

# Notice of Licensing Sub-Committee

Date: Monday, 7 June 2021 at 10.00 am

Venue: Online Teams Meeting



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## Membership:

Cllr J J Butt  
Cllr R Burton

Cllr L Williams

Reserve 1: Cllr D Brown  
Reserve 2: Cllr A Hadley

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All Members of the Licensing Sub-Committee are summoned to attend this meeting to consider the items of business set out on the agenda below.

The press and public are welcome to view the live stream of this meeting at the following link:

<https://democracy.bcpCouncil.gov.uk/ieListDocuments.aspx?MId=5132>

If you would like any further information on the items to be considered at the meeting please contact: Democratic Services or email [democratic.services@bcpCouncil.gov.uk](mailto:democratic.services@bcpCouncil.gov.uk)

Press enquiries should be directed to the Press Office by email [press.office@bcpCouncil.gov.uk](mailto:press.office@bcpCouncil.gov.uk)

This notice and all the papers mentioned within it are available at [democracy.bcpCouncil.gov.uk](https://democracy.bcpCouncil.gov.uk)

GRAHAM FARRANT  
CHIEF EXECUTIVE

27 May 2021



## Maintaining and promoting high standards of conduct

### Declaring interests at meetings

Familiarise yourself with the Councillor Code of Conduct which can be found in Part 6 of the Council's Constitution.

Before the meeting, read the agenda and reports to see if the matters to be discussed at the meeting concern your interests

Do any matters being discussed at the meeting relate to your registered interests?

Disclosable Pecuniary Interest

Yes

Declare the nature of the interest

Do NOT participate in the item at the meeting. Do NOT speak or vote on the item EXCEPT where you hold a dispensation

You are advised to leave the room during the debate

Local Interest

Yes

Declare the nature of the interest

Applying the bias and pre-determination tests means you may need to refrain from speaking and voting

You may also need to leave the meeting. Please seek advice from the Monitoring Officer

No

Do you have a personal interest in the matter?

Yes

Consider the bias and pre-determination tests

You may need to refrain from speaking & voting

You may also need to leave the meeting. Please seek advice

No

You can take part in the meeting speak and vote

What are the principles of bias and pre-determination and how do they affect my participation in the meeting?

Bias and predetermination are common law concepts. If they affect you, your participation in the meeting may call into question the decision arrived at on the item.

#### Bias Test

In all the circumstances, would it lead a fair minded and informed observer to conclude that there was a real possibility or a real danger that the decision maker was biased?

#### Predetermination Test

At the time of making the decision, did the decision maker have a closed mind?

If a councillor appears to be biased or to have predetermined their decision, they must NOT participate in the meeting.

For more information or advice please contact the Monitoring Officer  
([susan.zeiss@bcpcouncil.gov.uk](mailto:susan.zeiss@bcpcouncil.gov.uk))

### Selflessness

Councillors should act solely in terms of the public interest

### Integrity

Councillors must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships

### Objectivity

Councillors must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias

### Accountability

Councillors are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this

### Openness

Councillors should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing

### Honesty & Integrity

Councillors should act with honesty and integrity and should not place themselves in situations where their honesty and integrity may be questioned

### Leadership

Councillors should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs

# AGENDA

Items to be considered while the meeting is open to the public

**1. Election of Chairman**

To elect a Chairman of this meeting of the Licensing Sub-Committee.

**2. Apologies**

To receive any apologies for absence from Members.

**3. Declarations of Interests**

Councillors are requested to declare any interests on items included in this agenda. Please refer to the workflow on the preceding page for guidance.

Declarations received will be reported at the meeting.

**4. Protocol for Public Representation at Virtual Meetings**

5 - 8

In response to the Government's guidance to limit the spread of Coronavirus and restrictions around the gathering of more than two people, the following items of business will be conducted as virtual hearings in accordance with Government Regulations and Article 16 of the Council's Constitution. This approach has been taken to ensure the Council is compliant with the current restrictions and is not putting participants and members of the public at risk.

A revised protocol for public representation at formal virtual meetings of the Licensing Sub Committee is included with the agenda sheet for this meeting.

**5. Application for a new Premises Licence, Juniper Tree Catering Ltd, 38 Salterns Way, Poole**

9 - 36

An application has been received for a premises licence at 38 Salterns Way, Poole for the supply of alcohol on and off the premises between the hours of 08:00 - 23:00 Monday to Sunday.

This is a matter for determination.

No other items of business can be considered unless the Chairman decides the matter is urgent for reasons that must be specified and recorded in the Minutes.

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## **LICENSING COMMITTEE AND SUB COMMITTEE**

### **PROTOCOL FOR PUBLIC REPRESENTATION AT VIRTUAL MEETINGS**

**The existing protocol for public speaking has been adapted to apply in respect of virtual hearings under the Licensing Act 2003, the Gambling Act 2005, and Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended by the Policing and Crime Act 2009).**

**It has been amended in accordance with Article 16 of the Council's Constitution: Covid-19 Interim Decision Making Arrangements, and the requirements of The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020.**

This includes applications relating to the licensing of alcohol, regulated entertainment, late night refreshment, gambling, and sex establishments, Hackney Carriage and Private Hire vehicles, which are the responsibility of the Licensing Committee/Sub Committee to determine as set out in Part 3.3 of the Council's Constitution.

1. The Chair welcomes everyone, matters of general housekeeping are dealt with, notification that the hearing may be recorded for live and subsequent broadcast on the Council's website, reminder to switch mobile phones to silent, principles for managing formal skype meetings.
2. The Chair identifies all parties present and makes introductions.
3. Matters of general housekeeping are dealt with, notification that the hearing may be recorded for live and subsequent broadcast on the Council's website, reminder to switch mobile phones to silent.
4. All persons who have given notice of their intention to speak are identified.
5. Identify if any person who wishes to withdraw a representation or wishes not to speak
6. Chair explains proposed procedure and order of speaking for hearing as set out in Appendix A. All parties confirm agreement or make representations on procedure proposed.
7. Licensing Officer's report is presented.
8. Parties present their representations in the order agreed.
9. Parties who are speaking should not repeat the information which they have already given in writing in their representation. They will be able to expand on the written information given, provided the information remains relevant. Any addition information should be limited to the grounds of their representation(s). For example, if they are objecting on the grounds of Public Nuisance, then they should confine their comments to matters relating to Public Nuisance.
10. Members of the Licensing Committee or Sub Committee may ask questions after each representation and at the end of all representations. Parties, will be allowed to ask questions through the Chair.

11. Following representations, the parties will be given the opportunity to sum up. Party who spoke first to go last. The hearing will then conclude.
12. Members will deliberate in private with the clerk and legal representative as appropriate present.
13. The decision will be taken by the Committee and notification of the decision will be given within the period of five working days beginning with the day or the last day on which the hearing was held in accordance with the regulations. The notification of decision will include information about the right of appeal as appropriate.
14. The Legal Advisor will advise the parties of any right of appeal as appropriate at the conclusion of the hearing.

#### General points

- The hearing may be adjourned at any time at the discretion of the Members
- Members may amend the procedure at any time if they consider it to be in the public interest or in the interest of a fair hearing
- The Sub Committee may decide to conduct all or part of a hearing in non public session where it considers the public interest in doing so, outweighs the public interest in the hearing.
- The Chair may exclude any person from a hearing for being disruptive.
- Meetings of the Licensing Committee in public session are recorded by the Council for live and subsequent broadcast on its website.
- The hearing will take the form of a discussion.
- Only persons (or their representatives) who have made an application, are subject to an application or have submitted a written representation to the Licensing Authority under the relevant Act are permitted to speak at the hearing.
- Any further information to support an application or a representation must be submitted at least 5 working days prior to the Hearing. Any submissions submitted less than 24 hours before the hearing must be agreed by all parties at the Hearing, before it can be considered
- If a party has informed the Authority that he does not intend to participate, or be represented at the hearing, or has failed to advise whether he intends to participate or not, the hearing may proceed in his absence

**For other matters in Part 3.3 of the Council's Constitution which are the responsibility of the Licensing Committee, the procedures set out in Appendix 6 of the Council's Constitution in relation to public questions, statements and petitions as amended by Article 16: Covid-19 Interim Decision Making Arrangements and the provisions in The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 shall apply.**

This includes such matters as making recommendations on relevant policies, approving the level of fees charged by the Council, and making decisions on tariffs charged by the Public Carriage Trade.

**The Council's Constitution can be accessed using the following link:**

<https://democracy.bcpccouncil.gov.uk/ieListMeetings.aspx?CommitteeID=151&Info=1&bcr=1>

For further information please contact [democraticservices@bcpcouncil.gov.uk](mailto:democraticservices@bcpcouncil.gov.uk)

### **Proposed procedure and order of speaking for virtual hearings**

- The Licensing Officer/Other Council Officer presents report
- Applicant will make their Application
- Questions of the Applicant by all parties, Members of the Committee/Sub-Committee to go first
- Responsible Authorities and Other Persons will make their representations.
- Questions of the Responsible Authorities and Other Persons. Members of the Committee/Sub-Committee to go first.
- All parties will be given an opportunity to sum up (with the party who spoke last to go first). The hearing will then conclude.
- Sub-Committee will deliberate in private with Legal Adviser and Clerk present. (Councillors new to Licensing may observe but will not take part in the decision making).
- Notification of the Sub Committee's decision will be given within the period of five working days beginning with the day or the last day on which the hearing was held in accordance with the regulations. The notification of decision will include information about the right of appeal as appropriate.
- The Legal Adviser will advise parties of any right of appeal as appropriate at the conclusion of the hearing.

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## LICENSING SUB-COMMITTEE



Report subject	<b>Application for a new Premises Licence, Juniper Tree Catering Ltd, 38 Salterns Way, Poole</b>
Meeting date	7 June 2021
Status	Public Report
Executive summary	Mr Phillip Day on behalf of Juniper Tree Catering Ltd has made an application for a premises licence at 38 Salterns Way, Poole for the supply of alcohol on and off the premises between the hours of 08:00 - 23:00 Monday to Sunday
Recommendations	<p><b>It is RECOMMENDED that:</b></p> <p><b>Members are asked to decide whether to:-</b></p> <ul style="list-style-type: none"> <li><b>a) Grant the application for a premises licence as made</b></li> <li><b>b) Refuse the application for a premises licence</b></li> <li><b>c) Grant the premises licence subject to additional conditions</b></li> </ul> <p><b>Members of the Licensing Sub-Committee are asked to make a decision at the end of the hearing after all relevant parties have been given the opportunity to speak. Members must give full reasons for their decision.</b></p>
Reason for recommendations	<p>The Licensing Authority has received 4 representations from other persons on the grounds that if this application were granted it would undermine the licensing objectives.</p> <p>The Licensing Authority may only consider aspects relevant to the application that has been raised in the representations.</p> <p>Where representations have been received from a responsible authority or other person, and the concerns have not been resolved through mediation between all parties, the Scheme of Delegation set out in the Councils Constitution states that these applications should be dealt with by the Licensing Sub-Committee.</p>

Portfolio Holder(s):	Councillor May Haines – Community Safety
Corporate Director	Kate Ryan – Corporate Director for Environment and Community
Report Authors	Nananka Randle – Licensing Manager Lesley Johnson – Licensing Officer
Wards	Penn Hill;
Classification	For Decision

### **Background**

1. An application for a new premises licence under the Licensing Act 2003 was made on the 19<sup>th</sup> April 2021. See Appendix 1.
2. A plan is attached as Appendix 2 with a further plan of the cabin at Appendix 3.

### **Consultation**

3. The application has been served on all responsible authorities and the applicant confirmed that the statutory notices were displayed on site and published in the local newspaper.
4. The applicant prompted representations from four other persons on the grounds of the prevention of public nuisance and prevention of crime and disorder. A copy of these representations is attached at Appendix 4.

### **Mediation**

5. Mr Day who represents the applicant has sent an email on the 24<sup>th</sup> May 2021 offering reduced hours of operating on Sundays to Thursdays by way of mediation to the 4 'other persons' who have made a representation. The proposal is that the application be amended so that the permitted hours for the sale of alcohol both on and off the premises be varied to:  
  
From 8 a.m. until 10 p.m. on Sundays to Thursdays and from 8 a.m. until 11 p.m. on Fridays, Saturdays, days that are Bank Holidays and on Sundays immediately preceding a Bank Holiday Sunday.

### **Options Appraisal**

6. Before making a decision, Members are asked to consider the following matters:
  - The representations made by other persons
  - The submissions made by or made on behalf of the applicant
  - The relevant licensing objective, namely the prevention of public nuisance and prevention of crime and disorder.
  - The Licensing Act 2003, Regulations, Guidance and the Councils Statement of Licensing Policy

### **Summary of financial implications**

7. Not Applicable

### **Summary of legal implications**

8. If Members decide to refuse the application or attach conditions to the licence which the applicant does not agree to, the applicant may appeal to the Magistrates' Court within a period of 21 days beginning with the day that the applicant is notified, in writing, of the decision.

### **Summary of human resources implications**

9. Not Applicable

### **Summary of sustainability impact**

10. Not Applicable

### **Summary of public health implications**

11. Not Applicable

### **Summary of equality implications**

12. Not Applicable

### **Summary of risk assessment**

13. Not Applicable

### **Background papers**

BCP Council – Statement of Licensing Policy -  
<https://www.bcpCouncil.gov.uk/Business/Licences-and-Permits/Documents/Licensing/solp-2020.pdf>

Hearing Regulations - <https://www.legislation.gov.uk/ukSI/2005/44/contents/made>

Revised Guidance issued under Section 182 of the Licensing Act 2003 -  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/705588/Revised\\_guidance\\_issued\\_under\\_section\\_182\\_of\\_the\\_Licensing\\_Act\\_2003\\_April\\_2018\\_.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/705588/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_April_2018_.pdf)

### **Appendices**

Appendix 1 – Application Form

Appendix 2 – Plan

Appendix 3 – Cabin Plan

Appendix 4 – Representations

Appendix 5 – Mediation email from Mr Day

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## Application for a premises licence to be granted under the Licensing Act 2003

### PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I/We JUNIPER TREE CATERING LTD

*(Insert name(s) of applicant)*

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

#### Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description			
A “Pop-Up Bar” on the site of The former Salterns Harbourside Hotel 38 Salterns Way			
Post Town	Poole	Postcode	BH14 8JR

Telephone number at premises (if any)	None at present
Non-domestic rateable value of premises	£None

#### Part 2 - Applicant details

Please state whether you are applying for a premises licence as **Please tick as appropriate**

- |   |                                     |                             |
|---|-------------------------------------|-----------------------------|
| a) an individual or individuals *   | <input type="checkbox"/>            | please complete section (A) |
| b) a person other than an individual *  |                                     |                             |
| i as a limited company/limited liability partnership  | <input checked="" type="checkbox"/> | please complete section (B) |
| ii as a partnership (other than limited liability)  | <input type="checkbox"/>            | please complete section (B) |
| iii as an unincorporated association or   | <input type="checkbox"/>            | please complete section (B) |
| iv other (for example a statutory corporation)  | <input type="checkbox"/>            | please complete section (B) |
| c) a recognised club  | <input type="checkbox"/>            | please complete section (B) |
| d) a charity  | <input type="checkbox"/>            | please complete section (B) |
| e) the proprietor of an educational establishment   | <input type="checkbox"/>            | please complete section (B) |
| f) a health service body  | <input type="checkbox"/>            | please complete section (B) |
| g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales  | <input type="checkbox"/>            | please complete section (B) |
| ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England | <input type="checkbox"/>            | please complete section (B) |

- h) the chief officer of police of a police force in ☐ please complete section (B)  
England and Wales

\* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or ☒

I am making the application pursuant to a  
statutory function or ☐  
a function discharged by virtue of Her Majesty's prerogative ☐

## (B) OTHER APPLICANTS

**Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.**

Name Juniper Tree Catering Ltd
Address 12 Ashley Road Bournemouth BH1 4LQ
Registered number (where applicable) 11057805
Description of applicant (for example, partnership, company, unincorporated association etc.) Private Limited Company
Telephone number (if any) 07740097408 (Norman Gomes)
E-mail address (optional) Norman_gomes@hotmail.com

## Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

### AS SOON AS POSSIBLE

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

Please give a general description of the premises (please read guidance note 1)

A purpose built wooden cabin to cater for the retail sale of hot and cold food and drink (including alcoholic beverages) to consume on the terrace adjoining the cabin and adjacent lawned area or to take away to consume elsewhere.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

Not applicable

What licensable activities do you intend to carry on from the premises?  
(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

- a) plays (if ticking yes, fill in box A) ☐
- b) films (if ticking yes, fill in box B) ☐
- c) indoor sporting events (if ticking yes, fill in box C) ☐
- d) boxing or wrestling entertainment (if ticking yes, fill in box D) ☐
- e) live music (if ticking yes, fill in box E) ☐
- f) recorded music (if ticking yes, fill in box F) ☐
- g) performances of dance (if ticking yes, fill in box G) ☐
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) ☐
- Provision of late night refreshment** (if ticking yes, fill in box I) ☐
- Supply of alcohol** (if ticking yes, fill in box J) ☒

In all cases complete boxes K, L and M

**PLEASE NOTE THAT BOXES A TO I ARE BLANK AND HAVE NOT BEEN REPRODUCED IN THE INTEREST OF SAVING PAPER AND SUSTAINABILITY GENERALLY**

**J**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 7)			<b><u>Will the supply of alcohol be for consumption – please tick</u></b> (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<b><u>State any seasonal variations for the supply of alcohol</u></b> (please read guidance note 5)  None.		
Mon	08:00	23:00			
Tue	08:00	23:00			
Wed	08:00	23:00			
Thur	08:00	23:00			
Fri	08:00	23:00			
Sat	08:00	23:00			
Sun	08:00	23:00	<b><u>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)  None.		

**State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):**

<b>Name</b> Norman Gomes	
<b>Personal licence number (if known)</b> BOP_M006048	
<b>Issuing licensing authority (if known)</b> Borough of Poole (now BCP Council)	

## K

**Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children** (please read guidance note 9).

No adult entertainment, services activities etc will be provided.

## L

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 7)			<b>State any seasonal variations</b> (please read guidance note 5)
			None.
Day	Start	Finish	<b>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</b> (please read guidance note 6)
Mon	08:00	23:00	
Tue	08:00	23:00	
Wed	08:00	23:00	
Thur	08:00	23:00	
Fri	08:00	23:00	
Sat	08:00	23:00	
Sun	08:00	23:00	

## M

Describe the steps you intend to take to promote the four licensing objectives:

**a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)**

The relevant mandatory conditions shall apply to the licence.

**b) The prevention of crime and disorder**

A selection of non-alcoholic beverages and light (food) refreshment shall be available at all times the premises are open.

The exterior terrace and serving area shall be covered by CCTV. Recordings shall be date and time stamped and retained for a minimum of 30 days. Facilities shall be made available for police and other authorised officers to view a play back of any recording immediately on request and to be provided with copies in playable format as soon as is reasonably practical.

The premises shall maintain an incident book and refusals register and use the same to record:  
All occasions when the supply of alcohol is refused and the reason for that refusal; and  
Any incident involving criminal, disorderly or anti-social behaviour occurring in the immediate vicinity of the premises and what action was taken regarding the same.  
The incident book and refusals register shall be checked by the DPS or their deputy at least weekly and signed and dated to that effect. The incident book and refusal register shall also be made available for inspection by police and other authorised officers on request.

**c) Public safety**

*Note for information – there are no issues of public safety associated with this application and the applicant does not propose any specific conditions to promote this licensing objective.*

**d) The prevention of public nuisance**

The holder of the licence shall ensure that litter bins are made available for the use of customers and shall arrange for staff to regularly remove any litter whilst the premises are open and when they close each day and to dispose of the same responsibly.

*Note that no music or other entertainment will be provided and no “noise conditions” are therefore proposed.*

**e) The protection of children from harm**

The premises shall operate a “Challenge 25” scheme whereby any customer who appears to be under the age of 25 will be required to provide photographic proof of age in one or other of the forms prescribed by the mandatory conditions, before being served with alcohol.

All staff involved in the sale or supply of alcohol will be trained in licensing matters, this to include:

Prohibited sales (to those under 18 or who are drunk);  
The age verification (Challenge 25) policy;  
The conditions applying to the licence.

A written record of all training (and refresher training which must take place at least once every 6 months) will be maintained and made available for inspection by police or other authorised officers.

**Checklist:****Please tick to indicate agreement**

- I have made or enclosed payment of the fee. ☒
- I have enclosed the plan of the premises. ☒
- I have sent copies of this application and the plan to responsible authorities and others where applicable. ☒
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable. ☒
- I understand that I must now advertise my application. ☒
- I understand that if I do not comply with the above requirements my application will be rejected. ☒
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15). ☐

**IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.**

**IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.**

**Part 4 – Signatures** (please read guidance note 11)

**Signature of applicant or applicant’s solicitor or other duly authorised agent** (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

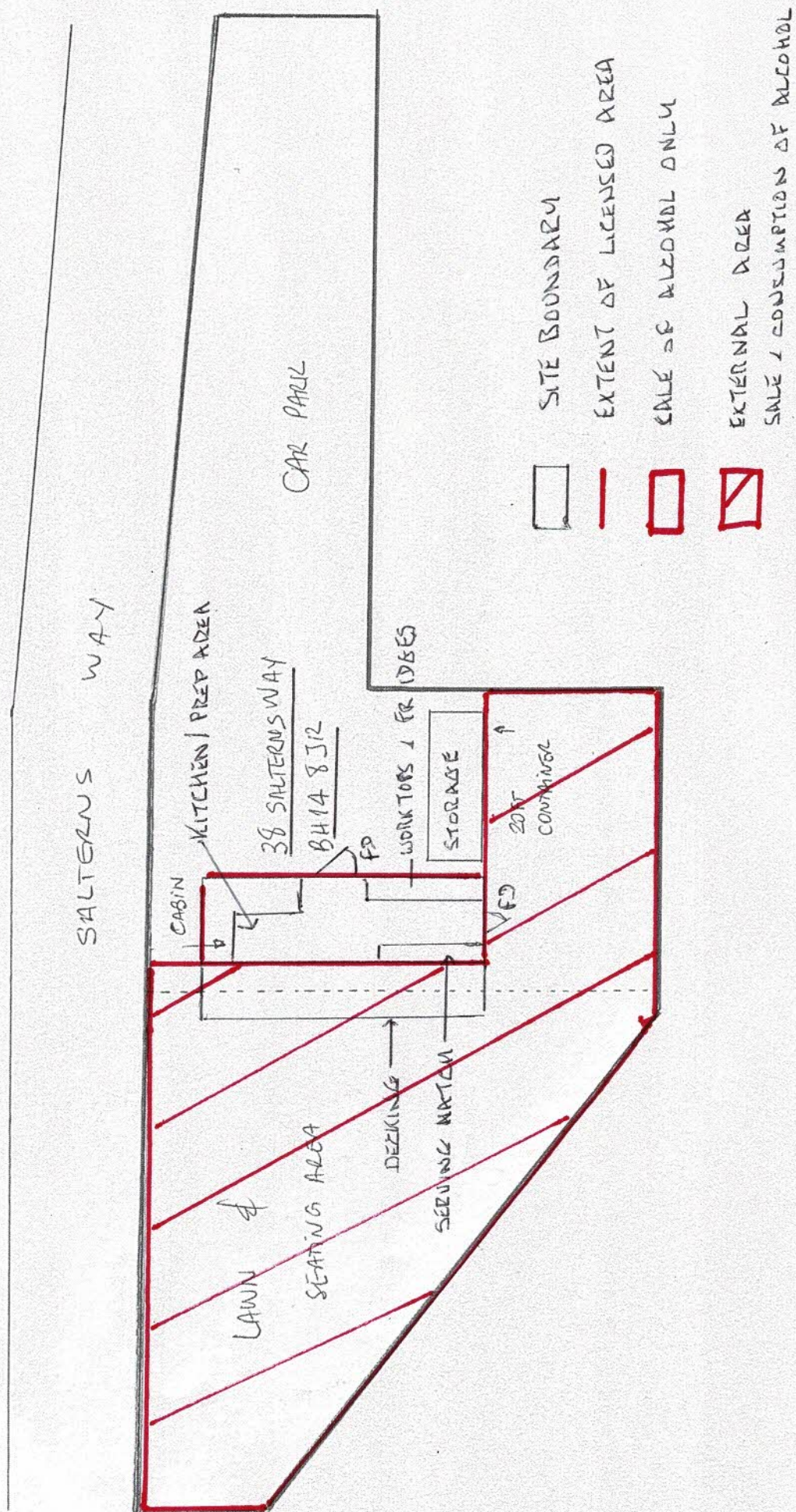
<b>Declaration</b>	<ul style="list-style-type: none"><li>• [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).</li><li>• The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)</li></ul>
Signature	Philip J Day for Laceys Solicitors LLP
Date	19 <sup>th</sup> April 2021
Capacity	Solicitors for the Applicant

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14) Philip Day Laceys Solicitors LLP 9 Poole Road			
Post town	<b>Bournemouth</b>	Postcode	<b>BH2 5QR</b>
Telephone number (if any)	01202 755216		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) p.day@laceyssolicitors.co.uk			

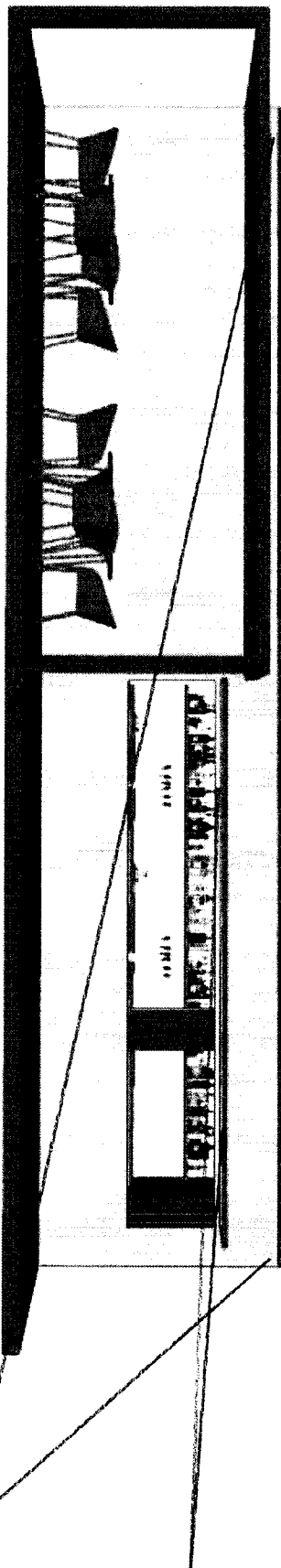
**Notes for Guidance**

**The Notes do not form part of the application form and have not been reproduced in the interest of sustainability.**

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COOKING EQUIPMENTS

FIRE BLANKETS

HAND WASH BASIN

3000MM CANOPY AND  
EXTRACTION SYSTEM

STAFF & FIRE EXIT  
DOOR

CO2 & WATER  
FIRE EXTINGUISHER

EXTERNAL  
FLOOD LIGHTS

3500 mm

3000 mm

12000 mm

12000 TOTAL LENGTH

2100 mm

DISH  
WASHER

STAINLESS  
STEEL  
SELF STANDING  
TABLES

FREEZERS  
AND FRIDGES

DECKING  
AREA

BAR

STAFF DOOR  
& FIRE EXIT

SEWING HATCHES

UNDERCOUNTER FRIDGES

FIXED MOUNTEDS

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**Representation 1 –  
Dr David Matthews  
Mrs Zin Matthews**

We live in Lilliput overlooking the site of the demolished Salterns Hotel

We welcome the new development of a new hotel as offering improved leisure facilities and hospitality.

We were aware there was going to be a temporary bar on the site until the new construction begins next year. We assumed this would be in line with the licensing hours of similar local venues.

The proposal that alcohol will be served from 8 am until 11 pm every day is quite ridiculous and irresponsible.

Drinking alcohol without proper restaurant or pub food provision over an extended period will inevitably result in high customer blood alcohol levels. That causes the disinhibition that, in moderation for short periods, we all enjoy. We talk more loudly and with more alcohol shout and behave less responsibly.

Inside a bar or restaurant, such noise levels and behaviour can be contained. As long as people don't drive home, such drinking is their choice but closing time can be troublesome for those living nearby.

But here the drinking will be outside and numbers of customers look to be large.

Currently any social event held at the Marina forces us to close our windows as the sound carries inland with the prevailing wind and is amplified. Those events are infrequent and we accept them happily.

But ....all day ...every day?  
That will ruin our peace and quiet with significant noise pollution.

If the venue continued the covid habit of table service with food and licensing for afternoon and evenings, with a limit on numbers, this could be a very acceptable and enjoyable venue for us all.

If it descends into a crowd of noisy drunken customers causing misery to the many nearby residents and boat owners, revoking the license will be more difficult than getting it right now.

We want to support the local hospitality industry and accept that the site has great potential as a venue but it will require responsible management to ensure nuisance is minimized.

We would like our views to be taken into consideration please

**Representation 2 –  
Patrick Mulligan**

Dear Madam Sirs

With reference to application 184446.

I am in favour of any development within the licensed area of Poole but do object or question the following.

I object to the opening hours of 8.00am. Any early supply of alcohol in a family and residential area is against licensing objectives.

What provisions are there for customers buying takeaway and then drinking in the marina/street/local beach unsupervised? This has been a problem recently on Sandbanks Road kite area.

I understand that entertainment of any type is being not being allowed, is this correct?

Porta loos, are there ample facilities as per regulations?

Litter what provisions will be put in place for dealing with this problem?

Will there be notices asking customers to leave quietly?

Is there any provision for security to be employed during opening hours as the licensed area is open, next to a working marina and deep water?

**Representation 3 –  
Mr P J Donnelly**

PROPOSED POP-UP BAR ON THE SITE OF THE FORMER SALTERNS  
HARBOURSIDE HOTEL SALTERNS MARINA 38 SALTERNS WAY POOLE BH14 8JR

MARINA HOTEL

Firstly the application notice has been presented in such a way as to make it obscure. One may call 'camouflage' in printing in black on a dark and mottled background in the display of the notice, this gives rise to the feeling that the proposer has done the minimum, to avoid responses.

This is not a good start in relating to and dealing with their neighbours, and concerns me in how they will manage the licence given their lack of respect in this. As of this date with only hours to go to comment, many have not even seen or noticed the document as it was further obscured by the demolition works which gave rise to huge amounts of dust and vehicle movement and very few would have taken the time to look as it was necessary to get past the site as quickly as possible, head down eyes protected,.

As of this date many of the residents of Salterns Marina comprising of 3 x 5 storey blocks of up to 20 flats in each & 12 x 4 storey houses, A significant number of which

will suffer noise and general inconvenience from the licence, also in having never experienced so before.

In the nearest blocks of flats a minimum of 5 properties comprising a living/dining room and balconies along with 2 bedrooms per property, directly over look the licensed area and are no more than 10m distance. They are literally on top of the area and noise will have significant impact on their quality of life and enjoyment of their homes, their private spaces.

That number affected increases to 15 properties taking into account the 5 further flats on each of the sides of the closest block. all are also 'very' close and overlook the licensed area. That takes in a total of 15 flats, 15 Living /dining rooms, 30 bedrooms, their outdoor spaces (15 open Balconies).

Also affected is the adjacent block where a further 10 properties (at a minimum) will also be subject to noise nuisance, once again having a significant affect on their quality of life and enjoyment of their homes and outdoors spaces.

We move on to the adjacent so called Salterns Quay, Salterns Quay consists of 12 HOMES of 3 to 4 storeys all with bedrooms on the front elevations. Many with children here over the summer months, and usually in the rooms on the Salterns Marina elevation. 'Significantly' affected by noise from the licensed area are the first 5 or 6 that comprises a total of 14 bedrooms on the front elevation. AS for the remainder general noise and traffic noise will have a significant impact, in a way never experienced here before

Summer months will bring warm / hot weather and we face SE causing the buildings to get very warm without the windows open, similar applies to the rear elevations facing NW where the sun sets. Bedroom balcony doors are often open all night in the summer.

The topography of the area and the layout of the properties allows sound to carry surprising distances and is often exaggerated by the same effect, the space between the flats, the flats and houses, exaggerates noise, so much so between Salterns Court and Salterns Quay the noise is funnelled between the buildings invading even the far private spaces, living rooms, outside spaces, balconies and gardens.

The license applied for proposes the selling of Alcohol 'On' and 'Off' licence. This represents a risk of those attending the 'open air bar' to disperse into the marina with their drinks with risk of disorder within the area of Salterns Marina as there is very little control of persons moving into and throughout the Marina.

Access to Salterns marina, spent many years 'gated', due to the value of the marine craft and high cost electronics that are part of this marina environment. The increased access and freedom of movement around the marina will give opportunity to increased crime and expose the residents to risks they previously did not need to be concerned with.

The loss of the hotel has also significantly reduced security as the various cameras located around the building were obvious and visible which has its own impact on behaviour, and also made us secure.

The licence ends at 11pm but that implies that 'Last Orders' will be shortly before that and that there is no reasonable way that the licence holder can control the movement of people after that time specifically with access to 'Off' license drinks. When events were held at the hotel it would take up to an hour for people to clear the front steps, many times the 'party' extended well outside the hotel confines.

There is no way they can control the number of people turning up and even if at capacity being able to successfully turn people away if they can obtain 'OFF' license drink.

For all the desirability of the area and the unique opportunity it offers the license holders and marina, for those very reasons we request a reduction in the hours possible even a 'day off' for the residence.

Most here are prepared to mediate, on shorter hours, many variations may be proposed,

With 10.30 being a reasonable cut off time for weekdays with a day off or short day Wednesdays? Friday 11pm, Saturday 11pm, with Sunday 9pm. There is absolutely no need for 11pm cut off 7 days a week except 'money'

Despite Covid a significant number are still working and many have early starts, we have all suffered over this period I do not expect the residents of Salterns Marina to be further victims so that one group can make money.

I see no clear way that there can be any control over the numbers that may turn up on any given day or night without control and restrictions in place, given the behaviour seen in the last 'lock down' relaxations !! If the Licence is granted altering it may be a lengthy process.

I am, we are open to discussion and mediation, This is a great opportunity for the marina and us if they deal with it properly, the lack of information and opportunity to explain and discuss in advance simply suggests an in-difference to the residents within and with-out Salterns Marina.

All representations must be relevant to at least one of the licensing objectives:

- The prevention of crime and disorder; Recent spats of public disorder have occurred with an increasing frequency on the Sandbanks area, and Canford Cliffs more recently, taking up significant police time, even with significant numbers of police they have found it difficult to clear the areas. This proposal, have no doubt, will be very successful and present one of the most desirable

areas to visit for outdoor large scale drinking. It is already being quoted on the Internet as a new venue for Bournemouth and Poole and it will be unique outdoor venue.

- public safety; Public safety is an issue with significant increases in vehicles entering the marina throughout the day. Saltern Quay properties are particularly at risk as the stairways exit directly into the roadway, young children cannot be seen behind the stairway party walls until in the road.
- the prevention of public nuisance; risk of public nuisance is high given the 15 hrs of licensing hours applied for. Each and every day with no respite.
- the protection of children from harm. Noise and poor behaviour late into the night every single night of the week.

I confirm I am content to put my name to my concerns (not my address) I am open to mediation by the applicants.

#### **Representation 4 –**

**Judy Cimdins**

Dear Sirs

I am a resident within the Salterns Marina development.  
I live directly opposite the now demolished hotel.

I am writing in relation to the application to grant a licence to permit the supply of alcohol on and off the premises between the hours of 08.00 -23.00 seven days a week. We are surprised as to the size and colouration of the notice since it does not stand out to by passers. It should have been bigger on a contrasting background not on a blue background.

I can supply with a copy of the notice should you need one.

In the meantime whilst we welcome the application to replace some of the former hotel's hospitality now it has been demolished, as householders opposite the site, we have the following concerns

- The Hours are overlong. South Depe a local restaurant/pop up locally is open 09.00 - 17.00 Monday, Tuesday and Sunday. 09.00 -23.00 Weds-Sat. This is a managed restaurant with outdoor facilities and is overseen by their team. Jazzis on the beach has limited night time hours in consideration of the residents.
- The proposed Pop up has no idea or grasp of the volumes of people/customers, especially with the Pandemic still lurking within the UK and people holidaying in this country more as foreign travel is limited.
- We must object to it being an both an off licence arrangement and on licence arrangement since it encourages people to buy alcohol and then wander around the entire area.
- We as residents and also berth holders of boats could be exposed to noise, drunks and the inherent rubbish in terms of bottles and glass.

- The local flats and houses all have bedrooms facing these proposed pop ups. We will be exposed to possible high levels of noise during the summer months. How will the numbers be controlled? Sound really travels over the water - we hear port noises, events from Poole Park let alone possible large amounts of people outdoors close to our homes.
- What security is going to be in place to manage the area, moreover since the water and marina are all so close and the inherent dangers this represents?
- The previous hotel found it difficult to manage their smokers and drinkers who would congregate outside up until the early hours of the morning. How will a Pop up have better control of this ?
- What toilet facilities will be provided for their customers?
- How long will the licence run for?
- Are the structures from which they are selling the alcohol safe in a seaside environment considering the weather we are exposed to?
- Is Juniper Tree Catering Ltd required to have public liability indemnity?
- Is Juniper Tree Catering experienced in dealing with the kind of set up required?
- Is there additional parking provided?

As I mentioned at the beginning of my note, happy to have more facilities close to us but concerned as to the possible customer volumes, safety and overall calibre of the enterprise.

We did not move here originally to live adjacent to an open air pub. We had a hotel that was reasonably managed and provided a facility opposite that shielded our property to their grounds.

Whilst we appreciate we have always known of the expansion of the marina and are pleased that the whole site is to be updated and modernised, albeit have always felt the scale is very ambitious with the infrastructure.

However in this interim period we will now be left exposed to noise, drinking, and possible large groups of people that we saw on all the beaches down here last Summer. We are concerned post this present lock down that this venture is too much, too soon in terms of keeping the Pandemic in check. **It needs the hours moderating.**

We look forward to hearing from you and also confirmation that you have received this note.

**From:** [P.Day@laceyssolicitors.co.uk](mailto:P.Day@laceyssolicitors.co.uk) <[P.Day@laceyssolicitors.co.uk](mailto:P.Day@laceyssolicitors.co.uk)>

**Sent:** 24 May 2021 16:24

**To:** Lesley Johnson <[lesley.johnson@bcpcouncil.gov.uk](mailto:lesley.johnson@bcpcouncil.gov.uk)>

**Cc:** [Nick.Smith@Salterns.co.uk](mailto:Nick.Smith@Salterns.co.uk); [Lucy.Etches@Salterns.co.uk](mailto:Lucy.Etches@Salterns.co.uk); [norman@junipertreecatering.com](mailto:norman@junipertreecatering.com); [norman\\_gomes@hotmail.com](mailto:norman_gomes@hotmail.com)

**Subject:** Salterns Pop-Up Bar application (SA271/24)

Dear All

### **Introduction**

I am the solicitor who submitted the licensing application for the “Pop-Up Bar” and I write in the hope that we can mediate regarding the objections that you and others have lodged and avoid the costs and time that having a hearing will entail.

To comply with data protection regulations, this email has been blind copied to:

Dr David and Mrs Zin Matthews;  
Mr Peter Donnelly; and  
Mr Patrick Mulligan.

I appear to be unable to send to Ms Judy Ciminds who has also made a representation as I am advised that her gogglemail.com email address is no longer valid – **perhaps it could be forwarded to a valid email address?**

It is also being sent to Mrs Lesley Johnson, the Licensing Officer dealing with the application and copied to those instructing me. I am also requesting that should this matter go to a hearing, this email and the fourth attachment (courtesy of Google Earth) be included in the agenda papers.

### **The mediation proposal**

I attach a copy of the full application for your information as it contains a number of proposed conditions that address some of the concerns raised. I also attach a revised site layout plan showing the location and layout of the proposed bar (see further below) and a schematic diagram of the proposed bar.

The proposal is that the application be treated as amended so that the permitted hours are varied so that the sale of alcohol will be permitted:

**From 8 a.m. until 10 p.m. on Sundays to Thursdays and from 8 a.m. until 11 p.m. on Fridays, Saturdays, days that are Bank Holidays and on Sundays immediately preceding a Bank Holiday Sunday.**

That said, I propose below to try and address the concerns that you have raised between you and apologise if there is anything that I have not expressly addressed.

### **The site history**

As you may be aware, the recently demolished hotel once served as a departure terminal for the Sunderland Flying Boats that operated here – it was indeed the original “AirPort”!

In recent times, the 20 bedroom hotel had a bar, restaurant and function rooms that had the capacity to accommodate some 400 seated persons. It was run by Mr Gomes for

some 20 years and his company is the applicant for the licence. The hotel hosted a variety of functions, including on average at least two weddings a week.

Whilst it is intended in time to build a new hotel, the concern in the meantime is to provide some sort of facility principally for the owners of boats and yachts docked in the marina and for local resident living in the near vicinity – a place where they can meet and socialise, enjoy a drink and some food.

### **Some questions answered and comments on issues raised**

#### **Why off sales?**

The area to be licensed is shown on the plan. It is possible that some customers may want to take their drinks back to their boats hence the inclusion of “off-sales”. Please note that those using the marina are strongly advised not to consume their own food/drink other than on their boats or in their homes. Incidentally, the plan shows a “Brabus office” and “Brabus Boat”. As you may be aware, Brabus is a division of Sunseeker Yachts. They have asked to be allowed to position one of their boats within the site on a temporary basis and to have what would be a sales/information office. No alcohol would be sold from this structure.

#### **Noise**

The application does not include any form of “regulated entertainment” including live or recorded music.

Whereas the (now demolished hotel) catered for functions such as weddings, no such events will take place under the auspices of this licence. There is no reason to suppose that the issues referred to in some of the objections that clearly arose as a result of such functions will be repeated.

Please also refer to the Site Layout plan attached. As will become evident very soon, a “storage compound” with a 2.4 metre high hoarding around it will be created. The proposed “pop-up” will be situated behind this compound and some distance away from the closest flats.

#### **Security**

The entire Marina complex is covered by CCTV and the “Pop-Up” bar will have its own CCTV. There is also 24 hour security.

#### **Juniper Catering**

Mr Gomes (who is the “face” of Juniper Catering) will be running the premises. As mentioned above, he has over 20 years of experience on this site and is fully insured and compliant with all relevant regulations.

#### **Parking**

No additional parking will be provided. The intention is NOT to attract patrons who are not either users of the marina itself or (very) local residents. Parking will be limited to the existing provision.

#### **Control of numbers**

As mentioned above – the intention is to provide a facility only for boat owners and local residents. My clients do not expect tourists or people from outside the immediate area to make use of the facility. Pricing will be at a premium (£6 for a pint of beer for example). Realistically, the thousands of people who flocked to Bournemouth beaches last summer will not find their way to Salterns' Marina!

### Drunken customers

Ultimately, this application is intended to provide a temporary facility to benefit those who berth at the marina, until such time as a new hotel is constructed. Although the applicant is Juniper Catering, the development is being funded by Salterns Marina Limited whose principal concern is (to put in bluntly) to look after their clients who pay substantial sums to berth there – indeed it is believed that Salterns is the most expensive and exclusive marina in the country. Any behaviour that is unacceptable will simply not be tolerated.

### Food

The facility will have a pizza oven and whilst it will not be providing gourmet cooking, pizzas, fish and chips and burgers will be available.

### Site Notices

The regulations specify not only the colour of paper but also the size of typeface and paper and the number of notices to be displayed. In fact, the number of notices far exceeded the minimum requirement and the requirement to also advertise the application in the Public Notices section of a local newspaper (the Echo) was complied with, as has been confirmed by Mrs Johnson.

### Opening Hours – start time

The application seeks a start time of 8 a.m.

It is unlikely that many people would want to drink at that time of the morning. However, on occasions, boats/yachts berthed at the marina are chartered for “special occasions” and it is possible that those joining such a charter might want to meet and (for example) enjoy a glass of “bubbly” before setting off.

### Opening hours – end time

Please refer to the proposed mediated outcome – we are prepared to reduce the requested hours.

### Toilet provision

Please refer to the attached site plan. There will be three female and 2 male cubicles and a male urinal placed behind the cabin. In addition (and as you will no doubt be aware), slightly outside the site there are further facilities including a disabled lavatory (accessed by a “radar” key), showers and further male and gents lavatories.

### Licence duration

The application is for a permanent licence and not a temporary or “time limited” licence. That said,, we have retained the licence for what was the hotel and in due course, an application will be made for the replacement building. Assuming that licence is granted, both the “old licence” for the hotel and this licence (if granted) will be surrendered.

### “Making money”

The investment in this particular aspect is in the region of £100k. There is no expectation (or even hope) that the “Pop-Up” will itself produce a return on that investment. The entire purpose is to provide a facility for those berthing at the marina to replace that which has been lost by the demolition of the hotel – without it, there is a risk that they might choose to berth elsewhere. Equally, it is important that both owners of boats/yachts and local residents are not adversely affected in any way, not least because if issues arise, that prejudice any future licence application.

### Conclusion

We do appreciate and understand your concerns – hence this email which I hope has addressed those matters.

You are more than welcome to contact Mr Nick Smith (07711620080) from Salterns Marina if you would like more information or to ring/email me

I am also happy to arrange a conference call (on Zoom) if there is anything else that you would like to discuss. In that case, please let me know when you might be available?

Ultimately, I would ask that you withdraw your representation but on the basis that if, once a licence is granted, you and all other local residents can at any time request that the Licensing Authority review the licence.

I look forward to hearing from you.

Regards

Philip

**Philip Day | Partner**

**Please note my new direct dial number – 01202 377867.**

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