

Temporary Event Notice - Objection

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NEON

This report is to be considered alongside the e-mail objection submitted to the Licensing Authority in respect of the TEN served for 1st January 2022. It is the intention of Dorset Police to avoid any repeat of information previously submitted and to provide both the licensee (or their representative) and members of the Licensing Sub-Committee with additional information, context and evidence in support of the objection. This report is being completed and submitted as soon as practicable for the benefit of all parties. Whilst all details are correct at the time of completion, Dorset Police reserve the right to amend / introduce additional information and evidence in advance of the hearing.

Background

This premise is located in Bridport, Dorset and enjoys a generous licence which permits a variety of licensable activities between 11.00am and 2.00am, 7 days a week. The premises are one of only two premises that regularly open until the early hours of the morning in this area.

The operators at NEON have in the past applied for and operated under Temporary Event Notices (TENs) for several specific weekends over the past 12 months, extending the operating hours and licensable activity further from 2.00am until 4.00am.

On the 5th October 2021 Dorset Police submitted a letter (attached) to Mr Long recommending that if further events were planned at NEON to extend the operating hours, particularly for regular events and occasions throughout the calendar year, then it would be appropriate to seek a variation to the existing premises licence to ensure that appropriate consultation took place with the Responsible Authorities and the local community. No such variation has been received.

A Counter Notice (attached) was issued on the 18th October 2021 in respect of an event due to take place at NEON on the 31st October 2021 following a Licensing Sub-Committee hearing. Dorset Police are happy to provide further details of the evidence produced during that hearing if required.

Concerns

To permit the TEN as applied for would disapply the Annex 2 conditions that are attached to the existing Premises Licence at NEON. These conditions have been agreed previously with the licence holder to ensure that the licensing objectives are promoted, the safety of the public is maintained and the demand upon emergency services is minimised. Undertakings by the person serving the Temporary Event Notice to uphold the conditions of the Premises Licence are unenforceable and should be avoided where there are existing concerns regarding the premises.

Dorset Police have been advised by the Town Council of Bridport that there is concern amongst residents regarding the frequent applications to extend the licensable activities at NEON, particularly at times that are already busy for the local area, as would be the case on New Year's Eve. As Dorset Police and Environmental Health are the only permitted authorities entitled to make representations in respect of Temporary Event Notices, it would be inappropriate to elaborate further on these concerns.

During the dispersal of NEON following an extension of the licensable activities in July 2021, a serious incident of Assault took place involving customers at NEON. Whilst the applicant has reassured the Sub-Committee previously that he had taken every action possible to prevent the incident, the incident did occur and was associated with the premises.



The most recent Temporary Event Notice that took place at the premises resulted in additional anti-social behaviour being experienced by residents living in close vicinity to the premises. I have had the opportunity to listen to the audio recordings which amount to anti-social behaviour being caused by customers apparently associated to NEON. The behaviour displayed was entirely unacceptable.

As briefly highlighted above, it is clearly the intention of the licence holder to seek extensions of the existing provision during specific occasions throughout the year, this occasion being associated to 'New Year's Eve'. The key benefits to the licence holder applying for a variation, as recommended in the attached letter, are as follows -

- Greater opportunity for the licence holder to plan future events with the use of TENs being scrutinised on a case by case basis.
- Enable an enhanced opportunity for engagement and consultation with key stakeholders in the community who are most affected by the extensions to the existing hours.
- Opportunity for responsible authorities to work with the licence holder to agree tailored conditions to enable the licence holder to better promote the licensing objectives during extended hours. Conditions cannot be attached without a Sub-Committee hearing to a TEN.

The continued use of Temporary Event Notices for extensions to the licensable activities place an additional strain on emergency services, often at short notice. It is always the intention of the Local Inspector to allocate resources pro-actively to locations which present the highest risk of demand and this planning often takes place far in advance of receipt of Temporary Event Notices.

Most crucially, unlike previous occasions, the most recent having been refused by the Licensing Sub-Committee, the applicant has elected to apply for an extension of licensable activity from 0200hrs until 1059hrs on 1st January 2021 rather than an extension of 2 hours until 0400hrs that they have previously submitted.

The Sub-Committee must therefore assume that regulated entertainment and provision of alcohol will continue for this entire duration under this TEN. This additional provision will have a significant impact on the existing Policing resources that have already been allocated to this Local Policing Area for New Year's Eve. There is no option to amend the hours of a TEN that has been served.

Annex 2 Licence Conditions

Please see below conditions that are currently attached Annex 2 – Prevention of Crime & Disorder of the existing Premises Licence at NEON. These conditions are not automatically applied to the TEN.

- 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.
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.

Summary

The above conditions have been carefully agreed to reflect the operating hours and licensable activities as originally applied. Whilst the majority of these conditions are appropriate to any extension to the premises, some of the conditions would certainly need be enhanced to reflect the increased risk that is associated with extended operating hours.

Available Outcomes for the Sub-Committee

To assist the members of the Sub-Committee, Dorset Police make the following submissions in relation to the available outcome options in respect of this objection to a Temporary Event Notice –

Allow the Temporary Event Notice as applied for

Dorset Police do not consider that this option would be appropriate. This is a licensed premise with generous operating hours, exceeding many of the neighbouring businesses operating in the same sector.

It would be inappropriate for the Temporary Event Notice to take place without any conditions to assist the operator to promote the licensing objectives.

Attach Conditions to the Temporary Event Notice if –

- **Appropriate for the promotion of the licensing objectives**
- **The conditions are also imposed on a premises licence that has effect on this or part of the same premises, and**
- **The conditions would not be inconsistent with the carrying out of the licensable activities under the Temporary Event Notice**

Dorset Police are of the view that if the Sub-Committee were inclined to permit the event with attached conditions, that all conditions of the existing licence should be applied. This is appropriate to enable the operator to promote the licensing objectives.

There are no conditions that are inconsistent with the extension of operating hours.

Please note that to further promote the licensing objectives, Dorset Police would ordinarily encourage conditions for the following areas of concern to be applied to a Premises Licence, to further assist the licence holder to promote the licensing objectives, where they operate into the early hours of the morning –

- Implementation of a dispersal policy to reduce the impact of customers leaving in the early hours of the morning.
- 'Requirement' for a minimum number of SIA Door Supervisors rather than a Risk Assessment being conducted by the licence holder/DPS.
- Time of last admission/re-admission / Queuing policy to prevent adverse disturbance outside premises.
- Search / Drug policy – Late night premises often attract a greater proportion of individuals intent on using/distributing drugs and other illicit substances.
- Welfare procedures/policy to ensure that those most at risk of harm, in particular lone women, are protected from harm as much as possible by the premises operators.

Attaching additional conditions to a Temporary Event Notice is not permitted by the Licensing Act 2003 and this outcome may therefore not be appropriate. It would therefore be inappropriate to elaborate further on these conditions during the hearing.

To reject the Temporary Event Notice as applied for and issue a Counter Notice

Dorset Police remain of the view that to permit the extension of the existing licensable activities to 10.59am risks undermining the licensing objectives. This option remains our preferred outcome.

Conclusion

The operator has been encouraged to seek a variation of the premises to enable the extension of licensable activities on certain occasions as a sustainable alternative to applying for Temporary Event Notices. A variation application will enable a consultation to take place between the operator, Responsible Authorities, stakeholders and the local community.

Dorset Police do not intend to elaborate a great deal on the above during the Sub-Committee hearing, however, we will ensure our availability to answer and queries and provide any further support/advice to the Sub-Committee as required.