

Licensing Sub-Committee

21 June 2021

Objections to Temporary Event Notices

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 Notices 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

To consider three Objection Notices to 3 Temporary Event Notices (TENs) served by Sally Francis for the Shaftesbury Fringe.

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 Notices](#)

[Appendix 2 – Objection Notices](#)

8. Background Papers

[Licensing Act](#)

[Section 182 Guidance](#)

[Dorset Council Licensing Policy](#)

[LGA Councillors Handbook](#)

9. Details

- 9.1. Three TENS were served on the Licensing Authority on 8 July for the 2021 fringe festival held in Shaftesbury.
- 9.2. **Notice 1** is for Mustons Yard is from 27 August to 29 August from 11am to 11pm on each of the three days.
- 9.3. **Notice 2** is for the Car Park next to Angola '76 is from 27 August to 29 August from 11am to 11pm on each of the three days.
- 9.4. **Notice 3** is for Angola '76 is from 27 August to 30 August from 11am to Midnight on each of the four days.
- 9.5. All of the notices are for sale of alcohol and entertainment with Notice 3 also covers late night refreshment.

9.6. Objection notices have been served by Environmental Health within the statutory three working days consultation period. The notices are attached at Appendix 2.

10. Considerations

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

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 notices 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 counter notices for one or all the three TENs
- b) not to issue counter notices for one or all the three TENs.

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.