



**Dorset Council, County Hall, Dorchester, Dorset, DT1 1XJ**

**Counter Notice – Permitted Temporary Activities**

**Section 105 Licensing Act 2003**

On 1 October 2021 the licensing authority received from you, Mr Michael Long of [REDACTED] a temporary event notice (“the notice”) in respect of proposed temporary licensable activities due to take place on 31 October 2021 at Neon, 39 East Street, Bridport, DT6 3JX. The licensing authority has received objection notices under section 104(2) of the Licensing Act 2003 (“the Act”). The Licensing Authority has decided to give you a counter notice under section 105 of the Act.

The objection which applies is indicated by an “X” in the following table.

| <b>Objection</b>   | <b>Insert “X” as applicable</b> |
|--|---------------------------------|
| <b>A chief officer of police for any police area in which the premises are situated is satisfied that allowing the premises to be used in accordance with the notice would undermine a licensing objective.</b>                            | <b>X</b>                        |
| <b>A local authority exercising environmental health functions for the area in which the premises are situated is satisfied that allowing the premises to be used in accordance with the notice would undermine a licensing objective.</b> | <b>X</b>                        |

**Reasons for the decision:**

The Sub-Committee carefully considered the documents presented to it, and the oral statements made by the parties attending the hearing. They had regard to the Licensing Objectives, the Section 182 Statutory Guidance, and the Dorset Council Statement of Licensing Policy 2021-2026.

The Sub-Committee heard from Mr Long, who stated that he wanted the additional 2 hours under the TEN for a Halloween event at the premises. Mr Long explained that whilst the event would not necessarily attract greater numbers of people, those who did attend would be likely to stay longer. He advised that although in his view Neon did not have a problem with noise from music, a self-closing apparatus had been installed on the door to the garden area to help reduce the noise breakout. Mr Long accepted that people using the garden area did cause some noise. Mr Long explained that he had not received a second letter from the Environmental Protection Team and although he had been in correspondence with the team previously, he did not respond to the first letter as he anticipated that the noise nuisance complained about would not be substantiated.

The Sub-Committee heard from Sergeant Gosling from Dorset Police, who stated that an objection notice had been submitted due to concern that if the event went ahead the licencing objective of

the prevention of crime and disorder would be undermined. Sergeant Gosling explained that problems with crime and disorder got worse in the very early hours of the morning where people had been drinking over an extended period. He referred to a number of issues relating to Neon, which had been reported to the Police and requested that the Sub-Committee prevent the event from going ahead.

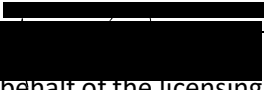
The Sub-Committee heard from Jennifer Pickering and Jane Williams from Dorset Council Environmental Protection Team, who stated that an objection notice had been submitted due to ongoing noise complaints received about the premises from people living nearby. Ms Pickering explained that she had visited the premises the previous Friday evening (23.45) and noted the proximity of the garden area to the dwellings and the loud noise levels. She said that noise equipment had been installed that weekend to assess whether a statutory noise nuisance was occurring. The resultant data would need to be reviewed to make this assessment.

The Sub-Committee was concerned about the nine noise complaints received by the Environmental Protection Team covering the August/September period in 2020 and the further 5 complaints relating to the period July/August/September in 2021. The Sub-Committee were particularly concerned to hear about the issues relating to noise following the previous Temporary Event Notice for the August Bank Holiday weekend where Mr Long admitted that the band was too loud and uncontrollable. Whilst Mr Long had explained that he didn't receive the second letter from the Environmental Protection Team, the Sub-Committee was disappointed to hear that Mr Long had not responded to the initial letter, given that this was not the first set of complaints made.

The Sub-Committee considered that given the information put forward by Dorset Police and the Dorset Council Environmental Protection Team, it was appropriate to issue a Counter Notice in this instance. To allow the event to go ahead would undermine the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance. The Sub-Committee took account of the comments from Sergeant Gosling that events extending into the early hours often resulted in issues with criminal behaviour due to the extended drinking time. The Sub-Committee considered that there was a high risk that people living in the neighbouring properties would be subject to noise nuisance, particularly from customers using the garden area, into the very early hours of Sunday morning.

A copy of this notice will be sent to the chief of police and the local authority exercising environmental health functions for the area in which the premises specified in the temporary event notice you gave is situated.

Under section 136 of the Licensing Act 2003, a person commits an offence if he carries on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation; or if he knowingly allows a licensable activity to be so carried on. A person convicted of such an offence is liable to imprisonment for a term not exceeding six months or to a fine of any amount, or to both.

|                                |   |             |                 |
|--------------------------------|---|-------------|-----------------|
| <b>SIGNATURE</b>               | <br>On behalf of the licensing authority | <b>DATE</b> | 18 October 2021 |
| <b>Name of Officer signing</b> | Aileen Powell, Licensing Team Leader  |             |                 |

If you wish to appeal the decision you have 21 days from the date of receipt of this notice to submit an appeal to Weymouth Magistrates Court, Westwey Road, Weymouth, DT4 8BS. But no appeal may be brought later than five working days before the day on which the event period specified in the temporary event notice begins.