

Temporary Event Notice - Objection

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No.10

This report is to be considered alongside the e-mail notice of objection submitted to the Licensing Authority. 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 8.00am and 11.59pm on weekdays and up to 2.30am at weekends. The premises are one of only two premises that have extended hours permitted in this area.

The operators at No.10 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 until 4.00am.

The most recent TEN submitted in respect of an event due to take place on the 31st October 2021 was withdrawn by the applicant in advance of a Sub-Committee hearing.

We are aware that the premises have been subject to a recent Noise Abatement Notice, which causes us concern that the premises is not been responsibly managed.

No further engagement has taken place between the operators of the premises and Dorset Police.

Concerns

To permit the TEN as applied for would disapply the Annex 2 and Annex 3 conditions that are attached to the Premises Licence at No. 10. 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 is 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 No.10, particularly at times that are already busy for the local area. 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.

It is evidently the intention of the licence holder at No.10 to extend their licensable activity from 2.00am until 4.00am during specific occasions throughout the year, this occasion being New Year's Eve. Dorset Police believe this type of extension, which we know to have a significant impact on the residents in the area, should be applied for under a Variation to the Premises Licence.

The key benefits to this approach would be the following –



- Greater opportunity for the licence holder to plan future events
- Enable an enhanced opportunity for engagement and consultation with key stakeholders in the community who are most affected by the extensions to the 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.

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.

Annex 2 Licence Conditions

Please see below conditions that are currently attached at Annex 2 – Prevention of Crime & Disorder of the existing Premises Licence at No.10. These conditions are not automatically applied to the TEN.

1. The Management of the premises will complete a written Risk Assessment giving the reasons as to why there is no requirement for extra door supervisors other than the minimum of two SIA door supervisors stipulated, or the reasoning behind no requirement for door supervisors, giving clear reasons as to why this is the case. Examples of these events are, but this is not an exhaustive list, Saint Days, World Cup and Major National and International Sporting Events. This written Risk Assessment to be kept at the premises and made available for inspection by Police and authorised Licensing Authority Officers.
2. A minimum of two SIA registered door supervisors shall be dedicated door supervisors on duty on each occasion, one located on the main entrance and one to supervise the outside garden and back area of the premises and also to assist inside the premises when further assistance is required.
3. All SIA registered door supervisors on duty to wear High Viz clothing and to clearly identify them as Security staff. (This clothing can be long or short sleeved).
4. For all SIA registered door supervisors working at the premises to sign in a book, giving date, start and finishing times, their names and details of their SIA badge numbers and expiry date. For this to be made readily available to Police and authorised Licensing Authority Officers upon request.

Annex 3 Licence Conditions – Attached after a Hearing by the Licensing Authority

Please see below conditions that are currently attached Annex 3 following a hearing by the Licensing Authority of the existing Premises Licence at No.10. These conditions are not automatically applied to the TEN.

1. The maximum number of persons resorting to the premises at any one time, including staff, shall not exceed 60. The premises licence holder will implement measures to ensure that this limit is strictly adhered to, with a written record kept and checked hourly from 2000 hours until close of business each evening. This log must be made available to the Police or an authorised officer on request.
2. An effective CCTV shall be installed on the premises and maintained in good working order at all times with a minimum of 28 days continuous recordings. There must be sufficient cameras able to cope with operating illumination and located to cover all public areas. The cameras covering the main entrance must be to identification standard, with the remainder capable of recognition. There shall be sufficient members of trained staff available during the hours of operation to be able to copy/download recordings at the request of the police or an authorised officer.
3. There will be a minimum of 2 SIA registered door supervisors deployed at the premises from 2200 hours until the close of business, on every Friday, Saturday, New Year Eve, Carnival Day (from 1700 hours), bank holidays and any other occasion or event where considered necessary to promote the licensing objectives.
4. All staff will be trained upon induction and at least every six months thereafter, regarding their lawful and social responsibilities for the sale of alcohol. A written record of training will be kept and made available upon request to the Police or an authorised officer.

Summary

The above conditions have been carefully agreed to reflect the operating hours and licensable activities as originally applied. Whilst most of these conditions are appropriate to any extension to the premises, some of the conditions would ordinarily be enhanced to reflect the increased concern.

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 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 operated into the early hours of the morning –

- Implementation of a dispersal policy to reduce the impact of customers leaving at 4.00am.
- Requirement for an enhanced minimum number of SIA Door Supervisors.
- 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, particularly lone females, 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 if the Sub-Committee were inclined to agree with our concerns.

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 4.00am risks undermining the licensing objectives. This option remains our preferred outcome as the premises already enjoy generous operating hours until 0230hrs at weekends.

Conclusion

The operator has previously been encouraged to seek a variation of the premises licence 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 queries and provide any further support/advice to the Sub-Committee as required.