

LICENSING SUB-COMMITTEE

MINUTES OF MEETING HELD ON MONDAY 23 AUGUST 2021

Present: Cllrs Jon Andrews, Brian Heatley and Kate Wheller

Apologies: Cllrs Les Fry

Officers present (for all or part of the meeting):

Elaine Tibble (Senior Democratic Services Officer), Lara Altree (Senior Lawyer - Regulatory), Roy Keepax (Licensing Officer) and Kathryn Miller (Licensing Officer)

52. Election of Chairman and Statement for the Procedure of the Meeting

Proposed by Cllr Wheller, seconded by Cllr Heatley.

Decision.

That Cllr Jon Andrews be elected Chairman for the duration of the meeting.

53. Declarations of Interest

No declarations of disclosable pecuniary interests were made at the meeting.

54. Urgent items

There were no urgent items.

55. Objection to Temporary Event Notice - Neon, 39 East Street, Bridport

The Licensing Officer presented the report for consideration of an Objection to a Temporary Event Notice (TEN) served by Michael Long for Neon, 39 East Street, Bridport.

The TEN served was to permit the sale of alcohol on the premises and the provision of regulated entertainment and late-night refreshment on the following dates and times:

Friday 27 August 2021 20:00 to 0400 hours
Saturday 28 August 2021 20:00 to 0400 hours
Sunday 29 August 2021 20:00 to 0400 hours
Monday 30 August 2021 00:01 to 0400

Correspondence from the Police and between the applicant and the Police was attached at appendices 2 & 3. The current Operating Schedule was attached at appendix 4.

There were no questions from the sub-committee members for the Licensing Officer.

The applicant, Mr Long was given the opportunity to put his case forward. He explained that the recent incident which led to the Police objection to the TEN followed a long running feud between two parties and had no relation to his premises. He gave an explanation of the events of the night concerned and the key points leading up to the incident. He had been escorting the victim to the taxi rank to ensure he got home safely when he (the victim) was attacked outside the premises.

The sub-committee were then invited to put their questions to the applicant. In response to their questions they were advised that the victim was known to Mr Long but not a friend.

The Police representative had no questions for the applicant and was invited to put the case forward for his objection to the TEN. His concerns were that another similar incident could occur and the original investigation was still ongoing. He stressed that it was not easy to get witness statements when people were intoxicated and anything past 02.00 was high risk.

The sub-committee were then invited to put their questions to the Police representative.

The applicant was invited to put questions to the Police representative.

Both parties were given the opportunity to sum up their cases and the Licensing Officer reminded the sub-committee of the 3 options available to them when making their determination.

The sub-committee retired to make their decision.

56. **Exempt Business**

Decision: That the press and the public be excluded for the following item(s) in view of the likely disclosure of exempt information within the meaning of paragraph 3 of schedule 12 A to the Local Government Act 1972 (as amended).

Decision: To ISSUE A NOTICE (STATEMENT OF CONDITIONS).

The Sub-Committee did not consider that it was appropriate to issue a Counter Notice in this instance, but determined that a Notice (Statement of Reasons) should be issued in order to impose conditions 3, 4 and 5 from the Premises Licence under the heading of 'Prevention of Crime and Disorder' onto the TEN as follows:

Prevention of crime and disorder

3. A closed circuit television (CCTV) system will be in operation at the premises at all times when licensable activities are being carried out and at any other times when members of the public are present on the premises. The CCTV system will have sufficient storage retention capacity for a minimum of 28- or 31-days continuous footage.

4. A designated member/members of staff at the premises will be authorised to access the CCTV footage and be conversant with operating the CCTV system. At the request of an authorised officer of the Licensing Authority or a Responsible Authority (under the Licensing Act 2003) any CCTV footage, as requested will be downloaded immediately or secured to prevent any overwriting. The CCTV footage material will be supplied, on request, to an authorised officer of the Licensing Authority or Responsible Authority with the absolute minimum of delay and in any case within 24 hours subject to the provisions of the Data Protection Act.

5. A logbook or register shall be kept detailing all refused sales of alcohol. The log should include the date and time of the refused sales, a description of the person refused, why they were refused (e.g. no ID, fake ID) and the name of the member of staff who refused the sale. This logbook is to also record any incidents of anti-social behaviour, admission refusal and ejections and any disturbance resulting in violence or injury to customers, staff or members of the public. The log shall be available for inspection at the premises by the Police or an authorised officer of a Responsible Authority under the Licensing Act 2003.

The Sub-Committee noted that the premises already had a licence for the supply of alcohol up to 2am, Monday to Sunday and that the TEN proposed extending those hours by two hours each day to 4am over the Bank Holiday weekend (27 August – 30 August). Sergeant Gosling had confirmed that there had been no previous complaints which could be attributed to Neon and Mr Long had confirmed that the individuals involved in the incident referred to, had been banned from the premises. The Sub-Committee fully recognised the essential role that the Police undertook in the licensing process and acknowledged Sergeant Gosling's disquiet, but considered in this particular case that with the addition of the conditions, it was appropriate for the TEN to go ahead.

Duration of meeting: 11.30 am - 12.20 pm

Chairman

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