

# LICENSING SUB-COMMITTEE



Report subject	<b>Oktoberfest, Poole Park, Parkstone Road, Poole, BH15 2SF</b>
Meeting date	7 June 2023
Status	Public Report
Executive summary	<p>Events in Dorset Limited have made application for a new premises licence within Poole Park for an event to be held on one weekend Friday to Sunday inclusive, once every calendar year.</p> <p>The application is to permit Live Music, Recorded Music, Performance of a Dance and Supply of Alcohol (On Sales) on the following days and times: -</p> <p>Friday 17:00 to 23:00</p> <p>Saturday 12:00 to 23:00</p> <p>Sunday 12:00 to 22:00</p> <p>The Licensing Authority has received five representations from other persons on the grounds that granting the licence would undermine the prevention of crime and disorder, public safety and public nuisance licensing objectives.</p>
Recommendations	<p><b>It is RECOMMENDED that:</b></p> <ul style="list-style-type: none"> <li><b>a) Grant the application for a premises licence as made;</b></li> <li><b>b) Refuse the application for a premises licence;</b></li> <li><b>c) Grant the premises licence subject to additional conditions.</b></li> </ul> <p><b>Members of the Licensing Sub-Committee are asked to make a decision at the end of the hearing after all relevant parties have been given the opportunity to speak. Members must give full reasons for their decision.</b></p>
Reason for recommendations	<p>The Licensing Authority may only consider aspects relevant to the application that have been raised in representation.</p> <p>Where representations have been received in relation to an application by a responsible authority or any other person, and the concerns have not been resolved through mediation between all parties, the Scheme of Delegation set out in the Council's Constitution states that these applications should be dealt with by</p>

	the Licensing Sub-Committee.
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Portfolio Holder(s):	Cllr Kieron Wilson – Portfolio Holder for Housing, Planning and Regulation.
Corporate Director	Jess Gibbons – Chief of Operations
Report Authors	Tania Jardim – Licensing Officer
Wards	Parkstone
Classification	For Decision

## Background

1. An application for a new premises licence under Section 17 of the Licensing Act 2003 was made on 19 April 2023. The application is to permit the following activities in a marquee erected in Poole Park: -

### Live Music

Friday 17:00 to 23:00

Saturday 12:00 to 23:00

Sunday 12:00 to 22:00

### Recorded Music

Friday 17:00 to 23:00

Saturday 12:00 to 23:00

Sunday 12:00 to 22:00

### Performance of Dance

Friday 17:00 to 23:00

Saturday 12:00 to 23:00

Sunday 12:00 to 22:00

### Supply of Alcohol (On Sales)

Friday 17:00 to 23:00

Saturday 12:00 to 23:00

Sunday 12:00 to 22:00

2. The licence is to cover one weekend event on three consecutive days per calendar year, likely to be late September or October. A copy of the application and site layout plan are attached at Appendix 1. The proposed licenced area is the marquee marked on the plan with blue lines

## Consultation

3. The application has been served on all responsible authorities and the applicant has confirmed that the statutory notices were displayed on site and published in the local newspaper.

4. The application prompted five representations from other persons on the grounds that granting the application would undermine the prevention of crime and disorder, public safety and prevention of public nuisance licensing objectives. A copy of the representations is attached at Appendix 2. There were no representations from any of the responsible authorities.
5. As a result of the representations, the event organiser sent out a letter to all residents and this is attached at Appendix 3.

### **Options Appraisal**

6. Before making a decision, Members are asked to consider the following matters: -
  - The representation made by five other persons.
  - The submissions made by or made on behalf of the applicant.
  - The relevant licensing objectives, namely the prevention of crime and disorder, public safety and prevention of public nuisance.
  - The Licensing Act 2003, Regulations, Guidance and Council's Statement of Licensing Policy

### **Summary of financial implications**

7. An appeal may be made against the decision of Members by the applicant or holder of the licence to the Magistrates' Court which could have a financial impact on the Council.

### **Summary of legal implications**

8. If Members decide to refuse the application or attach conditions to the licence which the applicant does not agree to, the applicant may appeal to the Magistrates' Court within a period of 21 days beginning with the day that the applicant is notified, in writing, of the decision.

### **Summary of human resources implications**

9. N/A.

### **Summary of sustainability impact**

10. N/A.

### **Summary of public health implications**

11. N/A.

### **Summary of equality implications**

12. N/A.

### **Summary of risk assessment**

13. N/A.

### **Background papers**

**BCP Council – Statement of Licensing Policy**

<https://democracy.bcpCouncil.gov.uk/documents/s21122/Statement%20of%20Licensing%20Policy.pdf>

### **Hearing Regulations**

<https://www.legislation.gov.uk/ukSI/2005/44/made>

### **Revised Guidance issued under Section 182 of the Licensing Act 2003 (December 2022)**

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1125660/Revised\\_guidance\\_issued\\_under\\_section\\_182\\_of\\_the\\_Licensing\\_Act\\_2003\\_December\\_2022.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1125660/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_December_2022.pdf)

### **Appendices**

- 1 – Copy Application.
- 2 – Copy representations.
- 3 – Copy letter from organiser to local residents.