

# **Representation following the Application for a New Premises Licence at Dillington Park, Ilminster TA19 9EQ**

*Director:* Martin Woods – Service Delivery  
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## **Purpose of the Report**

To inform members that an application has been received from Shindig Productions Ltd, for a time limited premises licence to be granted under the Licensing Act 2003 at Dillington Park, Ilminster TA19 9EQ from 21 to 25 May 2020.

## **Recommendation**

To determine the granting of the premises licence in accordance with the options detailed later in the report.

## **Background**

The Council is the authority responsible for the issue of Premises Licences issued under Section 18 of the Licensing Act 2003.

The Lead Specialist – Environmental Health has delegated authority to determine a Premises Licence application, subject to no objections being received from a Responsible Authority or “Other Persons”. In this case, relevant representations were received from Three Responsible Authorities and Four “Other Persons” it is therefore necessary to convene a hearing to determine the application.

## **Licensing Objectives**

The licensing objectives are:

- Prevention of crime and disorder
- Public safety
- Prevention of public nuisance
- Protection of children from harm

The licensing objectives are to be considered paramount and the Council has a duty to promote them in its decision making process. An application will not be refused in whole or part or any conditions attached except those offered by the applicant or required by law except where appropriate to promote the licensing objectives.

## **Application**

A copy of the application form is enclosed with the agenda; it does not however include a copy of the plan of the premises, which is available for inspection at the Council offices, Brympton Way, Yeovil.

The details of the application are summarised as follows:

- Applicant: Shindig Productions Ltd

Licensable activities applied for:

### Plays (A) Indoor and Outdoor

Date	Day	Start Time	Finish Time
25 May 2020	Monday	00:01	02:00
21 May 2020	Thursday	12:00	00:00
22 May 2020	Friday	00:01	00:00
23 May 2020	Saturday	00:01	00:00
24 May 2020	Sunday	00:01	00:00

Seasonal Variations: None  
Non-Standard Timings: None

### Films (B) Indoors Only

Date	Day	Start Time	Finish Time
21 May 2020	Thursday	15:00	22:00
22 May 2020	Friday	09:00	22:00
23 May 2020	Saturday	09:00	22:00
24 May 2020	Sunday	09:00	22:00

Seasonal Variations: None  
Non-Standard Timings: None

### Live Music (E) Indoors and Outdoors

Date	Day	Start Time	Finish Time
25 May 2020	Monday	00:01	02:00
21 May 2020	Thursday	15:00	00:00
22 May 2020	Friday	11:00	00:00
23 May 2020	Saturday	00:01	03:00
23 May 2020	Saturday	11:00	00:00
24 May 2020	Sunday	00:01	03:00
24 May 2020	Sunday	11:00	00:00

Seasonal Variations: None  
Non-Standard Timings: None

### Recorded Music (F) Indoors and Outdoors

Date	Day	Start Time	Finish Time
25 May 2020	Monday	00:01	02:00
21 May 2020	Thursday	15:00	00:00
22 May 2020	Friday	11:00	00:00
23 May 2020	Saturday	00:01	03:00
23 May 2020	Saturday	11:00	00:00
24 May 2020	Sunday	00:01	03:00
24 May 2020	Sunday	11:00	00:00

Seasonal Variations: None  
Non-Standard Timings: None

### Performance of Dance (G) Indoors and Outdoors

Date	Day	Start Time	Finish Time
25 May 2020	Monday	00:01	01:00
21 May 2020	Thursday	15:00	00:00
22 May 2020	Friday	11:00	00:00
23 May 2020	Saturday	00:01	02:00
23 May 2020	Saturday	11:00	00:00
24 May 2020	Sunday	00:01	02:00
24 May 2020	Sunday	11:00	00:00

Seasonal Variations: None

Non-Standard Timings: None

### Entertainment of a Similar Nature (H) Indoors and Outdoors

Date	Day	Start Time	Finish Time
25 May 2020	Monday	00:01	01:00
21 May 2020	Thursday	15:00	00:00
22 May 2020	Friday	09:00	00:00
23 May 2020	Saturday	00:01	02:00
23 May 2020	Saturday	09:00	00:00
24 May 2020	Sunday	00:01	02:00
24 May 2020	Sunday	09:00	00:00

Seasonal Variations: None

Non-Standard Timings: None

### Late Night Refreshment (I) Indoors and Outdoors - ALL CAFÉ's

Date	Day	Start Time	Finish Time
25 May 2020	Monday	00:01	05:00
21 May 2020	Thursday	23:00	00:00
22 May 2020	Friday	00:01	05:00
23 May 2020	Friday	23:00	00:00
23 May 2020	Saturday	00:01	05:00
24 May 2020	Saturday	23:00	00:00
24 May 2020	Sunday	00:01	05:00
25 May 2020	Sunday	23:00	00:00

Seasonal Variations: None

Non-Standard Timings: None

### Supply of Alcohol (J) – Consumption 'On' The Premises ONLY

Date	Day	Start Time	Finish Time
25 May 2020	Monday	00:01	02:00
21 May 2020	Thursday	15:00	00:00
22 May 2020	Friday	11:00	00:00
23 May 2020	Saturday	00:01	03:00
23 May 2020	Saturday	11:00	00:00
24 May 2020	Sunday	00:01	03:00

24 May 2020	Sunday	11:00	00:00
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Seasonal Variations: None  
Non-Standard Timings: None

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children. **(K)**

None.

Within the timescales set out above only the following venues stated below will hold regulated entertainment - (where applicable) only within the specific times set out below:

### Venues

Venue	Categories of licensable activities	Timings Thursday	Timings Friday to Saturday	Timings Saturday to Sunday	Timings Sunday to Monday
The Dig Inn	A. E. F.G.H.	15:00 – 00:00	12:00–03:00	12:00-03:00	12:00–02:00
Ghetto Funk Nightclub	E.F.G.	20:00 – 00:00	20:00–03:00	20:00-03:00	20:00–02:00
SS Naughtilicious	A.B.E.F.G. H.	15:00 – 00:00	12:00–01:00	12:00-01:00	12:00–01:00
Tutti Frutti	E.F.G.H.	-	12:00–01:00	12:00-01:00	12:00–01:00
Stardust Discotheque	F.G.H.	-	13:00–01:00	13:00-01:00	13:00–01:00
Church of Love	F.	-	13:00–21:00	13:00-21:00	13:00–21:00
The Mini Rig Sub	F	-	18:00 – 01:00	18:00 – 01:00	18:00 – 00:00
Rise Bandstand	A.E.F.G.H	-	12:00–20:00	12:00-20:00	12:00–20:00
The Lookout	A.B.E.F.G. H.	15:00–22:00	12:00-22:00	12:00-22:00	12:00–22:00
Bang & Mash	E.F.G.H		12:00–18:00	12:00-18:00	12:00-18:00
Eat Glorious Food	F.I	15:00-23:00	12:00– 23:00	12:00-23:00	12:00–23:00
The Boneyard	A.B.E.F.G. H	15:00 – 00:00	15:00-02:00	15:00-02:00	15:00-01:00

Within the timescales set out above at Category J, only the following venues stated below will sell alcohol within the specific times set out below:

Venue	Timings Thursday	Timings Friday to Saturday	Timings Saturday to Sunday	Timings Sunday to Monday
The Dig Inn	15:00 – 00:00	11:00 – 03:00	11:00-03:00	12:00–02:00
Ghetto Funk Bar	18:00 – 00:00	11:00 – 03:00	11:00-03:00	11:00–02:00
SS Naughtilicious	15:00 – 00:00	11:00 – 01:00	11:00-01:00	11:00–01:00

Tutti Frutti Bar	-	12:00 – 01:00	12:00-01:00	12:00–01:00
Stardust Discotheque	-	13:00 – 01:00	13:00-01:00	13:00–01:00
The Boneyard	15:00 00:00	– 15:00 – 02:00	15:00-02:00	15:00 – 01:00
Glamping Bar	15:00 00:00	- 12:00 - 00:00	12:00-00:00	12:00-00:00
Eat Glorious Food Bar	15:00 23:00	- 12:00 – 23:00	12:00 – 23:00	12:00 – 23:00
Rise Cider Bar	-	12:00 – 21:00	12:00 – 21:00	12:00 – 21:00
Mini Rig Bar	20:00 02:00	– 18:00 – 01:00	18:00 – 00:00	18:00 – 01:00
The Lookout	15:00 22:00	- 12:00 – 22:00	12:00 – 22:00	12:00 – 22:00

### Entertainment Outdoors

Category A.G & H within the licensed premises which will include walkabout performance, fire performance and dance pieces. Start time 12:00 On 21 May to 02:00 on 25 May 2020.

**Hours premises open to the public (L) – Not a licensable activity, but shown as part of the application.**

Date	Day	Start Time	Finish Time
25 May 2020	Monday	00:01	14:00
21 May 2020	Thursday	14:00	00:00
22 May 2020	Friday	00:01	00:00
23 May 2020	Saturday	00:01	00:00
24 May 2020	Sunday	00:01	00:00

Non-Standard Timings:

None

Additional steps put forward by the applicant to comply with licensing objectives. Please see Section M (pages 18 - 25) of the application form and event management plan; (these where appropriate, will become conditions of the licence, subject to the licence being granted, and are in addition to any further conditions imposed by the Licensing Committee).

Evidence that advertising/notice requirements have been complied with:

- The applicant has confirmed that 20 laminated notices were displayed around the perimeter of the premises and another at Whitelackington Village hall. We are waiting for written confirmation from the applicant that they were displayed for the requisite period. A further notice was placed in the Chard & Ilminster newspaper on 22 January 2020 of which we have a copy.

### Representations – Responsible Authorities

- A representation was received from Mrs Nicola King on behalf of the Chief of Police for Avon and Somerset Constabulary
- A representation was received from Mr Kevin Hardwill on behalf of Devon and Somerset Fire & Rescue Service

- A representation was received from Mr Douglas Hallett on behalf of the South Somerset District Council relating to Health & Safety

## **Representations – Other Persons**

4 Representations were received from 'Other Parties', which mainly relate to concerns for personal safety, restricted ability to travel to and from their premises as desired, noise and litter.

## **Relevant Observations**

A document has also been submitted by the applicant since the submission of the application form which is entitled "Revised Proposed License Conditions"; however as there are now only 10 complete weeks (from 09 March to 21 May 2020) to the proposed festival taking place, (if the premises licence is granted), where timescales have been stated, confirmation is required from the applicant that they can or have, already complied with the proposed conditions.

The applicant has given timings for live & recorded music as starting at 11:00 but the individual venues don't start until 12:00 and it is not included in the outdoor venues.

## **Further Information**

The expected attendance for the event is 9,999 persons at any one time; this includes members of staff.

In determining the application with a view to promoting the licensing objectives in the overall interests of the community, the Committee must have regard to and give appropriate weight to the following considerations:

- Any relevant and valid representation (including supporting documentation received)
- The Latest Guidance issued under s182 of the Act
- The Statement of Licensing Policy issued in January 2014.
- The steps appropriate to promote the licensing objectives as set out in s18(4)
- Human Rights considerations in particular Article 6, Article 8 and Article 1 of Protocol 1

## **Options**

The options available to the committee are stated at section 18 of the Licensing Act 2003 and are as follows:

- Grant the licence subject to such conditions which are consistent with the operating schedule modified to such extent as the Authority considers appropriate for the promotion of the Licensing Objectives and any condition, which must under s19-21, be included in the licence s18(4)(a)(i)(ii) together with the current mandatory conditions.
- Exclude from the scope of the licence any of the licensable activities to which the application relates s18(4)(b)
- Refuse to specify a person in the licence as the premises supervisor s18(4)(c)
- Reject the application s18(4)(d).

## **Right of Appeal**

Schedule 5 of the Licensing Act 2003 sets out the rights and procedures for making appeals against the decision of the Licensing Authority:

Where the Licensing Authority has rejected an application for a premises licence, the applicant may appeal to the Magistrates' Court against the decision to reject.

Where the Licensing Authority has granted the licence, the holder of the licence may appeal to the Magistrates Court against any decision to impose conditions on the licence that are consistent with the operating schedule or imposed where having regard to any relevant representations, are considered appropriate to promote the licensing objectives.

Where the Licensing Authority has granted the licence subject to the exclusion of any of the licensable activities or refused to specify a person as the premises supervisor, the holder of the licence may appeal to the Magistrates Court against the decision.

Where a person who made a relevant representation desires to contend that the licence ought not to have been granted, or that on granting the licence, the Licensing Authority ought to have imposed different or additional conditions, or ought to have taken a step to exclude a licensable activity or refused to have specified a person as the premises supervisor, he may appeal against the decision to the Magistrates Court.

The appellant commences the appeal by giving a notice of appeal to the designated officer for the Magistrates' court within 21 days beginning with the day on which the applicant was notified by the Licensing Authority of the decision appealed against.

On determining the appeal, the court may,

- Dismiss the appeal
- Substitute for the decision appealed against any other decision which could have been made by the Licensing Authority; or
- Remit the case to the Licensing Authority to dispose of it in accordance with the direction of the court.

and may make such order as to costs as it thinks fit.

## **Background Papers**

Licensing Act 2003

SI 2005 No. 44 Licensing Act 2003 (Hearings) (Regulations) 2005

SI 2005 No. 42 Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005

SI 2010 No.860 Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010

The Latest Guidance issued under section 182 of the Licensing Act 2003.

The Statement of Licensing Policy for South Somerset District Council January 2014.

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