

Licensing Sub-Committee

16 June 2022

New Premises Licence Application for The Wimborne Beer Festival, Wimborne

For Decision

Portfolio Holder: Cllr L Beddow Customer and Community Services
Local Councillor(s): Cllrs Bartlett, Cook and Morgan

Executive Director: J Sellgren, Executive Director of Place

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Report Status: Public

Brief Summary: An application has been made for a new premises licence for the Wimborne Beer Festival. 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

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

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

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 The Wimborne Beer Festival has applied for a new premises licence at The Wimborne Showground, Pamphill, Wimborne, BH21 3DQ.
- 2.2 The description of the premises within the application is:

“The premises is used for agricultural purposes. Approx. 36 acres. It is an open field next to the main A31 bypass with access to Wimborne and surrounding areas. It has water mains on site.”
- 2.3 The full application including the event management plans, risk assessment and the site plans for the premises, as received, are attached at Appendix 1. The site location can be viewed at Appendix 2 taken from the Council's Dorset Explorer page, which shows the proximity of nearby residential properties.

2.4 The application is to permit:

Live music (indoors and outdoors):

Friday to Sunday 1000 to 2300 hours

Recorded music (indoors and outdoors):

Friday to Sunday 0900 to 2300 hours

Anything of a similar description to that falling within E: live music, F: recorded music or G: performance of dance (indoors and outdoors):

Friday to Sunday 0900 to 2300 hours

Sale of alcohol (on and off the premises):

Friday to Sunday 1000 to 2330 hours

3. Representations from Responsible Authorities

- 3.1. Section 13 of the Licensing Act 2003 contains the list of Responsible Authorities who must be consulted on each premises application. Dorset Police, Dorset and Wiltshire Fire Service, Public Health Dorset, the Immigration Authority, Dorset Council Trading Standards, Dorset Council Planning Department, Dorset Council Environmental Health Team, Dorset Council Children's Services and Dorset Council Health and Safety Team have all been consulted.
- 3.2. Dorset Police have requested additional conditions to be added to the licence, which the applicant has agreed and can be found at Appendix 3.
- 3.3. There were no comments from Environmental Health as the conditions agreed between the Police and the applicant addressed the issues that Environmental Health would have raised. There were no other representations from the other responsible authorities.

4. Representations from Other Persons

- 4.1. There was one representation received from a member of the public which is included at Appendix 4. The matters concerning anti-social behaviour must be taken into consideration.

4.2. 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.

4.3. 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.”

5. Considerations

5.1 Paragraphs 9.42 to 9.44 of the Section 182 Guidance sets how the 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."

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. **Climate Implications**

None

8. Well-being and Health Implications

None

9. Other Implications

Public Health and Community Safety

10. Risk Assessment

10.1 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

None

12. Appendices

- Appendix 1 – Application and plan
- Appendix 2 – Site location
- Appendix 3 – Comments from Police
- Appendix 4 – Representations from interested party

13. Background Papers

[Licensing Act](#)

[Section 182 Guidance](#)

[Dorset Council Licensing Policy](#)