

LICENSING SUB-COMMITTEE

5 June 2024

Sounds Beautiful Event, Gaunts House, Wimborne

For Decision

Portfolio Holder:

Cllr G Taylor, Public Health, Environmental Health, Housing, Community Safety and Regulatory Service

Local Councillor(s):

Cllr W Chakawhata

Executive Director:

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Report Status: Public

Brief Summary: An application has been made for a new premises licence for a festival to be known as Sounds Beautiful at Gaunts House in Wimborne. 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 written representations and 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 Sounds Beautiful Ltd have applied for a premises licence under section 17 of the Licensing Act 2023 for a festival at Gaunts House, Petersham Lane, Gaunts, Wimborne, BH21 4JQ. The application form is attached at Appendix 1.

2.2 The description of the premises given by the applicant is: -

Gaunts is a 15-acre country estate with mansion house and outbuildings. The festival site is located on the grounds at approx 5 min walk from the house and is separate from the house itself.

The main arena of the festival site is surrounded by woodland making it quite shielded for noise and the nearest residential property is 0.65 km away.

There are water pipes feeding the site and compost toilets located there. Next to the site are two large camping fields for festival goers to camp.

The festival itself is a 4-day family event with live bands, DJ stage, speaker and comedy stage, workshops and kids' area. There will be a healing field offering therapies and local traders will be on site to sell both food and wares relevant to the festival.

The theme of the festival is to look at alternative medical paths and outlooks on life, our relationship with Mother Nature and what practical rather than political solutions to today's challenges of modern life might be... and provide a platform for open discussion around this.

2.3 The application is for; -

Plays (inside and outside)

Thursday	12:00 to 22:00
Friday	09:00 to 23:00
Saturday	09:00 to 23:00
Sunday	09:00 to 23:00

Films (inside and outside)

Thursday 12:00 to 23:00
Friday 12:00 to 23:00
Saturday 12:00 to 23:00
Sunday 12:00 to 22:00

Live Music (inside and outside)

Thursday 12:00 to 23:00
Friday 11:00 to 23:00
Saturday 11:00 to 23:00
Sunday 11:00 to 22:00

recorded music (indoors and outdoors)

Thursday 12:00 to 22:00
Friday 09:00 to 02:00
Saturday 09:00 to 02:00
Sunday 09:00 to 22:00

Performance of Dance (indoors and outdoors)

Thursday 12:00 to 23:00
Friday 09:00 to 23:00
Saturday 09:00 to 23:00
Sunday 09:00 to 22:00

anything similar to the above (indoors and outdoors)

Thursday 12:00 to 23:00
Friday 09:00 to 23:00
Saturday 09:00 to 23:00
Sunday 09:00 to 22:00

Sale of alcohol for consumption on the premises

Everyday 10:00 to 22:55

Late Night Refreshment (indoors and outdoors)

Friday 23:00 to 02:00
Saturday 23:00 to 02:00

The Sale of Alcohol (on the premises only)

Thursday 12:00 to 23:00
Friday 12:00 to 02:00
Saturday 12:00 to 02:00
Sunday 12:00 to 22:00

- 2.4 There will be some adult entertainment consisting of “comedy with adult content (we will have an age restriction on performances clearly displayed outside the marquee and in the programme and it will be monitored and enforced)

Evening Fire Ceremony from a qualified, insured and fully risk assessed company. One of the performers is a nurse and every precaution will be taken to prevent children from being anywhere near the fire display.”

3. Responsible Authorities Representations

- 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 saying there is too little detail in the plans already submitted, and they require more information and detail. Their initial response is attached at Appendix 2 together with a supplementary statement.
- 3.3 Dorset and Wiltshire Fire Service have responded to the consultation stating there is not enough information to decide the suitability of the event. They have requested a Fire Risk Assessment with details of the marquees and escape routes and a proper site plan. Their representation is attached at Appendix 3.
- 3.4 Dorset Council Environmental Protection have requested more information. The representation is attached at Appendix 4.
- 3.5 Dorset Council Children's Services and Dorset Council Planning have responded saying they have no comments.
- 3.6 Dorset Licensing, Public Health Dorset, the Immigration Authority, Dorset Council Trading Standards and Dorset Council Health and Safety have not made any representations.

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.

4.2 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.”

4.3 There has been one representation from the Parish Council. The representation from the Parish Council has requested that all music finish by 23:00. The full representations can be found at Appendix 5.

5. Relevant Sections of the Licensing Act 2003

5.1 Section 4 sets out the general duties of the Licensing Authority; -

(1) A licensing authority must carry out its functions under this Act (“licensing functions”) with a view to promoting the licensing objectives.

(2) The licensing objectives are—
(a) the prevention of crime and disorder;
(b) public safety;
(c) the prevention of public nuisance; and
(d) the protection of children from harm.

(3) In carrying out its licensing functions, a licensing authority must also have regard to—
(a) its licensing statement published under section 5, and
(b) any guidance issued by the Secretary of State under section 182.

6. Relevant Sections of the Statutory Guidance issued under Section 182

6.1.1 Paragraphs 1.2, 1.4 and 1.5 of the Revised Guidance issued under Section 182 of the Licensing Act 2003 issued in December 2023 (The Guidance) sets out the Licensing Objectives and aims; -

The legislation provides a clear focus on the promotion of four statutory objectives which must be addressed when licensing functions are undertaken.

Each objective is of equal importance. There are no other statutory licensing objectives, so that the promotion of the four objectives is a paramount consideration at all times.

However, the legislation also supports a number of other key aims and purposes. These are vitally important and should be principal aims for everyone involved in licensing work. They include:

- protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises;
- giving the police and licensing authorities the powers they need to effectively manage and police the night-time economy and take action against those premises that are causing problems;
- recognising the important role which pubs and other licensed premises play in our local communities by minimising the regulatory burden on business, encouraging innovation and supporting responsible premises;
- providing a regulatory framework for alcohol which reflects the needs of local communities and empowers local authorities to make and enforce decisions about the most appropriate licensing strategies for their local area; and
- encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may affect them.

6.2. Paragraph 1.16 of the Guidance sets out how conditions should be formulated; -

Conditions on a premises licence or club premises certificate are important in setting the parameters within which premises can lawfully operate. The use of wording such as “must”, “shall” and “will” is encouraged. Licence conditions:

- must be appropriate for the promotion of the licensing objectives;
- must be precise and enforceable;
- must be unambiguous and clear in what they intend to achieve;
- should not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation;
- must be tailored to the individual type, location and characteristics of the premises and events concerned;
- should not be standardised and may be unlawful when it cannot be demonstrated that they are appropriate for the promotion of the licensing objectives in an individual case;
- should not replicate offences set out in the 2003 Act or other legislation;
- should be proportionate, justifiable and be capable of being met;
- cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff, but may impact on the behaviour of customers in the immediate vicinity of the premises or as they enter or leave; and
- should be written in a prescriptive format.

6.3. Paragraph 1.19 states; -

While licence conditions should not duplicate other statutory provisions, licensing authorities and licensees should be mindful of requirements and responsibilities placed on them by other legislation.

6.4 Paragraphs 9.42 – 9.44 of the Guidance set out how the Licensing Authority will determine an application; -

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.

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.

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."

7 Options

7.1 The Sub-Committee will determine the application in the light of all of the written representations and any oral evidence from the hearing. They will 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.

8 **Financial Implications**

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

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

The Council is under a general duty to consider the impact any decision will have on the Natural Environment, Climate and local ecology.

10 **Well-being and Health Implications**

None

11 **Other Implications**

None

12 **Risk Assessment**

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

Current Risk: Medium

Residual Risk: Medium

13 **Equalities Impact Assessment**

Not applicable

14 **Appendices**

Appendix 1 – Application and Plan

Appendix 2 – Representation from Police

Appendix 3 – Representation from Fire

Appendix 4 – Representation Environmental Protection

Appendix 5 – Representation from Parish Council

15 **Background Papers**

[Licensing Act 2003](#)

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

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