

Temporary Event Notice – Supplementary Information in Support of Representation

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Sunset, 78 The Esplanade, Weymouth

This report is to be considered alongside the formal representation submitted in respect of a Temporary Event Notice submitted to the Licensing Authority by the applicant. 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

The Temporary Event Notice (TEN) is submitted for a 7-day period to take place at a premise previously operating as a Licensed Premises. The Notice is intended to enable the person serving the notice to host a Birthday party and a number of other evenings of licensable activity following the Birthday party. The weekend provision is intended to provide licensable activities from 0900 – 2359hrs and the weekday provision between the hours of 0900-2000hrs. Food is intended to be served alongside alcohol and some entertainment.

This premise was recently subject of an Application for a Review of Licensed Premises, instigated by nearby residents and supported by Dorset Police and Environmental Health Officers for Dorset Council. I have attached a copy of the determination following the hearing, dated 9th September 2002, which sets out, in detail, the reason for the revocation of the premises licence.

Concerns

Whilst Dorset Police are consistently driven to supporting ‘event’ organisers and those operating in the hospitality industry, we continue to have significant concerns regarding the compliance and safety standards of the operator at Sunset.

Following the revocation of the Premises Licence in September 2022 our partners at Dorset Council accompanied, by Licensing Officer Kirsty Gatehouse, responded to a report of alcoholic products being present and displayed for customers at the premises on Wednesday 5th October 2022.

A Section 19 Closure Notice was issued by a Dorset Council Licensing Officer, requiring the removal of all alcoholic products from points of sale/display was issued to the same person applying for this TEN who had advised that they believed there to be a Premises Licence in place at the premises.

A follow up visit took place on Tuesday 11th October and the downstairs bar continued to have alcohol on display. A different member of staff was present who said they knew nothing about having to remove any alcohol but did say they knew they couldn’t sell alcohol. They were asked to inform Mr Kakuba of the visit but had no knowledge of Mr Kakuba, instead advising that they would inform their manager, [REDACTED] believed to be the partner of [REDACTED] the person operating the premises prior to the revocation of the Premises Licence.



A further visit was conducted on Wednesday 19th October and the same staff member was present, and on this occasion, could pass a message to Mr Kakuba, informing him of the visit.

Kathryn Miller of Dorset Council Licensing Authority again spoke to Mr Kakuba on the telephone to inform him that all alcohol on the premises had to be removed, despite the basement apparently being closed.

An email with photos was received that evening showing that all alcohol had been removed from view and put into the storeroom, leading to the withdrawal of the S19 Notice.

During a recent visit, Licensing Officer Kirsty Gatehouse noticed a package containing San Miguel branded glasses had been addressed to [REDACTED] [director of Edmon Ltd, the previous Premises Licence Holder] and the date on the label on the packages being the 13th October 2022, suggesting this was a recent order that had been placed. On querying this with a member of staff they said that they did not know anything about the boxes and didn't know who the person named on the label was.

Further reports from members of the public identified a further event which took place at the premises. No permissions had been sought and whilst the operator of the premises insisted that no alcohol sales had taken place, with guests able to bring their own alcohol. Reports included concerns of young people being in attendance and evidence of Nitrous-Oxide Gas (hallucinogenic substance) being made available to occupants at the event.

Despite Mr Kakuba stating to officers that the event had concluded in advance of 2300hrs, CCTV footage clearly shows that customers remained in the vicinity of the premises until 0040hrs, causing ASB and consuming alcohol.

Dorset Police continue to have no confidence in the operator of Sunset and assure the Sub-Committee that we will take every opportunity to continue to investigate and prosecute any misdemeanour or unlicensed activity known to take place at the premises.

Available Outcomes to the Sub-Committee

To assist the members of the Licensing Sub-Committee, Dorset Police make the following submissions in relation to the available outcome options in respect of this Temporary Event Notice -

No Action Taken – Temporary Event Notice Permitted

Dorset Police are concerned that this TEN has been submitted to enable the occupant of the premises, who we continue to believe is associated with the previous licence holder, to offer alcohol and regulated entertainment, without any restrictions that would be imposed through a Premises Licence.

Dorset Police invite the Sub-Committee not to permit this licensable activity at this time.

Counter Notice Issued – Event is not permitted take place

Dorset Police are of the view that this is the only responsible option. The person serving the notice has failed to demonstrate how they intend to uphold the licensing objectives and Dorset Police have concerns that this event, given that it is intended to take place at a former Licensed Premises in Weymouth Town Centre, will be unsafe and that crime and disorder is likely to occur because of the event.

The Sub-Committee are reminded that the Licensing Act 2003 does not permit conditions to be added to a TEN unless there is an existing Premises Licence at the location. The previous Premises Licence for this site was revoked and no conditions can therefore be added to this TEN.

Home Office Revised Guidance Issued under Section 182 of the Licensing Act 2003 (April 2018)

The Sub-Committee are reminded that Paragraph 2.1 of the Licensing Act 2003 Section 182 Guidance produced by the Home Office states that, "*Licensing authorities should look to the police as the main source of advice on crime and disorder*". We believe that we have provided an evidence-based summary of our concerns above, as required by Paragraph 9.43 of the Section 182 Guidance, in support of our submission.

The Guidance on determining whether a TEN should be permitted is limited and states only the following relevant advice –

7.35 -where the planned activities are likely to breach the statutory limits or undermine the licensing objectives, it is likely to be appropriate for the police or EHA to raise objections.

Dorset Police have provided details of the concerns that we have. To permit this TEN to take place will likely undermine the Licensing Objectives.

In the interests of transparency, had the TEN been applied as an extension to an existing Premises Licence which was being operated to the standard expected, which it is not, then the following may have applied had Dorset Police been satisfied that the Licensing Objectives would have been promoted–

7.36 - However, in most cases, where for example, alcohol is supplied away from licensed premises at a temporary bar under the control of a personal licence holder, (such as at weddings with a cash bar or small social or sporting events) this should not usually give rise to the use of these powers.

Conclusion

Dorset Police are of the view that this Notice should be refused, and the licensable activities not authorised. This will not prevent food from being offered at the premises alongside background music taking place.

There are no opportunities for any of the responsible authorities, or the Licensing Sub-Committee, to introduce/agree conditions to be attached to this TEN. No assurances regarding Training, Door Supervision, Incident Management, requirement for Qualified Personal Licence Holders or any other safeguarding measures expected of a Licensed Premises are therefore achievable.

There are of course many events which take place using a TEN. This TEN, however, relates to a premises and operator recently subject of a Premises Licence Revocation following an Application for Review, significantly increasing our concerns and risk/safety indicators and increasing the likelihood of crime and disorder.

Whilst not strictly associated with this TEN, the Licensing Sub-Committee may be inclined to advise the person serving the TEN to submit an Application for a Premises Licence to enable them to conduct licensable activities in the future. Each application is assessed upon its own merits and will undergo a formal assessment process, which may lead to a Premises Licence being granted with appropriate conditions attached that will assist the applicant to promote the Licensing Objectives.

Appendices

Notice of Determination – Application for Review of Licensed Premises - Sunset