



## Licensing Sub-Committee

**Date:** Monday, 23 August 2021  
**Time:** 11.30 am  
**Venue:** Committee Room 1, County Hall, Dorchester,  
DT1 1XJ

**Membership: (Quorum 3 )**

Councillors Jon Andrews, Les Fry and Kate Wheller

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**Chief Executive:** Matt Prosser, County Hall , Dorchester, Dorset DT1 1XJ

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# **A G E N D A**

## **Page No.**

### **1 ELECTION OF CHAIRMAN AND STATEMENT FOR THE PROCEDURE OF THE MEETING**

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To elect a Chairman for the meeting and the Chairman to present and explain the procedure for the meeting.

### **2 APOLOGIES**

To receive any apologies for absence.

### **3 DECLARATIONS OF INTEREST**

To disclose any pecuniary, other registrable or non-registrable interests as set out in the adopted Code of Conduct. In making their disclosure councillors are asked to state the agenda item, the nature of the interest and any action they propose to take as part of their declaration.

If required, further advice should be sought from the Monitoring Officer in advance of the meeting.

### **4 URGENT ITEMS**

To consider any items of business which the Chairman has had prior notification and considers to be urgent pursuant to section 100B (4) b) of the Local Government Act 1972. The reason for the urgency shall be recorded in the minutes.

### **5 OBJECTION TO TEMPORARY EVENT NOTICE - NEON, 39 EAST STREET, BRIDPORT**

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To consider an Objection Notice to a Temporary Event Notice (TEN) served by Michael Long for Neon, 39 East Street, Bridport, DT6 3JX.

### **6 EXEMPT BUSINESS**

To move the exclusion of the press and the public for the following item in view of the likely disclosure of exempt information within the

meaning of paragraph x of schedule 12 A to the Local Government Act 1972 (as amended).

The public and the press will be asked to leave the meeting whilst the item of business is considered.

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## **THE LICENSING ACT 2003 (HEARINGS) REGULATIONS 2005**

### Rights of a Party

1. A party has the right to attend the hearing and may be represented by any person.
2. A party is entitled to give further information where the authority has asked for clarification.
3. A party can question another party, and/or address the authority, with consent of the authority.

### Failure to Attend

4. If the authority is informed a party does not wish to attend, the hearing may proceed in their absence.
5. If a party has not indicated their attendance and fails to attend the hearing may be adjourned if considered in the public interest, or hold the hearing ensuring the party's representation is considered.
6. Where the authority adjourns the hearing it shall notify the parties of the date, time and place.

### Procedural Information

7. At the start of the hearing, the authority shall explain the procedure which it proposes to follow and shall consider any request for permission for another person to appear at the hearing.
8. A hearing shall take the form of a discussion led by the authority and cross-examination shall not be permitted unless the authority considers that it is required.
9. The authority will allow the parties an equal maximum period of time in which to speak.
10. The authority may require any person behaving disruptively to leave, and may refuse that person to return, but such a person may, before the end of the hearing, submit in writing information they would have been entitled to give orally had they not been required to leave.

### **FOOTNOTE:**

In relation to all other matters governed by the Licensing Act 2003 (Hearings) Regulations 2005 any party or their representative may contact the Licensing Services at Dorset Council and they will be provided with a full copy of the regulations on request.

## LICENSING SUB-COMMITTEE PROCEDURE

1. At the start of the meeting the Chairman will introduce:
  - the members of the sub-committee
  - the council officers present
  - the parties and their representatives
2. The Chairman will then deal with any appropriate agenda items.
3. The Licensing Officer will be asked to outline the details of the application, including details of any withdrawn representations.
4. The applicant or their representative is then invited to present their case.
5. Committee members will be invited to ask questions.
6. Where appropriate the Responsible Bodies e.g. representatives of Police, Fire Services, Environmental Services or Trading Standards will be invited to address the sub-committee on any relevant representations they may have.
7. The Chairman may then allow an opportunity for questions.
8. The Chairman will ask any person who has made representations, who have already expressed a wish to do so, to address the sub-committee. The sub-committee will have read all the papers before them, including any letters of representation. Members of the public are asked to keep their comments concise and to the point.
9. The Local Ward Member, if present, will be given an opportunity to address the sub-committee.
10. All parties will be given the opportunity to “sum up” their case.
11. The Chairman will ask the Legal Advisor if all relevant points have been addressed before advising all parties present that the sub-committee will withdraw from the meeting to consider its decision in private. The sub-committee will be accompanied by the Democratic Services Officer and the Legal Advisor can be called upon to offer legal guidance.
12. On returning the Chairman will:

- Notify all those present of the sub-committee's decision (or indicate when it will be made)
  - Give brief details of any conditions attached to the licence approval;
- Or
- Outline the reasons for the refusal
  - Inform that detailed reasons will follow in writing (unless given on the day)
  - Inform those present of their right to appeal to the Magistrates' Court

#### **NOTE**

The Chairman may vary this procedure, as circumstances require but will have regard to the rules of natural justice and the Licensing Act 2003 (Hearings) Regulations 2005.

The meeting will take place in public. However, the public can be excluded from all or part of the meeting where the sub-committee considers that the public interest in so doing outweighs the public interest in the meeting or that part of the meeting, taking place in public.

Under no circumstances must the parties or their witnesses offer the sub-committee information in the absence of the other parties.

The Chairman and the Sub-Committee have discretion whether to allow new information or documents to be submitted and read at the meeting.

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## Licensing Sub-Committee 23 August 2021 Objection to Temporary Event Notice

### For Decision

**Portfolio Holder:** Cllr J Haynes, Customer and Community Services  
**Local Councillor(s):** Cllrs D Bolwell, K Clayton and S Williams  
**Executive Director:** J Sellgren, Executive Director of Place

Report Author: Kathryn Miller  
Title: Licensing Officer  
Tel: 01305 252214

Email: [kathryn.miller@dorsetcouncil.gov.uk](mailto:kathryn.miller@dorsetcouncil.gov.uk)

**Report Status:** Public

**Recommendation:** The Sub-Committee considers the Temporary Event Notice in the light of the objection notice made by Dorset Police Licensing and oral evidence and resolves to take such steps as it considers appropriate and proportionate for the promotion of the licensing objectives of;

- a. The prevention of crime and disorder
- b. The prevention of public nuisance
- c. Public safety
- d. The protection of children from harm

**Reason for Recommendation:** The Sub-Committee must consider the oral representations and information given at the hearing before reaching a decision.

#### 1. **Executive Summary**

To consider an Objection Notice to a Temporary Event Notice (TEN) served by Michael Long for Neon, 39 East Street, Bridport, DT6 3JX.

#### 2. **Financial Implications**

Any decision of the Sub-Committee could lead to an appeal by any of the parties involved that could incur costs.

#### 3. **Climate implications**

None

#### 4. **Other Implications**

Public Health and Community Safety

## 5. Risk Assessment

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

Current Risk: Medium

Residual Risk: Medium

## 6. Equalities Impact Assessment

Not Applicable

## 7. Appendices

Appendix 1 – Temporary Event Notice

Appendix 2 – Objection Notice

Appendix 3 - Correspondence between Mr Long and Dorset Police Licensing

Appendix 4 – Conditions under Appendix 2 – operating schedule of the premises licence for Neon

## 8. Background Papers

[Licensing Act](#)

[Section 182 Guidance](#)

[Dorset Council Licensing Policy](#)

[LGA Councillors Handbook](#)

## 9. Details

9.1 A TEN was served on the Licensing Authority on 9 August 2021 for Neon, 39 East Street, Bridport, Dorset, DT6 3JX. The Notice is attached at Appendix 1.

9.2 An objection notice has been served by Dorset Police Licensing within the statutory three working days consultation period. The notice is attached at Appendix 2.

9.3 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

9.4 Following the objection notice by the Dorset Police Licensing, Mr Long has responded to the issues raised. These are attached at Appendix 3.

## 10. Considerations

10.1 Paragraph 7.28 of the Section 182 Guidance sets how the Authority should decide what actions are appropriate.

*7.28 If the licensing authority receives an objection notice from the police or EHA that is not withdrawn, it must (in the case of a standard TEN only) hold a hearing to consider the objection unless all parties agree that this is unnecessary. The licensing committee may decide to allow the licensable activities to go ahead as stated in the notice. If the notice is in connection with licensable activities at licensed premises, the licensing authority may also impose one or more of the existing licence conditions on the TEN (insofar as such conditions are not inconsistent with the event) if it considers that this is appropriate for the promotion of the licensing objectives. If the authority decides to impose conditions, it must give notice to the premises user which includes a statement of conditions (a "notice (statement of conditions)") and provide a copy to each relevant party. Alternatively, it can decide that the event would undermine the licensing objectives and should not take place. In this case, the licensing authority must give a counter notice.*

## 11 Recommendation

11.1 The Sub-Committee considers the notice in the light of written and oral evidence and resolves to take such steps as it considers appropriate and proportionate for the promotion of the licensing objectives:

- a. the prevention of crime and disorder
- b. the prevention of public nuisance
- c. public safety
- d. the protection of children from harm.

11.2 The steps that the Sub-Committee may take are:

- a. issue a counter notice for the event which will not allow it to occur
- b. not to issue a counter notice which will allow the event as applied for
- c. not to issue a counter notice which will allow the event to go ahead, but issue a Notice (Statement of Conditions), to impose one or more conditions from the existing Premises Licence conditions on the TEN.

11.3 The premises known as Neon currently has a premises licence (WDPL0729) in force which allows it to have regulated entertainment and late night refreshment between the hours of 2300 to 0200 hours Monday to Sunday and the supply of alcohol between 1100 to 0200 hours, Monday to Sunday. A copy of the conditions under Appendix 2 of this premises licence are attached at Appendix 4.

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Evening (optional)	
Mobile (optional)	
Fax number (optional)	
E-Mail address (if available)	████████████████████
8. Alternative address for correspondence (If you complete the details below, we will use this address to correspond with you)	
████████████████████	
Post town	████████████████████
Postcode	██████████
9. Alternative contact details (if applicable)	
Telephone numbers:	
Daytime	██████████
Evening (optional)	
Mobile (optional)	
Fax number (optional)	
E-Mail address (if available)	████████████████████

<b>2. The premises</b>	
Please give the address of the premises where you intend to carry on the licensable activities or, if it has no address, give a detailed description (including the Ordnance Survey references) (Please read note 2)	
Neon 39 East Street  Bridport DT6 3JX	
Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)? If so, please enter the licence or certificate number below.	
Premises licence number	WDPL0729
Club premises certificate number	

If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details below. (Please read note 3)

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Please describe the nature of the premises below. (Please read note 4)

Late night bar and grill

Please describe the nature of the event below. (Please read note 5)

Bank holiday weekend extension

### 3. The licensable activities

Please state the licensable activities that you intend to carry on at the premises (please tick all licensable activities you intend to carry on). (Please read note 6)

The sale by retail of alcohol	<input checked="" type="checkbox"/>
The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club	<input type="checkbox"/>
The provision of regulated entertainment	<input checked="" type="checkbox"/>
The provision of late night refreshment	<input checked="" type="checkbox"/>
Are you giving a late temporary event notice? (Please read note 7)	<input type="checkbox"/>

Please state the dates on which you intend to use these premises for licensable activities. (Please read note 8)

Event Starts 27/08/2021

Event Ends 30/08/2021

Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock). (Please read note 9):

Fri 27 August 2021 20:00 - 04:00  
Sun 29 August 2021 20:00 - 04:00

Sat 28 August 2021 20:00 - 04:00  
Mon 30 August 2021 00:01 - 04:00

Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers. (Please read note 10)

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If the licensable activities will include the supply of alcohol, please state whether the supplies will be for consumption on or off the premises, or both (please tick as appropriate). (Please read note 11)

On the premises only	<input checked="" type="checkbox"/>
Off the premises only	<input type="checkbox"/>
Both	<input type="checkbox"/>

Please state if the licensable activities will include the provision of relevant entertainment. If so, please state the times during the event period that you propose to provide relevant entertainment.

Yes

**4. Personal licence holders (Please read note 12)**

Do you currently hold a valid personal licence? (Please tick)  Yes  No

If "Yes" please provide the details of your personal licence below.

Issuing licensing authority	West Dorset
Licence number	Wdpa0303
Date of issue	
Date of expiry	
Any further relevant details	

**5. Previous temporary event notices you have given (Please read note 13 and tick the boxes that apply to you)**

Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?  Yes  No

If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your associate(s) have given for events in the same calendar year. 2

Has any associate of yours already given a temporary event notice for the same premises in which the event period:  
a) ends 24 hours or less before; or  
b) begins 24 hours or less after  
the event period proposed in this notice?  Yes  No

**6. Associates and business colleagues (Please read note 14 and tick the boxes that apply to you)**

Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your associate(s) have given for events in the same calendar year.	
Has any associate of yours already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your business colleague(s) have given for events in the same calendar year.	
Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

<b>7. Checklist (Please read note 15)</b>	
I have: (Please tick the appropriate boxes)	
Sent at least one copy of this notice to the licensing authority for the area in which the premises are situated	<input type="checkbox"/>
Sent a copy of this notice to the chief officer of police for the area in which the premises are situated	<input type="checkbox"/>
Sent a copy of this notice to the local authority exercising environmental health functions for the area in which the premises are situated	<input type="checkbox"/>
If the premises are situated in one or more licensing authority areas, sent at least one copy of this notice to each additional licensing authority	<input type="checkbox"/>
If the premises are situated in one or more police areas, sent a copy of this notice to each additional chief officer of police	<input type="checkbox"/>
If the premises are situated in one or more local authority areas, sent a copy of this notice to each additional local authority exercising environmental health functions	<input type="checkbox"/>
Made or enclosed payment of the fee for the application	<input type="checkbox"/>
Signed the declaration in Section 9 below	<input type="checkbox"/>

<b>8. Condition (Please read note 16)</b>
It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

**9. Declarations (Please read note 17)**

The information contained in this form is correct to the best of my knowledge and belief.

I understand that it is an offence:

- (i) to knowingly or recklessly make a false statement in or in connection with this temporary event notice and that a person is liable on summary conviction for such an offence to a fine of any amount; and
- (ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on summary conviction for any such offence to a fine of any amount, or to imprisonment for a term not exceeding six months, or to both.

Signature	
Date	
Name of Person signing	

For completion by the licensing authority

**10. Acknowledgement (Please read note 18)**

I acknowledge receipt of this temporary event notice.

Signature	
Date	
Name of Officer signing	

**NOTES****General**

In these notes, a person who gives a temporary event notice is called a “premises user”.

The police and local authority exercising environmental health functions may intervene on the grounds of any of the four licensing objectives (the prevention of crime and disorder, public safety, the prevention of public nuisance, and the protection of children from harm) to prevent the occurrence of an event at which permitted temporary activities are to take place or to agree a modification of the arrangements for such an event. However, the licensing authority will intervene of its own volition in the cases described below.

First, it will issue a counter notice if there is an objection to a late temporary event notice (see note 7 below).

Secondly, it may issue a notice in relation to its decision to impose conditions on a temporary event notice (see note 2 below).

Thirdly, it will issue a counter notice if the first, second, third and fifth of the limits set out below would be exceeded. If any of the limits below are breached or if a counter notice has been issued, any licensable activities taking place would be unauthorised and the premises user would be liable to prosecution. The limitations apply to:

- the number of times a person may give a temporary event notice (50 times per year for a personal licence holder and 5 times per year for other people);

- the number of times a person may give a late temporary event notice (10 times per year for a personal licence holder and 2 times per year for other people);
- the number of times a temporary event notice may be given in respect of any particular premises (12 times in a calendar year);
- the length of time a temporary event may last for these purposes (168 hours or 7 days);
- the maximum aggregate duration of the periods covered by temporary event notices at any individual premises (21 days per calendar year); and
- the scale of the event in terms of the maximum number of people attending at any one time (a maximum of 499).

For the purposes of determining the overall limits of 50 temporary event notices per personal licence holder (in a calendar year) and of 5 for a non-personal licence holder (in a calendar year), temporary event notices given by an associate or a person who is in business with a premises user (and that business involves carrying on licensable activities) count towards those totals. The limits applying to late temporary event notices are included within the overall limits applying to the total number of temporary event notices. Note 14 below sets out the definition of an “associate”.

When permitted temporary activities take place, a premises user must ensure that either:

- a copy of the temporary event notice is prominently displayed at the premises; or
- the temporary event notice is kept at the premises either in his own custody or in the custody of a person present and working at the premises and whom he has nominated for that purpose.

Where the temporary event notice is in the custody of a nominated person, a notice specifying that fact and the position held by that person must be displayed prominently at the premises.

Where the temporary event notice or a notice specifying the nominated person is not displayed, a constable or an authorised person (for example, a licensing officer, fire officer or environmental health officer) may require the premises user to produce the temporary event notice for examination. Similarly, where the nominated person has the temporary event notice in his custody, a constable or authorised person may require that person to produce it for examination. Failure to produce the temporary event notice without reasonable excuse would be an offence.

It should also be noted that the following, among other things, are offences under the Licensing Act 2003:

- the sale or supply of alcohol to children under 18 years of age (maximum fine on conviction is a fine not exceeding level 5 on the standard scale, currently £5,000);
- allowing the sale of alcohol to children under 18 (maximum fine on conviction is a fine not exceeding level 5 on the standard scale, currently £5,000);
- knowingly allowing the consumption of alcohol on the premises by a person aged under 18 (maximum fine on conviction is a fine not exceeding level 5 on the standard scale, currently £5,000);
- allowing disorderly behaviour on the premises (maximum fine on conviction is a fine not exceeding level 3 on the standard scale, currently £1,000);
- the sale of alcohol to a person who is drunk (maximum fine on conviction is a fine not exceeding level 3 on the standard scale, currently £1,000);
- obtaining alcohol for a person who is drunk (maximum fine on conviction is a fine not exceeding level 3 on the standard scale, currently £1,000);

the standard scale, currently £1,000);

- knowingly allowing a person aged under 18 to make any sale or supply of alcohol unless the sale or supply has been specifically approved by the premises user or any individual aged 18 or over who has been authorised for this purpose by the premises user (maximum fine on conviction is a fine not exceeding level 1 on the standard scale, currently £200); and
- knowingly keeping or allowing to be kept on the premises any smuggled goods which have been imported without payment of duty or which have otherwise been unlawfully imported (maximum fine on conviction is a fine not exceeding level 3 on the standard scale, currently £1,000).

In addition, where the premises are to be used primarily or exclusively for the sale or supply of alcohol for consumption on the premises, it is an offence to allow children under 16 to be present when the premises are open for that purpose unless they are accompanied by an adult. In the case of any premises at which sales or supplies of alcohol are taking place at all, it is an offence for a child under 16 to be present there between the hours of midnight and 5am unless accompanied by an adult. In both instances, the penalty on conviction is a fine not exceeding level 3 on the standard scale, currently £1,000.

#### Note 1

A temporary event notice may only be given by an individual and not, for example, by an organisation or club or business. The individual giving the notice is the proposed “premises user”. Within businesses, clubs or organisations, one individual will therefore need to be identified as the proposed premises user.

If you include an e-mail address in section 1(7) or 1(9), the licensing authority may send to this the acknowledgement of receipt of your notice or any notice or counter notice it is required to give under sections 104A, 106A or 107 of the Licensing Act 2003.

#### Note 2

For the purposes of the Licensing Act 2003, “premises” means any place. Premises will therefore not always be a building with a formal address and postcode. Premises can include, for example, public parks, recreation grounds and private land.

If a premises licence or club premises certificate has effect in relation to the premises (or any part of the premises) which you want to use to carry on licensable activities, it is possible that any conditions which apply to the licence or certificate may be imposed on the temporary event notice if certain pre-conditions are met. These pre-conditions are that the police or the local authority exercising environmental health functions object to the notice and the licensing authority decides:

- not to give a counter notice under section 105 of the Licensing Act 2003;
- the conditions apply to the licence or certificate; and
- the imposition of the conditions on the notice would not be inconsistent with the carrying on of the licensable activities under the notice.

#### Note 3

A temporary event notice can be given for part of a building, such as a single room or a plot within a larger area of land. You should provide a clear description of the area in which you propose to carry on licensable activities. This is important as any licensable activities conducted outside the area of the premises protected by the authority of this temporary event notice would be unlawful and could lead to prosecution.

In addition, when holding the proposed event, the premises user would need to be able to restrict the number of people on the premises at any one time when licensable activities are taking place to less than 500. If more than 499 are on the premises when licensable activities are being carried on, the licensable activities would be unlawful and the premises user would be liable to prosecution. The maximum figure of 499 includes, for example, staff, organisers, stewards and performers.

Note 4

A description of the nature of the premises assists the chief officer of police and local authority exercising environmental health functions in deciding if any issues relating to the licensing objectives are likely to arise. You should state clearly that the premises to be used are, for example, a public house, a restaurant, an open field, a village hall or a beer tent.

Note 5

A description of the nature of the event similarly assists the chief officer of police and local authority exercising environmental health functions in making a decision as to whether or not to make an objection. You should state clearly that the event taking place at the premises would be, for example, a wedding with a pay bar, the supply of beer at a particular farmers' market, a discotheque, the performance of a string quartet, a folk group or a rock band.

Note 6

The licensable activities are:

- the sale by retail of alcohol;
- the supply of alcohol by or on behalf of a club to, or to the order of, a member of a club;
- the provision of regulated entertainment; and
- the provision of late night refreshment.

Please refer to Schedules 1 and 2 to the Licensing Act 2003 for fuller details of the definitions and exemptions relating to regulated entertainment and late night refreshment.

Regulated entertainment, subject to specified conditions and exemptions, includes:

- (a) a performance of a play;
- (b) an exhibition of a film;
- (c) an indoor sporting event;
- (d) a boxing or wrestling entertainment;
- (e) a performance of live music;
- (f) any playing of recorded music;
- (g) a performance of dance; and
- (h) entertainment of a similar description to that falling within (e), (f) or (g).

If you are uncertain whether or not the activities that you propose are licensable, you should contact your licensing authority for further advice.

Note 7

Late notices can be given no later than 5 working days but no earlier than 9 working days before the event in relation to which the notice is given. A late notice given later than 5 working days before the event to which it relates will be returned as void and the activities described in it will not be authorised.

The number of late notices that can be given in any one calendar year is limited to 10 for personal licence holders and 2 for non-personal licence holders. These count towards the total number of temporary event notices (i.e. 50 temporary event notices per year for personal licence holders and 5 temporary event notices for non-personal licence holders).

If there is an objection from either the police or local authority exercising environmental health functions, the event will not go ahead and a counter notice will be issued.

Note 8

The maximum period for using premises for licensable activities under the authority of a temporary event notice is 168 hours or seven days.

Note 9

You should state here the times during the event period, for example 48 hours, when you intend to carry on licensable activities. For example, you may not intend to carry on licensable activities throughout the entire 48 hour event period, and may intend to sell alcohol between 8.00 hrs and 23.00 hrs on each of the two days.

#### Note 10

No more than 499 may be on the premises for a temporary event at any one time when licensable activities are being carried on. If you intend to have more than 499 attending the event, you should obtain a premises licence for the event. Your licensing authority should be able to advise you. The maximum figure of 499 includes not only the audience, spectators or consumers but also, for example, staff, organisers, stewards and performers who will be present on the premises.

#### Note 11

If you indicate that alcohol will be supplied only for consumption on the premises, you would be required to ensure that no person leaves the premises with alcohol supplied there. If such a supply takes place, the premises user may be liable to prosecution for carrying on an unauthorised licensable activity. Similarly, if the premises user gives notice that only supplies of alcohol for consumption off the premises will take place, he/she must ensure that alcohol supplied is not consumed on the premises. The premises user is free to give notice that he/she intends to carry on both types of supplies. For this purpose, the supply of alcohol includes both of the first two licensable activities listed in note 6 above.

#### Note 12

The holder of a valid personal licence issued under the Licensing Act 2003 may give up to 50 temporary event notices in any calendar year subject to the other limitations in the 2003 Act. A proposed premises user who holds such a licence should give the details requested.

#### Note 13

As stated under Note 12, a personal licence holder (issued under the Licensing Act 2003) may give up to 50 temporary event notices (including 10 late notices) in any calendar year. An individual who does not hold a personal licence may only give 5 temporary event notices (including 2 late notices) in England and Wales in any calendar year. A calendar year is the period between 1st January to 31st December inclusive in any year.

If an event straddles two calendar years, it will count against the limits on temporary event notices (12 for each premises, 21 days for each premises, 50 per personal licence holder and 5 for non-holders) for each year. However, only one notice needs to be given.

For the purposes of determining the overall limits of 50 temporary event notices per personal licence holder (in a calendar year) and of 5 for a non-personal licence holder (in a calendar year), temporary event notices given by an associate or a person who is in business with a premises user (and that business involves carrying on licensable activities) count towards those totals. Note 14 below sets out the definition of an “associate”.

If a temporary event notice has been given for the same premises, by the same premises user, and would have effect within 24 hours before the start of the event period under the current proposal or within 24 hours after the end of that period, the temporary event notice given would be void and any licensable activities carried on under it would therefore be unlicensed.

For the purposes of determining whether or not the required gap of 24 hours is upheld, temporary event notices given by an associate or a person who is in business with a premises user (and that business involves carrying on licensable activities) count as if they had been given by the premises user. Note 14 below sets out the definition of an “associate”.

#### Note 14

An “associate” of the proposed premises user is:

- a. the spouse or civil partner of that person;
- b. a child, parent, grandchild, grandparent, brother or sister of that person;
- c. an agent or employee of that person; or

d. the spouse or civil partner of a person within (b) or (c).

For these purposes, a person living with another as that person's husband or wife is to be treated as that person's spouse.

Note 15

It is a requirement that you send at least one copy of this notice to the licensing authority at least ten working days (or five working days for a late notice) before the commencement of the proposed licensable activities. The authority will give you written acknowledgement of the receipt of the notice. This will be important proof that you gave the notice and when you gave it for the purposes of the Act. Some premises may be situated in two licensing authority areas, for example, where a building or field straddles the local authority boundary. Where this is the case, at least one copy of the notice must be sent to each of the licensing authorities identified, together with the appropriate fee in each case. In such circumstances, you will receive acknowledgements from all the relevant licensing authorities.

One copy must be sent to each of the chief officer of police and the local authority exercising environmental health functions for the area in which the premises is situated at least ten working days for a standard notice (or five working days for a late notice) before the commencement of the proposed licensable activities. Where the premises are situated in two police areas or environmental health areas, a further copy will need to be sent to the further police force and local authority exercising environmental health functions.

Note 16

Under the Licensing Act 2003, all temporary event notices are given subject to a mandatory condition requiring that where the licensable activities involve the supply of alcohol, all such supplies must be made by or under the authority of the named premises user. If there is a breach of this condition, the premises user and the individual making the supply in question would be liable to prosecution. For this purpose, the supply of alcohol includes both of the first two licensable activities listed in note 6 above.

Note 17

It is an offence knowingly or recklessly to make a false statement in, or in connection with, a temporary event notice. (A person is to be treated as making a false statement if he produces, furnishes, signs or otherwise makes use of a document that contains a false statement.) To do so could result in prosecution and a fine not exceeding level 5 on the standard scale.

Note 18

You should not complete section 10 of the notice, which is for use by the licensing authority. It may complete this section as one means of giving you written acknowledgement of its receipt of the notice.

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On 11 Aug 2021, at 10:00, Bean, John wrote:

I refer to the above application and under Section 104 (2) of the Licensing Act 2003 give objection on behalf of Dorset Police to the notice.

The premises are licensed through WDPL0729 at 39 East Street and were previously known as Sins

This licence has a terminal hour of 02.00 and conditions under the operating schedule that uphold the licensing objectives.

The TEN sought is to a terminal hour matching the TEN (WDTE7169) for the weekend of the 23<sup>rd</sup> and 24<sup>th</sup> July 2021.

Resulting from this TEN was a very serious assault on East Street after the premises licence terminal hour of 02.00hrs involving persons who had been customers at Neon.

Given the evidence that can be provided for this incident, there is no guarantee that the DPS will be able to prevent a similar occurrence and as such the licensing objectives of both the prevention of crime and disorder and public safety will not be upheld if the event notified is allowed to take place.

Regards

John Bean

Licensing Officer

Drug and Alcohol Harm Reduction Team

Prevention Department

Dorchester Police Station

Dorset Police

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Regards

John Bean

Licensing Officer

Drug and Alcohol Harm Reduction Team

Prevention Department

Dorchester Police Station

Dorset Police

**From:** neon  
**Sent:** 11 August 2021 14:18  
**To:** Bean, John  
**Cc:** LicensingTeamB  
**Subject:** Re: Neon TEN 27th - 30th August 2021

Afternoon John,

This rejection is really really harsh taking into consideration the circumstances behind the assault.

This is an historical argument over a piece of land between the 2 parties. Ongoing for some time.

It is agreed that this could literally happened anywhere at anytime it just so happened that they where in ours on the same night.

I am not sure how much you know of the incident but I was taking xxxxx to the taxi rank at spar myself when we where ambushed. It was time for him to go home and I went above and beyond objectives by walking him to the taxi all he it we where ambushed before we got there.

If you speak to Pc Paul Miners and CID David Pearce I know that they will tell you I have gone above and beyond with regards to statements and cctv footage. I have literally spent over 30hrs of my time compiling evidence. My staff and door staff have all also been 100% proactive.

No premises will ever be able to say this would not happen at theirs but lots would have lost the cctv due to party involved.

Please speak to the officers mentioned and please do not punish us for doing the right thing.

This incident is nothing to do with us or licensed trade as a whole.

Kind regards

Mike Long

Sent from my iPhone

On Wed, 11 Aug 2021 at 15:11, Gosling, Gareth wrote:

Good Afternoon Mr Long,

Thank you for your email to my Licensing Officer, John Bean. I note your comments regarding your actions on the evening of the Temporary Event Notice in July.

I am pleased that you have supported my colleagues in CID, upholding the Licensing Objectives in doing so. Failure to have done so would almost certainly have led to action being taken against your premises given the severity of the incident and the injuries sustained. Those premises that do elect to dispose of evidence, including CCTV, do so with the risk of action being taken by my team in relation to their Premises Licence. Your support in the investigation is what I consistently expect from all licence holders and premises supervisors.

Whilst I accept that there is always a reason for disorder between parties, I remain concerned that the disorder was linked to persons associated to your premises.

Allowing Temporary Event Notices to operate at 'high risk' times is fraught with danger and we do so on the basis that the event will ensure that there will be no disorder. Unfortunately the event in July was associated with a serious assault and I cannot risk a repeat of similar disorder at a time when Police resources will likely be under significant pressure with increased demand due to the holiday weekend.

The objection will remain and I will be asking the Dorset Council Licensing Sub-Committee to issue a Counter Notice in respect of this TEN. In the event that you wish to make any further comments or observations in advance of the hearing I would be grateful if you could direct them to me as I will be representing Dorset Police at the forthcoming Sub-Committee hearing.

Regards,

**Gareth Gosling 2551**

Sergeant

Drug and Alcohol Harm Reduction Team

Territorial Policing Prevention Department | Bournemouth Police Station, Dorset Police



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**From:** neon  
**Sent:** 11 August 2021 16:49  
**To:** Gosling, Gareth  
**Subject:** Re: TEN - Neon TEN 27th - 30th August 2021

Hi Gareth.

Please could you give me a call regarding this matter.

This matter is no reflection on NEON or the way we operate and to penalise us is really unfair.

Kind regards

Mike Long

Sent from my iPhone

**From:** Gosling, Gareth >  
**Sent:** 12 August 2021 09:38  
**To:** neon  
**Subject:** RE: TEN - Neon TEN 27th - 30th August 2021

Good Morning Mr Long,

At this stage in proceedings and given that there is no opportunity for conditions to be applied to a TEN, I would rather that we communicate via email. This will ensure a consistent audit trail of any information that is exchanged.

I will ensure that I provide you with any documentation that I intend to rely on during the hearing in advance of the Sub-Committee hearing.

Regards,

**Gareth Gosling 2551**  
Sergeant

Drug and Alcohol Harm Reduction Team  
Territorial Policing Prevention Department | Bournemouth Police Station, Dorset Police



Connect with Dorset Police: [Online](#) | [Facebook](#) | [Twitter](#) | [LinkedIn](#) | [Youtube](#)

**From:** neon

**Sent:** 12 August 2021 17:06

**To:** gareth.gosling

**Cc:** Police - Police Licensing <licensing@dorset.pnn.police.uk>; LicensingTeamB <LicensingTeamB@dorsetcouncil.gov.uk>

**Subject:** Re: TEN - Neon TEN 27th - 30th August 2021

Afternoon Gareth,

Understand the paper trail so wanting an email. If ANYONE has any ideas or suggestions how this incident could have been avoided, not with regards to us but in full, then I would love to hear them because I'm a switched on guy but I'm bloody struggling with this one.

Please see attached our letter of facts regarding our response to police objection.

Please note others will be open until 4 bank holiday weekend and please note others were open until 4 on the night of the incident. It was going to happen somewhere.

Thanks for reading

Mike

ATTACHED LETTER

NEON Bar and Grill  
39 East street

Bridport

Dorset

DT6 3jx

Dear Gareth,

Thank you for your emails regarding our TEN application for August bank holiday weekend.

We do not understand how this TEN has been refused due to an incident we are all aware of in July.

This incident as stated in the emails, is a long running dispute between 2 parties over land between their properties. The dispute was unknown to us before this event otherwise we would never have allowed them access to our premise at the same time. The dispute has come to light during the extensive work I have undertaken regarding CCTV requested.

The TEN for July was granted with the following notes from John Bean Licensing officer,

that we stick to some conditions we set out ourselves when taking on NEON.

We have decided off of our own backs to appoint SIA doorstaff EVERY Friday and Saturday night, this is NOT a licensing condition it is deemed good practice from our point of view.

We have installed a further 5 cctv cameras so as to increase security and we will adopt a no nonsense policy and support Dorset Police 100% if the need arises.

We will not allow entry after 1am, we are not having people getting drunk elsewhere and then coming to us when the other places shut. Our exception to this is going to be emergency services, armed forces or bar staff that have proof of job and have finished late shift.

All customers will be offered chupa chup lollys when leaving in hope of reducing noise. This worked a treat at our late night bar back in Essex.

All of these points were adhered to on the night in question, as where our obligations to licensing objectives.

There is no way that we can be held responsible for this type of thuggery, which has led to personal issues available to you on PNC and can be backed up by CID David Pearce and others relating to myself.

I have been a West Dorset licensee for 20 years and proactive with Pubwatch, police and licensing throughout. We in Bridport do not have incidents like this, the last one

similar being 15+ years ago at the Beach and Barnicott between the local travellers and Bridport rugby club. 2 serious incidents in 20 years relating to licensed premises, whilst 0 would be better I am sure all forces around the country would settle for 2 in 20 years.

This incident was going to happen, we all know that for a fact based on evidence compiled. If we were not open that night it would have been no10 or Beach and Barnicott. Both parties were out for a drink, late, on the same night. It really is unfair that we are punished having as licensees or licensed premises, not actually doing anything wrong ourselves.

How many licensees would just ask someone to leave when the time was right? Ourselves I personally accompanied victim to a taxi, well towards it anyway, before we were literally ambushed by thugs. I then witnessed every sickening blow and am left feeling guilty, guilty for doing the right thing and trying to get a customer home safely, I know I shouldn't but that's how we are at NEON.

To then punish us by not allowing us the opportunity to extend our hours on occasions is in our opinion very unfair. Our TEN in June went off ok no issues.

We met all licensing objectives. We met all points requested as stated above, we will ALWAYS do the right thing by our staff, customers, police and licensing. We appreciate the police are under staffed but we can not be punished for that. There will be other bars open until 4am bank holiday weekend. A couple that do not need TENS as they have 24/7 licenses and a couple who have or will be having TENS so closing or refusing us will not take the problem away.

No one regrets this incident more than ourselves but honestly, in the cold light of day, we really did nothing wrong and we feel we should be allowed to carry on with our business and extensions requested until such times as we fail to meet all that is expected of us and we can honestly say hand on heart we DO NOT believe this will ever happen.

My record with police and licensing authorities is exemplary and above and beyond what is requested of us. This is the way it will remain. When we refuse entry or service we contact all the local bars off of our own backs to let them know who and why in the hope of keeping crime down in the pubs and keeping the risk of calling police to a minimum. We currently do this on our own phones but I am sure John Bean will tell you that we have spoken regarding town centre radios to help make Bridport a safer place, instigated by ourselves here at NEON.

I hope this paints a clearer picture of myself, NEON and the awful incident. There really was no way of predicting or indeed preventing what happened that night.

Should there be a hearing, please may I attend to put our point across.

Thank you for your time in reading this letter. Thank you all for your continued hard work. We at NEON are right behind you.

Best Wishes

Mike Long

## APPENDIX 2 - OPERATING SCHEDULE

### Prevention of crime and disorder

1. No bottles or glasses to be taken from the premises.
2. CCTV recording system installed.
3. A closed circuit television (CCTV) system will be in operational 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 log book 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 (eg no ID, fake ID) and the name of the member of staff who refused the sale. This log book 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.
6. The premises licence holder/DPS will be responsible for completing a written risk assessment in relation to the deployment of SIA Doors Supervisors. These risk assessments are to be retained for one calendar year at the premises and made available to Police or an authorised officer of a responsible authority under the Licensing Act 2003.
7. Drinks, open bottles and glasses will not be taken from the premises at any time. Empty bottles and glasses will be collected regularly and promptly or in any case within 30 minutes of being left. Plastic or toughened polycarbonate (or similar) glass is to be used after 2200 hours.
8. Two Challenge 25 AF sized laminated posters are to be displayed at all times in a clearly visible location.

### Prevention of public nuisance

1. Customers asked to leave quietly and respect the neighbours in the area.
2. Doors and windows to remain closed except for access and egress when amplified live and/or recorded music/speech is being played after 2300 hours.

### Protection of children from harm

1. Staff will be trained in compliance with the law regarding not selling to anyone under 18 years of age.
2. A Challenge 25 Policy is in place with a refusals log of age related restricted products will be maintained.

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