

Licensing Sub-Committee

27 October 2020

Variation for Lobo Loco Tex Mex, Weymouth

For Decision

Portfolio Holder: Cllr J Haynes, Customer and Community Services

Local Councillor(s): Cllr J Orrell

Executive Director: J Sellgren, Executive Director of Place

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Report Status: Public

Recommendation: The Sub-Committee decides 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 of;

- 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 the oral representations and information given at the hearing.

1. Executive Summary

The application has been made to vary the licence at Lobo Loco Tex Mex in Weymouth. The application has been out to public consultation and has attracted several representations. A Licensing Sub-Committee must consider the application and representations at a public hearing.

2. Financial Implications

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

3. Climate implications

None

4. Other Implications

Public Health and Community Safety

5. Risk Assessment

Having considered the risks associated with this decision, the level of risk has been identified as:

Current Risk: Low

Residual Risk: Low

6. Equalities Impact Assessment

Not Applicable

7. Appendices

Appendix 1 – Existing premises licence

Appendix 2 – Application for the variation

Appendix 3 – Representations

8. Background Papers

[Licensing Act](#)

[Section 182 Guidance](#)

[LGA Councillors Handbook](#)

[EHRC - Guide to the Human Rights Act for Public Authorities](#)

9. Details

9.1. Claire Webb and Dee Paul Souter are the holders of the premises licence at Lobo Loco Tex Mex at 10 Trinity Street in Weymouth which currently allows;

Sale of alcohol on and off the premises, 12:00 -14:30hrs, and
17:30 - 23:00hrs

The current licence is attached at appendix 1.

- 9.2. They applied to vary the licence to add 30 minutes in the morning, to add the hours between 14:30 and 17:30, to add an hour at the end of the day for alcohol sales and to add late night refreshment to 01:00hrs.
- 9.3. The application was advertised on the premises, in a newspaper and on the Councils web site.
- 9.4. Originally there were 8 representations to the application.
- 9.5. After considering these representations the applicants have amended the hours being applied for to:-

Sale of alcohol on and off the premises 11:30– 23:00hrs

Late night refreshment (hot food & drink) Christmas eve & new years eve only - 23:00-01:00hrs

The full application and email amending it are attached at appendix 2.

- 9.6. Four representations were withdrawn and there are four representations remaining from people who live in the vicinity which are included in full in the table in appendix 3. The representations all relate to public nuisance from smokers and people leaving the premises.

10. Considerations

- 10.1. Paragraphs 9.42 to 9.44 of the Section 182 Guidance sets how the Authority should decide what actions are appropriate.

9.42 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.

9.43 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.

9.44 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.

11. Recommendation

11.1. The Sub-Committee must decide the application in the light of written and oral evidence and resolve to 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.

11.2. The steps that the Sub-Committee may take are to:

- a. modify the conditions of the licence, or
- b. reject the whole or part of the variation.

Footnote:

Issues relating to financial, legal, environmental, economic and equalities implications have been considered and any information relevant to the decision is included within the report.