

# 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

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**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.