

LICENSING SUB-COMMITTEE



Report subject	Objection to Temporary Event Notices – Drinks 2 Doors/J&A Drinks Ltd
Meeting date	4 May 2020
Status	Public Report
Executive summary	<p>The Licensing Authority has received three Temporary Event Notices (TENs) to permit the supply of alcohol, off the premises, by way of delivery through internet/telephone orders.</p> <p>Dorset Police have submitted an objection notice against all three notices on the grounds that they believe the licensing objectives will be undermined if granted.</p> <p>Copies of the TENs are attached at Appendix 1.</p>
Recommendations	<p>It is RECOMMENDED that:</p> <p>Members consider the objection notice by Dorset Police to the TENs on the grounds that they are satisfied that allowing the premises to be used in accordance with the notices would undermine the crime prevention objective.</p> <p>Having regard to the objection notice Members must decide whether to give the premises user a counter notice, if they consider it necessary for the promotion of the crime prevention objective to do so, or provide notice of their decision not to issue a counter notice.</p>
Reason for recommendations	<p>The three notices are required to permit off sales of alcohol (for delivery to customers) on the following dates between the hours of 09:00 and 21:00 each day:</p> <p>Wednesday 6th May 2020 to Sunday 10th May 2020</p> <p>Wednesday 13th May 2020 to Sunday 17th May 2020</p> <p>Wednesday 20th May 2020 to Sunday 24th May 2020</p>

Portfolio Holder(s):	Councillor Lewis Allison – Tourism, Leisure and Communities
Corporate Director	Kaye Ryan – Environment and Community
Report Authors	Sarah Rogers – Senior Licensing Officer
Wards	Throop
Classification	For Decision

Background

1. The premises user had been providing an alcohol delivery service since restrictions were imposed by Government due to the current Co-Vid19 crisis incorrectly, under the assumption this could be done under HMCR's Alcohol Wholesaler Registration Scheme. <https://www.gov.uk/guidance/the-alcohol-wholesaler-registration-scheme-awrs>
2. Dorset Police notified the Licensing Authority of the alcohol delivery service on 20th April 2020. Mrs Rogers identified the operator and on the same day contacted them. When they were notified of their error the operators immediately ceased trading and took action to remedy the situation by way of submitting an application for a Premises Licence and the three TENs to cover the consultation period.
3. The premises user submitted an Alcohol Management Plan and driver's training sheet to Dorset Police to try and alleviate their concerns by way of mediation. Dorset Police confirmed that their objection notice should remain. A copy of the Alcohol Management Plan and driver training sheet is attached at Appendix 3.

Issues

4. Before making a decision, Members are asked to consider the following matters:-
 - The objection notice made by Dorset Police attached at Appendix 2.
 - The submissions made by or on behalf of the Premises User.
 - If the event were to take place would it would undermine the crime prevention objective.
 - The Licensing Act 2003, Regulations, Guidance and the Council's Statement of Licensing Policy.

Options Appraisal

5. Dorset Police may withdraw their objection notice at any stage if the proposed Premises User agrees to modify the proposal to meet their concerns.
6. The Licensing Authority may issue a counter notice if they consider this necessary for the promotion of the crime prevention objective.
7. There is a right of appeal to the Magistrates' Court by both the Premises User if the Licensing Authority issue a counter notice and by Dorset Police if the Licensing Authority does not issue such a counter notice.

8. Members of the Licensing Sub-Committee are asked to make a decision at the end of the hearing after all relevant parties have been given the opportunity to speak. Members must give full reasons for their decision.

Summary of financial implications

9. An appeal may be made against the decision of Members by the premises user or Dorset Police to the Magistrates' Court which could have a financial impact on the Council.

Summary of legal implications

10. Following the outcome of the hearing, all parties have the right to appeal to the Magistrates' Court within the period of 21 days beginning with the day on which the appellant was notified by the Licensing Authority of the decision appealed against.
11. No appeal may be brought later than five working days before the day on which the event period specified in the TEN begins.

Summary of human resources implications

12. N/A

Summary of sustainability impact

13. N/A

Summary of public health implications

14. N/A

Summary of equality implications

15. N/A

Summary of risk assessment

16. N/A

Background papers

Section 182 Guidance

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/705588/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_April_2018_.pdf

Appendices

- 1 – Temporary Event Notices (x3)
- 2 – Objection Notice from Dorset Police
- 3 – Alcohol Management Plan and Driver Training Sheet