

# Licensing Sub-Committee

15 February 2023

## Temporary Event Notice – Hardy’s Hop House

### For Decision

**Portfolio Holder:** Cllr L Beddow, Culture, Communities and Customer Services

**Local Councillor(s):** Cllr J Orell

**Executive Director:** J Sellgren, Executive Director of Place

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**Report Status:** Public

**Brief Summary:** A Temporary Event Notice (TEN) has been served on the Council to extend the hours for licensable activities at Hardy’s Hop House for a Young Farmers weekend. The TEN has been considered by the Police and Environmental Protection. The Police have served an Objection Notice. A Licensing Sub-Committee must consider the Notice and the Objection Notice at a public hearing.

**Recommendation:** The Sub-Committee considers the Temporary Event Notice in the light of the objection notice made by Dorset 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. Details of the TEN

- 1.1 A TEN has been served on the Licensing Authority by Mr Kevin Strickland for Hardy's Hop House, 62 St Thomas Street, Weymouth.
- 1.2 The TEN covers a period from Thursday 2 March to Monday 6 March, with timings as follows

|          |                 |
|----------|-----------------|
| Thursday | 1200-0200 hours |
| Friday   | 0900-0400 hours |
| Saturday | 0900-0500 hours |
| Sunday   | 0900-0200 hours |
| Monday   | 0900-0000 hours |

- 1.3 The TEN is for a Young Farmers weekend which is due to take place in Weymouth. This event is being organised by The South West Area Federation of Young Farmers' Clubs which is holding their annual activities weekend on 3<sup>rd</sup> – 5<sup>th</sup> March 2023 in Weymouth, Dorset. The main events will be held at Weymouth Pavilion, however, the attendees will be free to visit the public houses within the town centre. The TEN covers the sale of alcohol for consumption on the premises, regulated entertainment and the provision of late-night refreshment. Although the box "are you giving a late temporary event notice" is ticked, the TEN is not a late temporary event notice. The TEN is attached at Appendix 1.
- 1.4 The Objection Notice has been correctly served by the Police within the statutory three working days consultation period. The Objection Notice is attached at Appendix 2.
- 1.5 Following the Objection Notice from the Police, Mr Strickland and Ms Gardiner responded that they felt they were being disadvantaged against the other bars in town who are licensed until 4am. Mr Strickland and Ms Gardiner's response can be found at Appendix 3.
- 1.3 The current premises licensable hours for sale by retail of alcohol are Sunday to Thursday 0900 hours-midnight and Friday and Saturday 0900-0200 hours. A copy of the licence is attached at Appendix 4

## **2. Considerations**

- 2.1 Paragraph 7.28 of the Section 182 Guidance sets how the Authority should decide what actions are appropriate.

If the licensing authority receives an objection notice from the police or EHA that is not withdrawn, it must (in the case of a standard TEN only) hold a hearing to consider the objection unless all parties agree that this is unnecessary. The licensing committee may decide to allow the licensable activities to go ahead as

stated in the notice. If the notice is in connection with licensable activities at licensed premises, the licensing authority may also impose one or more of the existing licence conditions on the TEN (insofar as such conditions are not inconsistent with the event) if it considers that this is appropriate for the promotion of the licensing objectives. If the authority decides to impose conditions, it must give notice to the premises user which includes a statement of conditions (a “notice (statement of conditions)”) and provide a copy to each relevant party. Alternatively, it can decide that the event would undermine the licensing objectives and should not take place. In this case, the licensing authority must give a counter notice.

3.2. The steps that the Sub-Committee may take are:

- a) Issue counter notices for the event which will not allow it to occur.
- b) Not to issue counter notices and allow the event as applied for.
- c) Attach one or more of the existing premises licence conditions if consistent with the event.

3.3 This reflects the requirement under sections 104 to 106A of the Licensing Act 2003.

### **3. Financial Implications**

An applicant has the right to appeal the decision of the Licensing Sub Committee to the Magistrate’s Court if the decision is to refuse the application.

### **4. Climate Implications**

None

### **5. Well-being and Health Implications**

None

### **6. Other Implications**

None

### **7. Risk Assessment**

HAVING CONSIDERED: the risks associated with this decision; the level of risk has been identified as:

Current Risk: High

Residual Risk: High

### **8. Equalities Impact Assessment**

Not applicable

**9. Appendices**

Appendix 1 – Temporary Event Notice

Appendix 2 – Objection Notice

Appendix 3 – Response by Mr Strickland and Ms Gardiner to Police objection

Appendix 4 – Current premises licence

**10. Background Papers**

[Licensing Act 2003](#)

[Home Office Guidance issued under Section 182 of the Licensing Act 2003](#)

[Dorset Council Statement of Licensing Policy 2021](#)