

Licensing and Gambling Acts Sub Committee

25 September 2025

Application for a new premises licence for KFC Shaftesbury, 3 Ivy Cross, Shaftesbury For Decision

Cabinet Member and Portfolio:

Cllr G Taylor, Health and Housing

Local Councillor(s):

Cllrs Beer and Jeanes

Executive Director:

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Report Status: Public

Brief Summary: An application has been made for a new premises licence for KFC Shaftesbury, 3 Ivy Cross, Shaftesbury, Dorset. The application has been out to public consultation. A representation has been received. 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:

- 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 KFC Shaftesbury, 3 Ivy Cross, Shaftesbury, Dorset, SP7 8DS and has been submitted to the Licensing Authority by Supercharger Restaurants Limited, 34-36 London Road, Wembley, Middlesex, HA9 7EX. The application form is attached at Appendix 1.

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

KFC fast food restaurant, drive thru and takeaway.

2.3 The application is for:

Late Night Refreshment (on and off the premises)

Monday to Sunday

2300-0000 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:

1. A CCTV system shall be installed, recording and maintained in working order and operated at the premises to the satisfaction of Dorset Police, specifically:
 - a) There shall be a minimum of one high resolution colour camera, fitted in a weatherproof housing, for external coverage of the entrance.
 - b) There shall be a minimum of one high-resolution colour camera fitted to each public entrance/exit. To provide a quality head and shoulder image for facial recognition/identification purposes of all persons entering the premises.
 - c) There shall be sufficient cameras able to cope with the normal operating illumination to reasonably cover all licensed public areas
 - d) Recordings must be kept for a minimum of 28 days and endorsed with the accurate, correct time/date (BST/GMT adjusted).
 - e) Police and/or Authorised Licensing Officers shall be able on attendance to view immediate playback of any incident without the necessity for download.
 - f) Recordings of incidents at the premises must be provided to the police following lawful request.
 - g) A member of staff shall be on the premises at all times they are open to the public who is capable of operating the CCTV system and providing recordings on request. When this is not possible recordings shall be provided within 24 hours of the original request.
 - h) Recording equipment shall be housed in a secure room/cabinet where access and operation is strictly limited to authorised persons.
 - i) All equipment shall have constant time/date generation, which must be checked for accuracy on a daily basis.
 - j) The CCTV system should be maintained and checked every 12 months, with the installing company, or if this is not possible another reputable company, producing a letter of compliance.

- k) In the event of a system malfunction, the Premises Licence Holder must immediately record details of this malfunction in the premises incident book. Arrangements for its repair must be made without delay.
2. An incident book shall be kept at the premises, in which details of crime and/or disorder relating to the premises shall be recorded. The Incident book shall contain the following details;
 - a) Time, date and location of incident.
 - b) Nature of the Incident.
 - c) Names, addresses and contact details of persons involved.
 - d) Result of the incident.
 - e) Action taken to prevent further such incidents.
 - f) Each entry signed by a responsible person employed at the premises.
 - g) The incident book shall be retained for a period of no less than 12 months and made available to Dorset Police for inspection upon request.
 3. Licensable activities will be conducted and the facilities for licensable activities will be designed and operated so as to prevent the transmission of audible noise or perceptible vibration throughout the fabric of the building or structure to adjoining properties.
 4. No deliveries to the premises shall take place between the hours of 23:00 and 07:00 the following morning.
 5. No waste collections from the premises shall take place between the hours of 23:00 and 07:00 the following morning.
 6. Members of the public will be prevented from accessing hot food and preparation areas to prevent risk of scald or burns.

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 There were no representations received from any of the Responsible Authorities.

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 was one relevant representation received from Shaftesbury Town Council. The representation was made on the licensing objectives of Prevention of Public Nuisance and Public Safety due to potential increased noise disturbance. These comments can be found at Appendix 2.

- 4.4 An email was sent by the applicant's solicitor responded to the Town Council with the reasons for the application and the premises has not currently associated with any public nuisance or any public safety and it is not envisaged that the additional hour will not have any negative effect at all. The email can be found at Appendix 3.
- 4.5 The Town Council responded that the decision was made as part of a formal council resolution and the Town Clerk does not have the authority to alter or overturn the decision formally voted on by the Members. Their response can be found at Appendix 4.

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 objectives
- 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

8 Financial Implications

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

9 Environmental Implications

None.

10 Well-being and Health Implications

None.

11 Other Implications

None.

12 Risk Assessment

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

Current Risk: Low

Residual Risk: Low

13 Equalities Impact Assessment

Not applicable

14 Appendices

Appendix 1 – Application form

Appendix 2 – Representations from Shaftesbury Town Council

Appendix 3 – Response from Applicant's Solicitor

Appendix 4 – Reply from Shaftesbury Town Council

15 Background Papers

[Licensing Act 2003](#)

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

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