

DORSET COUNCIL
19 JUL 2022
Digital Mail Room

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.
You may wish to keep a copy of the completed form for your records.

I **Jeroen 't Hart**

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

| | |
|---|-------------------------------------|
| Postal address of premises or, if none, ordnance survey map reference or description Café Sunset Weymouth, DT4 7AA, The Esplanade, Weymouth, Dorset | |
| Post town Weymouth | Post code (if known) DT4 7AA |

| |
|--|
| Name of premises licence holder or club holding club premises certificate (if known) Cool Runnings, licence number: WPPL0350 |
|--|

| |
|--|
| Number of premises licence or club premises certificate (if known) 1 |
|--|

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below) ✓

2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr Mrs Miss Ms Other title (for example, Rev)

Surname

't Hart

First names

Jeroen

I am 18 years old or over

Please tick ✓ yes

x

Current postal address if different from premises address

[Redacted]

Post town

[Redacted]

Post Code

[Redacted]


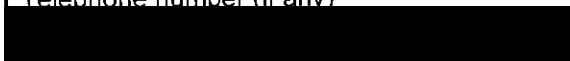

Daytime contact telephone number

[Redacted]

E-mail address (optional)

[Redacted]

(B) DETAILS OF OTHER APPLICANT

| |
|---|
| Name and address John John Davidson  |
| Telephone number (if any)  |
| E-mail address (optional)  |

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

| |
|---------------------------|
| Name and address |
| Telephone number (if any) |
| E-mail address (optional) |

This application to review relates to the following licensing objective(s)

- | | |
|---|---------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> x |
| 2) public safety | <input checked="" type="checkbox"/> x |
| 3) the prevention of public nuisance | <input checked="" type="checkbox"/> x |
| 4) the protection of children from harm | <input type="checkbox"/> |
- Please tick one or more boxes ✓

Please state the ground(s) for review (please read guidance note 2)

The café / restaurant has changed their use into a Disco at night since approximately March 2022. Music is extremely loud typically from 21:00 to 24:00 Friday and Saturday night. The music is played by a DJ, disco lights flash on the street, customers dance inside the premisses and on the terrace while the manager keeps both doors open to attract customers. The music is often so loud that residents and neighbours are unable to have a normal conversation or watch television within their home. Going to bed before midnight is now impossible for me.

For most days of the week the manager 'David' from Caribbean origin is active on the terrace addressing customers and passers-by. There is a lot of shouting, arguing, insulting, pushing and shoving and sometimes even fighting. Families at the bus stop which is in very close proximity of the café are puzzled and perplex. At night families waiting for the bus look worried and scared.

The lease of the café premisses according to the building owner John Davidson states the following 2 paragraphs:

1. 'The tenant must not do anything on Premises or allow anything to remain on them that maybe or become or cause a nuisance or annoyance, disturbance, inconvenience, injury or damage to the landlord or to the head landlord or to the owners or occupiers of any adjoining property of the head landlord or any other adjacent or neighbouring premises'.
2. Permitted use: 'a café and/or restaurant and/or coffee shop or any other use, falling within Class A3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987'.

There is no doubt that the testimonies of all involved, the complaints and the video evidence confirm that the tenants and managers of the cafe are a cause of nuisance and annoyance. The terms of the lease (1) have not been respected.

The permitted use of the premisses is limited to A3, it does not include permitted use as a dance hall, class D2 of the Town and Country planning. However the managers and clients are both dancing in the premisses and the terrace and advertise openly that they are a club. This is also mentioned in their customer reviews on the net. This term of the lease (2) has not been respected either.

Please provide as much information as possible to support the application (please read guidance note 3)

Please see attached the three record sheets as testimony of the continuing noise disturbance and nuisance.

Please see attached (memory key) video demonstrating that the premisses are used as a club.

Please see attached video demonstrating the manager addressing customers on the street

Please see attached complaint from [REDACTED] a testimony of aggressive behaviour by the café manager, staff and customers

Please see attached email from [REDACTED] clarifying terms & conditions of the lease

Please tick ✓ yes

Have you made an application for review relating to the premises before

If yes please state the date of that application

| Day | Month | Year |
|----------------------|----------------------|----------------------|
| <input type="text"/> | <input type="text"/> | <input type="text"/> |

If you have made representations before relating to the premises please state what they were and when you made them

None

Please tick ✓ yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate x
- I understand that if I do not comply with the above requirements my application will be rejected x

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature

.....

Date

10 July 2022

.....

Capacity

.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

Jeroen 't Hart

.....

Post town

.....

Post Code

.....

Telephone number (if any)

.....

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

.....

The council has a duty to protect the public funds it administers, and to do this may use the information you have provided on this form to prevent and detect fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes. Where appropriate, and as part of its commitment to improving customer service, the council may also share the information provided on this form with other council services. For more information, see <http://www.dorsetforyou.com/fraud> or contact Finance Manager on 01305 252292.

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

RE: Cafe 78, the Esplanade

Sat 02/07/2022 09:28

To:

Cc:

Morning

Thanks for pursuing the councillor option and as you say, we can rule that one out and concentrate where I always thought was the best approach, i.e. neighbours bringing the noise issues to the various authorities' attention and then action would be taken to either rescind their licence or at least curtail the noise levels. Even as the landlord my ability to take any action as you know is limited because I don't live on the premises and the tenants denied they are making too much noise anyway. Not at all ideal but it is what it is apparently.

The lease clause you refer to is as follows.....

- Permitted use: 'a café and/or restaurant and/or coffee shop or any other use, falling within Class A3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987'.

What the tenants have appeared to have done is apply for a music licence and then allowed the café/restaurant to morph into a club in all but name. This will be challenged and on Monday I will be seeking a meeting with my solicitor to discuss what options are open to me.

I understand Environmental Health paid a visit yesterday and it would be most helpful if we knew of the outcome of that visit. I haven't been involved in this line of attack as I am not entitled to be apparently, perhaps the neighbours could seek answers on Monday from EH also?

Best wishes and speak soon I'm sure,

From:

Sent: 02 July 2022 07:14

To:

Cc:

Subject: Re: Cafe 78, the Esplanade

Thank you for the updates.

Just to update you from my end, I have received a reply from our local councillor and even though he's sympathetic he is directing us down the licensing avenue. At least we can rule the councillor option out.

Fwd: Sunset Cafe, The Esplanade, Weymouth

Sat 09/07/2022 09:47

To:

- [REDACTED]
- [REDACTED]

Cc:

- [REDACTED]

1 attachments (19 KB)

image001.png;

----- Forwarded message -----

From: [REDACTED]

Date: Sat, 9 Jul 2022, 10:44

Subject: Sunset Cafe, The Esplanade, Weymouth

To: [REDACTED]

Cc: [REDACTED]

Good morning [REDACTED]

K I feel it's my duty to report the café, the noise and un-social behaviour has gotten worse over the past weeks. Since its turned into the Reggae style café with its night club approach and loud music I have to close my windows at night to hear my TV. It's also the new customers that it attracts, mostly young, drunk and aggressive. Just last night I witnessed terrible behaviour and I didn't think it was safe to leave my elderly parents on their own at the bus stop. They visited me and we had a lovely meal for the evening to be spoilt by the irresponsible owners of the café.

α The staff from what I could see were the main part and encouraged the aggressive behaviour. I then witnessed how they spoke to and treated some local residents and it was appalling. The language they were using considering there were young children waiting at the bus stop with family's down on holiday was disgusting, Weymouth should be a safe place for family's to visit, I doubt they will want to come back now!

[REDACTED]

It was just this morning I bumped into [REDACTED] who lives above, I asked her and her husband if they are okay and I gave them my details and asked if there is anything we can do. Linda has kindly given me your email. It's not just food and drink they sell in this place, I am very sure of that. Being a local man and having lived in Weymouth most of my life I can tell you there is much more going on in this café.

RE: Cafe 78, the Esplanade

Fri 01/07/2022 15:11

To:

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

Cc:

- [REDACTED]

Hi [REDACTED]

The clause that protects the neighbours is

- 3.10.1 : 'The tenant must not do anything on Premises or allow anything to remain on them that maybe or become or cause a nuisance or annoyance, disturbance, inconvenience, injury or damage to the landlord or to the head landlord or to the owners or occupiers of any adjoining property of the head landlord or any other adjacent or neighbouring premises'.

My difficulty up to now is that the tenant maintains his innocence and that the music is played at a level that falls within the permitted decibel level. I think we all agree that the building is not designed to withstand the heavy bass equipment that pounds out the music and the actions the residents are taking are the correct ones to kick-start any investigation by Environmental Health etc.. This has always been the case sadly that you have had to become involved, but my powers are limited if the tenant claims that he is doing nothing wrong. It is the neighbours who must complain, and then as we expect, the authorities will impose restrictions, orders etc. and I can then pick up the baton from there as it were.

I strongly urge you permit the authorities to pursue their objectives and carry out their investigations and if at all possible, try not to become involved or confrontational with those causing the disturbances no matter how you are provoked. A CCTV and monitoring system worthy of GCHQ exists downstairs and although I have no idea why, it is the tenants prerogative of course to install whatever he wishes to maintain his security....please be careful if you are involved in any "exchange of views" shall we say.

I have today spoken with the tenant and he assures me he is taking all necessary steps to mitigate the sound problem and that the soundproofing and electronic equipment is already on order but may take a week to be delivered and installed. I mention this only for your information and can only assume that maybe he has seen the light and will now finally accede to your reasonable requests to turn the volume down. We can only wait and see I guess and the neighbours actions will keep him concentrated and unlikely to look the other way as he would appear to have done up until now.

If as we were informed he had a meeting with EH today, then this evening will be the first test to see if he has taken everyone's views on board and I look forward to hearing of your experiences tomorrow if you wish to enlighten me.

Very best wishes,

[REDACTED]

Complaint Record Form

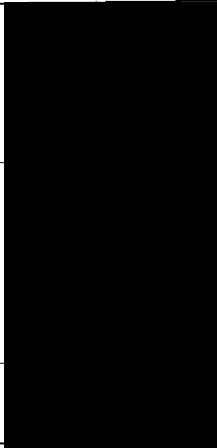
Complaint ref no. 42357

To: Jane Williams
Team Leader – Environmental Protection (West
Environmental Health
County Hall
Dorchester
Dorset
DT1 1XJ

From:
(Complainant)



This sheet is intended as a formal record of the events about which you are complaining. Care in its completion and accuracy (of times etc.) is essential since it could form the basis of formal evidence, which you could be required to sign as evidence in the event of legal proceedings being taken.

| Day & Date | Times (Please use 24h or am/pm) | | Nature of Occurrence (Please indicate source or origin) | Effect upon complainant (indicate how the occurrence affects you) | Signature |
|--------------|---------------------------------------|-------|--|---|---|
| | From | To | | | |
| 24 June 2022 | 20:30 | 24:00 | Very loud music | Unable to have a conversation during dinner Unable to watch television Unable to sleep Stressed and anxious |  |
| 25 June 2022 | 21:00 | 24:00 | Extremely loud music, up to the point that the whole building is shaking | Unable to have a conversation with my partner in the flat Unable to watch television Unable to sleep Anger and frustration | |
| 1 July 2022 | 21:15 | 24:00 | Loud music and heavy bass. Loud singing on the terrace by management and customers | Unable to watch television Unable to sleep | |

| | | | | | |
|-------------|-------|-------|--|---|--|
| | | | | Exhausted, tired, frustrated,.. | |
| 2 July 2022 | 22:30 | 24:00 | Loud music, heavy bass, the building is vibrating | Cannot relax, cannot watch television | |
| 7 July 2022 | 21:00 | 23:45 | Dancing, shouting and screaming at passers-by | Worried about families safety Worried for bus customers Anxious and ready to call the police or an ambulance if needed | |
| 8 July 2022 | 21:30 | 24:00 | Loud music played with heavy bass and noisy customers on the terrace | The stumping noise is so strong that I am unable to concentrate on anything anymore – cannot have a conversation, cannot read a book, cannot watch television,... Unable to open the windows for fresh air, the sound is too loud. | |
| 9 July 2022 | 22:00 | 24:00 | Loud music, loud sing along, heavy bass | Unable to watch television, unable to sleep, unable to open the windows for fresh air. | |

Complaint Record Form

Complaint ref no: 42349


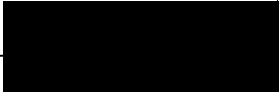
To: Jane Williams
Team Leader - Environmental Protection (West)

From:
(complainant)



Environmental Health
County Hall
Dorchester
Dorset
DT1 1XJ

This sheet is intended as a formal record of the events about which you are complaining. Care in its completion and accuracy (of times etc.) is essential since it could form the basis of formal evidence, which you could be required to sign as evidence in the event of legal proceedings being taken.

| Day & Date | Times (Please use 24h or am/pm) | | Nature of Occurrence (Please indicate source or origin) | Effect upon Complainant (Indicate how the occurrence affects you) | Signature |
|------------------------------------|------------------------------------|--------|--|--|---|
| | From | To | | | |
| FRIDAY 24 th June | 10.30pm | 24.00. | Got home from a night out. V loud music from below, vibrates through the floor. Impossible to hear word the vibrations/floor etc. boom, boom, boom | We might as well be in the room. Invited Manager & 2 others to listen, the bass vibrates so much Photo 23.39 - Doors open. Told by Managers its only | they turned the music down  |
| | | | Now in tears! | 4 hours! Shakes above a | |
| | | | Doors open after 11pm. | (night club) til 3am. Hates nothing today. Feeling very stressed. | |
| SATURDAY 25 th June. | 9.20pm | 23.59 | Reasonably quiet upto 9.20pm. Can hear vibration music words & | gone to our bedroom, which us ones 79 The Esplanade. Still aware of booming noise. Having to keep all doors shut - very hot |  |

Gets louder as the evening goes on.

This is so awful we are both
shut - very hot
after 11pm

| Day & Date | Times (Please use 24h or am/pm) From To | | Nature of Occurrence (Please indicate source or origin) | Effect upon Complainant (Indicate how the occurrence affects you) | Signature |
|----------------------------------|---|---------|---|---|-----------|
| FRIDAY 1 st JULY | 10.25pm | 11.59pm | Sunset Weymouth. Went to the cinema to get away from the noise in the cafe. V. loud especially after 11.19pm | Feeling very stressed, unable to sleep as floor vibrating. Mouth ulcers due to stress. Upset stomach | |
| SATURDAY 2 nd JULY | 10.30pm | 11.59pm | Stayed out until 10.30pm - Music not too bad but then turned up. Could not watch TV. Bedroom quiet | Slightly less agitated but it is still too loud. At least I managed to get to sleep after midnight | |
| THURSDAY 7 th JULY | 9pm | 11.45pm | Bizarre behaviour from David the front man, shouting, dancing in the street. | I would waste time into the street disturbing our peace at home. Total disregard for neighbours. | |
| FRIDAY 8 th JULY | 8.15pm | 12.02. | Tonight is reggae night. My brother & wife called in as they are on holiday here. Couldn't believe the noise. Source: Sunset Weymouth. Music played into the street. Have had to open our windows as 78.8 degrees in our sitting room, the noise is awful. The shouting & language is appalling. Bart says he knows nothing but have a photo of DJ in situ. Really have had him tonight. Tables show no evidence of food. Doors open after 11pm. (23.08) Attempted to record noise from window, music ended 12.00am | How much worse do we have to put up with this. Told by Bart not to approach his staff - complainant. This was in an email from Bart's landlord. Have now had to move into our kitchen at the back of 79, Esplanade. | |
| SATURDAY 9 th JULY | 9.15pm | 11.58pm | Music volume increased now having a job watching TV. Cannot open our windows as it is very hot. Floor vibrating. Bart on site again. 9.40pm Volume increased again we are being provoked. David is accosting, dancing with ladies walking by 'for dancing' then in. The loudest it has ever been!! Can't have a conversation, can't watch TV, I've got a headache | John verbally abused - again witnessed by a lot of people at the bus stop. Had hoped that after our complaint last night that something would change. Fed up, it is so hard to concentrate on anything. This has to be stopped! Relegated to the kitchen. We normally go to bed at 10pm, we now have to wait until after midnight Fri/Sat | |

Thank you Jane,

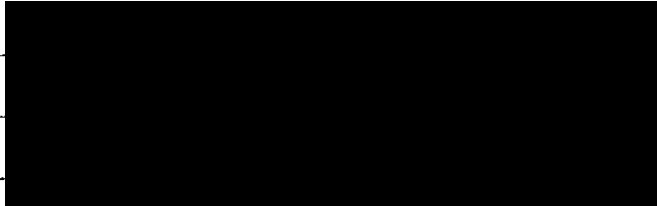
We are all desperate for something to be resolved here.

These tenants have no compassion and a total disregard for any distress they are causing to neighbours.

ATT. NICOLA ROBINSON.
TECHNICAL OFFICE

TIMES REQUESTED. FOR 79 THE USALAWA06, DT4 7AA.

F.L.M.



P.H.



| DAY + DATE | TIMES | | NATURE OF COMPLAINT | EFFECT | RACIA VIOLENCE |
|-----------------------|-------|-------|-----------------------|----------------------|----------------|
| | FROM | TO | | | |
| RI 17/6 | 20-40 | 9-05 | LOUD MUSIC | DISTURBING & | |
| | 21-30 | | LOUDER | CAUSES MY ASTHMA | |
| | 23-00 | 24-00 | VERY LOUD. | TO AGGRAVATE & CAUSE | |
| | | | | TO GO TO SLEEP. | |
| RI 18/6 | 21-05 | | LOUD MUSIC | | |
| | 21-12 | | " " | | |
| | 22-00 | 24-00 | VERY LOUD. | " " | |
| RI 24/6 | 21-30 | | LOUD MUSIC | " " | |
| | 22-30 | | LOUDER. | | |
| | 23-05 | | VERY LOUD. | | |
| | 23-40 | 24-00 | EXTREMELY LOUD. | | |
| RI 25/6 | 21-20 | | LOUD MUSIC | | |
| | 22-25 | | VERY LOUD. | " " | |
| | 22-45 | 24-00 | EXTREMELY LOUD. | | |
| | | | DRINKING ON PAVEMENT. | | |
| RI 1 st /7 | 21-00 | | LOUD MUSIC | " " | |
| | 22-14 | | LOUDER | | |
| | 23-11 | 24-00 | VERY LOUD. | | |
| RI 2 nd /7 | 21-15 | | LOUD MUSIC | " " | |
| | 22-20 | | LOUDER | | |
| | 22-30 | | VERY LOUD. | | |
| RI 8/7 | 21-15 | | LOUD. | | |
| | 20-05 | | VERY LOUD | | |
| | 22-25 | 24-00 | EXTREMELY LOUD | | |

9th / 7 / 2022

