

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

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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 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.