

Licensing Sub Committee

24 July 2023

New premises licence application for Deans Court, Deans Court Land, Wimborne, Dorset For Decision

Portfolio Holder: Cllr L Beddow, Culture and Communities

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Report Status: Public

Brief Summary: An application has been made for a new premises licence for Deans Court, Deans Court Lane, Wimborne, Dorset for regulated entertainment, the sale of alcohol, on and off the premises, and late night refreshment. 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 A new premises licence application has been submitted to the Licensing Authority by Sir William Hanham for Deans Court, Deans Court Lane, Wimborne, Dorset. The application is to cover the Mansion House, Marquee, Deans Court Café and Homestore, and the grounds. The application and plans can be found at Appendix 1.

- 2.2 The description of the premises within the application form is:

“Stately home and grounds with a marquee in the gardens”

- 2.3 The application is to permit:

Live music, recorded music (indoors and outdoors)
Monday to Sunday 0800-midnight

Late night refreshment (indoors and outdoors)
Monday to Sunday 2300-0030 hours

Supply of alcohol (on and off the premises)
Monday to Sunday 0800-0030 hours

3 **History of the premises**

- 3.1 Deans Court currently holds a premises licence which has been in operation since May 2010 and has the following licensable activities, a copy of the current licence and plans are attached at Appendix 2:

Plays (indoors and outdoors)
Monday to Sunday 1400-2300 hours

Films (indoors and outdoors)
Monday to Sunday 1100-2300 hours

Live music (indoors and outdoors)
Monday to Sunday 1100-2300 hours

Recorded music (indoors and outdoors)
Monday to Sunday 1100-2300 hours

Performance of dance (indoors and outdoors)
Monday to Sunday 1000-2300 hours

Anything of similar description to E, J or G (indoors and outdoors)
Monday to Sunday 1000-2300 hours

Late night refreshment (indoors and outdoors)
Monday to Sunday 2300-midnight hours

Sale of alcohol (on and off the premises)
Monday to Sunday 1000-2330 hours

- 3.2 The Licensing Authority was contact by the Operations Manager for Deans Court who wanted to amend the premises licence as the extent of the licensable area, activities and conditions which were no longer appropriate.

- 3.3 A meeting was held at the premises with the Deans Court Operations Manager, Licensing Authority, Environmental Health and Dorset Police Licensing and it was suggested that a new premises licence be applied for as it would be less complicated than completing a variation application due to the large number of conditions on the current licence, many of which needed to be removed and the fact that the applicant wanted to reduce the overall area to be licensed for the licensable activities.

4 **Responsible Authorities**

- 4.1 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.

- 4.2 Dorset Police has requested the following conditions be added to the licence if it were to be granted which the applicant has agreed to. This can be found at Appendix 3:
- The Premises Licence Holder will dynamically assess each event to determine if door supervisors shall be required to vet customers and maintain public order.
 - The Premises Licence Holder will adopt a "Challenge 25" policy where all customers who appear to be under the age of 25 and attempt to purchase alcohol or other age-restricted products are asked for proof of their age. The following proofs of age are the only ones to be accepted: • Proof of age cards bearing the "Pass" hologram symbol • UK Photo Driving licence • Passport.
 - The Premises Licence Holder shall ensure that an "Incident report register" is kept, in which details of all disorderly incidents are recorded. The time and date when the report was completed, and by whom, is to form part of the entry. The register shall be produced to an authorised officer of the Licensing Authority or the Police when required.
- 4.3 There were no representations from any of the other Responsible Authorities, including Environmental Health who had no objections to the application, their response is at Appendix 4.
- 4.4 There have been nine representations received from members of the public. Their representation can be found at Appendix 5.
- 4.5 There was one representation received in support of the application, this is attached at Appendix 6.
- 4.6 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.

4.7 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.”

4.8 The Guidance also states at Paragraph 9.12 that each responsible authority will be an expert in their respective field:

“Each responsible authority will be an expert in their respective field, and in some cases it is likely that a particular responsible authority will be the licensing authority’s main source of advice in relation to a particular licensing objective. For example, the police have a key role in managing the night-time economy and should have good working relationships with those operating in their local area . The police should usually therefore be the licensing authority’s main source of advice on matters relating to the promotion of the crime and disorder licensing objective. However, any responsible authority under the 2003 Act may make representations with regard to any of the licensing objectives if they have evidence to support such representations. Licensing authorities must therefore consider all relevant representations from responsible authorities carefully, even where the reason for a particular responsible authority’s interest or expertise in the promotion of a particular objective may not be immediately apparent. However, it remains incumbent on all responsible authorities to ensure that their representations can withstand the scrutiny to which they would be subject at a hearing.”

5. **Considerations**

5.1 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 Natural Environment, Climate & Ecology Implications

None.

Well-being and Health Implications

None.

5 Other Implications

None.

6 Risk Assessment

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

Current Risk: Medium

Residual Risk: Medium

7 Equalities Impact Assessment

Not applicable

8

Appendices

Appendix 1 – premises licence application and plans.

Appendix 2 – current premises licence and plans.

Appendix 3 – conditions requested by Dorset Police.

Appendix 4 – response from Environmental Health.

Appendix 5 – representations from interested parties.

Appendix 6 – representation in support of application.

9

Background Papers

[Licensing Act 2003](#)

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

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