

Licensing Sub-Committee

12 December 2022

Objection to Temporary Event Notice – Sunset, 78 The Esplanade, Weymouth

For Decision

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

Local Councillor(s): Cllr J Orrell

Executive Director: J Sellgren, Executive Director of Place

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Report Status: Public

Brief Summary: A Temporary Event Notice (TEN) has been served on the Council for the sale of alcohol, regulated entertainment and late-night refreshment. The Notice has been considered by the Police and Environmental Protection. Both the Police and Environmental Protection have served Objection Notices. A Licensing Sub Committee must consider the Notice and the Objection Notices.

Recommendation: The Sub-Committee considers the Temporary Event Notice in the light of the objection notices made by Environmental Health and the Police and any oral evidence and resolves to take such steps as it considers appropriate and proportionate for the promotion of the licensing objectives of;

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

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

1 Details of the TEN

- 1.1 A Temporary Event Notice (TEN) has been served on the Licensing Authority by Radoslaw Kakuba for Sunset Weymouth, 78 The Esplanade, Weymouth.
- 1.2 The TEN covers a period from 16-17 December 0900-2359 hours and 18-22 December from 0900-2000 hours. The TEN was originally submitted to include the 23 December, however, this exceeded the maximum allowance of 7 days. Mr Kakuba was informed of this, and he asked to delete the 23 December. The Notice covers the sale of alcohol, regulated entertainment and late-night refreshment and is for 120 attendees. The TEN is attached at Appendix 1.
- 1.3 Objection Notices have been correctly served by Environmental Protection and Police within the statutory three working days consultation period. The Objection Notices are attached at Appendix 2.
- 1.4 Following the Objection Notice from Environmental Protection, Mr Kakuba responded that the music would be in the basement and offered to monitor the noise levels. Mr Kakuba's and Environmental Protection's response can be found at Appendix 3.
- 1.5 Mr Kakuba has also responded the Objection Notice from Dorset Police and this can be found at Appendix 4.

2 History of the premises

- 2.1 Sunset had its premises licence revoked after a review that had been brought by residents in September 2022.
- 2.2 Edmon Ltd who were the licence holders at the time did not appeal the decision and after the 21 days appeal period, the premises licence ceased on 3 October 2022.
- 2.3 A visit was made by Licensing Officers on 5 October, where it was found that alcohol was still on display on both the ground floor and the basement bars, following the revocation. A Section 19 Closure Notice was served on Mr Kakuba as he was in breach of Section 136 Licensing Act 2003, which states:

“a person commits an offence if they carrying on or attempt to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation or knowingly allows a licensable activity to be so carried on.

- 2.4 A further visit by Licensing Officers was made on 19 October to check that all alcohol had been removed from both areas. The ground floor bar did not have alcohol available, however, the basement bar still had alcohol displayed. Officers spoke to Mr Kakuba on the telephone and told him that the alcohol needed to be taken off display. Following this visit, Mr Kakuba produced via e-mail, photographs showing the basement bar clear of alcohol and the signage stating this area was closed. The Section 19 Notice was cancelled.
- 2.5 A further visit was made by Licensing and a colleague from Environmental Protection on 2 November 2022 following a complaint of noise coming from Sunset on the night of Saturday 29 October into Sunday 30 October. A member of staff informed Officers that this was a private party, Mr Kakuba confirmed this in an e-mail to Licensing. He also confirmed that Sunset only sold soft drinks and the alcohol was the participants own. A copy of this e-mail is at Appendix 5.

3 Considerations

- 3.1 Paragraph 7.28 of the Section 182 Guidance sets how the Authority should decide what actions are appropriate.

If the licensing authority receives an objection notice from the police or EHA that is not withdrawn, it must (in the case of a standard TEN only) hold a hearing to consider the objection unless all parties agree that this is unnecessary. The licensing committee may decide to allow the licensable activities to go ahead as stated in the notice. If the notice is in connection with licensable activities at licensed premises, the licensing authority may also impose one or more of the existing licence conditions on the TEN (insofar as such conditions are not inconsistent with the event) if it considers that this is appropriate for the promotion of the licensing objectives. If the authority decides to impose conditions, it must give notice to the premises user which includes a statement of conditions (a “notice (statement of conditions)”) and provide a copy to each relevant party. Alternatively, it can decide that the event would undermine the licensing objectives and should not take place. In this case, the licensing authority must give a counter notice.

- 3.2. The steps that the Sub-Committee may take are:

- a) Issue counter notices for the event which will not allow it to occur.
- b) Not to issue counter notices and allow the event as applied for.

4 Financial implications

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

5 Climate Implications

None

6 Well-being and Health Implications

None

7 Other Implications

Public Health and Community Safety

8 Risk Assessment

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

Current Risk: Medium

Residual Risk: Medium

9 Equalities Impact Assessment

None

10 Appendices

Appendix 1 – Temporary Event Notice

Appendix 2 – Objection Notices

Appendix 3 – Response by Mr Kakuba to Environmental Protection's objection.

Appendix 4 – Response by Mr Kakuba to Dorset Police's objection.

Appendix 5 – Mr Kakuba's e-mail following private party.

11 Background Papers

[Licensing Act](#)

[Section 182 Guidance](#)

[Dorset Council Licensing Policy](#)