

Licensing Sub Committee

22 June 2023

Variation of premises licence – Wilkswood Farm, Swanage

For Decision

Portfolio Holder: Cllr L Beddow, Culture and Communities

Local Councillor(s): Cllr C Brooks

Executive Director: J Sellgren, Executive Director of Place

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Report Status: Public

Brief Summary: An application has been made for a variation to the premises licence for Wilkswood Farm, Langton Matravers, Swanage, for the Wilkswood Reggae Festival, to add Thursday to the current licence to allow the sale of alcohol, regulated entertainment, and extension of the sale of alcohol time for Friday. 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 modify the conditions of the licence;
- b) to reject the whole or part of 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 A variation of the premises licence for Wilkswood Farm, Langton Matravers, Swanage, for the Wilkswood Reggae Festival, has been submitted to the Licensing Authority by Hardway Promotions Ltd. The application can be found at Appendix 1.
- 2.2 The application is to amend the following on the current licence:

Addition of Thursday to the licensed area of the barns and main courtyard to allow:

Sale of alcohol (on and off) to commence at 0900 hours on Thursday to finish at 0200 hours on Monday.

Performance of live music, playing of recorded music, and performance of dance (indoors and outdoors) from between 1000 – 0200 hours

Late night refreshment (indoors and outdoors) between 2300 – 0500 hours

The current licence permits the following:

Performance of a play, exhibition of a film (indoors and outdoors)

Friday to Sunday 0900-0000 hours

Performance of live music, playing of recorded music, performance of dance, and anything of a similar description to that falling with e, f or g (indoors and outdoors)

Friday to Saturday 1000-0200 hours
Sunday 1000-0000 hours

Late night refreshment (indoors and outdoors)

Friday to Saturday 2300-0500 hours
Sunday 2300-0500 hours

Sale of alcohol (on and off)

From 0900 hours Friday until 0200 hours on Monday

Responsible Authorities

2.3 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.

2.4 There were no representations from any of the Responsible Authorities.

3 History of the premises

3.1 The Wilkswood Reggae Festival has been run, without incident at the current site since July 2019 and is licensed for one, three day event per calendar year. A copy of their current licence is attached at Appendix 2.

3.2 There has been one representation received from an interested party on behalf of other residents in the area but these people have not written in a separate representations. This can be found at Appendix 3.

3.3 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.

3.4 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. **Considerations**

- 4.1 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.”

4 **Financial Implications**

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

5 **Natural Environment, Climate & Ecology Implications**

None.

Well-being and Health Implications

None.

6 **Other Implications**

None.

7 **Risk Assessment**

7.1 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 – variation application

Appendix 2 – copy of current licence

Appendix 3 – representation from interested party

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](#)