

Licensing Sub Committee

18 June 2024

New premises licence application for Blue Welly Events, Sutton Poyntz, Weymouth

For Decision

Portfolio Holder:

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

Local Councillor(s):

Cllr Dickenson and O'Leary

Executive Director:

Jan Britton, Executive Lead for Place

Report Author: Kathry Miller

Job 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 at Blue Welly Events, field adjoining the side and rear carpark of Springhead public house carpark, Sutton Road, Sutton Poyntz, Weymouth, DT3 6LW. The application has been advertised in accordance with regulations 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.

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 An application has been made for a new premises licence for Blue Welly Events, field adjoining the side and rear carpark of Springhead public house carpark, Sutton Road, Sutton Poyntz, Weymouth, and has been submitted to the Licensing Authority by Blue Welly Events Limited. The application and floor plan can be found at Appendix 1.

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

“An empty field situated in Sutton Poyntz directly behind the Springhead pub. 3 access/exit points via farm gates. Boundary is by fencing and hedgerow. Intention to be used for our wedding and pop up events some of which will include music and sale of alcohol”.

2.3 The application is to permit:

Live music and recorded music (indoors & outdoors)
Monday to Sunday 1000-2300 hours

Anything of a similar description to that falling within e, f or g (indoors & outdoors)
Monday to Sunday 1000-2300 hours

Late night refreshment (indoors & outdoors)
Monday to Sunday 1000-2300 hours

Supply of alcohol (on the premises)
Monday to Sunday 1000-2300 hours

2.4 The operating schedule contains the steps which the applicant will take to promote the licensing objectives. These would need to be converted into enforceable conditions on a licence if it is granted and would include:

Alcohol and soft drinks will be served in plastic or toughened glasses.

A noise management plan has been devised and is in operation at the premises.

Customers will not be permitted to take open containers of alcohol or soft drinks from the premises.

The premises licence holder will conduct a fire risk assessment at the premises and implemented the necessary control measures.

Adequate and appropriate first aid equipment and materials are available on the premises.

A Challenge 25 age verification to be in place.

Signage requesting patrons to respect the neighbours regarding noise when leaving the premises will be erected for relevant events.

For music festivals professional sound engineers will be employed to properly guide and control audio levels.

Appropriate steps to ensure staff have an awareness of child exploitation and safeguarding.

Access to relevant training and guidance is available to all staff as to how to recognise child exploitation.

3 Responsible Authorities

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 requested that the following conditions be added to the licence if it were to be granted. Their e-mail can found at appendix 2:

- 1 Challenge 25 shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence or passport, or holographically marked PASS scheme identification cards. Appropriate signage advising customers of the policy shall prominently displayed in the premises.
2. All staff involved in the sale of alcohol shall receive training on the Licensing Objectives, the law relating to prohibited sales, the age verification policy adopted by the premises and the conditions attached to the Premises Licence. Refresher training shall be provided at least once every six months. A record shall be maintained of all staff training and that record shall be signed and dated by the person receiving the training and the trainer. The records shall be kept for a minimum of 12 months and made available for inspection by Police, Licensing or other authorised officers.
3. A refusals register and incident log shall be used at the event site, when events are held. The refusals register should include the date and time of the refused sale and the name of the member of staff who refused the sale. The incident log will record incidents such as anti-social behaviour and include the date and time of the incident plus any pertinent information including the names and descriptions of those involved. These documents shall be made available to an authorised officer upon request and retained for at least 6 months.

4. Plastic or toughened polycarbonate (or similar) glasses/bottles will be used during all events. The contents of any bottled beverage shall be decanted into a plastic/paper/toughened glass or polycarbonate container before service to any customer.
5. When the event being held is a wedding reception, glassware will only be permitted for use until 1700hrs.
6. Open drinks containers will not be taken from the premises at any time.
7. The premises licence holder shall ensure that any alcohol stored on site is kept securely and is monitored by staff at the premises.
8. Any events where the amount of customers exceeds 300 shall be ticketed. A ticketed event will be those open to members of the public and usually involve music and alcohol sales.
9. Neighbouring residents shall be notified at least two weeks before the commencement of a ticketed event. This notification shall include:
 1. The start and finish time of the event
 2. A name and number of a person who can be contacted throughout the event to deal with complaints.
 3. The contact details of the local authority.
10. Up to four ticketed events may be held per year, one of which shall be on the August Bank Holiday weekend.
11. Any events, both weddings and ticketed events, shall only be held between 1st March and 30th September.
12. The premises licence holder shall ensure that the Licensing Authority and Police Licensing Team are informed of any event where a capacity larger than 1000 persons (including staff) is planned for. A minimum of three months written notice shall be given to the responsible authorities.
13. The premises licence holder shall prepare a written risk assessment prior to any ticketed event, which shall include an assessment of the amount of Security required for the event. The risk assessment shall be made available to any authorised officer upon request and be retained for at least 6 months.

14. The Licensing Authority and Dorset Police shall be provided with an Event Management Plan a minimum of 28 days prior to any event taking place which the premises licence holder deems suitable to employ SIA Registered Door Supervisors.
 15. The numbers entering the premises at events open to members of the public shall be recorded.
- 3.3 The applicant has agreed to these conditions to be added to the licence if it were to be granted.
 - 3.4 Dorset Council Licensing, Environmental Protection, Children's Services, Planning, Public Health, Dorset & Wiltshire Fire and Rescue Service, Trading Standards and Dorset Council Health and Safety and the Immigration Authority 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 were 15 relevant representations received from members of the public relating to the licensing objectives of the Prevention of Crime and Disorder, and the Prevention of Public Nuisance.
- 4.4 An e-mail was sent by Licensing on behalf of the Applicant to the interested parties, which explained the reason for the licence application and their intentions as the use of the field. The e-mail also listed the conditions that Dorset Police had requested, which the applicant had agreed to, if the licence were to be granted. This e-mail can be found at Appendix 3.
- 4.4 Four of interested parties commented further as to why their concerns were not alleviated following the e-mail from the Applicant. Their comments can be found at Appendix 4.
- 4.5 Following the e-mail to the interested parties from the Applicant, four of the interested parties withdrew their representations. The original representations of the remaining 13 parties can be found at Appendix 5.
- 4.6 There were six representations received in support of the application. These can be found at Appendix 6.

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 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.

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 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.

8 Well-being and Health Implications

None.

9 Other Implications

None.

10 Risk Assessment

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

Current Risk: Low

Residual Risk: Low

11 Equalities Impact Assessment

Not applicable

12 Appendices

Appendix 1 – premises licence application and plan

Appendix 2 – conditions requested by Dorset Police

Appendix 3 – response from Applicant to interested parties

Appendix 4 – responses from interested parties following e-mail from applicant

Appendix 5 – representations from interested parties

Appendix 6 – representations from interested parties in support of the application

13 Background Papers

[Licensing Act 2003](#)

[Home Office Guidance issued under Section 182 of the Licensing Act 2003](#)
[Dorset Council Statement of Licensing Policy 2021](#)