



Date of Meeting: 30th May 2019

Lead Member: Cllr Emma Parker

Lead Officer: Samantha Spracklen

Executive Summary:

To consider an application to vary a premises licence for Swim Café Bar, Marine Parade, Lyme Regis, Dorset.

Equalities Impact Assessment:

N/A

Budget:

N/A

Risk Assessment:

N/A

Other Implications:

Should any party feel aggrieved by the decision of the committee, they have the right to appeal the decision to the magistrate's court.

Options:

1. In coming to a decision on the application, members can:
 - Grant the application as submitted.
 - Grant the application with additional conditions.
 - Grant the licence but amend one or more of the regulated activities.
 - Grant the licence with additional conditions and amend one or more of the regulated activities.
 - Refuse the application or any part of it.
2. Members may only consider aspects of the application that have been objected to in the representation, and the issues raised must be linked to one or more of the licensing objectives to be given due consideration. Any issues contained within the objection which cannot be linked to one or more of the licensing objectives cannot be considered.
3. Members must give full detailed reasons for their decision.

Reason for Report:

4. A representation has been received from an interested party in relation to the application, and concerns raised have not been resolved through mediation between the applicant and the objector. The application is now being put before the licensing sub-committee for determination as per the Council's scheme of delegation.

Appendices:

Appendix 1 - The application
Appendix 2 - Plan of the premises
Appendix 3 - Plan of the vicinity
Appendix 4 - Expanded representation
Appendix 5 - Mediation letters
Appendix 6 - Third party response

Background Papers:

Licensing Act 2003: <http://www.legislation.gov.uk/ukpga/2003/17/contents>

Dorset Council's Statement of Licensing Policy.

Section 182 Guidance.

Initial representation and Authority correspondence

Officer Contact

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Background

- 5 An application to vary a premises licence has been received for Swim café Bar, Marine Parade, Lyme Regis. The application is to remove existing conditions and replace with new, and to provide the following additional activities:
 - Sale by retail of alcohol on and off the premises 10:00 – 02:00 hrs, Monday-Sunday.
 - Sale by retail of alcohol off the premises from the Kiosk - 10:00 – 20:00 hrs, Monday-Sunday.

The application (appendix 1), plan of premises (appendix 2) and plan of the vicinity (appendix 3) are attached to the report.

- 6 An interested party has made a relevant representation under the licensing objective of Public Nuisance. The authority acknowledged the representation but advised some parts could not be linked to a licensing objective. The interested party provided an enhanced representation (appendix 4) which included the original objections. There were no representations received from any of the responsible authorities.

- 7 To try and resolve the issues raised within the representation, a letter of mediation was sent to the interested party addressing the issues which were raised. Copies of the enhanced representation and mediation letter (appendix 5), and the interested parties response (appendix 6) are attached.
- 8 Members should note that some elements of the representation are not linked to one or more of the licensing objectives. These elements cannot be considered.