

Licensing Sub Committee

4 April 2024

**Dorsom, Seaborough Manor Farm,
Beaminster, DT8 3QY**

For Decision

Portfolio Holder: Cllr L Beddow, Culture and Communities

Local Councillor(s): Cllr S Ward

Executive Director: Jan Britton, Executive Lead of Place

Report Author: Aileen Powell

Job Title: Licensing Team Leader

Tel: 01258 484022

Email: aileen.powell@dorsetcouncil.gov.uk

Report Status: Public

Brief Summary: An application has been made for a new premises licence for a festival to be known as Dorsom at Seaborough Manor Farm, Beaminster. The application has been out to public consultation and has attracted relevant representations. A Licensing Sub Committee must consider the application and representations at a public hearing.

Recommendation: The Sub-Committee determines the application in the light of written and 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

The steps that the Sub-Committee may take are:

- a) to grant the licence subject to such conditions as the authority considers appropriate for the promotion of the licensing objectives, and the mandatory conditions;
- b) to exclude from the scope of the licence any of the licensable activities to which the application relates;
- c) to refuse to specify a person in the licence as the designated premises supervisor;
- d) to reject the application.

Reason for Recommendation: The Sub-Committee must consider the oral representations and information given at the hearing before reaching a decision.

1. Background

- 1.1 Section 4 of the Licensing Act 2003 sets out the duties of the Licensing Authority, it sets out that a Council's licensing functions must be carried out with a view to promoting the four licensing objectives of:
- (a) the prevention of crime and disorder;
 - (b) public safety;
 - (c) the prevention of public nuisance; and
 - (d) the protection of children from harm.
- 1.2 All applications and decisions are made with due regard to the [Licensing Act 2003](#) (the Act), the [Revised Guidance issued under Section 182 of the Licensing Act 2003](#) (the Guidance) and the [Dorset Council Statement of Licensing Policy](#) (the Policy).

2. Details of the application

- 2.1 Hoptails Ltd has made an application for a new premises licence for Dorsom at Seaborough Manor Farm, Beaminster. The application and plan can be found at Appendix 1.
- 2.2 The description of the premises within the application form is:

“The premises being licensed is an area of farmland, comprising a licensed area for the provision of entertainment and licensable activities, adjacent to an additional unlicensed area dedicated to car parking.

DORSOM will be a music festival providing a broad and eclectic range of popular music, specifically intended to appeal to a wide audience of varied musical tastes.

Patrons catering needs will be provided for within the event with the provision of hot and cold food and drink throughout the event.
5000 tickets will be available in 2024, with the applicant aiming to develop the event in future years.

Therefore, the application is submitted to authorise licensable activities for one event per annum, with this year's event planned for Thursday 18 – Sunday 21 July 2024, and future events taking place on one consecutive Thursday, Friday, Saturday and Sunday in July annually.

This clearly specified timescale ensures the licence makes provision for the change of dates moving one day each year, but ensures the licence authorises a maximum of one festival per annum.

A copy of the draft event overview is provided with this application, however, as the attached operating schedule sets out, the event plan is to be developed as the event grows and with regard to advice and guidance of all regulatory authorities through the Safety Advisory Group.

The high quality and comprehensive operating schedule demonstrates the detailed approach to planning the event, with safety and compliance being the paramount concern.

Through its consultant, The Licensing Guys Ltd, the applicant wishes to engage fully with all responsible authorities and other interested parties.

Should any person wish to discuss any aspect of the application or proposed activities, early contact and dialogue would be welcomed.”

2.3 The application is to permit:

Live music (outdoors)

Thursday	1500-0000 hours
Friday	1000-0000 hours
Saturday	1000-0000 hours

Recorded music (outdoors)

Thursday	1500-0000 hours
Friday	1200-0300 hours
Saturday	1200-0300 hours

Late night refreshment (outdoors)

Thursday	2300-0300 hours
Friday	2300-0300 hours
Saturday	2300-0300 hours

Supply of alcohol (on the premises)

Thursday	1200-0300 hours
Friday	1000-0300 hours
Saturday	1000-0300 hours

- 2.4 The operating schedule contains the steps which the applicant will take to promote the licensing objectives. These steps would be converted into enforceable conditions if a licence is granted. Proposed conditions, with wording slightly amended from the operating schedule, together with conditions agreed with Environmental Protection and the applicant are attached at Appendix 2. Officers note that the description on the application states that there will be one event each year sometime in July. However, no condition has been proposed to limit the number of events per year.

3 Responsible Authorities

- 3.1 Section 13 of the Licensing Act contains the list of Responsible Authorities who must be consulted on each application. Dorset Police, Dorset and Wiltshire Fire Service, Public Health Dorset, the Immigration Authority, Dorset Council Trading Standards, Dorset Council Children’s Services, Dorset Council Planning, Dorset Council Licensing, Dorset Council Environmental Protection and Dorset Council Health and Safety have all been consulted.
- 3.2 Dorset Police have made a representation under the Public Safety and Prevention of Crime and Disorder Licensing Objective, in relation to

infrastructure surrounding the venue given the number of potential attendees and sale of alcohol which could lead to excessive drinking and anti-social behaviour. Their representation can be found at Appendix 3.

- 3.3 There were no representations received from any of the other Responsible Authorities. Although reworded conditions were proposed by Environmental Protection which have been agreed and are included in a proposed set of conditions at Appendix 2.

4 Representations from other persons

- 4.1 The Licensing Act 2003 Section 182 Guidance (the Guidance) sets out at 8.13 the role of “other persons”:

“As well as responsible authorities, any other person can play a role in a number of licensing processes under the 2003 Act. This includes any individual, body or business entitled to make representations to licensing authorities in relation to applications for the grant, variation, minor variation or review of premises licences and club premises certificates, regardless of their geographic proximity to the premises. In addition, these persons may themselves seek a review of a premises licence. Any representations made by these persons must be ‘relevant’, in that the representation relates to one or more of the licensing objectives. It must also not be considered by the licensing authority to be frivolous or vexatious. In the case of applications for reviews, there is an additional requirement that the grounds for the review should not be considered by the licensing authority to be repetitious. Chapter 9 of this guidance (paragraphs 9.4 to 9.10) provides more detail on the definition of relevant, frivolous and vexatious representations.

- 4.4 The Guidance states at paragraph 9.4 what a “relevant” representation is;

“A representation is “relevant” if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. For example, a representation from a local businessperson about the commercial damage caused by competition from new licensed premises would not be relevant. On the other hand, a representation by a businessperson that nuisance caused by new premises would deter customers from entering the local area, and the steps proposed by the applicant to prevent that nuisance were inadequate, would be relevant. In other words, representations should relate to the impact of licensable activities carried on from premises on the objectives.”

- 4.1 There are eight relevant representations received from members of the public and one from Broadwindsor Parish Council. The representations relate to the licensing objectives of the Prevention of Crime and Disorder, Public Safety, the Prevention of Public Nuisance, and Protection of Children from Harm. The concerns raised were in relation to alcohol and drugs, noise levels and concerns to the proximity of the River Axe and safety of patrons. The representations can be found at Appendix 4, together with any responses from the applicant.

5. Considerations

- 5.1 Paragraphs 9.42 to 9.44 of the Guidance sets how the Licensing Authority should decide what actions are appropriate.

“9.42 Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be.

9.43 The authority’s determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.

9.44 Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. While this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters. As with the consideration of licence variations, the licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business. Further advice on determining what is appropriate when imposing conditions on a licence or certificate is provided in Chapter 10. The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination.”

- 4.3 The legislation provides clear focus on the promotion of the four statutory objectives which must be addressed when licensing functions are undertaken. The Licensing Act 2003 Section 182 Guidance (the Guidance) refers to the licensing objective of Public Safety at paragraphs 2.8 to 2.10 and 2.16 “Ensuring Safe Departure of those using the premises”:

2.8 “Licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the 2003 Act. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning. Conditions relating to public safety may also promote the crime and disorder objective as noted above. There will of course be occasions when a public safety condition could incidentally benefit a person’s health more generally, but it should not be the purpose of the

condition as this would be outside the licensing authority's powers (be ultra vires) under the 2003 Act. Conditions should not be imposed on a premises licence or club premises certificate which relate to cleanliness or hygiene.

2.9 A number of matters should be considered in relation to public safety. These may include:

- Fire safety;*
- Ensuring appropriate access for emergency services such as ambulances;*
- Good communication with local authorities and emergency services, for example communications networks with the police and signing up for local incident alerts (see paragraph 2.4 above);*
- Ensuring the presence of trained first aiders on the premises and appropriate first aid kits;*
- Ensuring the safety of people when leaving the premises (for example, through the provision of information on late-night transportation);*
- Ensuring appropriate and frequent waste disposal, particularly of glass bottles;*
- Ensuring appropriate limits on the maximum capacity of the premises (see paragraphs 2.12-2.13, and Chapter 10; and*
- Considering the use of CCTV in and around the premises (as noted in paragraph 2.3 above, this may also assist with promoting the crime and disorder objective).*

2.10 The measures that are appropriate to promote public safety will vary between premises and the matters listed above may not apply in all cases. As set out in Chapter 8 (8.38- 8.46), applicants should consider when making their application which steps it is appropriate to take to promote the public safety objective and demonstrate how they achieve that

Ensuring safe departure of those using the premises

2.16 Licence holders should make provision to ensure that premises users safely leave their premises. Measures that may assist include:

- Providing information on the premises of local taxi companies who can provide safe transportation home; and*
- Ensuring adequate lighting outside the premises, particularly on paths leading to and from the premises and in car parks.*

6 Financial Implications

Any decision of the Sub Committee could lead to an appeal by any of the parties involved that could incur costs.

7 Environment, Climate & Ecology Implications

None.

8 Well-being and Health Implications

None

9 Other Implications

None

10 Risk Assessment

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

Current Risk: Medium

Residual Risk: Medium

11 Equalities Impact Assessment

Not applicable

12 Appendices

Appendix 1 – Application and Plan

Appendix 2 – Proposed Conditions

Appendix 3 – Representations from Statutory Authorities

Appendix 4 – Representations from Interested Parties

13 Background Papers

[Licensing Act 2003](#)

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

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