of no coincidence that The Closet Bar and The Duke of Cornwall have preventative noise conditions to limit the impacts of poor soundproofing. Nothing has changed in the community, and nothing has changed to the soundproofing to warrant their removal. The community was not aware that this level of protection had been lost, or that licensing had chosen to not revise them. It simply wants this preventative measure reinstated and made enforceable, again. As it was. But fairer. To prevent continuation of what has been quite irresponsible licensing. As raised in the representation.

For this variation, residents are very concerned that, following closure of many bars and clubs on the seafront, this venue will become much busier than it has been in the past. And so the above issues need reinstatement of the existing noise condition principles to ensure that public nuisance impacts are not increased for the cumulative impact area (CIA). For now or the future. Licensees cannot be bound to adopt a certain music style or target group. So this could change at any point. If these very likely impacts can't be managed by conditions in the CIA, then the Licensing Authority has a duty to reject the application. It is noted that the Town Council has raised an objection on grounds of Public Nuisance.

It is also noted that even though the licence for The Closet Bar and The Closet have very late opening times, every day, in reality neither have used this to the full extent. And this has given some respite locally. If this now changes to daily, very late opening, especially in holiday periods, it is foreseeable that public nuisance could increase. Continuation and reinstatement of the existing noise condition in The Closet Bar licence will go some way to assuring this will be better managed. We are not seeking anything new. We simply want what we have always had, but has been ignored and lost. This could also help to minimise impacts of more regular and late opening.

*We believe the need for a preventative noise condition is still crucial, to **prevent** noise nuisance for nearby families. It seems very clear that impacts have increased with loss of enforcement after the court of appeal's ruling. Licensees have not taken a responsible attitude for their impacts on the community and have exceeded what is reasonable and fair. The noise condition is long standing. It has, prior to being lost to the court of appeal ruling, provided well balanced protection for those living, visiting and working in the area. Unfortunately, since the appeal, and since residents have been openly dismissed on complaining, the impacts have become much worse.*

Following a Ground Truth survey and formal complaint about the lack of enforcement for the preventative noise condition to Licensing some 12 months ago, the council stated in writing that they would progress a revision to it. The community has been waiting, but nothing has happened and the applicant has not been bound by it, probably in the knowledge that it couldn't/wouldn't be enforced. Because of this and the continued impacts, Respect Weymouth sought legal/noise consultant advice to reinstate the condition, as granted but with a much fairer and more objective limit, for a community review. But as stated in the representation, this variation has thwarted this action, but this issue is very relevant, so it is included.

It is accepted that sound bursts have been resolved by The Closet Bar, and this has been welcomed. But the overall sound proofing ability of the bar is still not fit for the purpose of loud, amplified activity, with or without bass, against the standard that has been set, granted, and agreed against the merits, risks and circumstances of the original licensing application.

Opening up of the two venues may also exacerbate the proposed reduction in noise and use of bass, because this will be provided in The Closet, and without adequate, two door protection between the venues and dancefloor, as is the case now, the amplified music from The Closet will escape into The Closet Bar and be emitted through the poor soundproofing and perimeter glazing.

The Temporary change of use during the summers restrictions were successful and Taking into account the previous issues Regarding noise with Somewhere Else Bar we have considered the best action would be to permanently close Somewhere Else bar as a business and concentrate on the Closet Branding.

We have talked about this and the proposals have been well received. However, we didn't expect it to include complete removal of important licensing conditions of The Closet Bar. The temporary change of use has still caused significant nuisance issues because of poor soundproofing, as raised above, and this alone warrants reinstatement of the noise condition for the local community where amplified entertainment is proposed.

The Now Closet Bar And Closet nightclub all though listed as different addresses are situated next door to each other and we have transformed inside to allow customers to flow between the bar and nightclub without leaving the premises via a doorway which in theory makes this one business space as highlighted in the floor plan which was attached to the application.

This is supported. However, there are concerns about the level of soundproofing between the two venues, as raised above, and the impacts this could have on noise from The Closet escaping into and out of The Closet Bar. Regardless of The impacts from The Closet Bar itself.

By doing this we are reducing the noise issues as both bars will now not be trading as a night club there will quieter music and entertainment played from The Closet Bar space. All existing events will continue in the Closet Nightclub. The offers and promotions and music genre which were established with Somewhere Else will also be no more, which will have a positive effect on clientele using the new premises.

See above. Loss of 'drum and bass' nights will be a significant improvement, but they could return if the applicant or any future licensee wished. The 'quieter' entertainment still has the potential to escape the poorly soundproofed building, as before, albeit with less bass.

Another advantage of this is that we will operate with one customer entrance instead of two Reducing areas of noise outside with queues and smoking areas and creating a more manageable area.

This is a welcome move. But this does have the potential for more noise at later times if not managed well.

Due to previous works to eliminate noise escaping and new layout changes the overall capacity has been reduced by 150 people. The application changes to the Closet Night Club include one additional SIA Door-staff. The original Somewhere Else Licence would have had 3 Door supervisors based on the capacity and nature of business.

The work to eliminate excessive, waking noise bursts escaping from the venue through one set of doors into the street has been welcomed, and it has made a difference. The new entrance approach should improve this further with less use of The Closet Bar entrance.

However, this has had little or no impact on low frequency noise from dedicated bass monitors escaping through the perimeter of the building. As above, different events trialled during lockdown have also caused noise to escape at unreasonable levels. The monitors are still used.

But now with only one entrance point and the significant change in customers numbers, the reduced amount reflects this and will be reviewed on a risk assessment basis and increased if necessary and this figure does not include a road marshal which we deploy on weekends.

This is welcomed. And the Road Marshal has helped. The representation raises a need to prevent reentry in the Dispersal Policy if patrons clearly leave the venue for a break to conduct crime, disorder or ASB in local residential areas, as shown in the representation. This has been a significant issue.

*In reality, noise nuisance outside has **not** been dealt with by security staff. At all. Even with the conditions that are presented in the new Dispersal Policy, which have been in place some time, as supported by Respect Weymouth. Words are simply not enough. And there needs to be a stronger incentive to manage this. The representation includes a noise condition for outside, which can only be enforced if background levels are less than or equal to the proposed limits.*

I would like to include that post COVID restrictions that the Closet Nightclub entrance will be the main entrance and exit point past 11pm. This is to manage crowds and capacity effectively as set out in the dispersal policy.

This is welcomed. However, there remains concern over the impacts when door staff are not employed. This has been very clear in the past. An outside noise condition will help to manage this, especially if it includes a visual indicator, an idea that has been discussed before.

In response to some of the concerns listed in your representation i would be happy to include the following conditions on the New Closet Licence.

See appendix 1.

I am aware the above does not include any changes in regards to the preventative noise conditions as highlighted throughout the representation, I have previously agreed to discuss this

with yourself and work towards a resolution and look forward to hearing from you to move forward with this.

Thank you, we look forward to discussing them with you and hopefully reaching a conclusion that can satisfy the needs of both sides. To support this:

It is accepted that 'inaudible' is an unrealistic target. This has been addressed in the proposed conditions with limits that are louder than 'inaudible', set towards upper limits of respected and widely used research of The World Health Organisation and the Department for the Environment, Food and Rural Affairs (DEFRA). See the representation.

The proposed conditions meet the requirements of the court of appeal, and have been verified by one of the UK's leading licensing lawyers, Poppleston Allen. They are presented in the representation of Respect Weymouth.

We would like to assure the applicant that we are seeking noise conditions that are fair, workable and objective for both sides.

If unenforceable background levels exceed the limits of the proposed targets, they simply won't apply. They are there to protect the community when background levels are less than the target, especially from 23.00 to 04.00 and beyond.

We are willing to trial the conditions with the applicant and Environmental Health to ensure that they do not have an adverse impact on the applicant, or the community.

We are willing to explore revision to noise limits, but not at the expense of unreasonable suffering to residents if the applicant is seeking to raise them without improvements to soundproofing. This is a licensing responsibility to address. The limits are based on sound research and health/nuisance impacts.

Preventative conditions with agreed limits could significantly reduce the impacts on limited investigation resources of the council and simplify enforcement, if needed.

Preventative conditions with agreed limits would enable the community to understand the balance that is permitted, to ensure that complaints are justified and objective.

Preventative conditions with agreed limits would enable the applicant to objectively assess the volume of regulated activity against the standards of soundproofing in place. This would ensure that a responsible approach could be taken towards minimising community impacts and seeking improvements in soundproofing to meet a designated standard. Without this, there remains too much subjectivity and all concerned will still fail to understand what can be reasonably be achieved or expected.

Provided fair limits are set and are workable, we can see no disadvantages for responsible licensing, enforcement and community engagement.

Appendix 1 - Negotiating Conditions

Green shows what the applicant is willing to agree, to date.

Highlighted conditions are outstanding, for further discussion.

Crime and Disorder

27) *The Incident Report Register will be produced for inspection immediately on the request of an authorised officer from the Licensing Authority or Police.*

28) *A policy for searching patrons at the entrance to premises will be adopted and prominently displayed on the premises.*

29) *The PLH/DPS will inform Dorset Police as soon as possible of any search resulting in a seizure of drugs or offensive weapons.*

30) *A suitable purpose-made receptacle for the safe retention of illegal substances will be provided and arrangements made for the safe disposal of its contents as agreed with Dorset Police.*

31) *Notices will be prominently displayed at the entrances of the premises which state:*

- Random searches will be conducted as a condition of entry to premises (when SIA are present);

- Incidents of crime and disorder will be reported to the police and a full recorded entry will be made in the incident report register.

- Entry to the premises will be refused to any person who appears to be drunk, acting in a threatening manner or is violent; or appears to be under the influence of drugs.

32) *There will be a communication link via radio to other venues in the town centre. This will be the system recognised by Weymouth and Portland Borough Council, West Dorset District Council and Dorset Police.*

33) *A radio communication link will be kept in working order at all times when licensable activities are taking place.*

34) *The radio communication link will be available to the Designated Premises Supervisor or other nominated supervisor and be monitored by that person at all times that licensed activities are being carried out.*

35) *Any police instructions or directions given via the radio link will be complied with whenever given.*

36) *All incidents of crime or disorder will be reported via the radio link to an agreed police contact point.*

39) A log shall be kept detailing all refused sales of alcohol. *The log should include the date and time of the refused sale, a description of the person refused, why they were refused (e.g. no ID, fake ID) and the name of the member of staff who refused the sale. The log shall be available for inspection at the premises by the police or an authorised officer of a Responsible Authority (Licensing Act 2003).*

40) Glass and Bottles. Drinks, open bottles and glasses will not be taken from the premises at any time. *Drinks, open bottles and glasses will not be taken from the premises except for takeaway sales between the hours of 11:00 and 20:00. Bar Customers will not be allowed to take drinks outside at any time.*

Empty bottles and glasses will be collected regularly and promptly. Glass and other sharp objects will be stored and disposed of using tamper proof receptacles. Receptacles will be secured and not accessible to the customers.

41) The PLH/DPS will prominently display notices which inform customers that open bottles or glasses may not be taken off the premises.

44) The PLH/DPS will belong to a recognised trade body or Pub Watch Scheme where one exists, whose aims include the promotion of the licensing objectives.

Public Safety

~~46) The number of persons permitted in the premises at any one time (including staff) shall not exceed 250 persons.~~ **Replace this with the following relevant conditions from the new Licensing Policy:**

A7 Adequate procedures must be implemented to ensure overcrowding does not occur in any part of the premises.

A8 The licence holder shall determine the occupant capacity of the premises on the basis of documented risk assessment(s).

(i) The risk assessment(s) must take into account all relevant factors including space, audience density, means of access and egress, toilet provision, load-bearing capacity of floors, ventilation, etc and must be reviewed regularly, and if circumstances change.

(ii) Where necessary separate occupancy levels must be set for different parts of the premises, and when necessary for different premises layouts and different types of events.

(v) Measures must be put in place and documented to ensure that the capacity is not exceeded at any time.

(vi) All documentation pertaining to the proposed figure must be kept on the premises and must be available immediately on request to any authorised officer of the Licensing Authority or a constable.

(vii) The premises licence holder shall regularly review, update and amend any risk assessments particularly following any changes to the layout or operation of the venue. Such reviews shall be fully documented and form an integral part of the risk assessment.

Prevention of Public Nuisance

56) Licensable activities will be conducted and operated so as to prevent the transmission of audible noise or perceptible vibration through the fabric of the building or structure to adjoining properties.

57) Noise from a licensable activity at the premises will be inaudible at the nearest noise sensitive premises.

58) *There will be no external loudspeakers.*

59) *All windows and external doors shall be kept closed <add, after 23.00> <delete, all hours when regulated activity takes place> except for the immediate access and egress of persons. <add, This includes inward opening doors when SIA staff are available to manage access, egress and emergencies, and if SIA staff are not present, when occupant numbers do not exceed inward opening door limits for emergency escape, for each separate part of the venue. > Note the latter is permitted under fire safety regulations and the original condition is not applicable between 08.00 and 23.00 due to The Live Music Act.*

60) *A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.*

61) *Bottles will not be placed in any external receptacle after 02.00 hours and before 07.00 hours to minimise noise disturbance to neighbouring properties. <This should be 23.00 to 07.00>*

62) *No <add, waste collections or> deliveries to the premises shall be arranged between 23:00 hours and 07:00 hours.*

63) *added in 62)*

64) *There shall be no admittance or re-admittance to the premises after 03:00 hours. <aligned to a cooling down period with closing at 04.00>*

66) *The PLH/DPS will adopt a "cooling down" period where music volume is reduced towards the closing time of the premises e.g. for the last hour of opening. <This is not needed if the preventative noise condition is made enforceable and agreed.>*

67) *The pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel at its junction with the kerb edge, shall be swept and or washed, and litter and sweepings collected in accordance with the business's refuse storage arrangements.*

~~68) *Clear and legible notices will be displayed at exits, requesting patrons to leave the premises quietly having regard to the needs of local residents, in particular emphasising the need to refrain from shouting, slamming car doors, sounding horns and loud use of vehicle stereos and anti-social behaviour. <change to meet requirements of the dispersal policy>*~~

Clear and legible notices will be displayed at exits, requesting patrons to leave the premises quietly having regard to the needs of local residents, to meet requirements of the dispersal policy

The PLH/DPS will operate to a written dispersal policy which ensures the safe and gradual dispersal of customers from the premises. The PLH/DPS will ensure that staff receive training on the policy and a record of training shall be kept/made available to an authorised officer upon request.

69) *1 - 3 SIA Registered door staff will be employed and used to manage queues and ensure queues are restricted to cordoned areas to prevent them obstructing footpaths and spilling out onto roads, and to keep noise and obstructions away from residential property. <This won't happen with core staff in the premises, can accept this if outside noise limits are accepted.>*

70) *The premises supervisor and any door supervisors will monitor the activity of persons leaving the premises and remind them of their public responsibilities where necessary.*

Protection of Children from Harm

71) *People under 18 years of age will be allowed on to the premises between 09.00hrs and 22.00hrs when accompanied by an adult.*

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

12) *An additional CCTV camera will be mounted and trained towards Mitchell Street, Weymouth.*

Dispersal Policy

There has been considerable nuisance from patrons leaving the venue to conduct ASB in the local area. In reality, if they venture into residential streets, it's usually for a reason.

We would like the Dispersal Policy to include an approach that prevents reentry for those that leave controlled areas of the venue.

Appendix 6 - Agreed Conditions

1. Conditions Currently on the Licence that will remain unchanged

Prevention of Crime and Disorder

The Daily Record Register will contain consecutively numbered pages, the full name and registration number of each person on duty, the employer of that person and the date and time he/she commenced & finished duty (verified by the individuals signature) and will be retained on the premises for a period of 12 months from the date of the last entry and made available to an authorised officer from the licensing authority or Police on request.

The PLH/DPS/Duty Manager will ensure that an Incident Report Register is maintained on the premises to record incidents such as anti- social behaviour, admissions refusals and ejections from the premises.

A CCTV system will be installed and recordings shall be made available to the Police on request. At all times the premises is open as least 1 (one) member of staff will be on duty who shall be trained to operate the system in order to supply images.

The CCTV system will contain the correct time and date stamp information.

The CCTV system will have sufficient storage retention capacity for a minimum of 28 days continuous footage.

A Closed-Circuit Television (CCTV) system will be operational at the premises at all times when licensable activities are being carried out and at any other times when members of the public are present on the premises.

The PLH/DPS will operate to a written dispersal policy which ensures the safe and gradual dispersal of customers from the premises. The policy will be agreed with Dorset Police. The PLH/DPS will ensure that staff receive training on the policy and a record of training shall be kept/made available to an authorised officer upon request.

Door staff will remain on duty until such time customers have dispersed.

Protection of Children from Harm

The PLH/DPS staff will ask for proof of age from any person appearing to be under the age of 25 who attempts to purchase alcohol at the premises.

The PLH/DPS staff will ask for photographic identification in the form of either a passport, EU photographic driving licence or PASS accredited identification, from any person appearing to be under the age of 25 who attempts to purchase alcohol at the premises.

2. Conditions to be added from Variation

2 (two) x SIA Door Staff FRIDAY from 23:00hrs (11pm) and to close and shall wear Hi Visibility jackets/covers when on duty at all times (colour of your choice).

2(two) x SIA door staff SATURDAY from 2300 hrs (11pm) and a further 1 (one) x SIA door staff from 00.00hrs (MIDNIGHT).

3. Conditions Agreed in Response to Respect Weymouth

Prevention of Crime and Disorder

A log shall be kept detailing all refused sales of alcohol. The log should include the date and time of the refused sale, a description of the person refused, why they were refused (e.g. no ID, fake ID) and the name of the member of staff who refused the sale. The log shall be available for inspection at the premises by the police or an authorised officer of a Responsible Authority (Licensing Act 2003).

An additional CCTV camera will be mounted and trained towards Mitchell Street, Weymouth.

Public Nuisance

Drinks, open bottles and glasses will not be taken from the premises except for takeaway sales between the hours of 11:00 and 20:00. Bar Customers will not be allowed to take drinks outside at any time.

Empty bottles and glasses will be collected regularly and promptly. Glass and other sharp objects will be stored and disposed of using tamper proof receptacles. Receptacles will be secured and not accessible to the customers.

The PLH/DPS will prominently display notices which inform customers that open bottles or glasses may not be taken off the premises after.

The PLH/DPS will belong to a recognised trade body or Pub Watch Scheme where one exists, whose aims include the promotion of the licensing objectives.

The PLH/DPS will operate to a written dispersal policy which ensures the safe and gradual dispersal of customers from the premises. The PLH/DPS will ensure that staff receive training on the policy and a record of training shall be kept/made available to an authorised officer upon request.

Adequate procedures must be implemented to ensure overcrowding does not occur in any part of the premises.

The licence holder shall determine the occupant capacity of the premises on the basis of documented risk assessment(s).

(i) The risk assessment(s) must take into account all relevant factors including space, audience density, means of access and egress, toilet provision, load-bearing capacity of floors, ventilation, etc and must be reviewed regularly, and if circumstances change.

- (ii) Where necessary separate occupancy levels must be set for different parts of the premises, and when necessary for different premises layouts and different types of events.
- (v) Measures must be put in place and documented to ensure that the capacity is not exceeded at any time.
- (vi) All documentation pertaining to the proposed figure must be kept on the premises and must be available immediately on request to any authorised officer of the Licensing Authority or a constable.
- (vii) The premises licence holder shall regularly review, update and amend any risk assessments particularly following any changes to the layout or operation of the venue. Such reviews shall be fully documented and form an integral part of the risk assessment.

There will be no external speakers

All windows and external doors shall be kept closed after 23.00 except for the immediate access and egress of persons. This includes inward opening doors when SIA staff are available to manage access, egress and emergencies, and if SIA staff are not present, when occupant numbers do not exceed inward opening door limits for emergency escape, for each separate part of the venue.

Bottles will not be placed in any external receptacle after 23.00 hours and before 07.00 hours to minimise noise disturbance to neighbouring properties.

No waste collections or deliveries to the premises shall be arranged between 23:00 hours and 07:00 hours.

Clear and legible notices will be displayed at exits, requesting patrons to leave the premises quietly having regard to the needs of local residents, to meet requirements of the dispersal policy

Protection of Children from Harm

People under 18 years of age will be allowed on to the premises between 09.00hrs and 22.00hrs when accompanied by an adult.

10. Conditions attached to premises licences and club premises certificates

General

- 10.1 This chapter provides further guidance in relation to conditions attached to premises licences and club premises certificates. General principles on licence conditions are set out in Chapter 1 (see paragraph 1.16).
- 10.2 Conditions include any limitations or restrictions attached to a licence or certificate and essentially are the steps or actions that the holder of the premises licence or the club premises certificate will be required to take or refrain from taking in relation to the carrying on of licensable activities at the premises in question. Failure to comply with any condition attached to a licence or certificate is a criminal offence, which on conviction is punishable by an unlimited fine or up to six months' imprisonment. The courts have made clear that it is particularly important that conditions which are imprecise or difficult for a licence holder to observe should be avoided.
- 10.3 There are three types of condition that may be attached to a licence or certificate: proposed, imposed and mandatory. Each of these categories is described in more detail below.

Proposed conditions

- 10.4 The conditions that are appropriate for the promotion of the licensing objectives should emerge initially from the risk assessment carried out by a prospective licence or certificate holder, which they should carry out before making their application for a premises licence or club premises certificate. This would be translated into the steps recorded in the operating schedule or club operating schedule, which must also set out the proposed hours during which licensable activities will be conducted and any other hours during which the premises will be open to the public.
- 10.5 It is not acceptable for licensing authorities to simply replicate the wording from an applicant's operating schedule. A condition should be interpreted in accordance with the applicant's intention.

Consistency with steps described in operating schedule

- 10.6 The 2003 Act provides that where an operating schedule or club operating schedule has been submitted with an application and there have been no relevant representations made by responsible authorities or any other person, the licence or certificate must be granted subject only to such conditions as are consistent with the schedule accompanying the application and any mandatory conditions required under the 2003 Act.
- 10.7 Consistency means that the effect of the condition should be substantially the same as that intended by the terms of the operating schedule. If conditions are broken, this may lead to a criminal prosecution or an application for a review and it is extremely important therefore that they should be expressed on the licence or certificate in unequivocal and unambiguous terms. The duty imposed by conditions on the licence holder or club must be clear to the licence holder, club, enforcement officers and the courts.

Imposed conditions

- 10.8 The licensing authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives. In order to promote the crime prevention licensing objective conditions may be included that are aimed at preventing illegal working in licensed premises. This provision also applies to minor variations.
- 10.9 It is possible that in some cases no additional conditions will be appropriate to promote the licensing objectives.

Proportionality

- 10.10 The 2003 Act requires that licensing conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises concerned. Conditions should be determined on a case-by-case basis and standardised conditions which ignore these individual aspects should be avoided. For example, conditions should not be used to implement a general policy in a given area such as the use of CCTV, polycarbonate drinking vessels or identity scanners where they would not be appropriate to the specific premises. Conditions that are considered appropriate for the prevention of illegal working in premises licensed to sell alcohol or late night refreshment might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that a copy of any document checked as part of a right to work check is retained at the licensed premises. Licensing authorities and other responsible authorities should be alive to the indirect costs that can arise because of conditions. These could be a deterrent to holding events that are valuable to the community or for the funding of good and important causes. Licensing authorities should therefore ensure that any conditions they impose are only those which are appropriate for the promotion of the licensing objectives.

Naming, packing and promotion in retail premises

- 10.11 The Government acknowledges that the irresponsible naming, packing or promotion of alcoholic drinks may contribute to alcohol related harms. Where there is direct evidence of specific incidents of irresponsible naming, packing or promotion of alcoholic drinks linked to the undermining of one of the licensing objectives, licensing authorities should, in the exercise of their licensing functions (in particular, in relation to an application for the grant, variation or review of a premises licence), consider whether it is appropriate to impose conditions on licences that require the licence holder to comply with the Portman Group's Retailer Alert Bulletins. This condition should be considered on a case by case basis and in the context of the promotion of the licensing objectives.
- 10.12 The Portman Group operates, on behalf of the alcohol industry, a Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks. The Code seeks to ensure that drinks are packaged and promoted in a socially responsible manner and only to those who are 18 years old or older. Complaints about products under the Code are considered by an Independent Complaints Panel and the Panel's decisions are published on the Portman Group's website, in the trade press and in an annual report. If a product's packaging or point-of-sale advertising is found to be in breach of the Code,

the Portman Group may issue a Retailer Alert Bulletin to notify retailers of the decision and ask them not to replenish stocks of any such product or to display such point-of-sale material, until there has been compliance with the decision.

Hours of trading

- 10.13 The Government acknowledges that different licensing strategies may be appropriate for the promotion of the licensing objectives in different areas. The 2003 Act gives the licensing authority power to make decisions about the hours during which premises can conduct licensable activities as part of the implementation of its licensing policy statement. Licensing authorities are best placed to make decisions about appropriate opening hours in their areas based on their local knowledge and in consultation with responsible authorities. However, licensing authorities must always consider each application and must not impose predetermined licensed opening hours, without giving individual consideration to the merits of each application.
- 10.14 Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested.
- 10.15 Shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours.

The performance of plays

- 10.16 The 2003 Act provides that other than for the purposes of public safety, conditions must not be attached to premises licences or club premises certificates authorising the performance of a play⁷ which attempt to censor or modify the content of plays in any way. Any such condition would be ultra vires the 2003 Act.

Censorship

- 10.17 In general, other than in the context of film classification for film exhibitions, licensing authorities should not use their powers under the 2003 Act to seek to impose conditions which censor the content of any form of regulated entertainment. This is not a proper function of licensing law and cannot be properly related to the licensing objectives. The content of regulated entertainment is a matter which is addressed by existing laws governing indecency and obscenity. Where the concern is about protecting children, their access should be restricted where appropriate. But no other limitation should normally be imposed.

Major festivals and carnivals

- 10.18 Licensing authorities should publicise the need for the organisers of major festivals and carnivals to approach them at the earliest opportunity to discuss arrangements for licensing activities falling under the 2003 Act. For some events, the organisers may seek a single premises licence to cover a wide range of activities at varied locations

⁷ See chapter 15 for when a performance of a play is licensable.

within the premises. This would involve the preparation of a substantial operating schedule, and licensing authorities should offer advice and assistance about its preparation.

- 10.19 For other events, applications for many connected premises licences may be made which in combination will represent a single festival. It is important that licensing authorities should publicise the need for proper co-ordination of such arrangements and will need to ensure that responsible authorities are aware of the connected nature of the individual applications.
- 10.20 Local authorities should bear in mind their ability to seek premises licences from the licensing authority for land or buildings under public ownership within the community in their own name.⁸ This could include, for example, village greens, market squares, promenades, community halls, local authority owned art centres and similar public areas where festivals and carnivals might take place.⁹ Performers and entertainers would then have no need to obtain a licence or give a temporary event notice themselves to enable them to give performances in these places, although they would need the permission of the local authority to put on the event.

Fixed prices

- 10.21 Licensing authorities should not attach standardised blanket conditions promoting fixed prices for alcoholic drinks to premises licences or club licences or club premises certificates in an area. This may be unlawful under current law. However, it is important to note that the mandatory conditions made under sections 19A and 73B of the 2003 Act prohibit a number of types of drinks promotions including where they give rise to a significant risk to any one of the four licensing objectives; the mandatory conditions also prohibit the sale of alcohol below the permitted price, as defined in paragraph 10.56.
- 10.22 Where licensing authorities are asked by the police, other responsible authorities or other persons to impose restrictions on promotions in addition to those restricted by the mandatory conditions, they should consider each application on its individual merits, tailoring any conditions carefully to cover only irresponsible promotions in the particular and individual circumstances of any premises where these are appropriate for the promotion of the licensing objectives. In addition, when considering any relevant representations which demonstrate a clear causal link between sales promotions or price discounting and levels of crime and disorder on or near the premises, it would be appropriate for the licensing authority to consider the imposition of a new condition prohibiting irresponsible sales promotions or the discounting of prices of alcoholic beverages at those premises. However, before pursuing any form of restrictions at all, licensing authorities should take their own legal advice.

⁸ No licence is required for any entertainment provided by or on behalf of a local authority, see paragraphs 15.16-15.19

⁹ The register of public spaces: <https://www.gov.uk/government/publications/licensed-spaces-register>

Large capacity venues used exclusively or primarily for the “vertical” consumption of alcohol (HVVDs)

- 10.23 Large capacity “vertical drinking” premises, sometimes called High Volume Vertical Drinking establishments (HVVDs), are premises with exceptionally high capacities, which are used primarily or exclusively for the sale and consumption of alcohol, and have little or no seating for patrons. Previous research has demonstrated that the environment within such establishments can have a significant bearing on the likelihood of crime and disorder.
- 10.24 Where appropriate, conditions can be attached to premises licences for the promotion of the prevention of crime and disorder at such premises that require the premises to observe:
- a prescribed capacity;
 - an appropriate ratio of tables and chairs to customers based on the capacity; and
 - a requirement that security staff holding the appropriate SIA licence or exemption are present to control entry for the purpose of compliance with the capacity limit and to deny entry to individuals who appear drunk or disorderly or both.

Mandatory conditions in relation to the supply of alcohol

- 10.25 The 2003 Act provides for the following mandatory conditions to be included in every licence and/or club premises certificate in the circumstances specified.

Designated premises supervisor

- 10.26 The 2003 Act provides that, where a premises licence authorises the supply of alcohol, it must include a condition that no supply of alcohol may be made at a time when no designated premises supervisor has been specified in the licence or at a time when the designated premises supervisor does not hold a personal licence or the personal licence has been suspended.
- 10.27 The main purpose of the ‘designated premises supervisor’ as defined in the 2003 Act is to ensure that there is always one specified individual among these personal licence holders who can be readily identified for the premises where a premises licence is in force. That person will normally have been given day to day responsibility for running the premises by the premises licence holder. The requirements set out in relation to the designated premises supervisor and authorisation of alcohol sales by a personal licence holder do not apply to community premises in respect of which a successful application has been made to disapply the usual mandatory conditions in sections 19(2) and 19(3) of the 2003 Act (see Chapter 4 of this Guidance).
- 10.28 The 2003 Act does not require a designated premises supervisor or any other personal licence holder to be present on the premises at all times when alcohol is sold. However, the designated premises supervisor and the premises licence holder remain responsible for the premises at all times including compliance with the terms of the 2003 Act and conditions attached to the premises licence to promote the licensing objectives.

Authorisation by personal licence holders

- 10.29 In addition, every premises licence that authorises the sale of alcohol must require that every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence. This in most instances will be the designated premises supervisor who must hold a valid personal licence. Any premises at which alcohol is sold or supplied may employ one or more personal licence holders. This does not mean that the condition should require the presence of the designated premises supervisor or any other personal licence holder on the premises at all times.
- 10.30 Similarly, the fact that every supply of alcohol must be made under the authority of a personal licence holder does not mean that only personal licence holders can make sales or that they must be personally present at every transaction. A personal licence holder may authorise members of staff to make sales of alcohol but may be absent at times from the premises when a transaction takes place. However, the responsible personal licence holder may not be able to escape responsibility for the actions of anyone authorised to make sales.
- 10.31 “Authorisation” does not imply direct supervision by a personal licence holder of each sale of alcohol. The question arises as to how sales can be authorised. Ultimately, whether an authorisation has been given is a question of fact that would have to be decided by the courts on the evidence before it in the course of a criminal prosecution.
- 10.32 The following factors should be relevant in considering whether or not an authorisation has been given:
- the person(s) authorised to sell alcohol at any particular premises should be clearly identified;
 - the authorisation should have specified the acts which may be carried out by the person who is authorised to supply alcohol;
 - there should be an overt act of authorisation, for example, a specific written statement given to the individual who is authorised to supply alcohol; and
 - there should be in place sensible arrangements for the personal licence holder to monitor the activity that they have authorised on a reasonably regular basis.
- 10.33 It is strongly recommended that personal licence holders give specific written authorisations to individuals whom they are authorising to retail alcohol. A single written authorisation would be sufficient to cover multiple sales over an unlimited period. This would assist personal licence holders in demonstrating due diligence should issues arise with enforcement authorities; and would protect employees if they themselves are challenged in respect of their authority to sell alcohol.
- 10.34 Written authorisation is not a requirement of the 2003 Act and its absence alone could not give rise to enforcement action.
- 10.35 It must be remembered that while the designated premises supervisor or a personal licence holder may authorise other individuals to sell alcohol in their absence, they are responsible for any sales that may be made. Similarly, the premises licence holder remains responsible for ensuring that licensing law and licence conditions are observed at the premises.

Arrangements for the mandatory licence conditions

- 10.36 The mandatory conditions made under sections 19A and 73B of the 2003 Act (the conditions governing irresponsible promotions, dispensing alcohol directly into the mouth, provision of free tap water, age verification, small measures and the prohibition on sales of alcohol below the permitted price) do not have to be physically included in the licence or certificate but nonetheless will apply to every licence and certificate authorising the sale and supply of alcohol for consumption on the premises. The mandatory conditions set out in section 19 of the 2003 Act (the requirement for a DPS and for all sales to be made or authorised by a personal licence holder) do, however, have to be physically included in the licence. The mandatory licence conditions do not apply to activities (including the supply of alcohol) authorised by a temporary event notice.
- 10.37 Whereas the initial mandatory conditions in section 19 of the 2003 Act are set out in Annex 1 of the licence, the additional mandatory conditions made under section 19A of the 2003 Act are treated as if they were included in existing licences and certificates on the date that those conditions came into force.
- 10.38 Following their commencement, the mandatory conditions overrode any pre-existing conditions already included in a licence or certificate insofar as the mandatory conditions were identical to, or inconsistent with or more onerous than, any pre-existing conditions. It is not necessary to record on the face of existing licences and certificates the impact that the introduction of the mandatory conditions has had on pre-existing conditions.

Irresponsible promotions

- 10.39 Under this condition, the “responsible person” (defined in the 2003 Act as the holder of a premises licence, designated premises supervisor, a person aged 18 or over who is authorised to allow the sale or supply of alcohol by an under 18 or a member or officer of a club present on the club premises who can oversee the supply of alcohol) should be able to demonstrate that they have ensured that staff do not carry out, arrange or participate in any irresponsible promotions. An irresponsible promotion is one that fits one of the descriptions below (or is substantially similar), is carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises. The aim of the condition is to prohibit or restrict promotions which encourage people to drink more than they might ordinarily do and in a manner which undermines the licensing objectives.

Drinking games

- 10.40 Drinking games which require or encourage individuals to drink a quantity of alcohol within a time limit, or drink as much alcohol as possible within a time limit or otherwise, are prohibited. For example, this may include organised ‘drink downing’ competitions. This would not prevent the responsible person from requiring all drinks to be consumed or abandoned at, or before, the closing time of the premises. Nor does it necessarily prohibit ‘happy hours’ as long as these are not designed to encourage individuals to drink excessively or rapidly.

Large quantities of alcohol for free or a fixed price

10.41 Irresponsible promotions can include the provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted price, where there is a significant risk that such a promotion would undermine one or more of the licensing objectives. This includes alcohol provided to the public or to a group defined by a particular characteristic, for example, a promotion which offers women free drinks before a certain time or “all you can drink for £10”. Promotions can be designed with a particular group in mind (for example, over 65s). A common sense approach is encouraged, which may include specifying the quantity of alcohol included in it or not targeting a group which could become more vulnerable or present a greater risk of crime and disorder as a result of excessive alcohol consumption.

Prizes and rewards

10.42 The sale, supply or provision of free or discounted alcohol or any other item as a prize to encourage or reward the purchase and consumption of alcohol can be within the definition of an irresponsible promotion, where there is a significant risk that such a promotion would undermine one or more of the licensing objectives. This may include promotions under which free or discounted alcohol is offered as a part of the sale of alcohol, for example, “Buy one and get two free” and “Buy one cocktail and get a second cocktail for 25p”. This includes promotions which involve the provision of free or discounted alcohol within the same 24 hour period.

Posters and flyers

10.43 Irresponsible promotions can also include the sale or supply of alcohol in association with promotional materials on display in or around the premises, which can either be reasonably considered to condone, encourage or glamorise anti social behaviour or refer to the effects of drunkenness in any favourable manner.

Dispensing alcohol directly into the mouth

10.44 The responsible person (see paragraph 10.39) must ensure that no alcohol is dispensed directly into the mouth of a customer. For example, this may include drinking games such as the ‘dentist’s chair’ where a drink is poured continuously into the mouth of another individual and may also prevent a premises from allowing another body to promote its products by employing someone to dispense alcohol directly into customers’ mouths. An exception to this condition would be when an individual is unable to drink without assistance due to a disability.

Free potable water

10.45 The responsible person (see paragraph 10.39) must ensure that free potable water is provided on request to customers where it is reasonably available on the premises. What is meant by reasonably available is a question of fact; for example, it would not be reasonable to expect free tap water to be available in premises for which the water supply had temporarily been lost because of a broken mains water supply. However, it may be reasonable to expect bottled water to be provided in such circumstances.

Age verification

- 10.46 The premises licence holder or club premises certificate holder must ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol. This must as a minimum require individuals who appear to the responsible person (see paragraph 10.39) to be under the age of 18 years of age to produce on request, before being served alcohol, identification bearing their photograph, date of birth, and either a holographic mark or ultraviolet feature. The Home Office encourages licensed premises to accept cards bearing the Proof of Age Standards Scheme (PASS) hologram as their preferred proof of age, while acknowledging that many other forms of identification meet the requirements of the mandatory condition.
- 10.47 The premises licence holder or club premises certificate holder must ensure that staff (in particular, staff who are involved in the supply of alcohol) are made aware of the existence and content of the age verification policy which applies by the premises.
- 10.48 The designated premises supervisor (where there is one) must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy. This means that the DPS has personal responsibility for ensuring that staff are not only aware of, but are also applying, the age verification policy.
- 10.49 It is acceptable, and indeed encouraged, for premises to have an age verification policy which requires individuals who appear to the responsible person to be under an age greater than 18 to produce such identification on request. For example, if premises have a policy that requires any individual that appears to be under the age of 21 to produce identification that meets the criteria listed above, this is perfectly acceptable under the mandatory code.
- 10.50 Licence holders should consider carefully what steps they are required to take to comply with the age verification requirements under the 2003 Act in relation to sales of alcohol made remotely. These include sales made online, by telephone and mail order sales, and alcohol delivery services. Each of these sales must comply with the requirements of the 2003 Act. The mandatory condition requires that age verification takes place before a person is served alcohol. Where alcohol is sold remotely (for example, online) or through a telephone transaction, the sale is made at this point but the alcohol is not actually served until it is delivered to the customer. Age verification measures (for example, online age verification) should be used to ensure that alcohol is not sold to any person under the age of 18. However, licence holders should also consider carefully what steps are appropriate to ensure that age verification takes place before the alcohol is served (i.e. physically delivered) to the customer to be satisfied that the customer is aged 18 or over. It is, therefore, the responsibility of the person serving or delivering the alcohol to ensure that age verification has taken place and that photo ID has been checked if the person appears to be less than 18 years of age.

Smaller measures

- 10.51 The responsible person (see paragraph 10.39) shall ensure that the following drinks, if sold or supplied on the premises, are available in the following measures:
- Beer or cider: ½ pint
 - Gin, rum, vodka or whisky: 25ml or 35ml
 - Still wine in a glass: 125ml

- 10.52 As well as making the drinks available in the above measures, the responsible person must also make customers aware of the availability of these measures by displaying them on printed materials available to customers on the premises. This can include making their availability clear on menus and price lists, and ensuring that these are displayed in a prominent and conspicuous place in the relevant premises (for example, at the bar). Moreover, staff must make customers aware of the availability of small measures when customers do not request that they be sold alcohol in a particular measure.
- 10.53 This condition does not apply if the drinks in question are sold or supplied having been made up in advance ready for sale or supply in a securely closed container. For example, if beer is only available in pre-sealed bottles the requirement to make it available in 1/2 pints does not apply.
- 10.54 The premises licence holder or club premises certificate holder must ensure that staff are made aware of the application of this condition.

Ban on sales of alcohol below the permitted price

- 10.55 The relevant person (the holder of the premises licence, the designated premises supervisor (if any) in respect of such a licence, the personal licence holder who makes or authorises a supply of alcohol under such a licence, or any member or officer of a club present on the premises in a capacity which enables the member or officer to prevent the supply in question) 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.
- 10.56 The permitted price is defined as the aggregate of the duty chargeable in relation to the alcohol on the date of its sale or supply and the amount of that duty multiplied by a percentage which represents the rate of VAT chargeable in relation to the alcohol on the date of its sale or supply. Detailed guidance on how to make this calculation and a calculator to determine permitted prices for each product are available on the Home Office website.
- 10.57 Where there is a change to the rate of duty or VAT applying to alcohol (for instance, following a Budget), the relevant person should ensure that the permitted price reflects the new rates within fourteen days of the introduction of the new rate.
- 10.58 It is still permitted to sell alcohol using promotions (as long as they are compatible with any other licensing condition that may be in force), and the relevant person should ensure that the price of the alcohol is not less than the permitted price. Detailed guidance on the use of promotions is given in the guidance document available on the Gov.uk website.

Exhibition of films

- 10.59 The 2003 Act provides that where a premises licence or club premises certificate authorises the exhibition of a film, it must include a condition requiring the admission of children to films to be restricted in accordance with recommendations given either by a body designated under section 4 of the Video Recordings Act 1984 specified in the licence (currently only the British Board of Film Classification (BBFC)) or by the licensing authority itself.
- 10.60 The effect of paragraph 5 of Schedule 1 to the 2003 Act is to exempt adverts from the

definition of regulated entertainment, but not exempt them from the definition of exhibition of a film. Since the above mandatory condition applies to ‘any film’, it is therefore applicable to the exhibition of adverts.

Door supervision

- 10.61 Under section 21 of the 2003 Act, when a condition is included in a premises licence that at specified times an individual must be present at the premises to carry out a security activity (as defined in section 21(3)(a) by reference to the Private Security Industry Act 2001 (“the 2001 Act”), the licence must include a condition requiring that individual to be licensed by the Security Industry Authority (“the SIA”) under the 2001 Act, or be entitled to carry out that activity by virtue of section 4 of the 2001 Act.
- 10.62 A premises licence need not require a person to hold a licence granted by the SIA if that person benefits from an exemption under section 4 of the 2001 Act. For example, certain employees benefit from an exemption when carrying out conduct in connection with a certified sports ground (section 4(6) to (12)). Furthermore, in certain circumstances persons benefit from an exemption where they operate under the SIA’s Approved Contractor Scheme (section 15).
- 10.63 Conditions under section 21 of the 2003 Act should only relate to individuals carrying out security activities defined by section 21(3)(a) of the 2003 Act. Therefore, they should only relate to an activity to which paragraph 2(1)(a) of Schedule 2 to the 2001 Act applies (certain manned guarding activities) and which is licensable conduct within the meaning of section 3(2) of that Act. The requirement does not relate to individuals performing non-security related activities, and section 21 should not be used in relation to any such activities.
- 10.64 Section 21 of the 2003 Act continues to ensure that a premises licence need not impose such a requirement in relation to those licensed premises which the 2001 Act treats as unlicensed premises. Those are:
- premises in respect of which there is in force a premises licence authorising a performance of a play or an exhibition of a film;
 - casinos or bingo halls licensed under the Gambling Act 2005;
 - premises where a club certificate is in force when activities are being carried on under the authority of that certificate.

See paragraph 8(3) of Schedule 2 to the 2001 Act for full details.

- 10.65 It should be noted, however, that the 2001 Act will require contractors and a small number of employees (those managing/supervising and those supplied under contract) to be licensed as manned guards (rather than door supervisors) when undertaking licensable conduct on premises to which paragraph 8(3) of Schedule 2 to the 2001 Act applies.
- 10.66 It is therefore important that if a licensing authority intends that individuals must be present to carry out security activities (as defined by section 21(3)(a) of the 2003 Act) this should be explicit, as should the mandatory condition for those individuals to hold an SIA licence or be entitled to carry out that activity by virtue of section 4 of the 2001 Act. On the other hand, where a licensing authority intends that individuals must be present to carry out other activities (for example, activities related to safety or steward activities to organise, advise and direct members of the public), no mandatory condition

should be imposed under section 21 of the 2003 Act. In all cases it is important when determining whether or not a condition is to be imposed under section 21 of the 2003 Act to consider whether the activities of any individual working in licensed premises fall within the definition of security activities in section 21(3)(a) of the 2003 Act. (Regardless of whether a condition is imposed under section 21 of the 2003 Act, under the 2001 Act the appropriate SIA licence must be held by any individual performing an activity for which they are licensable under that Act.)

Appendix 8– Cumulative Impact Policy

- 7.1 The concept of “cumulative impact” has been described in the Section 182 guidance issued by the Home Office since the commencement of the Licensing Act 2003. Cumulative impact assessments were introduced at Section 5A in the Licensing Act 2003 by the Policing and Crime Act 2017. Cumulative impact is the potential impact on the promotion of the licensing objectives of a number of licensed premises concentrated in one area.
- 7.2 In some areas, where the number, type or density of licensed premises, such as those selling alcohol or providing late night refreshment, is high or exceptional, serious problems of nuisance and disorder may arise outside or some distance from those premises. Such problems generally occur as a result of large numbers of drinkers being concentrated in an area, for example when leaving premises at peak times or when queuing at fast food outlets or for public transport.
- 7.3 Queuing in itself may lead to conflict, disorder and anti-social behaviour. Moreover, large concentrations of people may also attract criminal activities such as drug dealing, pick pocketing and street robbery. Local services such as public transport, public lavatory provision and street cleaning may not be able to meet the demand posed by such concentrations of drinkers leading to issues such as street fouling, littering, traffic and public nuisance caused by concentrations of people who cannot be effectively dispersed quickly.
- 7.4 Variable licensing hours may facilitate a more gradual dispersal of customers from premises. However, in some cases, the impact on surrounding areas of the behaviour of the customers of all premises taken together will be greater than the impact of customers of individual premises. These conditions are more likely to arise in town centres, but may also arise in other urban centres and the suburbs, for example on smaller high streets with high concentrations of licensed premises.
- 7.5 Once away from the licensed premises, a minority of customers will behave badly. Other mechanisms for addressing such concerns may be more appropriate than cumulative impact, or may work alongside licensing policy. For example:
- Planning controls
 - Positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the local authority, including best practise schemes such as Purple Flag, Best bar None, Pubwatch or BIDs
 - Community Protection Orders
 - The provision of CCTV surveillance in town centres, taxi ranks, provision of public conveniences open late at night, street cleansing and litter patrols
 - Public Spaces Protection Orders
 - Police enforcement of the law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices
 - Prosecution for the offence of selling alcohol to a person who is drunk (or allowing such a sale)
 - Late Night Levy
 - Early Morning Restriction Orders
 - Other licensing measures such as fixed closing times, staggered closing times and zoning.

Cumulative Impact Assessments

- 7.6 A cumulative impact assessment (CIA) may be published by a licensing authority to help it limit the number or type of licences granted in an area where there is evidence to show that the number or density of licensed premises in the area is having a cumulative impact and leading to problems which are undermining the licensing objectives.
- 7.7 Weymouth and Portland Borough Council, one of the predecessor councils which were merged into Dorset Council on 1st April 2019 had an existing Cumulative Impact Area (CIA) in Weymouth town centre, designated following consultation and consideration of a Cumulative Impact Assessment. The CIA applies to applications for new premises licences and club premises certificates and applications to vary existing premises licences and club premises certificates within the Area.
- 7.8 The initial assessment included a call for evidence from the responsible authorities, including crime statistic reports commissioned from Dorset Police and ASB/nuisance statistics provided by the council's Licensing, Community Safety and Environmental Health Services. Local residents were also given the opportunity to comment on the proposals through the consultation period and relevant elected ward councillors and Community Committees during the development of the cumulative impact assessment.
- 7.9 As required by the law, the council is conducting a formal consultation process on retaining the cumulative impact Area with:
- The responsible authorities
 - Licensees and those representing licensees
 - Local residents and businesses
 - Those representing local residents and businesses.
- 7.10 Responses from these consultations will be reviewed and reports are available from the Licensing team.
- 7.11 The council will review the cumulative impact policy area at least every three years, as required by the legislation. The Cumulative Impact Assessments are available on the council's website. Applicants should contact the Licensing team to ensure they are in possession of the latest information before making their application.

Cumulative Impact Areas

- 7.12 The cumulative impact assessment has shown that the number or type of licence applications granted in the following area(s) are having a cumulative impact and this is leading to problems which are undermining the licensing objectives.

Weymouth Town Centre

- 7.13 The council has considered the available data and has determined that there is an area that is suffering from the cumulative impact of licensed premises and as a consequence this is leading to problems which are undermining the licensing objectives.

- 7.14 Weymouth Town Centre is an area where the impact of the licensed premises is considered so severe that the council's position is that any application for a new licence or the variation of an existing licence within the area should be refused, unless the applicant can show how their application would not lead to an increase in the detrimental impact of licensed premises in this area. Maps showing the exact geographical area can be found in the cumulative impact assessment at Appendix A to this Policy.
- 7.15 In this area the nature of the problems are alcohol related violent crime being perpetrated by people visiting and using this area during specific peak hours. More information on the evidence can be found in the cumulative impact assessment.
- 7.16 It would be inconsistent with the council's duty to promote the licensing objectives to grant new and variation application for any premises licence (on sales, off sales and late night takeaways), that seek to operate during the peak hours described in the cumulative impact assessment for the town centre.

Applications within a cumulative impact area

- 7.17 Applications for premises situated within a designated cumulative impact area for new premises licences or variations that are likely to add to the existing cumulative impact will normally be refused if relevant representations are received. It is for the applicant to demonstrate that their application would not add to the cumulative impact of such licensed premises in the area and so give good reason for the council to depart from its own policy.
- 7.18 An applicant wishing to obtain a new or varied licence for premises falling within the cumulative impact area must identify, through the risk assessment process (if used) and operating schedule, the steps that they intend to take so that the council and responsible authorities can be satisfied that granting a new licence will not add to the problems already being experienced.
- 7.19 To assist this process applicants are encouraged to submit a full and thoroughly considered application at the earliest opportunity. The onus is on the applicant to demonstrate to the responsible authorities the suitability and detail for their planned operation. The applicant is encouraged to make early contact with the responsible authorities to discuss their plans, and suggested control measures. Applicants should also have particular regard to the guidance issued by the Home Office under section 182 of the Act.
- 7.20 The existence of a cumulative impact assessment for a specific area does not relieve the responsible authorities or any other person of the need to make relevant representations where they consider it appropriate to do so for the promotion of the licensing objectives. Anyone making a representation may base it on the evidence published in the cumulative impact assessment, or the fact that a cumulative impact assessment has been published for that area. It remains incumbent on all responsible authorities and other people to ensure that their representations can withstand the scrutiny to which they would be subject at a hearing. As with all licensing applications under the Licensing Act 2003, if there are no representations, the licensing authority must grant the application in terms that are consistent with the operating schedule submitted as part of the application.

- 7.21 The council recognises that cumulative impact policies should not be absolute. The circumstances of each application will be considered properly on its own merits and applications for licences that are unlikely to add to the cumulative impact on the licensing objectives may still be granted, depending on the individual circumstances. After receiving representations in relation to a new application or for a variation of a licence, the licensing authority will consider whether it would be justified in departing from its policy and cumulative impact assessment in the light of the individual circumstances of the case. The impact can be expected to be different for premises with different styles and characteristics. If the council decides that an application should be refused, it will still need to show that the grant of the application would undermine the promotion of the licensing objectives and that appropriate conditions would be ineffective in preventing the problems involved.
- 7.22 When considering an application where the subject premises is in a cumulative impact area, the council will need to be satisfied that the grant of the licence or variation will not impact on the cumulative impact of existing licensed premises in the area and as the burden of proof is on the applicant, they will often suggest measures which they assert will demonstrate there will be no impact. Examples of factors the licensing authority may consider as demonstrating there will be no impact may include, though are not limited to:
- Small premises who intend to operate up to midnight.
 - Premises which are not alcohol led and only operate during the day time economy
 - Instances where the applicant is relocating their business to a new premises but retaining the same style of business.
 - Conditions which ensure that the premises will operate in a particular manner such as a minimum number of covers or waiter/waitress service to secure a food led operation.
 - Premises which will bring a variety of cultural activities to the area and expand the range of activities on offer for customers.
- 7.23 Examples of factors the licensing authority will not consider as meeting the standard of rebuttal include:
- That the premises will be well managed and run (as all licensed premises should meet this standard)
 - That the premises will be constructed to a high quality standard
 - That the applicant operates similar premises elsewhere, such as in another licensing authority area, without complaint
- 7.24 Any relevant representations submitted in support of an application will be taken into consideration by the council when making its determination.

Representations based on cumulative impact outside cumulative impact areas

- 7.25 In cases where either responsible authorities or other people seek to establish that an application should be refused on the grounds that it would result in or further contribute to a cumulative impact in an area not already designated as such, which would undermine one or more of the licensing objectives, they will be expected to:
- Identify the boundaries of the area from which it is alleged problems are arising
 - Identify the licensing objective which it is alleged will be undermined
 - Identify the type of licensable activity alleged to be causing the problem (e.g. sale of alcohol, late night refreshment)
 - Provide full details and evidence to show the manner and extent to which

it is alleged that the licensing objectives are being, or at risk of being, undermined in the area

- Provide evidence to show that the undermining of the objective is caused by the patrons of licensed premises in the area.

7.26 The reason for this is to ensure that there is an evidential basis for the licensing sub-committee to reach a decision and in the case of a representation submitted by persons other than responsible authorities, their objections are neither frivolous nor vexatious.