

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

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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. The event will be held annually and will be valid for one event covering a maximum five day period between the 1st May and the 2nd June each year from 2023 to 2025

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.” As defined in the Licensing Act 2003.

This application received relevant representations from two Responsible Authorities and seven “Other Persons” (one against and six in support) 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 (**Appendix 1**); it does not 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

Day	Start Time	Finish Time
Monday	00:01	02:00
Thursday	12:00	00:00
Friday	09:00	00:00
Saturday	00:01	03:00
Saturday	09:00	00:00
Sunday	00:01	03:00

Further details: Acting performances will be taking place site wide, including but not limited to staged plays, walkabout performances, circus performances etc.

Seasonal Variations: None

Non-Standard Timings: None

Films (B) Indoors Only

Day	Start Time	Finish Time
Thursday	15:00	22:00
Friday	09:00	22:00
Saturday	09:00	22:00
Sunday	09:00	22:00

Further Details: Films will form part of the kid's area entertainment throughout the event.

Seasonal Variations: None

Non-Standard Timings: None

Live Music (E) Indoors and Outdoors

Day	Start Time	Finish Time
Monday	00:01	02:00
Thursday	15:00	00:00
Friday	11:00	00:00
Saturday	00:01	03:00
Saturday	11:00	00:00
Sunday	00:01	03:00
Sunday	11:00	00:00

Further details: Live music will be amplified across all stages and venues and will vary in style and genre. There will be a staggered wind down approach to ensure noise limits are adhered to and to assist with crowd management.

Seasonal Variations: None

Non-Standard Timings: None

Recorded Music (F) Indoors and Outdoors

Day	Start Time	Finish Time
Monday	00:01	02:00
Thursday	15:00	00:00
Friday	11:00	00:00
Saturday	00:01	03:00
Saturday	11:00	00:00
Sunday	00:01	03:00
Sunday	11:00	00:00

Further details: Recorded music will be amplified across all stages and will vary in style and genre. There will be a staggered wind down approach to ensure noise limits are adhered to and to assist with crowd management.

Seasonal Variations: None

Non-Standard Timings: None

Performance of Dance (G) Indoors and Outdoors

Day	Start Time	Finish Time
Monday	00:01	02:00
Thursday	15:00	00:00
Friday	11:00	00:00
Saturday	00:01	03:00
Saturday	11:00	00:00
Sunday	00:01	03:00
Sunday	11:00	00:00

Further details: Performances of dance will take place across all venues in varying forms.

Seasonal Variations: None

Non-Standard Timings: None

Entertainment of a Similar Nature (H) Indoors and Outdoors

Day	Start Time	Finish Time
Monday	00:01	02:00
Thursday	12:00	00:00
Friday	09:00	00:00
Saturday	00:01	03:00
Saturday	09:00	00:00
Sunday	00:01	03:00
Sunday	09:00	00:00

Description of the type of entertainment: Circus performance, fire performance, kids' circus activities.

Further details: Acting performances will be taking place site wide, including but not limited to circus performances, fire performances, workshops, and craft activities etc.

Seasonal Variations: None

Non-Standard Timings: None

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

Day	Start Time	Finish Time
Monday	00:01	05:00
Thursday	23:00	00:00
Friday	00:01	05:00
Friday	23:00	00:00
Saturday	00:01	05:00
Saturday	23:00	00:00
Sunday	00:01	05:00
Sunday	23:00	00:00

Seasonal Variations: None

Non-Standard Timings: None

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

Day	Start Time	Finish Time
Monday	00:01	02:00
Thursday	12:00	00:00
Friday	11:00	00:00
Saturday	00:01	03:00
Saturday	11:00	00:00



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Sunday	00:01	03:00
Sunday	11:00	00:00

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)**

N/A

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

Day	Start Time	Finish Time
Monday	00:01	20:00
Thursday	12:00	00:00
Friday	00:01	00:00
Saturday	00:01	00:00
Sunday	00:01	00:00

The premises will open for event customers at 12:00 on Thursday and remain open throughout the weekend until campsites are clear of the public on Monday. The planned closing time for the campsites on Monday is 15:00.

Additional steps put forward by the applicant to comply with licensing objectives. Please see **Appendices 2 and 3** (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 provided photographs which show that notices were on display at multiple locations around the premises.
- Awaiting confirmation from the application in relation to the newspaper notice at the time of writing.

Representations – Responsible Authorities

- A representation was received on behalf of the Chief of Police for Avon and Somerset Constabulary (**Appendix 4**)
- A representation was received on behalf of South Somerset District Council's Environmental Health Service (**Appendix 5**).



Representations – Other Persons

One representation was received from an ‘other person,’ which relates to concerns to do with noise based on their experience during the event held in 2022.

Six positive representations were received from ‘other persons’ in support of the event.

Relevant Observations

Representatives of Avon and Somerset Constabulary, Environmental Health and the applicant have been in discussion with the aim of agreeing conditions which will satisfy the concerns raised in the representations.

The applicant provided a letter to the ‘other person’ who had raised concerns about the event, and this letter contained information about a ‘hotline’ telephone number which will be available if the licence is granted and can be used by local residents to report noise issues. This letter was given to the ‘other person’ via email on 21 December 22, however, at the time of writing the person has not replied to this.

At the time of writing, none of these representations have been withdrawn.

Further Information

The maximum attendance for the event is 14,999 persons at any one time; this includes members of staff. The applicant has stated that the capacity in 2023 shall not exceed 12,500, in 2024 it shall not exceed 13,500 and in 2025 it shall not exceed 14,999.

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 (December 2022)
- The Statement of Licensing Policy issued in July 2022
- 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,



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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.



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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 July 2022.
