

Licensing Sub-Committee

11 June 2021

Objection to Temporary Event Notice

For Decision

Portfolio Holder: Cllr J Haynes, Customer and Community Services

Local Councillor(s): Cllrs D Beer and T Cook

Executive Director: J Sellgren, Executive Director of Place

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Report Status: Public

Recommendation: The Sub-Committee considers the Temporary Event Notice in the light of the objection notice made by Environmental Health 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

- 1.1 To consider an Objection Notice to a Temporary Event Notice (TEN) served by John Morgan for the Garden and Car Park, Mustons Yard, Shaftesbury, SP7 8AD.

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

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 27 May 2021 for the Garden and Car Park, Mustons Yard, Shaftesbury, Dorset, SP7 8AD. The Notice is attached at Appendix 1.

9.2. An objection notice has been served by Environmental Health 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 on the following date and time:

9.4. Monday 21 June 2021 14:00 to 23:00

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 of;

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

The steps that the Sub-Committee may take are:

- a) issue a counter notice
- b) not to issue a counter notice