

Review of Premises Licence – Supplementary Information in Support of Representation

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Sunset Weymouth/Cool Runnings, 78 The Esplanade, Weymouth

This report is to be considered alongside the formal representation submitted in respect of an Application for a Review of a Premises Licence submitted to the Licensing Authority. It is the intention of Dorset Police to avoid any repeat of information previously submitted and to provide both the applicant (or their representative) and members of the Licensing Sub-Committee with additional information, context and evidence in support of the representation. This report is being completed and submitted as soon as practicable for the benefit of all parties. Whilst all details are correct at the time of completion, Dorset Police reserve the right to amend / introduce additional information and evidence in advance of the hearing.

Background

This Premises is a Restaurant come bar located on Weymouth Esplanade. It is in an area made up of commercial and residential properties and within the Cumulative Impact Zone for Weymouth Town Centre. The Premises Licence is held by a Limited Company with 3 current Directors. The current DPS was appointed in May 2022. Whilst the licence is in the name of Cool Runnings, the name of the premises according to the signage is Sunset Weymouth, along with their social media pages. This premises was formerly an Italian Restaurant but when the new owners came in May 2022, it appears to have changed to a Caribbean restaurant during the day and a bar/club at night. The current Premises Licence conditions reflect its use as a restaurant serving alcohol with food, not as a bar and not as a nightclub. Although within the town centre, the premises is located underneath residential properties and flanked by small souvenir shops that are only open during the day. It is at least 60 metres from the nearest licensed premises on either side.

Concerns

On 12th August 2022, Dorset Police Licensing were out in Weymouth Town Centre in company with Dorset Council Environmental Health Officers conducting joint visits to various premises in the Town. Due to noise complaints that they had been receiving, an appointment had been pre arranged by Environmental Health Officers (EHO) to attend Sunset Weymouth at 2230hrs to conduct noise monitoring tests both inside the premises and in the residential property directly above it.

On our arrival, all parties spoke to David LODGE as he was already in the outside area greeting and interacting with customers. He was unaware of the scheduled appointment and sought to find someone who could assist. Whilst sat outside, the Licensing Officer witnessed people who known to be drug users and dealers frequenting the premises. This is due to their previous role as a Police Community Support Officer in Weymouth. Intelligence has been received within the weeks prior to this visit that known drug users were seen regularly at the premises and also people arriving and then leaving a very short time after, consistent with a drug deal, had also been witnessed. Some of these reports that have been received also name members of staff as being involved.

Eventually, Mr LODGE did return and one of the EHOs went to go and meet the resident in the flat above whilst the Licensing Officer stayed within the premises with the other EHO who was using their noise monitoring equipment. The EHOs were communicating between each other by messaging and



the aim of the exercise was to slowly bring the decibel level down to something that was acceptable to the upstairs resident and also inside the premises. Mr LODGE assisted in this and was signalling to the DJ to get the music gradually turned down. Whilst this was taking place, a female made herself known to us saying she was the manager and that it wasn't convenient for us to be there at that time and we needed to leave and come back the next morning. The Licensing Officer explained the reason that we were there, pointed out that it had been a pre arranged appointment confirmed by email and that it was not convenient to come back and conduct the monitoring when the premises was only operating as a restaurant.

She acknowledged that she had seen the email but still maintained she was not happy with us being there and asked us to leave. The Licensing Officer further explained that we were able to enter the premises in our capacities as a Licensing Officer/EHO and that we had almost concluded the observations and that we were just waiting on the other EHO to come back down from the flat above. The female walked off and was on her phone seeming to have an argument with someone. A short time later she came back again and said that the Licensing Officer needed to speak to her partner on the telephone immediately or leave. The Licensing Officer reiterated that they were only there in support of the EHOs and if he wanted to talk to someone, it was best that he waited until the other EHO came back in which she would be imminently. The female proceeded to scream down the phone to her partner in Polish and walked away again. Very soon after, the other EHO came in and the Licensing Officer made sure they were acquainted right away. After some more explaining about what had been done during the visit, the female began to calm down and did eventually apologise for the way she had spoken to the Licensing Officer.

The Licensing Officer felt that throughout their interactions with her she was being extremely angry and aggressive and not willing to work with us at all. This did not fill them with any confidence that she is capable of managing a licensed premises if this was the level of aggression she showed to officers of the Council and Police.

Around an hour after the Licensing Officers and EHOs had left the premises, the EHO took a call from their out of hours service from the resident above asking us to return as the music being played was now even louder than it was before. On our return and from the other side of the Esplanade, we could hear the music that appeared to be even louder than before. This showed a complete disregard for what had been discussed and agreed.

Dorset Police have also received reports of fights that have emanated from the premises involving their customers. These calls have not come from the premises directly but from members of the public who have witnessed them.

Available Outcomes to the Sub-Committee

To assist the members of the Sub-Committee, Dorset Police make the following submissions in relation to the available outcome options in respect of this Application for Review -

No Action Taken

Dorset Police are of the view that taking no action is not a viable option. The Sub-Committee will hopefully agree that Dorset Police (and our partners) have engaged with and encouraged the licensee to promote the licensing objectives. Taking no action to counter these concerns and allowing the existing Premises Licence to remain risks increasing demand on Public Services and risks the safety of those intend on enjoying Weymouth's Night Time Economy.

Modification of the Conditions of the Premises Licence

The current Premises Licence was granted for a seafront restaurant business, not a bar opening late into the night with music. If this was a new premises licence being applied for, we would consult with the Premises Licence Holder to agree conditions appropriate for the business model. Given its location in amongst residential premises and away from the majority of later night venues, we would want to ensure it is an operation that is suitable for the area it's in.

However, they currently are not fully complying with the existing conditions relating to the closure of external doors and windows and do not seem to want to adhere to requests from responsible authorities

so far, so we would question whether they would show the same disregard if extra conditions were added.

Exclusion of a licensable activity from the scope of the Premises Licence

This licence currently has the following permitted licensable activities –

- Performance of Live Music (Indoors) Monday – Saturday 0900-2359hrs, Sunday 0900-2300hrs
- Playing Recorded Music (Indoors) Monday – Saturday 0900-2359hrs, Sunday 0900-2300hrs
- Late Night Refreshment (Indoors) Monday – Saturday 2300-2359hrs
- Supply of Alcohol for consumption ON and OFF the premises Monday – Saturday 0900-2359hrs, Sunday 0900-2300hrs

Dorset Police have considered whether the exclusion of any of the above licensable activities would serve to sufficiently tackle the problems identified. A reduction in timings for the sale of alcohol would restrict the ability to operate as a bar late into the night and a removal of the ability to supply alcohol altogether would prevent it being a viable business.

Removal of the Designated Premises Supervisor

The current DPS is a Mr Daniel SULIMIERSKI. He was not present at the time of the joint visit with EH but we believe he has been there at the time of other visits from authorities. The Premises Licence Holder is a company, EDMON LTD, and one of the directors – Bartlomiej SMEDRA – is often mentioned as being the owner of the business and his partner is usually present. Dorset Police are of the view that this option would not remedy the issues identified above as any newly appointed DPS would operate under the direction of EDMON LTD and this would likely result in no significant change to the operating standards at this premises.

Suspension of the licence for a period not exceeding 3 months

The suspension of this Premises Licence is unlikely to result in any substantial improvement. Dorset Police have demonstrated that we have engaged with the premises alongside other authorities and, unfortunately, the lack of regard for instructions given so far will likely continue.

Revocation of the Premises Licence

Dorset Police support the view that this option should be a last resort for the Sub-Committee. Whilst fiscal issues are outside of the considerations of the Sub-Committee, Dorset Police consistently adopt a proportionate approach, wherever possible, to remain sensitive to commercial viability of businesses.

Dorset Police acknowledge the value that licensed premises add to communities as places of social and economic value, however, where the presence of a licensed premise becomes detrimental to a community, appropriate action must be taken to seek improvement or reduce/remove the concerned premises.

If the options proposed above are not considered appropriate, Dorset Police propose that this Premises Licence be revoked.

The revocation of the premises licence and the exclusion of the licensable activities will not render the premises unusable as this premises could operate as a seafront café that does not sell alcohol. There is of course the option for a further Premises Licence Application to be submitted in the future and there are many examples where businesses in the hospitality/catering sector have thrived in the absence of a Premises Licence.

Conclusion

Dorset Police do not intend to elaborate a great deal on the above during the Sub-Committee hearing, however, we will ensure our availability to answer any queries and provide any further clarification/support/advice to the Sub-Committee as required.

Appendix 9

Regarding issue @ 78 The Esplanade. I would like to attend the meeting but unfortunately i have no transport. The noise is still horrendous, people drinking and blocking pavement & bus shelter entrance is ongoing. Youngsters drinking, age questionable. Possible drugs being exchanged & used this last Sunday. I hope this e-mail is a help. Once again thank you [REDACTED]

I saw this message on my Facebook notification and see they are advertising this DJ until 1am, surely this breeches their licence. We are away for a few days peace but dreading coming home, it holds no pleasure for us now only stress and anxiety. Kind regards, [REDACTED]

08:22 99%

facebook

Like Comment Share

Sunset Weymouth
12 h ·

Come see us tonight

Dubliminal • [Follow](#)
14 h ·

Catch me down [Sunset Weymouth](#) from 7:30pm!... See more



The poster features a DJ in a black hoodie and headphones, standing behind a turntable. Text on the poster includes: "7:30pm - 1am", "DUBLIMINAL", "Sunset Weymouth", "GARAGE, HOUSE, DRUM & BASS".

I understand that evidence is still being gathered about the cafe.

This week Thursday evening the 25th of August I recorded some loud singing from the cafe terrace at approximately 23:45.

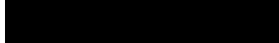
You will note that the noise can be heard quite loudly within my flat despite the windows being shut.

The sash windows are single pane and do not offer much protection from external noise. The building is grade II listed and the glass of the windows is handmade and cannot be replaced by double glazing without planning permission.

You will also notice when listening to the video that the singing starts with the words 'F... the Tories' and finished with 'F... the neighbours' while the manager is laughing her head off.

I hope this can be added to the evidence gathered to date.

Kind regards,

A solid black rectangular box used to redact a handwritten signature.