

## Licensing

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

**Categories:** Kathryn

Good Afternoon,

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

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

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

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

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

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

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

Kind Regards

**Roy Keepax**  
**Senior Licensing Officer**  
**Place Services**



Mr D Sulimierski



Please contact: Roy Keepax  
Tel. No. 01305 838028  
Email: [Licensing@dorsetcouncil.gov.uk](mailto:Licensing@dorsetcouncil.gov.uk)

18 July 2022

Dear Mr Sulimierski,

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

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

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

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

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

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

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

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

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

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

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

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

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

Yours sincerely

Roy Keepax  
Senior Licensing Officer

Dorset Council  
County Hall  
Dorchester  
Dorset DT1 1XJ

Tel: (01305) 251010  
Website: [www.dorsetcouncil.com](http://www.dorsetcouncil.com)



Edmon Ltd  
78 The Esplanade  
Weymouth  
DT4 7AA

Please contact: Roy Keepax  
Tel. No. 01305 838028  
Email: [Licensing@dorsetcouncil.gov.uk](mailto:Licensing@dorsetcouncil.gov.uk)

18 July 2022

Dear Edmon Ltd,

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Yours sincerely

Roy Keepax  
Senior Licensing Officer

## Licensing

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

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**Categories:** Kathryn

Good afternoon

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

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

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

Many thanks  
Kirsty



**DORSET  
POLICE**

**Kirsty Gatehouse 6084**

Licensing Officer

Tel: 07912 898387

Email: [Kirsty.Gatehouse@Dorset.PNN.Police.UK](mailto:Kirsty.Gatehouse@Dorset.PNN.Police.UK)

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**Drug and Alcohol Harm Reduction Team**

Weymouth Police Station, Radipole Lane, DT4 9WW

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

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

### Background:

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

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

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

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

#### Live music and recorded music:

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

The current licence has the following noise related conditions:

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

#### Amplified music and speech:

[Type here]

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

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

#### Environmental Health:

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

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

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

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

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

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

[Type here]

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

#### Summary:

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

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

#### Suggested conditions/actions

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

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

[Type here]

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

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

[Type here]



**Planning Services**

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

) 01305 838336- **Development Management**

) 01305 224289- **Minerals & Waste**

8 [www.dorsetcouncil.gov.uk](http://www.dorsetcouncil.gov.uk)

Sarah Fazakerley  
Licensing

Dorset Council

**Date:** 17 August 2022

**Ref:** P/CONS/2022/00155

**Team:** Western and Southern

**Case Officer:** Katrina Trevett

) 01305 252229

\* [katrina.trevett@dorsetcouncil.gov.uk](mailto:katrina.trevett@dorsetcouncil.gov.uk)

Dear Madam,

**Application No:** P/CONS/2022/00155

**Location:** Cafe Sunset The Esplanade Weymouth DT4 7AA

**Proposal:** Notification of a premises licence review application

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

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

Yours sincerely,

Katrina Trevett  
Development Management Team Leader - South/West

Planning Service privacy notice can be found at:

[www.dorsetcouncil.gov.uk/your-council/about-your-council/data-protection/service-privacy-notice/planning.aspx](http://www.dorsetcouncil.gov.uk/your-council/about-your-council/data-protection/service-privacy-notice/planning.aspx)