

Licensing and Gambling Acts Sub Committee

15 December 2025

Application for a new premises licence for 49 Cheap Street, Sherborne For Decision

Cabinet Member and Portfolio:

Cllr G Taylor, Health and Housing

Local Councillor(s):

Cllrs R Crabb and J Andrews

Executive Director:

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Report Status: Public

Brief Summary: An application has been made for a new premises licence for 49 Cheap Street, Sherborne. 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 49 Cheap Street, Sherborne, DT9 3AX and has been submitted to the Licensing Authority by Miss Raychalle Squibb. The application form is attached at Appendix 1.

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

The business will open daily from 8 am, serving a full breakfast and coffee menu until mid-afternoon. In the evening, the venue transitions to a casual smokehouse/roisserie-style restaurant, focusing on slow-cooked meats, spread between two floors and a courtyard garden.

- 2.3 The application is for:

Alcohol sales (consumption on the premises)

Monday to Saturday	0900-0030 hours
Sunday	0900-2230 hours

Recorded music (indoors and outdoors)	
Monday to Sunday	0800-2300 hours

Live music (indoors and outdoors)	
Friday to Saturday	2000-2230 hours
Sunday	1200-2230 hours

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

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 and Rescue Service, Dorset Council Public Health, Trading Standards, Children's Services, Planning, Licensing, Environmental Protection, Dorset Council Health and Safety and the Immigration Authority 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 Licensee, that is the person in whose name the premises licence is issued, shall ensure that all times when the premises are for any licensable activity, there are sufficient competent staff on duty at the premises for the purpose of fulfilling the terms and conditions of the licence and for preventing crime and disorder.

The Licensee shall ensure that all staff will undertake training in their responsibilities in relation to the sale of alcohol, particularly with regard to drunkenness and underage persons. Records will be kept of training and refresher training.

Any incidents of a criminal nature that may occur on the premises will be reported to the Police. The Licensee will install comprehensive CCTV coverage at the premises, and it is operated and maintained at the premises.

The CCTV system shall conform to the following points:

- Cameras must be sited to observe the entrance and exit doors both inside and outside.
- Cameras on the entrances must capture full frame shots of the heads and shoulders of all people entering the premises i.e. capable of identification.
- Cameras viewing till areas must capture frames not less than 50% of screen.
- Cameras overlooking floor areas should be wide angled to give an overview of the premises.
- Be capable of visually confirming the nature of the crime committed.
- Provide a linked record of the date, time and place of any image.
- Provide good quality images in colour during opening times.
- Operate under existing light levels within and outside the premises.
- Have the recording device located in a secure area or locked cabinet.
- Have a monitor to review images and recorded picture quality.
- Be regularly maintained to ensure continuous quality of image capture retention.
- Have signage displayed in the customer area to advise that CCTV is in operation.
- Digital images must be kept for 31 days.
- Police will have access to images at any reasonable time.
- The equipment must have a suitable export method, eg CD/DVD writer so that the police can make an evidential copy of the data they require. This data should be in the native file format, to ensure that no image quality is lost when making the copy, if this format is non-standard (i.e. manufacturer proprietary) then the manufacturer should supply the replay software to ensure that the video on the CD can be replayed by the police on a standard computer. Copies must be made available to Police on request.

All customers will be asked to leave quietly. Clear and legible notices will be prominently displayed to remind customers to leave quietly and have regard to our neighbours.

Appropriate fire safety procedures are in place including fire extinguishers (foam, H2O and CO2), fire blanket, internally illuminated fire exit signs, numerous smoke detectors and emergency lighting (see enclosed plan for details of locations). All appliances are inspected annually. All emergency exits shall be kept free from obstruction at all times.

The licensee and staff will ask persons who appear to be under the age of 25 for photographic ID such as proof of age cards, Citizen Card, photographic driving licence or passport, or an official identity card issued by HM Forces or by an EU country, bearing the photograph and date of birth of bearer. All staff will be trained for UNDERAGE SALES PREVENTION regularly.

- 3.3 Environmental Protection requested the following condition to be added to the licence if granted, which the applicant has agreed to. The email can be found at Appendix 3:

Activities relating to the onsite disposal of glass (including placing into external receptacles) and bottles and recyclable materials shall only take place between 0800-2200 hours.

- 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 five relevant representations received from members of the public, including one from Sherborne Town Council. The representations were made on the licensing objectives of Prevention of Crime and Disorder, Public Safety, Prevention of Public Nuisance and protection of Children from Harm. Concerns were raised around noise from the premises and anti-social behaviour. These can be found at Appendix 4.

4.4 Some of the representations contain reference as to whether there is a need for another similar premises, these concerns do not relate to the four Licensing Objectives and therefore, are not a relevant consideration.

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 – Condition requested by Environmental Protection

Appendix 4 – Original representations 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](#)