



Licensing Sub-Committee

Date: Monday, 18 October 2021
Time: 10.00 am
Venue: A link to the meeting can be found on the front page of the agenda.

Membership: (Quorum 3)

Councillors Susan Cocking, Emma Parker and David Taylor

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

For more information about this agenda please telephone Democratic Services 01305 224202 elaine.tibble@dorsetcouncil.gov.uk



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[Link to live Licensing Sub-Committee](#)

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A G E N D A

Page No.

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

5 - 8

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 OBJECTIONS TO TEMPORARY EVENT NOTICE

9 - 48

To consider two Objection Notices to a Temporary Event Notice (TEN) for Neon in Bridport.

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. All parties will be given the opportunity to “sum up” their case.
10. 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.
11. 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 18 October 2021 Objections 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: Aileen Powell
Title: Licensing Officer
Tel: 01258 484022
Email: aileen.powell@dorsetcouncil.gov.uk

Report Status: Public

Recommendation: The Sub-Committee considers the Temporary Event Notice in the light of the objection notices made by Environmental Health and the Police and any 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 two Objection Notices to a Temporary Event Notice (TEN) for Neon in Bridport.

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 - Premises Licence for Neon

Appendix 3 - Environmental Protection Objection

Appendix 4 - Dorset Police Objection

Appendix 5 - Exempt information

8. Background Papers

[Licensing Act](#)

[Section 182 Guidance](#)

[Dorset Council Licensing Policy](#)

[LGA Councillors Handbook](#)

9. Details

9.1. A Temporary Event Notice (TEN) was served on the Licensing Authority on 1 October 2021 for an event at Neon, 39 East Street, Bridport, DT6 3JX by Michael Long who is one of the licence holders at the premises. The Notice is attached at appendix 1.

9.2. The TEN is for a Halloween party on Sunday 31 October between 02:00 and 04:00. This would be to extend the current premises licence which finishes at 02:00. The premises licence is attached at appendix 2.

- 9.3. The TEN is for the sale of alcohol on the premises, regulated entertainment and late-night refreshment. The numbers attending will be 130 people including any staff performers or organisers. The entertainment will be a DJ.
- 9.4. The Notice was served on the Dorset Police and Environmental Protection Team on the 4 October.
- 9.5. Objection notices were served on Mr Long by Environmental Health and Dorset Police on 5 October, within the statutory three working days consultation period. The notices are attached at Appendices 3 and 4 together with responses from Mr Long and additional letters.
- 9.6. Environmental Health Officers have supplied a number of videos from a complainant which have been made available to the parties to the hearing but are exempted from publication for data protection reasons.

10. Considerations

- 10.1. "The system of permitted temporary activities is intended as a light touch process, and as such, the carrying on of licensable activities does not have to be authorised by the licensing authority on an application. Instead, a person wishing to hold an event at which such activities are proposed to be carried on (the "premises user") gives notice to the licensing authority of the event (a "temporary event notice" or "TEN")." Paragraph 7.2 of the Section 182 Guidance.
- 10.2. "The police or EHA ("relevant persons" for the purposes of TENs) may intervene to prevent such an event taking place by sending an objection to the licensing authority, which the licensing authority must consider on the basis of the statutory licensing objectives and decide whether the event should go ahead. ... If a relevant person sends an objection, this may result in the licensing authority imposing conditions on a TEN but only where the venue at which the event is to be held has an existing premises licence or club premises certificate. When giving a TEN, the premises user should consider the promotion of the four licensing objectives." (Part of Paragraph 7.6)
- 10.4. Paragraph 7.34 of the Guidance states "Where a standard TEN was given, the licensing authority must consider the objection at a hearing before a counter notice can be issued. At the hearing, the police, EHA and the premises user may make representations to the licensing authority. Following the hearing, the licensing authority may decide to impose conditions which already apply to an existing premises licence or club premises certificate at the venue or issue a counter notice to prevent the event going ahead."

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 of;

- 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) issue a Statement of Conditions setting out any conditions from the relevant remises licence that are to be imposed on the TEN
- c) not to issue counter notices and allow the event as applied for.

Footnote:

Issues relating to financial, legal, environmental, economic and equalities implications have been considered and any information relevant to the decision is included within the report.

Temporary Event Notice

Before completing this notice, please read the guidance notes at the end of the notice. If you are completing this notice by hand, please write legibly in block capitals. In all cases, ensure that your answers are inside the boxes and written in black ink or typed. Use additional sheets if necessary. You should keep a copy of the completed notice for your records. You must send at least one copy of this notice to the licensing authority and additional copies must be sent to the chief officer of police and the local authority exercising environmental health functions for the area in which the premises are situated. The licensing authority will give to you written acknowledgement of the receipt of the notice.

I, the proposed premises user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry on a temporary activity at the premises described below.

| 1. The personal details of premises user (Please read note 1) | | | |
|---|------------|----------|------------|
| 1. Your name | | | |
| Title | Mr | | |
| Surname | Long | | |
| Fornames | Michael | | |
| 2. Previous names (Please enter details of any previous names or maiden names, if applicable. Please continue on a separate sheet if necessary) | | | |
| Title | | | |
| Surname | | | |
| Forenames | | | |
| 3. Your date of birth | ██████████ | | |
| 4. Your place of birth | ██████ | | |
| 5. National Insurance Number | ██████████ | | |
| 6. Your current address (We will use this address to correspond with you unless you complete the separate correspondence box below) | | | |
| ■ ██████████ | | | |
| Post town | ██████████ | Postcode | ██████████ |
| 7. Other contact details | | | |
| Telephone numbers | | | |
| Daytime | ██████████ | | |

| | |
|--|------------|
| 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) | ██████████ |

| | |
|---|----------|
| 2. The premises | |
| 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)

| |
|--|
| |
|--|

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)

Halloween party

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 31/10/2021

Event Ends 31/10/2021

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):

Sun 31 October 2021 02:00 - 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.

DJ until 4am

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 | Dorset |
| Licence number | Wdpa0303 |
| Date of issue | 26/02/2020 |
| 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. 3

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 |

| | |
|--|--------------------------|
| 7. Checklist (Please read note 15) | |
| 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"/> |

| |
|---|
| 8. Condition (Please read note 16) |
| 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 | |

NOTESGeneral

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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Licensing Act 2003
Premises Licence **WDPL0729**

Part 1 - Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Neon
39 East Street, Bridport, Dorset, DT6 3JX. Telephone 07749368270

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- a performance of live music
- any playing of recorded music
- provision of late night refreshment
- the supply of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

| Activity (and Area if applicable) | Description | Time From | Time To |
|---|--------------------|-----------|---------|
| E. Performance of live music (Indoors) | Monday to Sunday | 11:00pm | 2:00am |
| F. Playing of recorded music (Indoors) | Monday to Sunday | 11:00pm | 2:00am |
| I. Late night refreshment (Indoors) | Thursday to Sunday | 11:00pm | 2:00am |
| J. Supply of alcohol for consumption ON the premises only | Monday to Sunday | 11:00am | 2:00am |

THE OPENING HOURS OF THE PREMISES

| Description | Time From | Time To |
|------------------|-----------|---------|
| Monday to Sunday | 11:00am | 2:00am |

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- J. Supply of alcohol for consumption ON the premises only

Part 2

NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

Michael Andrew Long
[Redacted Address] Telephone [Redacted]

Ellen Casselle Choules
[Redacted Address]

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

[Redacted]



Licensing Act 2003
Premises Licence

WDPL0729

NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR OR MANAGEMENT COMMITTEE WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Ellen Casselle CHOULES
[REDACTED]

PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL

Licence No. WDPA1816

Issued by Weymouth and Portland

ANNEXES

APPENDIX 1 - MANDATORY CONDITIONS

1. Designated Premises Supervisor

No supply of alcohol may be made under this premises licence -

- (i) at a time when there is no designated premises supervisor in respect of the premises licence, or
- (ii) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

2. Every supply of alcohol under this premises licence must be made or authorised by a person who holds a personal licence.

3. The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises.

- a) games or other activities which require or encourage, or are designed to require or encourage, individuals to -
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);

b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

5. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licences must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:-

- (a) a holographic mark or
- (b) an ultraviolet feature.

Licensing Act 2003 Premises Licence

WDPL0729

ANNEXES continued ...

6. The responsible person shall ensure that -
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

Minimum Drinks Pricing

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1 -
- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979
 - (b) "permitted price" is the price found by applying the formula -

$$P = D + (DxV)$$

- Where -
- (i) P is the permitted price
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
 - (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
 - (i) The holder of the premises licence
 - (ii) The designated premises supervisor (if any) in respect of such a licence, or
 - (iii) The personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from the paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

APPENDIX 2 - OPERATING SCHEDULE

Prevention of crime and disorder

1. No bottles or glasses to be taken from the premises.
2. CCTV recording system in 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.

Licensing Act 2003
Premises Licence

WDPL0729

ANNEXES continued ...

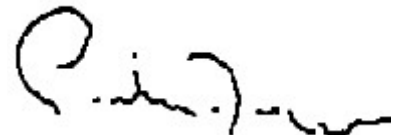
5. A log book or register shall be kept detailing all refused sales of alcohol. The log should include the date and time of the refused sales, a description of the person refused, why they were refused (eg no ID, fake ID) and the name of the member of staff who refused the sale, This log book is to also 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.



Business Licensing

Licensing Act 2003
Premises Licence Summary **WDPL0729**

Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Neon
39 East Street, Bridport, Dorset, DT6 3JX. Telephone 07749368270

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- a performance of live music
- any playing of recorded music
- provision of late night refreshment
- the supply of alcohol

THE TIMES THE LICENCE AUTHORIZES THE CARRYING OUT OF LICENSABLE ACTIVITIES

| Activity (and Area if applicable) | Description | Time From | Time To |
|---|--------------------|-----------|---------|
| E. Performance of live music (Indoors) | Monday to Sunday | 11:00pm | 2:00am |
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| I. Late night refreshment (Indoors) | Thursday to Sunday | 11:00pm | 2:00am |
| J. Supply of alcohol for consumption ON the premises only | Monday to Sunday | 11:00am | 2:00am |

THE OPENING HOURS OF THE PREMISES

| Description | Time From | Time To |
|------------------|-----------|---------|
| Monday to Sunday | 11:00am | 2:00am |

WHERE THE LICENCE AUTHORIZES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- J. Supply of alcohol for consumption ON the premises only

NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

Michael Andrew Long
[REDACTED]
Ellen Casselle Choules
[REDACTED]

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

[REDACTED]

Licensing Act 2003
Premises Licence Summary

WDPL0729

NAME OF DESIGNATED PREMISES SUPERVISOR OR MANAGEMENT COMMITTEE WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Ellen Casselle CHOULES

STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED

None.

5 October 2021

EH to Mr Long

I have reviewed your TEN application for Neon, 39 East Street, Bridport, DT6 3JX on 31st October 2021 (Halloween party 2am-4am). On behalf of the Environmental Health Department I wish to object to this TEN under the Licensing Objectives of The Prevention of Public Nuisance.

As you are already aware our department have a number of open noise complainants in relation to the venue. I am concerned that that the provision of amplified music (a DJ) between 2am -4am in an area where there are nearby residential properties would be likely to cause a disturbance to neighbouring residents.

If I can be of any further assistance, please do not hesitate to contact me.

5 October

Neon to EH

Thank you for your correspondence.

We note that you say about "a number" of complaints but we have only been made aware of 1 and we believe that to be attributed to a noisy band on bank holiday weekend rather than our weekly DJ slot.

Please note our nightly log book records all decibel readings and also we would like to point out that our DJ is not audible from outside our premises. We regularly check this.

We would also like to point out that at this stage the noise complaints are unfounded as stated in the 1 letter we have received so to refuse this application is very harsh at this stage.

If however there are proven noise issues we will of course work with you to the best of our ability to reduce these in the future.

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EH Evidence

Letter dated 9th September author Steven Ireland (attached)

Letter dated 21st September author Jennifer Pickering (attached)

Complainant 1 (date received 24/07/21)

Very loud music till 4am then shouting and screaming from people leaving neon bar. We had no sleep as so loud, 3 children abs 2 adults kept awake.. unacceptable volume!

Complainant 2 (date received 07/09/21)

We are constantly battling complaints from our hotel residents every weekend when Neon is open. The issue of the 4am licenses also brings additional complaints. I have never experienced so many complaints as what we have, since Neon (and previously Sinns) were issued with late night licenses. I would particularly like to raise my complaint again since they have been given 4am TEN licenses with no objections from EHO about noise. This is absurd and is causing a massive loss of revenue to our business. I will continue to log my complaints after every weekend and in the meantime attach a log of how many complaints we have received in the past few weeks alone. As per my original objection when Sinns applied for the change of use and license to be issued, I have no idea why this property has been granted a late night license past 11pm.

| Date | Complaint | Response |
|-----------------------------|--|---|
| Sat 14 th August | Noise from music and people outside of neon kept them awake | They departed day early refund given of £220. |
| 21/08/21 | A nightclub situated up an alleyway opposite the property and the clientele spilling out onto the high street from 1-4am at the weekend and playing football with drinks can with football language to go with it! | Bad Review |
| 27/8/21 | Noise from late music opposite and people shouting and being disruptive | Had to refund £55 |
| 27/8/21 | Booked a hotel for a break – not late night noise disruption | Discount given of £110 Discount off room |
| 27 th | Cancelled remainder of stay following Neon Disruption | £345 refund |
| 27/28 th | Noise from late night venue opposite with shouting and music disrupted 8-month-old baby on numerous occasions | 20% discount £91.80 given |
| 27 th | Unhappy about music going on so late into night which disrupted their 2 children throughout night with constant | £37.60 |

| | | |
|------------------------------------|--|---|
| | loud thudding music and shouting from customers. | |
| 27/8/21 | Late noise kept awake most of night | Discount given £41 |
| 28/29 th | Neon Noise Complaint- kept awake with constant thudding on Sat night and loud people outside | £92 discount |
| 28 th /29 th | Shocked to find they were disturbed by noise from neon even with secondary glazing closed – they booked a family room to relax – not have their kids kept awake all night. | £46 discount |
| 27 th /28 th | Noise from band on Friday 27 th was definitely past allowed sound levels. Did not sleep well at all | 20% off given and refund £140.40 |
| 28/8/21 | Noise was disgraceful and kept awake most of noise. | Left a day early due to noise complaint £256 refund |
| 29/8/21 | Complained about noise from premises opposite | £44 discount |
| | | |

Complainant 3 (date received 10/09/21)

Following on from report made last year - C3 and other residents in the area are still having ongoing problems with the noise from NEON. Just recently they have had music playing until as late as 2.45am with people in the beer garden screaming and shouting.

Last night (Thursday) it was going on until nearly 1am so it is not only just weekends where this is happening.

C3 thinks someone needs to look into their licensing terms because they advertise themselves as a bar/bistro but act like a nightclub.

Also provided video footage

| 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) |
|------------|------------------------------------|------|--|--|
| | From | To | | |
| 13/08/20 | 23 00 | 2 20 | Screaming loud | Affecting sleep |
| 14/08/20 | 22 00 | 2 20 | The voices of large groups of people | Affected sleep |

| 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) |
|------------|---------------------------------------|-----------------|--|--|
| | From | To | | |
| 15/08/20 | 23 | 3 | Load vocals | Affected sleep sleep deprivation |
| 20/08/20 | | | | |
| 21/08/20 | 10 40 | ongoing | load | No sleep |
| 27/08/20 | 10 15 | On going | Load voices | No sleep |
| 23/08/20 | | | | |
| 28 | 10 30 | 2.05 | Load voices screaming | No sleep |
| 10/09/20 | 1.04 | | Loud | No sleep |
| 11/09/20 | 10.3 | | Very loud | |
| 18/09/20 | 11 | 1.3 | Very loud | Affecting sleep |
| 20/07/21 | 12.3 | 1.3 | Ongoing noise | No sleep |
| 21/07/21 | 10.3 | .1.45 | Very loud | Affecting sleep |
| 06/08/21 | | 1.45 | noisy | Affecting sleep |
| 07/08/21 | 1.3 | Ongoing 2.am | Very loud | Affecting sleep |
| 20/08/21 | 12 | | | |
| 22/08/21 | | | | Had to ask security to get people off the roof at coffee no 1 roof |
| 27/08/21 | On going | 3.45am | Very loud live music intill 12.45am then dj music in till 3.30am | No sleep kepted awake in till 3.45.am |
| 28/08/21 | On going | 3.45am | Dj music loud and garden loud voices none stop | No sleep had people out side flat at 2am drunk kepted awake in till 3.00am |
| 03/09/21 | 22.45 | 23.2 | Very noisy | |
| 04/09/21 | 10.30 | 2.40am | Music loud stoped at 2.40 am | No sleep |
| 17/09/21 | 1.00am | 1.21am | Shouting in garden very noisy | No sleep |
| 18/09/21 | 12.45 | 12.55pm | Shouting in the garden | Woke up |

| 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) |
|------------|------------------------------------|-------|--|--|
| | From | To | | |
| 24/09/21 | 22.27 | 12.06 | Music loud getting high base louder 12.06am | |

| 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) |
|--------------------------|------------------------------------|------|--|--|
| | From | To | | |
| 1 st oct 2021 | 11.45 | | Shouting in garden | Disturbance |
| | 12.25 | | Shouting getting louder | No sleep |
| | 1240 | 130 | Loud shouting aggressive vial language | No sleep just continual noise |
| 2 nd oct | 1030 | | Shouting in garden very loud base from music | Disturbance |
| | 1215 | 1250 | Very noisy | No sleep |
| | 1.11 | 1.48 | Continual noise from garden base turned up round 1.30 | No sleep |

Complainant 4 (date received by our department 13/09/21 – email sent 29/08/21)

I was given your email address by my neighbour, as the person to contact about the unbearable and antisocial level of noise coming from the Neon Bar in East Street, Bridport.

The constant shouting and screaming coming from Neon last night kept me awake until about 1.30am. I was just about to ring the police when it suddenly went quieter, presumably because someone else did so first, and I was able to get to sleep. I have to get up at 5.30am for work, and I can't do my job properly on four hours' sleep. I believe they have another late licence tonight, and I'm dreading it. I will call the police if it happens again.

Neon has been a problem for XXX residents ever since it opened. Apart from the noise which keeps us all awake, when it closes the customers come to the flat roof of Coffee#1, and shout and scream and smoke cannabis until the early hours of the morning. I haven't been able to have them (bedroom windows) open at night all summer. I feel very unsafe in my home. My neighbours' children have been kept awake, and we've had people coming into our car park and vomiting and urinating, which makes leaving for work in the mornings a disgusting experience. Last night someone hammered on my neighbour's window at 2am.

The proprietor claims to have spoken to local residents before he opened the bar, but as far as I can ascertain, he's lying. I don't know anyone he spoke to, and the noise and antisocial behaviour was a horrible shock for everyone I've talked to about it. He refuses to listen to anyone who complains. I am at a loss to understand why he was given a licence in the first place, let alone an extension until 4am. XXX is a residential area. The residents of XXX are suffering even more than the rest of us because the outside area at the back of the bar is literally in their back garden.

Apparently they are allowed to continue because it's better than having an empty shop in the town centre. I'm quite sure the residents of XXX and XXX would rather have an empty shop.

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The Manager
Neon,
39 East Street,
Bridport,
DT6 3JX

Date: 29 July 2021
Ref: 33422
Officer: Steven Ireland
☎ 01305838431
✉ steven.ireland@dorsetcouncil.gov.uk

Dear Sir or Madam

Environmental Protection Act 1990 (as amended)
Noise complaint: Neon, 39 East Street, Bridport, DT6 3JX

I write to advise you that the council is in receipt of a complaint alleging that a noise nuisance is being caused by loud music and noise from customers leaving your premises.

Although the complaint has not yet been fully investigated, I am taking this opportunity to bring the matter to your attention in order that you might take any action that you consider appropriate. However, this letter should not be seen as indicating that the Council has made any judgement as to the validity of the complaint.

I have written to the complainant asking them to keep records of any further disturbance and to contact me again if the alleged problem continues. However, if I do not hear from the complainant again, the matter will not be taken further.

Should we continue to receive complaints then I will have no option but to investigate further. Our investigations may include observational monitoring or the use of noise monitoring equipment. I would also ask you to let your employees know about our investigations. Where the council determines a statutory nuisance, the council has a legal duty to take action to secure an abatement of the nuisance.

Should you wish to discuss the matter further, please do not hesitate to contact this office. You should note, however, that I am not at liberty to reveal the identity of the complainant as it is this Council's policy to treat all complaints in a confidential manner.

Yours faithfully

Steven Ireland

Steven Ireland
Technical Officer - Public Health

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Mr Michael Long
Neon
39 East Street
Bridport
DT6 3JX

Date: 21 September 2021
Ref: 34778
Officer: Jennifer Pickering
☎ 01929 557328
✉ jennifer.pickering@dorsetcouncil.gov.uk

Dear Mr Michael Long

Environmental Protection Act 1990 (as amended)
Licensing Act 2003
Alleged Nuisance Complaints: Neon, 39 East Street, Bridport, DT6 3JX

I understand that you are the DPS for the above premise. I am writing to you to advise that the council is in receipt of a number of complaints alleging that a noise nuisance is being caused at this address by loud music, noise from customers in the beer garden and leaving the premise. No judgement has yet been made on the validity of the complaints, and no evidence has yet been provided to show that a problem does in fact exist. At this stage I am simply writing to advise you that complaints have been made.

The Council is obliged to make reasonable enquiries in order to investigate whether a nuisance is in fact occurring. I have written to all the complainants asking them to keep records of any further disturbance and to contact me again if the alleged problem continues. However, if I do not hear from any of the complainants again, the matter will not be taken further.

We work in partnership with our Licensing Department and also Dorset Police where we receive complaints related to licensed premise. All information is shared with these partner organisations in the interest of ensuring that the licensing objectives are upheld. However, I should make you aware that even if you are fully compliant with the conditions on your license, if the noise is considered to be a Statutory Nuisance then our department must serve you with an Abatement Notice. Our department can also request specific noise control conditions be attached to a Premise Licence to prevent nuisance to neighbours. Can I take this opportunity to remind you that anyone may ask to review the licence if they believe that any of the four licensing objectives (prevention of crime and disorder, prevention of public nuisance, protection of children from harm or public safety) are not being upheld.

Additionally, we are inviting you to give your perspective on the complaint at an early stage and to provide information that may be relevant by completing and returning the enclosed form. Any information you provide will be kept confidential. Equally, I am not at liberty to reveal the identity of the complainant as it is this Council's policy to treat all complaints in a confidential manner. I look forward to receiving your completed investigation form. In the meantime, please do not hesitate to contact this office should you wish to discuss this matter further.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Jennifer Pickering". The signature is written in a cursive, flowing style.

Jennifer Pickering
Environmental Health Officer

Encs

Nuisance Investigation - Information from the person complained about

In order that this complaint can be dealt with in a fair way, we would like to offer you the opportunity to provide information you feel may be relevant. Please provide as much information as possible. Please note that any information provided will be treated as confidential.

| | |
|--|------|
| Personal Information | |
| Your Name: Mr Mrs Miss Ms | |
| Address: | |
| Postcode: | Tel: |
| Do you own this property? If not, please provide contact details of the landlord or housing association. | |

| |
|---|
| About the complaint |
| Do you understand the complaint that has been made about you? |
| Have any of your neighbours attempted to discuss this complaint with you? |
| If so, what was the outcome? |

Nuisance Investigation Form Continued...

| About your relationship with your neighbours |
|--|
| Are you currently in dispute with any of your neighbours about <i>any</i> issue that may have prompted this complaint being made about you? (We are unlikely to become involved in other specific issues, but it is helpful for us to know about other these now rather than later). |

| Your view of the complaint |
|--|
| Do you consider the complaint may be justified? If not, why not? If so, to what degree and what action might you be able to take in order to prevent further nuisance. |
| If you consider the complaint may be justified, would you be prepared to participate in mediation in order to resolve the issue? |
| Please provide any other information you think may be relevant to this complaint. |

Signed..... Print name.....

Date.....

5 October 2021

Dorset Police to Licensing and Notice Giver

I write further to a Temporary Event Notice, received by Mr Long of NEON, Bridport, for an event which is due to take place on the Halloween weekend this year. On behalf of the Chief Officer of Police I wish to make a representation against this notice to extend the permitted hours of operation from 0200hrs to 0400hrs on the grounds that this extension to the operating hours may undermine the licensing objective of preventing crime and disorder.

I remain concerned that there is a risk of increased violence and demand on public services and this is supported both by my knowledge of an incident of serious violence which was attributed to the premises but also indications of public disorder and Anti-Social Behaviour contained within videos that have been passed to me for my consideration by the Dorset Council Environmental Health team.

Furthermore, I am in the process of requesting that Mr Long consider applying for a variation to his existing licence to ensure that any such extensions of hours are made within the parameters of the Premises Licence and not using TEN's. I believe that the benefits gained of inviting a consultation of all Responsible Authorities, the public, businesses and other key community stakeholders will ensure that any future extensions are effectively agreed and managed with appropriate conditions to the satisfaction of all those that are affected by this extra provision. The Licensing Act 2003 restricts scrutiny of Temporary Event Notices to the Police and Environmental Health and the continued use of Temporary Event Notices during these particularly unsocial hours, without conditions attached, risks having a detrimental impact on the wider community.

I will further elaborate on my concerns during the Licensing Sub-Committee hearing.

5 October

Neon Response to Police

We are disappointed with your objection as we feel that the concerns raised were spoken about at the sub committee meeting for our application for August bank holiday and this granted application was for a longer extension (over 3 days) whereas Halloween is just 1 night.

We have had 1 incident where we needed police assistance since the last TEN and this was a female who was refused entry and proceeded to assault a doorman and attack our property. Since been charged.

Numerous videos of public order and anti social behaviour have not been brought to our attention from either the Police, licensing or EHT so I am afraid at this moment in time I have no idea what you are referring to and can not comment further.

At this stage the only way to extend our hours on an ad hoc basis is by means of a TEN. I appreciate that yourself do not like this being the case/process but it is how it has been for a number of years and is government set so this is the procedure we have followed for the years I have been in the trade across the country.

With regards to multi agency get together please note that WE requested this with John Bean Dorset police and WDDC Licensing. It was all set to happen before Bridport Town Councils input made the meeting get cancelled.

The relevant parties get to comment on a TEN application, I am sure we would all agree if everyone got to comment then they would never happen.

As stated at the last sub committee meeting we are more than happy to discuss this matter with the hope of reaching a solution without the need for people's valuable time at a sub committee hearing, let us know if we can alleviate your concerns in any way. We are more than happy to discuss conditions etc. that work for all.

Pub problems can and do happen at any time of the day. We firmly believe that if you feel we can not keep control between 2am and 4am then this should be the same for the rest of our opening hours. Also we would be expecting a licence review if we are deemed to be in breach of licensing objectives.

Finally please note that we have had 7 4ams and for us it is a lot quieter and easier to manage people leaving rather than kicking them all out at 2 and there being 100plus people on East Street.

We are left wondering now if any future TEN is going to get the same response from Dorset Police.

I think this has covered all your points, please let us know if we can alleviate a hearing, if not I will see you there.



Mr Michael Long
Neon
39 East Street
Bridport
Dorset
DT6 3JX

Harm Reduction Team
nemouth Police Station
Madeira Rd
Bournemouth
BH1 1QQ
Phone: 01202 227824
j@dorset.pnn.police.uk

Dear Mr Long,

I am the Dorset Police Drug & Alcohol Harm Reduction Team Sergeant and I have responsibility for working with licensees to tackle issues of crime and disorder that are associated with licensed

BY EMAIL

Date: 05/10/2021
Our ref: NEON Letter

premises, namely public houses, bars, nightclubs and other premises involved in the provision of alcohol.

I know that we met during a recent Licensing Sub-Committee hearing as a result of a representation made by me on behalf of Dorset Police to a Temporary Event Notice that was served by you for an event taking place at NEON between 27-30th August.

I want to put some context behind that objection and to propose an alternative approach in respect of similar Temporary Event Notices that I anticipate you will submit on behalf of NEON in the future.

The fundamental basis for the objection was detailed and explained to the Licensing Sub-Committee; that being the serious assault which could be attributed to your premises. In addition, we have also received concerns from the Town Council via our Neighbourhood Policing Teams regarding frequent extensions in operating hours at NEON, which they consider causes anti-social behaviour and nuisance in the community. You will be aware that only the Police and Environmental Health are permitted to object to a Temporary Event Notice.

Temporary Event Notices were originally conceived to reduce the bureaucracy of applying for a Premises Licence for operators of events and premises wishing to conduct licensable activities. There is of course nothing contained within the Licensing Act 2003 which prevents licensed premises from making use of Temporary Event Notices to extend their operating hours, and indeed responsible use of Temporary Events Notices is encouraged, however, I believe that the frequency and impact of the events that have been held most recently at NEON have caused a disproportionately negative impact on the area.

I am aware of the correspondence recently sent by Environmental Health to you following the extension to your operating hours over the August Bank Holiday weekend. It is regrettable that this disruption was caused and the reports serve only to support my view that there should be a more sustainable solution which enables there to be consultation, scrutiny and therefore appropriate conditions to ensure that these periods of extension are properly managed and delivered by your team.

Regardless of your decision whether to take the following action, I can assure you that any future Temporary Event Notices received by Dorset Police will be treated on their own merit and an evidence-based approach will be taken when deciding whether to make a representation against the Notice. This is the same approach taken with all Temporary Notices received.

To overcome the challenges that we and the local community encounter with licensed premises that operate extended hours at short notice (considered less than 90 days by Dorset Police due to constraints around resourcing) I propose that you apply for a Variation to the existing licence to enable extensions to the licence during certain weekends each year or for a specific number of occasions per year, whichever suits your operating model.

It is my view that if we can have predictable periods of extension we can collectively ensure that the provision is delivered more responsibly and with the support of the Community and authorities, including Dorset Police, whose Neighbourhood Policing Team will be able to better determine the level of support that may be required to manage demand that may be caused as a result of the temporary increased provision.

The key advantage of this proposal, in addition to reducing the time and financial burden caused through the Temporary Event Notice application process, is that there is the opportunity for you to consult with key stakeholders in Bridport, including local residents and authorities such as the Town Council, to ensure that you can continue to operate with their support and in appreciation of the impact that these extensions of hours can cause, on occasion, in the Bridport community.

I am confident that with an appropriate set of conditions that could be offered/agreed that you will be successful in applying for a variation which will give you the confidence to plan your events in the knowledge that you are doing so having consulted with the wider community and other key stakeholders.

The Dorset Police Drug & Alcohol Harm Reduction Team, via myself and your Licensing Officer, John Bean, will be pleased to discuss this further with you and will assist with preparing a set of conditions to compliment this variation should you see it fit to submit one to the Licensing Authority.

Regards,



Gareth Gosling 2551
Sergeant

Drug and Alcohol Harm Reduction Team
Prevention Department | Bournemouth Police Station, Dorset Police
E: licensing@dorset.pnn.police.uk | T: (01202 222824) |