



Date of Meeting: 7th August 2019

Lead Member: Cllr Emma Parker

Lead Officer: Roy Keepax

Executive Summary:

To consider a temporary event notice served on Dorset Council by the premises user Mr Charles Harris, for Bredy Gate, Bredy Farm, Bredy Lane, Burton Bradstock, Dorset, DT6 4ND following objections from a responsible authority namely Dorset Police.

Equalities Impact Assessment:

No equalities impact assessment associated with this report.

Budget:

No budget associated with this report.

Risk Assessment:

Having considered the risks associated with this decision, the level of risk has been identified as:

Current Risk: LOW
Residual Risk LOW

Other Implications:

No implications associated with this report.

Options:

1. Members can decide to:
 - 1.1 Allow the temporary event notice as served,
 - 1.2 impose one or more conditions from the existing premises licence onto the temporary event notice
 - 1.3 Issue a counter notice if they believe that the event would undermine the licensing objectives and should not take place.
2. Members may only consider matters that are linked to one or more of the licensing objectives. Members should give full reasons for their decision.

Reason for Options:

3. Where objection notices have been received from the Police and/or Environmental Health in relation to a temporary event notice, Dorset Council's scheme of delegation set out in the Constitution state that these applications should be dealt with by the Licensing Sub Committee.

Appendices:

- Appendix 1 - Temporary event notice
- Appendix 2 - Premises Licence for Bredy Gate
- Appendix 3 - Objection notice from Dorset Police
- Appendix 4 - Objection notice from Environmental Health
- Appendix 5 - Withdrawal notice from Environmental Health

Background Papers:

4. Licensing Act 2003: <http://www.legislation.gov.uk/ukpga/2003/17/contents>

The Former West Dorset District Council's Statement of Licensing Policy

The Home Office Statutory Section 182 Guidance:

<https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>

Officer Contact

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Background

- 5 A temporary event notice (TEN) was served on the Licensing Authority on 25 July 2019 notifying them of the premises users' intent to undertake licensable activities of the retail sale of alcohol both on and off the premises, the provision of regulated entertainment and the provision of late night refreshment at Bredy Gate on the following dates and times:

- Friday 3rd July 2020 1100 hours to 2359 hours
- Saturday 4th July 2020 0000 hours to 2359 hours
- Sunday 5th July 2020 0000 hours to 2359 hours
- Monday 7th July 2020 0000 hours to 0200 hours

- 6 The TEN has been served for a music festival at the venue. Festivals have occurred at the venue since 2015 which are now run on a regular basis three times every year.

A copy of the TEN under consideration is attached at appendix 1.

- 7 The Licensing Act 2003 allows conditions from a premises licence that covers the same area as the TEN to be imposed on a TEN following an objection notice if they consider it appropriate for the promotion of the Licensing Objectives. Paragraph 7.39 of the statutory guidance states that the decision on imposing conditions from a premises licence to a TEN is "a decision for the Licensing Authority alone, regardless

of the premises user's views or willingness to accept the conditions". Any such conditions will be notified to the user on a specified form.

- 8 Bredy Gate was granted a Premises Licence at a Licensing Sub Committee following representations from Environmental Health and interested parties on 30th May 2019. The licence was granted with conditions to promote the licensing objectives that had been proposed by the applicant as well as those imposed by the Sub-Committee in response to the representation from Environmental Health. The reasons for the conditions were to minimise disturbance to the nearby sensitive properties and surrounding villages. The premises licence in place limits the licensable activities to:

Live music - Friday to Sunday Noon to 11.45pm

Recorded music - Friday to Monday 9.00am to 02.00am

Supply of Alcohol – Friday to Monday 11.00am to 02.00am

Late Night Refreshment – Friday to Monday 11.00pm to 01.00am

A copy of the premises licence is attached at appendix 2.

- 9 An Objection Notice to the TEN has been served by Dorset Police within the statutory three working days consultation period. The Police stated in their objection notice:

"The location is subject to a premises licence under the Licensing Act 2003 and this objection is made to ensure the Licensing Sub Committee of the Council can attach to the TEN the conditions they feel appropriate and proportionate noted on the licence at Appendix 2 relating to crime and disorder, public safety, prevention of public nuisance and protection of children from harm.

If the conditions are not attached, the event may take place without the necessary precautions to prevent disorder and drunkenness, provide directed control of the site, and ensure procedures are in place for children and health and safety and the safeguards for residents in the vicinity of the location".

The objection is attached at Appendix 3.

- 10 A TEN can be modified after an objection notice has been served by an amendment to the licensable activities that are covered or to the times during which the activities are to occur. The premises user and Dorset Police have agreed mediation before the hearing. If a modification is agreed then the objection notice is treated for the purposes of the Act as having been withdrawn from the time the TEN was modified. The meeting is set to take place on Monday 5th August at the Dorset Council office. No modification can be made that relates to attaching conditions from a premises licence to a TEN.