



Notification of Determination

Summary Review Hearing

12 January 2022

Applicant(s): Dorset Police

Premises: Actors, 3 – 7 Maiden Street Weymouth Dorset.

Sub Committee members: Cllrs E Parker (Chairman), J Andrews and L Fry

Decision

The Sub-Committee decided that the premises licence for Actors should be revoked. In addition, the Sub-Committee decided that the Interim Step of suspending the Premises Licence should remain in place pending any appeal to the Magistrates' Court and determination of that appeal.

Reasons for the Decision:

The Sub-Committee was addressed by the Licensing Team Leader who outlined the reason for the hearing and the options available to the Sub-Committee.

The Sub-Committee heard from Sergeant Gosling and Kirsty Gatehouse (Dorset Police Alcohol Licensing Officer) on behalf of the applicant, Dorset Police. Sergeant Gosling referred to the video submissions showing criminal activity relating to drug supply taking place near to the doorway to the Premises and in the immediate area. He said that the door staff from the Premises appeared to ignore the criminal activity and did not undertake searches, check ID and so on. He made reference to the undercover Police operation which was instigated as a result of the prevalence of drink spiking in the county, but which uncovered a serious problem with the supply of drugs associated with the Premises. He stated that a culture of drug use and excessive alcohol consumption had been allowed to take hold at the Premises.

Kirsty Gatehouse explained the findings set out in the submitted heat maps covering the general Weymouth Town Centre area. She stated that the darker red areas represented the highest number of reported matters. It was stated that for the first map shown there were 67 instances relating to the Premises alone, and only 12 instances relating to St Thomas Street as a whole and 21 instances for St Mary's Street as a whole. It was clear that the Premises had more associated reports than

the two entire streets in Weymouth. For the second map there were 36 instances associated with the Premises and the highest number for any other venue was 12. The heat maps covering the period when the Premises were closed, following the interim step of suspending the licence, showed no incidents relating to that area.

Sergeant Gosling stated that Dorset Police always wanted to work with licence holders to resolve issues, as they recognised the value of the late-night economy to the town. In this case a significant amount of work had been undertaken by himself and other officers to provide advice, including meeting with the Designated Premises Supervisor (DPS) on a number of occasions. Sergeant Gosling recognised that Mr Marseh had a long history of working in the industry and that he had taken some steps to try to address the issues brought to his attention, however the steps taken were inadequate and had not led to significant improvements in the promotion of the licensing objectives.

Seeking a summary review was an unusual step for the Police to take given that the issues had to relate to serious crime and disorder, but in this case Sergeant Gosling felt that the facts fully justified the action. It was clear to him that the criminal activity has not just started when the undercover operation took place. It was blatant and established to such an extent that it must have been going on for some time. It was his view that even with the new conditions suggested and the change of a number of managerial staff at the Premises, it was highly unlikely that the situation would change. The various policies which had been put forward by Mr Marseh had already been in place for some time and it was clear that they had not been implemented effectively. Given the serious problems experienced at the Premises it would be extremely difficult to change the culture and whilst one proposed new manager had some experience, the other had no experience of running a venue of this size and nature. Sergeant Gosling expressed his concern that if the licence was not revoked the Premises would soon demonstrate the same problems and again take up a disproportionate amount of Police resources. He was very concerned that should the Premises be permitted to retain their licence, that there was potential for a serious assault or worse to take place. He stated that the other options available to the Sub-Committee would not be appropriate in this case and asked the Sub-Committee to revoke the licence and to extend the interim step of suspension.

The Sub-Committee heard from John Newcombe the Service Manager for Licensing and Community Safety for Dorset Council. Mr Newcombe stated that the Licensing Authority as a Responsible Authority supported the application by Dorset Police and referred to the contents of the letter he had submitted. The Premises were within the sensitive Cumulative Impact Zone in Weymouth and Licensing Officers within the Council had taken steps over time, alongside Dorset Police, to provide the DPS with advice to ensure compliance with the licensing objectives. Mr Newcombe stated that despite this assistance the issues had continued. He acknowledged that the Premises had been awarded a 'Best Bar None' gold award five years ago, but things had spiralled out of control after that. He had viewed the video evidence and there appeared to be obvious drug dealing, the door staff did not check ID or refuse entry to people who had already had too much to drink. Whilst the door staff had contributed to the problems, the issues also related to the poor management of the Premises. He referred to the large number of ambulance call outs in the area, although he accepted that not every matter related to the Premises.

The Responsible Authority did not have confidence that the new conditions and other changes put forward by the DPS would be effectively implemented to promote the licensing objectives, given that the existing policies etc had not been effective. Mr Newcombe felt that there wouldn't be a new management team because Mr Marseh would still be there, and one new manager was a previous employee and the other had very limited experience. He felt that unless the licence was revoked the same problems would recur. Mr Newcombe fully supported the request by the Police for the Premises Licence to be revoked, as the most appropriate and proportionate step for the Sub-Committee to take.

The Sub-Committee was addressed by Mr Marseh's Barrister, Mr Stuart Jessop. Mr Jessop stated that his client was appalled and disgusted to see the evidence of events that had taken place in his club. He felt let down by his staff and the security company which supplied the door staff, but he knew he was also responsible. Mr Jessop stated that Mr Marseh was committed to making sure that there was no repeat of these events and he asked the Sub-Committee to take Mr Marseh's successful track record into account, together with the fact that Mr Marseh had been very unwell and absent from the Premises for a period of time. His client proposed to employ a new management team and he had already parted ways with the company which had provided security services for the Premises.

Mr Jessop asked the Sub-Committee to consider the immediate past, from 17 May 2021 to 15 December 2021, and break that down further into periods when Mr Marseh had not been ill and was able to engage with the Police and action suggested changes. Mr Jessop stated that initially, whilst things could not be described as good, the circumstances were clearly not so bad that the Police felt it necessary to seek a review of the licence. He acknowledged that matters had become much worse by November 2021 when Mr Marseh was unwell and away from the Premises. His client had considered that things were going reasonably well before he became ill and considered that he was leaving the Premises in safe hands.

Mr Jessop referred to the past record of the club, and that from 2014 to 2020 it had a good track record with no problems or reviews. The Premises had even received a gold 'Best Bar None' award for 2016/17. Mr Marseh himself had 26 years' experience in the trade and he had successfully run other similar bars with large capacities. All of this past evidence could not be ignored.

Mr Jessop stated that the Police had not been able to clearly explain why the changes proposed would not promote the licensing objectives. Mr Jessop accepted that the club needed the right management as well as the right conditions, but Mr Marseh had offered to implement a large number of new conditions and was willing to consider any further conditions which the Police wanted to suggest. He was also proposing to employ two new managers. Whilst one did not have much experience of running a club, she had good people skills to manage staff and the second manager did have licensing experience and had worked for Mr Marseh when the club was operating well. The new security company would refuse entry to people who were intoxicated and have much better control over what happened at the Premises.

Mr Jessop emphasized that the question to be asked was whether the Premises Licence Holder and the new management team would promote the licensing objectives going forward. The Sub-Committee should consider the evidence and give it the appropriate weight.

Mr Marseh emphasised how he felt that others had let him down. He'd had a meeting in the summer with the security company to require them to improve their services, but whilst it did improve for a short period it went downhill again. The Premises were busy in the summer, but he tried to put measures in place. He said that when the Premises first opened in May it was table service only and he was uncertain whether customers would come. They were surprised when the demand was very high, and they therefore had issues with queues due to the requirement to be seated. He explained that the Premises were in a sensitive location with people passing by to go to the seafront or into town or vice versa, so people met others going past the Premises. This had caused issues in the past with queues which they had addressed with barriers, but this had not worked that well.

Mr Marseh stated that the problems had really occurred when he had been ill and unable to be at the Premises himself. He had intended to close the Premises in November when it would be less busy and install new CCTV equipment, but he fell ill at this time. He referred to the figures for incidents in the area of the Premises and said that some of the incidents recorded were nothing to do with the Premises and gave a false impression of incidents connected to the Premises.

Mr Marseh said he wanted the club to be a success and intended to advertise for staff with higher than average wages to attract more experienced staff. He wanted to create a safe environment and to change the culture at the club to attract a different set of customers. He stated that he intended to rename the Premises and was planning to offer a more 'old school club' with comedians and cabaret. He had thought about putting an age limit on entry to the club but had decided against that. He also planned to work in conjunction with a local taxi firm to help people leave the area safely.

He stated that he had been the vice chairman of the Pub Watch group for a period and had attended virtually all the meetings.

Philippa Holt added that whilst she had limited experience of this type of work she had applied for a Personal Licence and would be working with another manager with relevant experience and knowledge of Weymouth. She felt that her people skills would be of great benefit in changing the culture of the Premises.

The Sub-committee was grateful for the time and effort of all the parties in submitting their evidence. The Sub-Committee carefully considered the documents presented to them and the oral representations made by all parties at the hearing. They had regard to the Licensing Objectives, the Licensing Act 2003 provisions, the Section 182 Statutory Guidance and the Dorset Council Statement of Licensing Policy 2021. The Sub-Committee determined that the most appropriate and proportionate step to take to address the issues at the Premises and to promote the licensing objectives, was to revoke the Premises Licence and to extend the application of the Interim Step

of suspending the Premises Licence until such time as an appeal is made or dealt with.

The Sub-Committee recognised that this was a serious step to take and did not take this decision lightly. However, the evidence submitted to them by the Police demonstrated, in their view, a persistent disregard for the licensing objectives, particularly the objective of the prevention of crime and disorder. A situation had been allowed to persist where it appeared that little or no action would be taken at the Premises to address issues relating to drugs. There appeared to be a culture at the premises where drug dealing was condoned, and little was done to promote the licensing objectives. This was a wholly unacceptable situation, and the Sub-Committee was not convinced that the imposition of further conditions on the Premises Licence, or any other option available to them short of revocation, would be successful in addressing the issues. It appeared that some of the proposed policies had been in place for a while already, but they had clearly not been effective. The Sub-Committee considered that it was likely that the unacceptable culture had been going at the Premises for some time, given that the supply of drugs appeared to be blatant and entrenched. As a result, it would be extremely difficult to rid the Premises of that culture even with new management and security staff.

The Sub-Committee takes the sale/distribution of drugs in connection with a licenced premise extremely seriously. The summary review process is reserved for instances of serious crime and disorder and the Sub-Committee was shocked to see and hear the nature of the evidence submitted in this respect. The Sub-Committee recognised that the problems with this Premises were resulting in a disproportionate amount of Police time being taken up when compared with other venues in the area.

The Sub-Committee accepted the statement made by the DPS that he had been unwell at various times and out of the country for a short period, but it did appear that the Premises Licence holder had failed to take any steps to take account of this absence. This was particularly concerning when it was clear that the Premises was already struggling to comply with the licensing objectives.

The Sub-Committee accepted that Dorset Police and Licensing Officers from the Council had made strenuous efforts to provide advice and guidance to help turn the Premises around, but that despite this assistance the situation had not been resolved. The Sub-Committee noted that both Responsible Authorities were asking for the Premises Licence to be revoked.

Right of Appeal:

Any party who wishes to appeal the decision has 21 days from the date of receipt of this notice to submit an appeal to Weymouth Magistrates Court, Westwey Road, Weymouth, DT4 8BS.

Councillor E Parker

Date 12 January 2022