

Licensing Sub-Committee

22 March 2023

New premises licence application for We Out Here Festival

For Decision

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

Local Councillor(s): Cllr D Tooke

Executive Director: J Sellgren, Executive Director of Place

Report Author: Kathryn Miller
Title: Senior Licensing Officer
Tel: 01305 252214
Email: kathryn.miller@dorsetcouncil.gov.uk

Report Status: Public

Brief Summary: An application has been made for a new premises licence for We Out Here Festival, St Giles Park, Wimborne St Giles. 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:

- 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. Details of the application

- 1.1 An application has been made for a new premises licence for We Out Here Festival, St Giles Park, Wimborne St Giles, Dorset.
- 1.2 The description of the premises within the application form is:

“Owned and managed by St Giles Farms Limited, St Giles's Park is a 17th and 18th century parkland of around 200 hectares, with notable 18th century landscape features. There are also some 30 hectares of gardens and pleasure grounds and a grade I listed house. The park occupies generally level ground. To the west the site falls gently to the River Allen, which flows from north-west to south-west through the pleasure grounds; the ground rises to the south-west beyond the river. This premises licence application is focussed on a licenced boundary that covers 169 hectares of the parkland.

The premises is situated on Cranborne Chase, c.2km south-west of Cranborne, and c.11km north of Wimborne Minster. The site is bounded to the east and south-east by the B3078 road which leads north from Wimborne Minster to Cranborne, while to the north the boundary is formed by a minor road leading west from the B3078 road to the village of Wimborne St Giles, which adjoins the site to the north-west. To the west and south-west the site adjoins agricultural land. There are entrances available to the north-west, south, south-east, east, north-east and north sides of the park.

The event-specific layout of the premises will be designed according to the principles embodied in The Purple Guide (www.purpleguide.co.uk), in addition to previous experience producing greenfield events and learnings from prior licensed events held at the venue. The arrangement of the site will account for the anticipated audience size, demographic and behaviour characteristics, logistical considerations, access / egress for pedestrians, vehicles, crew and emergency services, the proximity of noise sensitive properties, topography and general site conditions.”

- 1.3 Since 2019 The Out Here Festival has previously been held in Cambridgeshire but this year it has relocated to St Giles Park, Wimborne St Giles. A copy of the premises licence that was issued by Huntington Council is attached at Appendix 1.

1.4 The full application, the plans, event safety management plan, live operating schedule for the premises, as initially received, are attached at Appendix 2.

1.5 The application is to permit one six day festival per calendar year for:

Films (indoors and outdoors)

Wednesday	1400-2300 hours
Thursday	1100-2359 hours
Friday	0000-0600 hours 1100-2359 hours
Saturday	0000-0600 hours 1100-2359 hours
Sunday	0000-0600 hours 1100-2359 hours
Monday	0000-0600 hours

Live music (indoors and outdoors)

Wednesday	1400-2300 hours
Thursday	1100-2359 hours
Friday	0000-0600 hours 1100-2359 hours
Saturday	0000-0600 hours 1100-2359 hours
Sunday	0000-0600 hours 1100-2359 hours
Monday	0000-0600 hours

Recorded music (indoors and outdoors)

Wednesday	1400-2300 hours
Thursday	1100-2359 hours
Friday	0000-0600 hours 1100-2359 hours
Saturday	0000-0600 hours 1100-2359 hours
Sunday	0000-0600 hours 1100-2359 hours
Monday	0000-0600 hours

Performance of dance (indoors and outdoors)

Wednesday	1400-2300 hours
Thursday	1100-2359 hours
Friday	0000-0600 hours 1100-2359 hours
Saturday	0000-0600 hours 1100-2359 hours
Sunday	0000-0600 hours 1100-2359 hours
Monday	0000-0600 hours

Late night refreshments (indoors and outdoors)

Wednesday	2300-2359 hours
Thursday	0000-0500 hours 2300-2359 hours
Friday	0000-0500 hours 2300-2359 hours
Saturday	0000-0500 hours 2300-2359 hours
Sunday	2359-0500 hours 2300-2359 hours
Monday	0000-0500 hours

Supply of alcohol (on the premises)

Wednesday	1400-2300 hours
Thursday	1100-2359 hours
Friday	0000-0600 hours 1100-2359 hours
Saturday	0000-0600 hours 1100-2359 hours
Sunday	0000-0600 hours 1100-2359 hours
Monday	0000-0600 hours

- 1.6 The applicant has stated that expected number of people to attend the premises is 24,999.
- 1.7 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 Protection, Dorset Council Children's Services and Dorset Council Health and Safety Team have all been consulted.
- 1.8 Dorset Police have made a representation under the licensing objective of prevention of crime and disorder and public safety as they are concerned that the conditions being proposed do not provide the high level of assurance that is necessary for an event of this scale. The absence of enforceable conditions in areas of concern and an over-reliance on the Event Management Plan. Their comments can be found at Appendix 3.
- 1.9 Although Environmental Protection were satisfied overall with the application and the conditions offered, they felt a lot of weight was placed on the Sound/Noise Management Plan (NMP) which forms part of the Event Management Plan to which they had not been provided with in any detail. As a result, Environmental Protection requested the following conditions are clearly stated on the licence if it is granted:

Prevention of Public Nuisance (Noise)

PN1. The Licensee shall draft, implement & abide by a Sound Management Plan (SMP) with robust controls for the Prevention of Public Nuisance and compliance with the licensing conditions.

PN2. The Licensee shall submit a draft SMP to the licensing authority for Environmental Protection review and approval at least 28 days before the commencement of any licensable activity authorised by this licence.

PN3. The SMP shall be subject to document control.

Environmental Health conditions

- 1 The Licensee shall appoint a competent acoustic consultant (Member of the IOA or ANC) to produce, implement, and monitor a robust Sound Management Plan (SMP) as an annexe to the Event Safety Management Plan (ESMP). The Licensee shall submit the SMP to authorised officers of the Dorset Council's (DC) Environmental Protection team no less than three months before the start of the event. The SMP shall detail the operating hours, location, orientation & description of sound systems, plus any significant sound sources proposed for the event. The SMP shall outline the proposed noise attenuation mechanisms employed during the event, including the monitoring locations and procedures to ensure that the Music Noise Level controls at noise-sensitive properties are complied with as best practicable. The SMP shall be subject to document control as agreed by the authorised officers of DC's Environmental Protection team before the event.
- 2 The Licensee will publish the contact information for a dedicated community helpline with telephone and email service at least 14 days before the event. The purpose of the helpline is to provide information and register complaints or concerns relating to noise, antisocial behaviour, traffic & access with the aim of resolution where appropriate and practicable. The helpline contact details shall be available on a dedicated community webpage. A leaflet informing the community of the event timing, community webpage and helpline contact information shall be delivered to addresses within 2km of the venue at least 14 days before the event. Social media channels shall include links to the public website.
- 3 A competent acoustic consultant shall be on duty and on location when amplified music is in operation on site. The Licensee and acoustic consultant shall have the capability and authority to override any sound systems in operation on site if required by authorised officers of DC's Environmental Protection team.
- 4 The Licensee shall deploy sound monitoring devices for the duration of the licensed event as agreed by the SMP, including the location, measurement parameters & data accessibility.

- 5 The Music Noise Level (MNL) controls applicable at the Noise Sensitive Premises identified shall be agreed with Dorset Councils' Environmental Protection Team, following consultation with the Licensee and their appointed acoustic consultant. The MNL control levels shall not be exceeded for the event duration without the prior agreement of authorised officers of DC's Environmental Protection team. In the event of extraordinary circumstances, authorised officers of DC's Environmental Protection team reserve the right to vary the noise control levels during the event where safe & reasonable.
 - 6 To ensure compliance with the licence objective for the prevention of public nuisance, the regulated entertainment MNL shall abide by the following criteria:
 - a) The MNL shall not exceed the following levels between 09:00-23:00 at the agreed locations:
 - i) On the boundary (as indicated by the red line on WOH Site Plan v2.5) : 65dBA & 80dBC Leq 15'
 - ii) Outside the boundary (as indicated by the red line on WOH Site Plan v2.5) including Wimborne St Giles village: 55dBA & 70dBC Leq 15'
 - b) The MNL shall not exceed the following levels between 23:00-06:00 at the agreed locations:
 - i) On the boundary (as indicated by the red line on WOH Site Plan v2.5): 55dBA & 70dBC Leq 15'
 - ii) Outside the boundary (as indicated by the red line on WOH Site Plan v2.5) including Wimborne St Giles village: 45dBA & 60dBC Leq 15'
 - c) Amplified sound systems shall not be used outside the operating hours agreed in the SMP, except for public order or safety purposes.
 - 7 Within 28 days of the event finishing, the Licensee shall share an event report with DC's Environmental Protection Team. The report shall include the monitoring results, observations, complaints & actions.
- 1.10 Environmental Protection have requested the conditions detailed above to be added to the licence if it were to be granted which the applicant has agreed to. The e-mails between Environmental Protection and the applicant are at Appendix 4 and Appendix 4 boundary plan.

- 1.11 Dorset and Wiltshire Fire and Rescue Service (DWFRS) initially made a representation to the application, however, after reviewing the documentation associated with licensing aspect of the event and following a discussion with the Chairman of the Dorset Council's Safety Advisory Group, they withdrew their representation.
- 1.12 There were no other representations from the other Responsible Authorities.
- 1.13 There have been four representations received from members of the public. Most of the representations are expressing concerns relating to noise from the event and these are included in full at Appendix 5.
- 1.14 Following the representations received, the event organisers have written to the interested parties with information on the background of the planning for the festival and to answer the points raised. The response can be found at Appendix 6.
- 1.15 Three representations, two from members of the public and one from the Parish Council were received in support of the application and have been included at Appendix 7.
- 1.16 The applicant has also engaged and attended meetings with the Safety Advisory Group (SAG). The SAG is an informal group which offers guidance and advice on events. It does not have a statutory role. Members of the group include council services; Environmental Health, Highways and partner agencies such as, Dorset Police, DWFRS etc. The SAG can help event organisers to promote best practice in holding event; pointing out any potential amendments, omissions, or improvements, provide feedback on event proposals at an early stage so that there is plenty of time to address any areas of concern.
- 1.17 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.

1.18 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.”

1.19 One of the representations mainly focussed on matters which are material considerations under planning legislation but do not relate to the four licensing objectives. This would include any parts of the representations relating to Highways, Area of Outstanding Natural Beauty (AONB) and the Countryside and Rights of Way Act 2000 (CROW Act). However, as the site is an AONB the Licensing Authority will need to have regard to this fact as set out in S85 of the CROW Act.

2 Considerations

2.1 Paragraphs 9.42 to 9.44 of the Section 182 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.”

3 Financial Implications

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

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 – Previous licence from Huntington Council
- Appendix 2 – Plans, event safety management plan, live operating schedule for the premises
- Appendix 3 – Representation by Dorset Police
- Appendix 4 – Comments from Environmental Health
- Appendix 5 – Representations from members of the public
- Appendix 6 – Response to interested parties from the event organisers
- Appendix 7 – Supporting letters from members of the public

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](#)

[Countryside and Rights of Way Act 2000](#)