

Licensing and Gambling Acts Sub Committee

19 August 2026

Application for a New Premises Licence for Tumblers Cocktail and Wine Bar, 1 Mustons Lane, Shaftesbury, SP7 8AD

For Decision

Cabinet Member and Portfolio:

Cllr M Bell, Public Health, Prevention and Communities

Local Councillor(s):

Cllr D Beer and J Jeanes

Executive Director:

S Crowe, Executive Director of Housing, Communities and Prevention

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Report Status: Public

Brief Summary: An application has been made for a new premises licence for Tumblers Cocktail and Wine Bar, 1 Mustons Lane, Shaftesbury, SP7 8AD. 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 Tumblers Cocktail and Wine Bar, 1 Mustons Lane, Shaftesbury, SP7 8AD and has been submitted to the Licensing Authority by the applicant Mr Ben Davey. The application form is attached at Appendix 1.

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

“Small cocktail bar attached to San Tonino Italian restaurant with a small outside area directly outside the bar”.

2.3 The application is for:

Live music (indoors and outdoors)

Thursday and Friday	1600-2200 hours
Saturday and Sunday	1200-2200 hours

Recorded music (indoors)

Monday to Sunday	1200-2300 hours
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Alcohol sales (consumption on and off the premises)

Monday to Sunday	1200-2300 hours
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- 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.
- 2.5 The Applicant is currently operating from the rear of the premises known as the San Tonino Restaurant under the authority of the existing premises licence held by another person. This arrangement has been in place for several months. During this period, the Licensing Authority has received a number of complaints relating to noise, primarily originating from the external area of the premises. The premises includes a patio area adjacent to the location from which Tumblers is operating. However, the current premises licence only authorises the sale of alcohol for consumption within the licensed premises, and the patio area does not form part of the licensed area covered by San Tonino's premises licence. A location plan of the area including the San Tonino building is attached at Appendix 2.
- 2.6 The current premises licence for San Tonino is:

Alcohol sales (consumption on the premises)

Monday to Sunday 1200-1430 and 1700-2300 hours

- 2.6 Following the receipt of these complaints, the Applicant has submitted an application for a separate premises licence for the room they currently occupy at the rear of the premises. The application also seeks to extend the licensed area to include the adjoining patio area for use by Tumblers.

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 Food Safety and Port Health and the Immigration Authority have all been consulted.

- 3.2 Environmental Health have made a representation on the licensing objective of the Prevention of Public Nuisance, in particular the proposed use of the external seating and drinking area within a densely populated residential location gives rise to significant concerns regarding noise disturbance and nuisance to nearby residents. Since Tumblers has commenced trading Environmental Health have received complaints from neighbouring residents relating to noise disturbance. This indicates that the operation of the premises is already having an adverse impact on residential amenity and the current application does not provide confidence that additional licensed activities can be undertaken without further undermining the licensing objective. Environmental Health response can be found at Appendix 3.
- 3.3 Dorset Council's Planning service have objected to the licence application as there is no planning permission in place as a drinking establishment. They have stated that Tumblers Cocktail and Wine Bar appear to be operating as a separate unit to the restaurant (San Tonino). A restaurant is use class E and a drinking establishment is sui generis. Planning's response and communication with the applicant is attached at Appendix 4.
- 3.4 Dorset Police have made a representation asking for the following conditions to be added to the licence if it were to be granted, which the applicant has agreed to, their email can be found at Appendix 5:

A CCTV system, shall be installed to cover all entry and exit points enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record and cover areas where alcohol is kept for selection and purchase by the public, whilst the premises is open for licensable activities. It shall operate during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with correct date and time stamping. Recordings shall be made available immediately upon the request of Police or an authorised officer of the council throughout the preceding 31 day period. The CCTV system shall be updated and maintained according to police recommendations.

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 are open to the public. 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.

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.

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 on request to an authorised officer of the Council or the Police, which will record the following:

- (a) all crimes reported to the venue
- (b) all ejections of patrons
- (c) any complaints received
- (d) any incidents of disorder
- (e) any faults in the CCTV system or searching equipment or scanning equipment
- (f) any refusal of the sale of alcohol
- (g) any visit by a relevant authority or emergency service.

Risk assessment to be carried out in relation to the requirement of SIA trained staff for special events and anticipated busy periods

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 I Holographically marked PASS scheme identification cards). Appropriate signage advising customers of the policy shall prominently displayed in the premises.

Dorset Police requested the three additional conditions to be added to the licence if granted having been made aware by one their Police Officers of patrons leaving the premises and being involved in incidents of anti-social behaviour in the vicinity of the premises. The applicant has agreed to these three additional conditions, this can be found at Appendix 6:

The PLH/DPS will operate to a written dispersal policy which ensures the safe and gradual dispersal of customers from the premises. The PLH/DPS will ensure that staff receive training on the policy, and a record of training shall be kept/made available to an authorised officer upon request.

Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

The premises supervisor/door supervisors will monitor the activity of persons leaving the premises and remind them of their public responsibilities where necessary.

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 seven relevant representations received from members of the public. The representations were made on the licensing objectives of Prevention of Public Nuisance and Prevention of Crime and Disorder. Concerns were raised around noise and disruption from the premises and anti-social behaviour. These representations can be found at Appendix 7.
- 4.4 There were 29 letters received in support of the premises licence application. These can be found at Appendix 8.

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 conditions
- 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 – Premises Location Map

Appendix 3 – Representation from Environmental Health

Appendix 4 – Representation from Planning

Appendix 5 – Conditions requested by Dorset Police

Appendix 6 – Extra conditions requested by Dorset Police

Appendix 7 – Representations received from interested parties against the application

Appendix 8 - Representations received from interested parties in support of the application

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](#)