

Licensing Sub Committee

21 September 2023

New Premises Licence Application – The Foyer, Regent Cinema, Lyme Regis

For Decision

Portfolio Holder: Cllr L Beddow, Culture and Communities

Local Councillor(s): Cllr B Bawden

Executive Director: J Sellgren, Executive Director of Place

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Report Status: Public

Brief Summary: An application has been made for a new premises licence for The Foyer at the Regent Cinema in Lyme Regis. The application has been out to public consultation and has attracted relevant representations. A Licensing Sub Committee must 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 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) Grant the licence subject to such conditions as the authority considers appropriate for the promotion of the licensing objectives, and the mandatory conditions.
- b) Exclude from the scope of the licence any of the licensable activities to which the application relates.
- c) Refuse to specify a person in the licence as the designated premises supervisor, or
- d) Reject the application.

Reason for Recommendation: The Sub-Committee must consider the oral submissions and 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 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 Pure Milk Vodka Ltd has applied for a new licence at the Foyer in the Regent Cinema, Broad Street, Lyme Regis, DT7 3QE. The applicants would like to create a pop-up Black Cow bar in the currently unused cinema. The application and plan of the premises is attached at Appendix 1.

- 2.2 A previous application was made but due to irregularities with the advertising requirements it had to be re-submitted.

- 2.3 The application is for the following hours; -

Live and Recorded music, indoors only.

Everyday 0900 – 2300

The supply of alcohol, on and off the premises.

Everyday 1100 – 2300

Opening Hours

Everyday 0900 – 2300

- 2.4 The operating schedule contains the steps which would be converted into conditions on a licence if it is granted as follows:

- No entry or re-entry after 23:00, with relevant signage
- A challenge 25 policy for preventing underage sales
- Staff training
- A refusals book
- Searches to be carried out for drugs and weapons
- Regular checks of the toilets
- A crowd control policy
- Occupancy in the Foyer restricted to 60 people
- No outside speakers
- Regular checks of noise levels
- Notices for people leaving the premises to do so quietly
- Under 18s to be accompanied by adults

3 Representations from Responsible Authorities

- 3.1 Section 13 of the Licensing Act contains the list of Responsible Authorities who must be consulted on each application. In accordance with this section 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 Councils Environmental Protection have requested that any bottling down is done between 0800 and 2000hrs to prevent nuisance from this activity. The applicant has agreed to this.
- 3.3 Dorset Police have requested that conditions for CCTV from the model pool of conditions in the Council's Policy be added to the licence and this has been agreed. A full list of agreed conditions is attached at Appendix 2, together with the representations and agreements from the applicant.
- 3.4 No other comments have been received from the remaining Responsible Authorities, apart from planning who have advised the applicant they will require a change of use prior to opening.

4 Representations from Other Persons

- 4.1 There have been three representations from Lyme Regis Residents objecting to the application, one representation from the ward member in support of the application, which includes some collated responses that were sent directly to her and five representations from other persons also supporting the application.
- 4.2 The objections relate to planning matters and public nuisance concerns. Any planning matters will be considered when the planning permission is made and should not be considerations for the application for the alcohol and entertainment licence. Full copies of the representations can be found at Appendix 3.
- 4.3 The applicant has responded to each of the objections. The responses are attached at Appendix 4.
- 4.4 The parties who made the representation have submitted further comments after the applicants response which are included at Appendix 5.
- 4.5 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.

4.6 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.”

5 Considerations

5.1 Paragraphs 9.42 to 9.44 of the Section 182 Guidance sets how the Licensing 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.”

6 Financial Implications

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

7 Natural Environment, Climate & Ecology Implications

None.

8 Well-being and Health Implications

None.

9 Other Implications

None

10 Risk Assessment

HAVING CONSIDERED: the risks associated with this decision; the level of risk has been identified as:

Current Risk: Medium

Residual Risk: Medium

11 Equalities Impact Assessment

Not applicable

12 Appendices

Appendix 1 – Application Form and Plan

Appendix 2 – Conditions Agreed with Responsible Authorities

Appendix 3 – Representation from Other Parties

Appendix 4 – Responses

Appendix 5 – Responses to Applicant Response

13 Background Papers

[Licensing Act 2003](#)

[Home Office Guidance issued under Section 182 of the Licensing Act 2003](#)

[Dorset Council Statement of Licensing Policy 2021](#)