

Licensing and Gambling Acts Sub Committee

25 September 2026

Application for a new premises licence for Native Willow, 6 Quarterjack Mews, East Street, Wimborne, BH21 1DS

For Decision

Cabinet Member and Portfolio:

Cllr M Bell, Public Health, Prevention and Communities

Local Councillor(s):

Cllrs S Bartlett and D Morgan

Executive Director:

S Crowe, Executive Director of Housing, Communities and Prevention

Report Author: Kathryn Miller

Job Title: Senior Licensing Officer

Tel: 01305 830828

Email: Kathryn.miller@dorsetcouncil.gov.uk

Report Status: Public

Brief Summary: An application has been made for a new premises licence for the Native Willow, 6 Quarterjack Mews, East Street, Wimborne, BH21 1DS. The application has been out to public consultation. Representations have been received. A Licensing Sub-Committee must therefore 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

Reason for Recommendation: The Sub-Committee must consider all the written representations, the oral representations, and any 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 the Native Willow, 6 Quarterjack Mews, East Street, Wimborne, BH21 1DS and has been submitted to the Licensing Authority by Miss Karen Bailey. The application form is attached at Appendix 1.

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

A waffle house and alternative gift shop, 52x52sqmtrs with riverside veranda seating 52 x 2 MTRS and courtyard seating and limited seating inside at the bar. These areas will be included in the premises licenses. We serve savoury and sweet waffles, salad bowl, cake and snacks tea, coffee and cold drinks. Our customers have often said how nice it would be to sit here with a glass of wine or beer to enhance the ambience of the place so this why we have decided to add alcohol to our premises. We are a small place with a maximum capacity of 50 people when all seated, there is no extra standing space on the veranda due to health and safety, but there could be some capacity out front in the courtyard. Even on the folk festival we did not exceed our capacity.

2.3 The application is for:

Live music (indoors and outdoors)

Sunday to Thursday	1100-2300 hours
Friday and Saturday	1100-midnight

Outside: mainly in the courtyard or veranda weather permitting from May - October Thursdays 18.00 - 21.00 (courtyard) Saturday and Sunday between the hours of 12.30 and 20.30 (courtyard or veranda)

Thursday evening sessions (18:00 to 21:00) are strictly 100% unamplified acoustic music only (natural voices and acoustic guitars). No microphones, speakers, or amplifiers will be permitted on site. Saturday and Sunday afternoon sessions (anytime between 12:30 to 20:30) will feature light ambient live music consisting of vocals using a microphone, saxophone, and acoustic/electric/bass guitars using a small, low-volume portable PA system or small instrument practice amplifiers. Due to space constraints and local noise considerations, no acoustic drum kits, backing tracks with heavy bass, or subwoofers will be permitted.

Recorded music (indoors and outdoors)

Sunday to Thursday	11.00-2300 hours
Friday and Saturday	11.00-midnight

Friday and Saturdays for private functions and events

Alcohol sales (consumption on the premises)

Sunday to Thursday	1100-2300 hours
Friday and Saturday	1100-midnight

Opening hours

Sunday to Friday	1000-2300 hours
Saturday	0000-0000 hours

2.4 The Live Music Act 2012 allows any premises with a licence for the consumption of alcohol on the premises to have live amplified and recorded music between 08:00 and 23:00 without a licence. This only applies when the audience is under 500 people and takes place when the premises are open and being used for the sale of alcohol for consumption on the premises. The Legislative Reform (Entertainment Licensing) Order 2014 amended the Licensing Act and states that any conditions on a premises relating to any of this entertainment would not have any effect between 8am and 11pm or when the premises are open and selling alcohol for consumption on the premises.

- 2.5 The applicant has also provided two risk assessments in support of their application. In the document called pro-form risk assessment, the applicant has selected the relevant control measures, and should the licence be granted, these measures would be added as licence conditions. These can be found at Appendix 2.
- 2.6 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:

Staff training ensuring all employees are thoroughly trained on their responsibilities, emergency procedures and age verification policies, CCTV systems or security staff will be installed and used via the appropriate SIA, incidents logs will be used at the venue to record any incidents of refusal of sales and security incidents. RISK assessments will be regularly updated that identify potential hazards across all four objectives such as the prevention of crime and disorder, public safety, the prevention of public nuisance and the prevention of children from harm.

Prevention of Crime and Disorder

CCTV installation able to record images of entries, exits and till areas.

Licensed door supervisors through SIA for crowd management if needed.

Responsible retailing not offering irresponsible drinks promotions

Prevention of Public Nuisance

We will inform our local residents with a letter stating all times and dates on which we will be and when available live music will be taking place.

We will display prominent notices asking patrons to leave quietly and have active door staff encourage customers to depart without disturbing local residents.

The venue will operate under a strict Noise Management Plan to promote the licensing objectives and prevent disturbance to nearby residents

1. Bass and Percussion Limits: No acoustic drum kits or subwoofers are permitted. Any bass guitar used will be restricted to a low-wattage practice amplifier raised completely off the ground to prevent structural vibrations from travelling through courtyard paving.

2. Active Management and Volume Control: The venue manager retains absolute control over the master volume of all equipment and will reduce levels immediately if required.

3. Proactive Monitoring: The on-site manager will carry out a physical boundary noise check 15 minutes after the start of both Thursday Saturday and Sunday sessions to ensure sound levels do not dominate ambient street noise. A written log of these checks will be maintained on-site and made available to Dorset Council officers upon request."

Public Safety

All fire exits will be labelled appropriately, and functioning fire safety equipment will be maintained with a clearly marked assembly point for evacuation.

Adequate first aid supplies will be on site as well as a designated first aider.

Any cautions will be clearly labelled also, and logbooks will be kept reporting any incidents.

An operational checklist will be put in place for all staff to utilise upon their shifts and signatures will be assigned to make sure it has been read and acknowledged.

Protection of Children from Harm

Age verification will be in place such as the Challenge 25 proof of age scheme to prevent underage drinking.

Access restrictions will be in place to prohibit unaccompanied minors entering the premises at certain hours or exclude all under 18s when adult entertainment is taking place. If under 18s are employed, we will ensure the sale of alcohol isn't enforced unless they are serving diners at their tables. Or accompanied by the appropriate trained over 18 members of staff.

All incidents will be logged in the appropriate accompanied logbooks.

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 and Rescue Service, Dorset Council Public Health, Trading Standards, Children's Services, Planning, Licensing, Environmental Health, Dorset Council Food Safety and Port Health and the Immigration Authority have all been consulted.
- 3.2 Dorset Police made a representation to the application as it contains omissions and ambiguities in relation to the promotion of the licensing objectives, namely, the Prevention of Crime and Disorder and Public Safety.
- 3.3 Dorset Police have sought clarification from the applicant by email on five different dates to respond to their concerns and engage in mediation regarding conditions to be attached to the licence if it were to be granted. The applicant has failed to respond to the correspondence sent by the Police. In particular, the applicant has failed to provide sufficient assurances regarding the provision of CCTV. Despite repeated requests, the applicant has neither provided satisfactory details of any proposed CCTV provision nor engaged in discussions regarding appropriate conditions to support the licensing objectives.
- 3.4 Given the lack of detail within the application, the applicant's failure to engage during the consultation process, and the absence of sufficient information to demonstrate how the licensing objectives will be promoted, Dorset Police does not have confidence that the premises will be operated in a manner consistent with the effective promotion of the licensing objectives.
- 3.5 Accordingly, Dorset Police objects to the grant of the Premises Licence, specifically in relation to the licensing objectives of the Prevention of Crime and Disorder and Public Safety. Their email can be found at Appendix 3.

- 3.6 Environmental Health requested a noise management plan that will document and include information to demonstrate how noise will be managed for any private parties or events and a procedure for how residents can raise noise concerns and how these would be investigated.
- 3.7 Following this response, the applicant provided a risk assessment which Environmental Health are content with and have not made a formal representation. Please see their email at Appendix 4.

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 five relevant representations received from members of the public including one from Wimborne Town Council. The representations were made on the licensing objectives of Public Safety, Public Nuisance, and Prevention of Crime and Disorder. Concerns were raised around noise at the premises and alcohol related disturbance. These are attached at Appendix 5.
- 4.4 There was one relevant representation received in support from the Ward Member, Cllr Shane Bartlett. This is attached at Appendix 6.
- 4.5 An email was sent by Licensing to the interested parties on behalf of the applicant, with two risk assessments that the applicant has provided in support of their application. The email can be found at Appendix 7.

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

9 Financial Implications

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

10 Environmental Implications

None.

11 Well-being and Health Implications

None.

12 Other Implications

None.

13 Risk Assessment

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

Current Risk: Low

Residual Risk: Low

14 Equalities Impact Assessment

Not applicable

15 Appendices

Appendix 1 – Application form

Appendix 2 – Two risk assessments

Appendix 3 - Police representation

Appendix 4 – Environmental Health comments

Appendix 5 – Representations from interested parties

Appendix 6 – Email in support of application

Appendix 7 – Responses from interested parties

16 Background Papers

[Licensing Act 2003](#)

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

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