

Licensing and Gambling Acts Sub Committee

15 October 2025

**Application for a new premises licence for
Unit A Market Hall, 2 Crown Square,
Poundbury, Dorchester, DT1 3JJ**

For Decision

Cabinet Member and Portfolio:

Cllr G Taylor, Health and Housing

Local Councillor(s):

Cllr R Biggs

Executive Director:

S Crowe, Director of Public Health and Prevention

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Report Status: Public

Brief Summary: An application has been made for a new premises licence for Unit A Market Hall, 2 Crown Square, Poundbury, Dorchester. 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 Unit A Market Hall, 2 Crown Square, Poundbury, Dorchester, DT1 3JJ and has been submitted to the Licensing Authority by Mr Angelo Fichera. The application form is attached at Appendix 1.

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

The premises will be used as a wine bar and art gallery. The layout consists of a central main hall with two side wings, providing distinct areas for displaying artwork and hosting guests. A portico surrounds the front of the building, offering additional covered space. Alcohol will be sold for consumption both on and off the premises. Customers will be able to consume alcohol within the main hall, the two side wings, and under the front portico, all of which are part of the licensed premises.

2.3 The application is for:

Alcohol sales (consumption on and off the premises)

Monday to Sunday

0900-2300 hours

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

2.5 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. The steps put forward by the applicant include:

All staff will receive comprehensive training in licensing law, responsible alcohol sales, safeguarding, customer service, emergency procedures, and how to handle incidents

Refresher training will be provided regularly.

Written policies and procedures will be in place covering alcohol sales, age verification (Challenge 25), incident reporting, noise management, fire safety, and customer behaviour.

Any incidents involving crime, antisocial behaviour, accidents, refusals of service, or safeguarding concerns will be recorded in an incident log, which will be made available to responsible authorities on request.

Regular checks of safety equipment, escape routes, CCTV, sound levels, and customer welfare will be conducted and documented.

A Challenge 25 policy will be in operation and will require anyone who looks under 25 to present valid photo ID when purchasing alcohol, acceptable forms of ID include a passport, UK driver's licence, or PASS-accredited cards.

Staff will be trained at induction and every six months, training will cover how to challenge for ID and how to spot fake identification.

Signage displayed prominently near the bar to reinforce the Challenge 25 policy.

Records are kept of failed attempts to purchase alcohol by persons unable to produce valid ID. A record is kept at the bar of challenges made under Challenge 25, including time, description, and (if applicable) name of the individual.

All incidents will be recorded in an incident logbook, including the date, time, staff involved, and a summary of the event.

Responsible for managing waste on the frontage of our premises and will keep the area tidy.

Adequate lidded bins will be provided and emptied regularly.

Litter checks will be conducted routinely.

Collection of glasses from external areas (such as under the portico) will take place only between 8:00am and 6:00pm to minimise noise disturbance.

A designated smoking area will be provided outside the premises.

Customers will be reminded to keep noise to a minimum while using this area.

Cigarette disposal bins will be provided and regularly emptied.

The smoking area will be monitored by staff to ensure it is used respectfully and safely.

Clear and respectful signage will be placed at all exits, reminding customers to leave the area quietly and to respect the needs of our residential neighbours

A direct contact method (such as a dedicated phone number) for local residents to reach the duty manager with any concerns or complaints, ensuring timely resolution.

Children under 18 will only be permitted on the premises when accompanied by a responsible adult and only until 9:00pm, unless attending a family-friendly art-related event specifically designed to include children.

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 Dorset Police requested the following conditions to be added to the licence if it were to be granted, the applicant has agreed to these, their email can be found at Appendix 2:

The premises shall install and maintain a CCTV system. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 28 days with correct date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 28 day period.

A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to show a Police or authorised council officer recent data or footage with the absolute minimum of delay when requested. CCTV shall be downloaded on request of the Police or authorised officer of the council.

Appropriate signage advising customers of CCTV being in operation, shall be prominently displayed in the premises.

A documented check of the CCTV shall be completed weekly to ensure all cameras remain operational and the 28 days storage for recordings is being maintained.

Challenge 25 shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence or passport, or holographically marked PASS scheme identification cards.

Appropriate signage advising customers of the policy shall be prominently displayed in the premises.

All staff involved in the sale of alcohol shall receive training on the law relating to prohibited sales, the age verification policy adopted by the premises and the conditions attaching to the premises licence. Refresher training shall be provided at least once every 6 months. A record shall be maintained of all staff training and that record shall be signed by the person receiving the training and the trainer. The records shall be kept for a minimum of 12 months and made available for inspection by police, licensing or other authorised officers.

A Personal Licence Holder shall be on site at all times when alcohol sales are taking place.

An incident log shall be kept at the premises. The log should include the date and time of the incident and the name of the member of staff involved. The log to be made available immediately on request to an authorised officer of the Council or the Police, which will record the following:

- All crimes reported to the venue
- All ejections of patrons
- Any complaints received
- Any incidents of disorder
- All seizures of drugs or offensive weapons
- Any faults in the CCTV system or searching equipment or scanning equipment
- Any refusal of the sale of alcohol
- Any visit by a relevant authority or emergency service

The holder of the licence shall undertake a risk assessment with regard to the deployment of SIA Door Supervisors at different times of the day and on different days of the week to determine whether it is appropriate to deploy door staff on those days and/or at any other time(s) and to then implement the outcome of the risk assessment. A copy of the risk assessment should be made available to an authorised officer of the Licensing Authority or Dorset Police upon request and for a period of up to 6 months.

Only Door Supervisors who are accredited by the Security Industry Authority (SIA) shall be employed to undertake door supervision activities. When deployed, a record shall be maintained on the premises by the Door Staff.

The record will contain consecutively numbered pages, the full name and full 16-digit registration number of each person on duty, the employer of that person and the date and time he/she commenced duty and finished duty (verified by the individual's signature).

The record will be retained on the premises for a period of twelve months from the date of the last entry and made available to an authorised officer from the Licensing Authority or Police on request.

- 3.3 There were no representations received from any of the other 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 were two relevant representations received from members of the public. The representations were made on the licensing objective of Prevention of Public Nuisance. Their comments can be found at Appendix 3.

- 4.4 An email was sent by Licensing to the people who submitted a representation on behalf of the applicant, addressing the issues raised. The email can be found at Appendix 4.
- 4.5 Following this email both parties responded that the email and conditions requested by Dorset Police had not alleviate their concerns. Their responses can be found at Appendix 5.

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 – Conditions requested by Dorset Police

Appendix 3 – Representations from interested parties

Appendix 4 – Email from applicant to interested parties

Appendix 5 – Response from interested parties

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](#)