

# Temporary Event Notice – Supplementary Information in Support of Representation

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## Chic, 3-5 Maiden Street, Weymouth

*This report is to be considered alongside the formal representation submitted in respect of a Temporary Event Notice submitted to the Licensing Authority by the applicant. It is the intention of Dorset Police to avoid any repeat of information previously submitted and to provide both the applicant (or their representative) and members of the Licensing Sub-Committee with additional information, context and evidence in support of the representation. 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**

The Temporary Event Notice (TEN) is submitted for New Year's Eve at a premise known as Chic, previously known as Actor's, at 3-5 Maiden Street, Weymouth. The Notice is intended to enable the person serving the notice to extend the existing provisions of alcohol and regulated entertainment for 2 hours beyond the existing permitted hours and for the premises to close at 4.30am.

This premise was, in the past 12months, subject of an Expedited Application for a Review of Licensed Premises, instigated by Dorset Police and supported by Dorset Council following concerns of severe mismanagement, resulting in drug distribution and organised crime being linked to the premise. I have attached a copy of the determination following the hearing, which sets out, in detail, the reason for the revocation of the premises licence.

### **Concerns**

Whilst Dorset Police are consistently driven to supporting 'event' organisers and those operating in the hospitality industry, it is imperative that we ensure that we minimise any risk of disorder and safety concerns that might occur as a result of licensable activities.

Following the revocation of the Premises Licence in January 2022 and the subsequent Appeal, conditions were agreed between the Premises Licence Holder and Dorset Council prior to the Magistrates Appeal Hearing. These conditions were agreed in consultation with Dorset Police and were intended to ensure that there could be no repeat of the concerns that had led to the Review being necessary, whilst balancing the needs of the premises licence holder to operate a safe, viable business.

The submission of this TEN will potentially undermine the conditions that have proven effective in reducing the levels of demand associated with the premises since it has re-opened as 'Chic'. Dorset Police are concerned that any extension to the agreed conditions will risk undermining the licensing objectives and create additional demand at an already busy period for Weymouth Town Centre.

Furthermore, whilst the Premises Licence Holder submitting the TEN has undertaken to meet the conditions of the TEN, they are not legally enforceable unless the conditions are applied to the TEN by the members of the Licensing Sub-Committee.



## Available Outcomes to the Sub-Committee

To assist the members of the Licensing Sub-Committee, Dorset Police make the following submissions in relation to the available outcomes in respect of this Temporary Event Notice -

### **No Action Taken – Temporary Event Notice Permitted**

Dorset Police are concerned that if the TEN is granted, as applied, then the conditions of the Premises Licence will be disregarded by the Premises Licence Holder. We can evidence this concern from the correspondence that has been exchanged between the Premises Licence Holder and Dorset Police, suggesting that some of the conditions are 'unreasonable' despite being proposed by the Premises Licence Holder prior to the Magistrates Appeal Hearing.

Dorset Police invite the Sub-Committee not to permit the extension of the alcohol and late-night entertainment provision, as applied, under this TEN.

### **Existing Conditions Attached to TEN – Temporary Notice Permitted**

The existing conditions attached to the Premises Licence have been proposed and agreed between the Premises Licence Holder and Dorset Council, in consultation with Dorset Police.

The additional conditions, proposed prior to the Magistrates Appeal Hearing, have been determined as proportionate by all parties and all parties had equal opportunity to decline the conditions and proceed to the Magistrates Hearing for determination.

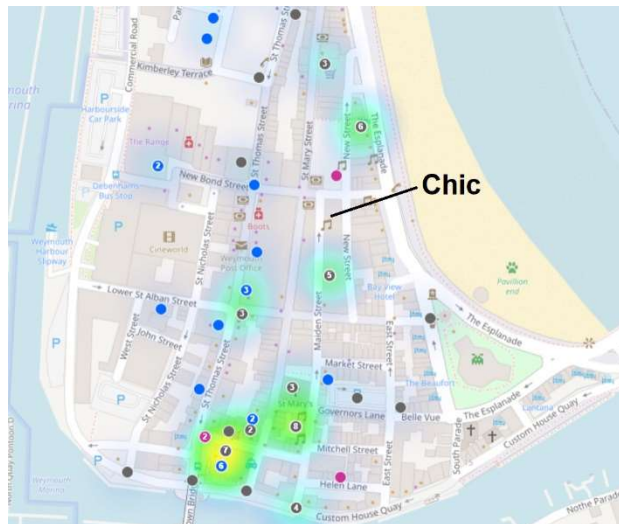
The applicant has since engaged the services of an external consultant to seek support for the removal of some of these conditions through an Application for a Minor Variation. Whilst any future 'variation' to the Premises Licence is not relevant to this TEN, the same report suggested that a series of TEN's be applied to 'trial' the Premises Licence Holder's ability to manage the premise effectively. The consultant recommended that these be completed prior to Christmas, presumably as their experience was that the festive season is a busy period for the hospitality industry and those supporting the licensed community, including the Police.

The previous TEN for Halloween was permitted on the basis that the existing conditions be applied to the TEN. This decision by the Sub-Committee was effective; in particular the condition to ensure that there is no entry/re-entry beyond 0130hrs.

Please note that the Premises Licence Holder and person serving this TEN have proposed a last entry of 0330hrs. A condition to reflect this proposal cannot be attached to the TEN (as it would be a 'new' condition) and Dorset Police are of the view that this extension to the entry/re-entry time would likely increase the risk of crime and disorder.

Dorset Police support the TEN subject to all conditions (allowing for the extension of the operating hours and the permitted hours for sale of alcohol and regulated entertainment) being attached to the TEN.

### **Counter Notice Issued – Event is not permitted take place**



It would be disproportionate to serve a counter-notice in the current circumstances, given that the existing conditions attached to the Premises Licence are having the desired effect of reducing levels of crime and disorder.

You will note from the graphic to the left, which includes data for all late-night ASB, crime and public safety incidents between **1<sup>st</sup> July 2022 and 1<sup>st</sup> December 2022**, that there have been no concerns with Chic since its reopening.

The 5 incidents of demand located to the South of Chic are associated with a separate property which we know to be unrelated to Chic or their customers.

In contrast, Dorset Police would like to remind the Sub-Committee of the levels of demand experienced at the same premise prior to the Application for Review, subsequent Revocation, and then re-opening with several agreed conditions and changes to the operating schedule for the business.



Dorset Police are determined that we do not return to this level of demand for one premise and invite the Sub-Committee to support our efforts by ensuring that we continue to have conditions that promote the licensing objectives and do not risk introducing additional demand for Dorset Police and our partners at this particularly challenging period.

### **Home Office Revised Guidance Issued under Section 182 of the Licensing Act 2003 (April 2018)**

The Sub-Committee are reminded that Paragraph 2.1 of the Licensing Act 2003 Section 182 Guidance produced by the Home Office states that, “*Licensing authorities should look to the police as the main source of advice on crime and disorder*”. We believe that we have provided an evidence-based summary of our concerns above, as required by Paragraph 9.43 of the Section 182 Guidance, in support of our submission.

The Guidance on determining whether a TEN should be permitted is limited and states only the following relevant advice –

*7.35 - ....where the planned activities are likely to breach the statutory limits or undermine the licensing objectives, it is likely to be appropriate for the police or EHA to raise objections.*

Dorset Police have provided a detailed explanation of our concerns above. Dorset Police consider that to permit this TEN to take place, as applied, will likely undermine the Licensing Objectives.

The Guidance provides some further clarification where a premise wishes to extend the availability of their provision, as follows -

*7.36 - However, in most cases, where for example, alcohol is supplied away from licensed premises at a temporary bar under the control of a personal licence holder, (such as at weddings with a cash bar or small social or sporting events) this should not usually give rise to the use of these powers.*

Dorset Police are satisfied that the above does not apply given that the person serving the Notice is applying to extend the hours at a premise which is known to have experienced in the recent past and that, in our view, should have the conditions of the existing licence added to the TEN to mitigate against any risk of crime or disorder occurring. This additional *guidance* would therefore not apply.

### **Conclusion**

Dorset Police are of the view that this Notice, as applied, should be refused.

There is the option for the Licensing Sub-Committee to introduce conditions to be attached to this TEN that are currently attached to the existing Premises Licence and Dorset Police would support this option. This will ensure that Door Supervision, Incident Management, requirement for Qualified Personal Licence Holders and all other safeguarding measures expected of this Licensed Premises are delivered.

Whilst every TEN is assessed on its own merits, Dorset Police would also draw the attention of the Licensing Sub-Committee to the previous TEN for this premise, granted following a Sub-Committee hearing, which resulted in **ALL** conditions of the existing licence being applied to the TEN.

Whilst not strictly associated with this TEN, the Licensing Sub-Committee may be inclined to advise the person serving the TEN to submit an Application for a Premises Licence to enable them to extend their existing licensable activities. Each application is assessed upon its own merits and will undergo a formal assessment process, which *may* lead to a Premises Licence being granted with appropriate conditions attached that will assist the applicant to promote the Licensing Objectives and hopefully avoid future Sub-Committee hearings to assess the suitability of a Temporary Event Notice.